

Planning Commission Staff Report

February 15, 2018



Case No:	17ZONE1064
Project Name:	St. Matthews Animal Clinic
Location:	107-113 Fairfax Avenue
Owner(s):	Multiple Owners
Applicant:	Reidlee Construction and Development
Representative(s):	Bardenwerper, Talbott, & Roberts
Project Area/Size:	0.7 acres
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Joel P. Dock, Planner II

REQUESTS

- **Change-in-Zoning** from OR-3, Office/Residential to C-1, Commercial
- **Variance** from Development Code, section 6.3.C.2.e for encroachments into the front, side, and rear yards as described on the development plan.
- **Revised/Detailed District Development Plan**

CASE SUMMARY

The development site contains four parcels. Three are currently zoned C-1, commercial. The remaining parcel at 113 Fairfax Avenue is zoned OR-3, Office-Residential and is requested to be rezoned to facilitate the expansion of the animal clinic. Two structures will be removed along Fairfax Avenue and parking facilities will be provided to serve a new two-story addition to the existing St. Matthews Animal Clinic. The development plan serves as a revised detailed district development plan to docket 13547 (rezoning OR-3 to C-1; approved April 1, 2010) and detailed plan for the proposed rezoning. Binding elements will be consolidated into a single comprehensive set for the entirety of the animal clinic. The development site is located within an existing non-residential activity center adjacent to a major commercial and transit corridor.

STAFF FINDING

The proposed commercial development is located in an existing activity center within close proximity to a major arterial providing vehicular, pedestrian, and transit connectivity. The neighborhood maintains a relatively high level of connectivity. The C-1, commercial zoning district adds to the diversity of uses within the area in a manner that is appropriate in scale with the surrounding area. It is immediately adjacent and abutting similar zones. The requested change in zoning is in conformance with the Comprehensive Plan.

The variance and revised/detailed district development plan appear to be adequately justified based on the staff analysis contained in the standard of review.

TECHNICAL REVIEW

In the City of St. Matthews When a (C-N, C-1, C-2, C-M) Commercial District is adjacent to a residential or office district the yard requirements in the residential district shall apply to all abutting yards (i.e. residential front yard requirements shall apply to the commercial front yard, residential rear yard requirements shall apply to the commercial rear yard, etc.). Front and street side yards shall be continued into the Commercial District to a minimum of 200 feet or to the first street intersection. In this case, the OR-3 setback requirements are being

applied to the proposed and existing C-1 development site. Variances for the existing clinic as noted on the development plan have been previously granted during the rezoning in April of 2010.

The property to the South of this site at 115 Fairfax Avenue has requested a change in zoning from OR-3 to C-1. This case is being heard by the Planning Commission on March 1, 2018.

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 Town Center Form District

The Town Center is a traditional and preferred form, larger in scale than the neighborhood center, which forms a focal point of activity. The Town Center has an identifiable core and is often located at a historic crossroads or the intersection of a major thoroughfare(s) and a collector roadway with connections to surrounding neighborhoods through walkways, local streets and residential collector streets. The amount of floor space in town centers is usually between 100,000 and 400,000 square feet reflecting a market area designed to serve a population of between 25,000 to 75,000.

The town center form typically has a compact mixture of moderately intense uses including shopping, restaurants, offices and residences. In its most traditional form, the Town Center ordinarily includes civic uses, such as libraries, government offices, police or fire stations and religious facilities. The presence of small-scale civic open space is a common but not essential feature. Buildings are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. More intense uses in the town center are located in close proximity to the major thoroughfare, and the intensity of use gradually declines toward the adjacent neighborhoods.

Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The Cornerstone 2020 Comprehensive Plan envisions the preservation and enhancement of those town centers that already exist and encourages creation of new town centers that are in keeping with the goals, objectives and policies.

The proposal supports a compact mixture of moderately intense uses such as shopping, restaurants and offices, and may include civic uses such as libraries, government offices, police or fire stations and religious facilities. The proposed commercial development is located in an existing activity center and within close proximity to a major arterial providing vehicular, pedestrian, and transit connectivity. The C-1, commercial zoning district adds to the diversity of uses within the area in a manner that is appropriate in scale to the surrounding center. It is immediately adjacent and abutting similar zones. The neighborhood maintains a

relatively high level of pedestrian and transit connectivity. Sidewalks will be provided or repaired as needed along Fairfax Avenue. The scale of the use and district proposed would not appear to have any adverse impact of traffic in the area.

There are some concerns with the removal of the structures along Fairfax as this would impact the existing street frontage of previously residential structures. However, the angle of the street grid relative to Shelbyville presents an interesting dilemma in the event of expansion of the animal clinic as the animal clinic is most present from Shelbyville Road and the alley serves as a primary means of access from Shelbyville Road to the Clinic. Existing facilities not party to this proposal limits expansion to only two sides and the parking requirements for the City of St. Matthews necessitate the removal of these structures to meet the minimum standards.

The proposed building materials increase the new development's compatibility. The use of brick and glass with projecting 2nd story features are consistent with the surrounding area and improve the appearance from Shelbyville Road. 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. Landscaping will be provided along the alley to comply with article 12 (4' LBA). The proposal mitigates any potential odor or emissions associated with the development Outdoor dog runs/kennels will be fully enclosed or removed.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. 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 VARIANCE

Development Code, section 6.3.C.2.e for encroachments into the front, side, and rear yards.

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

STAFF: The requested variance will not adversely affect public health safety or welfare as the proposed development does not impact the safe movement of vehicles or pedestrians or impact significant natural features.

- (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 as the requested variances associated with the development plan are consistent with development in a C-1 zoning district and adjacent to C-1 development.

- (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 as adjacent users are non-residential.

- (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 zoning regulations as the setbacks are in keeping with the character of the area and similar C-1 properties in the area.

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 as the abutting zoning district triggers requirements for additional setbacks to be that of office districts. The proposed use to the South has requested a change in zoning to C-1 and the setbacks for which variances have been requested would be null upon approval of that project.

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 as the minimum parking standards require the provision of parking spaces to be located in setbacks and the building additions are in keeping with the existing setback of the current building.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no improvements have been made on the site that create conflict with the current regulations.

STANDARD OF REVIEW FOR REVISED/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 site does not contain significant natural features. Structures along the frontage will need to be removed to provide the minimum parking required for the City of St. Matthews.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as the neighborhood maintains a relatively high level of pedestrian and transit connectivity. Sidewalks will be provided or repaired as needed along Fairfax Avenue.

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

STAFF: Open space is not required for this application and the development is compact.

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

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

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

STAFF: The overall site design and land uses are compatible with the surrounding area as the use of brick and glass with projecting 2nd story features are consistent with the surrounding area and improve the appearance from Shelbyville Road. 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. Landscaping will be provided along the alley, street, and property lines to comply with article 12 (4' LBA). The proposal mitigates any potential odor or emissions associated with the development Outdoor dog runs/kennels will be fully enclosed or removed.

- 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 development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* for the change in zoning request contained in *Attachment 3* of the staff report.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning 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 **Variance** of Development Code, section 6.3.C.2.e for encroachments into the front, side, and rear yards as described on the development plan
- **APPROVE or DENY** the **Revised/Detailed District Development Plan**

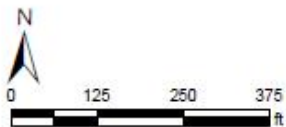
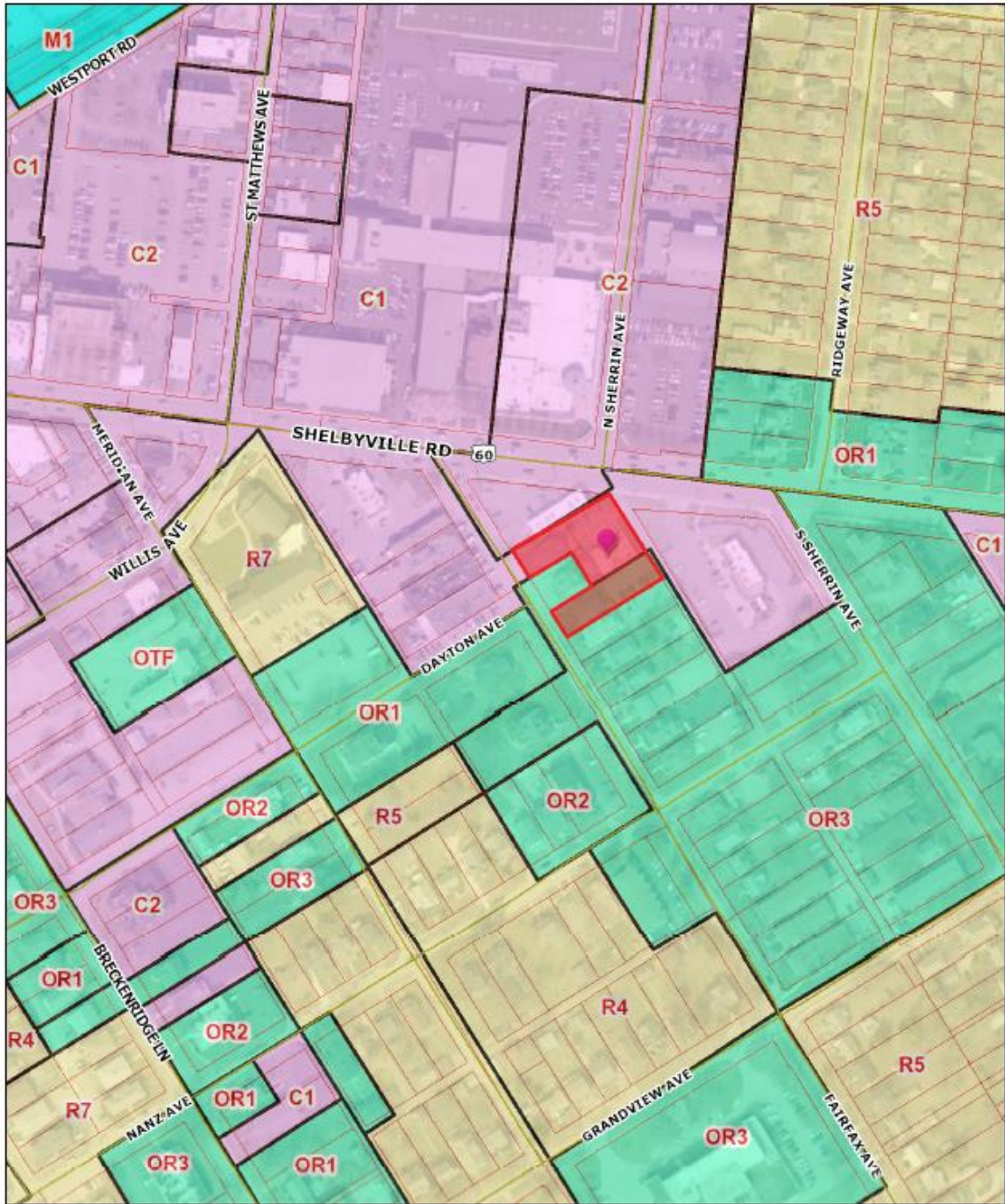
NOTIFICATION

Date	Purpose of Notice	Recipients
01/12/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
1/26/18	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
1/25/18	Hearing before PC	Sign Posting on property
2/3/18	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements (docket 13547)
5. Proposed Binding Elements

1. Zoning Map



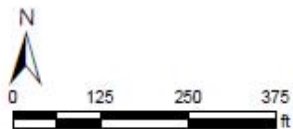
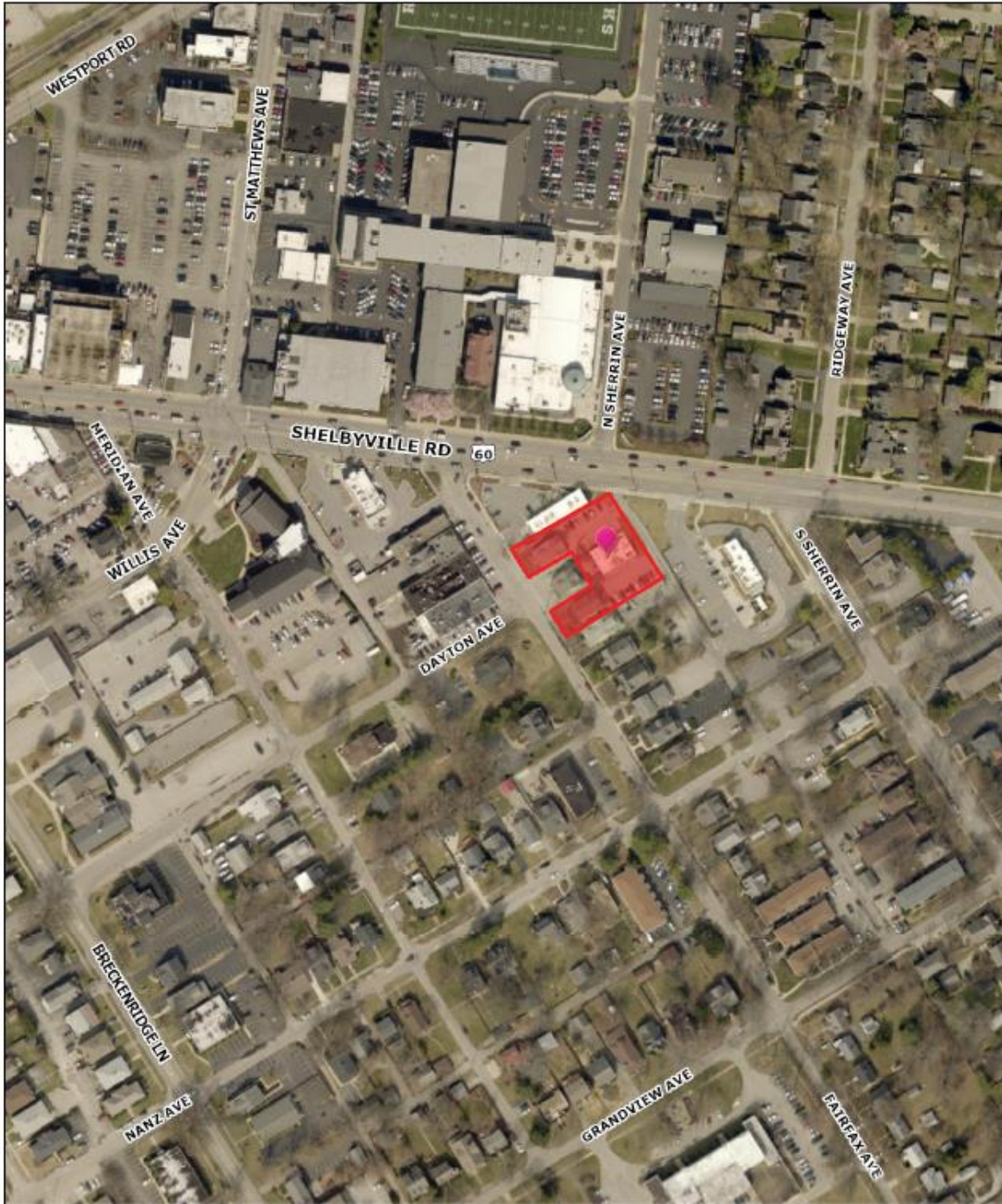
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2. Aerial Photograph



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3. Cornerstone 2020 Staff Checklist

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

Town Center: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.5: The proposal supports a compact mixture of moderately intense uses such as shopping, restaurants and offices, and may include civic uses such as libraries, government offices, police or fire stations and religious facilities.	✓	The proposal supports a compact mixture of moderately intense uses such as shopping, restaurants and offices, and may include civic uses such as libraries, government offices, police or fire stations and religious facilities. The C-1, commercial zoning district adds to the diversity of uses within the area in a manner that is appropriate in scale to the surrounding center. It is immediately adjacent and abutting similar zones.
2	Community Form/Land Use Guideline 1: Community Form	B.5: Buildings are located close to and oriented toward the street.	✓	There are some concerns with the removal of the structures along Fairfax as this would impact the existing street frontage of previously residential structures. However, the angle of the street grid relative to Shelbyville presents an interesting dilemma in the event of expansion of the animal clinic as the animal clinic is most present from Shelbyville Road and the alley serves as a primary means of access from Shelbyville Road to the Clinic. Existing facilities not party to this proposal limits expansion to only two sides and the parking requirements for the City of St. Matthews necessitate the removal of these structures to meet the minimum standards.
3	Community Form/Land Use Guideline 1: Community Form	B.5: The proposal includes a high level of pedestrian, roadway, transit and bicycle access, and a connected street pattern.	✓	The neighborhood maintains a relatively high level of pedestrian and transit connectivity. Sidewalks will be provided or repaired as needed along Fairfax Avenue.
4	Community Form/Land Use Guideline 1: Community Form	B.5: The proposal, if it is a high intensity use, is located in close proximity to a major thoroughfare with intensity of use decreasing toward the adjacent neighborhood.	✓	The subject site is located within close proximity to a major thoroughfare, and abutting at the rear alley to this thoroughfare.
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Town Center Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal does not create a new center, but rather adds to the diversity of uses within the center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	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 population in the immediate area is medium density. The area also includes employees and customers of adjacent uses and the nearby commercial corridor.
7	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.	✓	Parking facilities are as compact as possible to accommodate the minimum parking requirements for the proposed addition.
8	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 existing center contains a mix of land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.
9	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal creates office space above and within an animal clinic.
10	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.	✓	Parking facilities are as compact as possible to accommodate the minimum parking requirements for the proposed addition.
11	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.	✓	Access to parking areas is available from the primary street and alley.
12	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.	✓	It would not appear that any new utilities would be required to service the proposal.
13	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 surrounding neighborhood has a relatively high level of pedestrian and transit connectivity.
14	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. The use of brick and glass with projecting 2 nd story features are consistent with the surrounding area and improve the appearance from Shelbyville Road.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal is located within an existing mixed-use activity center.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal mitigates any potential odor or emissions associated with the development. Outdoor dog runs/kennels will be fully enclosed or removed.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The scale of the use and district proposed would not appear to have any adverse impact of traffic in the area.
18	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 would not be a concern given the impact of Shelbyville Road light and higher intensity uses nearby that project larger amounts on lights onto the neighborhood.
19	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 subject site is located within close proximity to a major arterial roadway and is within an existing mixed-use activity center.
20	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.	✓	Uses are appropriate in scale as the area is built-out for non-residential uses or multi-family use.
21	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.	✓	Uses are appropriate in scale as the area is built-out for non-residential uses or multi-family use.
22	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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	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 areas are consistent with requirements for proposed use and do not impact residential development.
24	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. Landscaping will be provided along the alley to comply with article 12 (4' LBA).
25	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structures are proposed
26	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 comply with sign ordinance for St. Matthews.
27	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space is not needed on the subject site to meet the needs of the community. Nearby parks provide adequate open space to serve the community.
28	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.	NA	Open space is not needed on the subject site to meet the needs of the community. Nearby parks provide adequate open space to serve the community.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal does not contain any significant natural features
30	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 proposal does not contain any significant natural features or improvements that would result in environmental degradation.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
31	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.	✓	There are some concerns with the removal of the structures along Fairfax as this would impact the existing street frontage of previously residential structures. However, the angle of the street grid relative to Shelbyville presents an interesting dilemma in the event of expansion of the animal clinic as the animal clinic is most present from Shelbyville Road and the alley serves as a primary means of access from Shelbyville Road to the Clinic. Existing facilities not party to this proposal limits expansion to only two sides and the parking requirements for the City of St. Matthews necessitate the removal of these structures to meet the minimum standards.
32	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 area does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
33	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 downtown.
34	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 site is not industrial.
35	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 development is located in an existing activity center and within close proximity to a major arterial providing vehicular, pedestrian, and transit connectivity.
36	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 site is not industrial.
37	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.	✓	Any improvements required to improve the roadway will be made

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
38	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. The neighborhood maintains a relatively high level of pedestrian and transit connectivity. Sidewalks will be provided or repaired as needed along Fairfax Avenue.
39	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.
40	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 dedication will not be required.
41	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking, as well as transit and pedestrian corridors are sufficient to support a commercial zoning district.
42	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.	NA	Cross access is not needed for the subject site.
43	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.	NA	Stub streets are not needed for the subject site.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the subject site is from areas of similar intensity.
45	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 site is appropriately linked to the alley and primary streets, as well as transit corridors via public sidewalk.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
46	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. The neighborhood maintains a relatively high level of pedestrian and transit connectivity. Sidewalks will be provided or repaired as needed along Fairfax Avenue.
47	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.
48	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.
49	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.	NA	No natural corridors appear to be present.
50	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing utilities appear to be available based on the surrounding development.
51	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. It is within the St. Matthews Fire district.
52	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.

3. Existing Binding Elements (docket 13547)

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 St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 8,630 square feet of gross floor area.

3. Pursuant to the "Permitted Uses" listed in the C-1 Commercial District, the operation shall be conducted within a soundproofed building, no boarding of animals shall occur, and there shall be no runs or pens outside of the building. The existing outdoor pet run shall be replaced with the new 200 square foot enclosed pet run as shown on the approved development plan. The C-1 approval is only for the operation of an Animal Clinic and no other C-1 use I granted. Any other use will require the owners to come before the City Council for approval.
4. The basement shall be used only for storage and employee break room. The second floor shall be used only for pet grooming.
5. Signs shall be in accordance with *City of St. Matthews sign ordinance and regulations*, and Chapter 11 as shown on the approved development plan (44 sq ft, in area and 11 ft. tall). No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site. *Where there is any conflict between St. Matthews Sign Regulations and Metro Sign Regulations, St. Matthews Sign Regulation shall control.*
6. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.*
 - b. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the *City of St. Matthews.*
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 1, 2010 Planning Commission public hearing of the Louisville Metro Planning Commission and the City of Matthews City Council.
9. The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.

4. Proposed Binding Elements (RDDDP/DDDP docket 17ZONE1064)

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 St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed ~~8,630~~ **8,452** square feet of gross floor area.

3. Pursuant to the "Permitted Uses" listed in the C-1 Commercial District, the operation shall be conducted within a soundproofed building, no boarding of animals shall occur, and there shall be no runs or pens outside of the building. ~~The existing outdoor pet run shall be replaced with the new 200 square foot enclosed pet run as shown on the approved development plan.~~ The C-1 approval is only for the operation of an Animal Clinic and no other C-1 use is granted. Any other use will require the owners to come before the City Council for approval.
4. The basement shall be used only for storage and employee break room. ~~The second floor shall be used only for pet grooming.~~
5. Signs shall be in accordance with *City of St. Matthews sign ordinance and regulations*, and Chapter 11 as shown on the approved development plan (44 sq ft, in area and 11 ft. tall). No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site. *Where there is any conflict between St. Matthews Sign Regulations and Metro Sign Regulations, St. Matthews Sign Regulation shall control.*
6. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.*
 - ~~b. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument~~
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the *City of St. Matthews.*
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~April 1, 2010~~ February 15, 2018 Planning Commission public hearing of the Louisville Metro Planning Commission and the City of Matthews City Council.
9. The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.