

Planning Commission

Staff Report

January 10, 2019



Case No:	18ZONE1053
Project Name:	4738 Dixie Highway
Location:	4738 Dixie Highway
Owner:	Shaw Real Estate, LLC
Applicant:	Shaw Real Estate, LLC
Representative:	Blomquist Design Group, LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Joel Dock, AICP, Planner II

REQUESTS

- **Change in Form** from Neighborhood to Suburban Marketplace Corridor
- **Change in Zoning** from R-4, R-5, & M-2 to C-1
- **Waiver** of Land Development Code (LDC), section 10.2 to reduce landscape buffer area for existing vehicle use area
- **Revised Detailed District Development Plan**

CASE SUMMARY

The applicant is requesting to rezone multiple areas of a development site at the intersection of Dixie Highway and Kingsford Drive. The development site consists of industrial, commercial, and single-family zoning districts. The applicant is requesting a single-zoning district for consistency amongst current and future users. Site improvements are minimal and include: 950 sq. ft. building addition for real estate office, revised parking layout and ADA parking, and pedestrian connectivity to Dixie Highway. A rear portion of the development site is vacant and reserved for future development which will require a detailed district development plan prior to construction plan approval. A form district change is also requested in order to place all non-residential districts within the Suburban Marketplace Corridor form district.

STAFF FINDINGS

The proposed change in form is in conformance with the Guidelines and Policies of the Comprehensive Plan. The proposed form district change: (a) allows for the cohesive redevelopment of vacant land and existing development consistent with the corridor and its uses; (b) does not entail the disruption of residential areas as landscape transitions are zone based and protections for residences are afforded in the marketplace; and (c) is LDC compliant with the exception of appropriately requested relief. Setbacks appear consistent with development along the corridor.

The proposed change in zoning generally conforms to the Guidelines and Policies of the Comprehensive Plan. The change is consistent with the existing pattern of development. Existing conditions remain relatively unchanged and include a mix of compact uses that are interconnected. The proposal will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses. The elimination of the industrial district reduces the likelihood of future nuisance or industrial uses along the corridor.

The waiver and revised plan appear to be adequately justified based on staff's analysis contained in the Standard of Review.

TECHNICAL REVIEW

- Portions of the development site at 1805 Kingsford/4740 Dixie Highway are subject to Plan Certain docket 9-32-93. The requests of case 18ZONE1053 serve as a joint rezoning/revised detailed district development. The binding elements of docket 9-32-93 will be updated and amended by this application.
- A conditional use permit (CUP) was issued and modified for the existing parking lot in the R-4 zoning district (B-165-90). In considering the rezoning request on this property, the Planning Commission should consider the abandonment of this CUP as it will no longer be necessary within the requested C-1 zoning district. Existing Conditions have been included as *Attachment 5*. In considering zoning or form district map amendments, the Planning Commission assumes the authority of the Board of Zoning Adjustment to hear and decide matters related to conditional use permits or variances.
- A detailed district development plan will be required prior to development of vacant portions of the development site, see proposed binding element 2.

STANDARD OF REVIEW FOR REZONING/FORM DISTRICT CHANGE

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 FORM

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

Portions of the development site are 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 proposal is an interconnected center located along a major arterial roadway and commercial corridor. The orientation of the development is towards the corridor which serves a variety of populations beyond the immediate neighborhood. Development of the subject site, as well as its existing conditions serves the corridor and not a specific activity node as intended by the neighborhood form which is predominately residential.

The proposal is of a medium intensity and is located along a major arterial roadway. This arterial roadway contains structures and uses focused on the corridor which provides interstate highway access. Impacts on abutting residential are relatively similar for both neighborhood and marketplace forms wherein landscaping is zone based and the marketplace acknowledges that residential often forms the rear boundary of corridors and affords certain protections against encroachment.

When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code. The proposed form district change: (a) allows for the cohesive redevelopment of vacant land and existing development consistent with the corridor and its uses; (b) does not entail the disruption of residential areas as landscape transitions are zone based and protections for residences are afforded in the marketplace; and (c) is LDC compliant with the exception of appropriately requested relief. Setbacks appear consistent with development along the corridor.

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 Suburban Marketplace Corridor Form District is proposed and existing on the development site

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity.

This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential

neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The proposed zoning district is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high- intensity and density uses. Existing conditions remain relatively unchanged and include a mix of compact uses that are interconnected. The proposal will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses. The elimination of the industrial district reduces the likelihood of future nuisance or industrial uses along the corridor.

The marketplace corridor will be expanded slightly to encompass the entirety of the development site, including a vacant area for future development. The proposal allows for the cohesive redevelopment of vacant land and existing development consistent with the corridor and its uses. It does not entail the disruption of residential areas as landscape transitions are zone based and protections for residences are afforded in the marketplace. The development is LDC compliant with the exception of appropriately requested relief. Setbacks appear consistent with development along the corridor.

Bike parking, pedestrian connection to the corridor and internal circulation will be provided with this development. Minimal site improvements limit multi-modal facility improvements required. Access points nearest residential areas are secondary and serve parking areas furthest from existing development. Existing screening abutting residential uses is present to prevent views upon this residential land. However, the site contains numerous access points of varying widths. Curb cuts could be reduced to eliminate potential traffic conflicts to/from the arterial roadway.

The subject property is located in the area of the Dixie Highway Corridor Master Plan (Central):

The land uses along Dixie Highway Central from Greenwood Road to I-264 are primarily larger retail, service or commercial uses (see Figure 3-2). The larger commercial developments include Dixie Manor, Home Depot, Lowes, Walmart, Kroger, Sears Essentials, Shively Shopping Center and multiple car dealerships. Public or semi-public uses located along or near this segment of Dixie Highway include the Louisville Metro Southwest Government Center, Jewish Medical Complex, Holy Cross School, Spencerian College, a cemetery and multiple churches. There are some vacancies in buildings and one large store vacancy. In addition, there is a vacant, undeveloped parcel near I-264 that is adjacent to the P&L rail line. Most development is suburban in nature with buildings placed further from the roadway with large parking lots in front of the stores. Very few areas are built closer to the roadway or have out-parcel development. Finally, lot sizes are significantly smaller north of Lewiston Place which could limit future development without parcel consolidation.

The following design guidelines may be directly related to the proposed project and should be considered in the development of the subject site:

- Structure main entrances should face the corridor
- Sight lines of façade heights as seen from the adjacent sidewalk should be generally consistent with adjacent buildings.
- Exterior building materials should be compatible with materials used along the corridor.
- Development should include maintainable, year-round landscaping, street trees, or planter boxes along the street frontage
- Combining parking lots to create shared parking should be encouraged.
- Parking adjacent to the street or public sidewalk should use landscaping, trees, etc. to maintain the line formed by structures along the sidewalk.
- Parking lot landscaping such as shade trees and screens that buffer vehicles should be encouraged.
- Developments should be designed to support potential future intensification of the site and surrounding uses. Techniques that should be incorporated into the design guidelines include:

- Siting parking lots and building pads in a block layout that will support a future grid street pattern;
- Laying utilities in a planned manner that will allow for a variety of uses and higher densities in the future; and
- Creating easements that could be used for future streets depending upon future development needs.
- Developments should provide pedestrian circulation within site and provide a connection to sidewalks adjacent to the street

The proposal is consistent with the design guidelines of the Dixie Highway Corridor Master Plan. Entrances are oriented to face the corridor. The development is LDC compliant with the exception of appropriately requested relief. Setbacks appear consistent with development along the corridor. Parking lots are interconnected and pedestrian connection to the corridor is provided.

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 waiver is the result of existing conditions and screening is currently provide to protect views of the residences.

- (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 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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 waiver is the result of existing conditions and screening is currently provide to protect views of the residences

- (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 existing conditions necessitate the request.

- (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 existing conditions necessitate the request.

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. A structure on site was built in 1948 and currently serves in an office capacity. No demolition is proposed.

- 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. Minimal site improvements limit multi-modal facility improvements required. The site provides bike racks and pedestrians connections to the corridor. Additionally, parking lots are interconnected.

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

STAFF: Open space is not required of the proposed development. It is located along a commercial corridor.

- 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 the development is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high- intensity and density uses. Existing conditions remain relatively unchanged and include a mix of compact uses that are interconnected. Setbacks appear consistent with development along the corridor.

- 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 demonstrated in the Cornerstone 2020 Staff Analysis provided as *Attachment 3* of this report.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in form from Neighborhood to Suburban Marketplace Corridor on property described in the attached legal description be **APPROVED** or **DENIED**
- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, R-5, & M-2 to C-1 on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Waiver** of Land Development Code (LDC), section 10.2 to reduce landscape buffer area for existing vehicle use area
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** subject to the removal of existing binding elements and conditions of approval in case B-165-90, and adoption of proposed binding elements

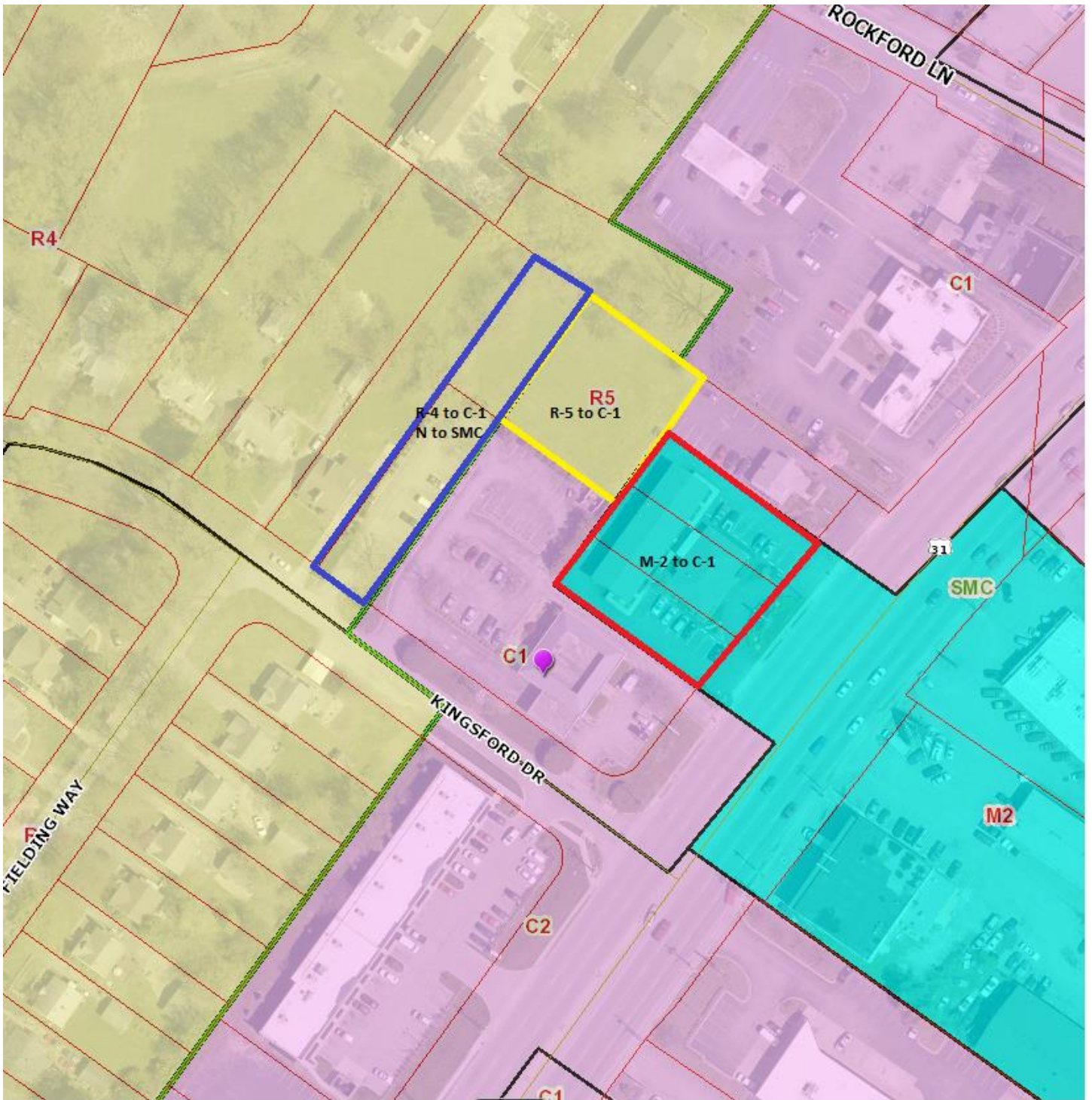
NOTIFICATION

Date	Purpose of Notice	Recipients
11/28/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
12/21/18	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Analysis
4. Existing Binding Elements (9-32-93)
5. Existing Conditions of Approval (B-165-90)
6. Proposed Binding Elements (18ZONE1053)

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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 an interconnected center located along a major arterial roadway and commercial corridor. The orientation of the development is towards the corridor which serves a variety of populations beyond the immediate neighborhood. Development of the subject site, as well as its existing conditions serves the corridor and not a specific activity node as intended by the neighborhood form which is predominately residential.
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 of a medium intensity and is located along a major arterial roadway. This arterial roadway contains structures and uses focused on the corridor which provides interstate highway access. Impacts on abutting residential are relatively similar for both neighborhood and marketplace forms wherein landscaping is zone based and the marketplace acknowledges that residential often forms the rear boundary of corridors and affords certain protections against encroachment.

Suburban Marketplace Corridor: 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.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposed zoning district is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high- intensity and density uses.
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments. Bike parking, pedestrian connection to the corridor and internal circulation will be provided with this development.
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	✓	The proposal includes a compact group of buildings using the same parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses. The existing conditions remain relatively unchanged and include a mix of compact uses that are interconnected. Future development of a vacant portion will entail connectivity amongst the existing uses.
4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	✓	Minimal site improvements are proposed. The district itself is medium- to high-density compatible with surrounding zoning districts and the corridor as a whole.
5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	✓	The proposal will be located within the boundaries of the marketplace form district. The marketplace corridor will be expanded to encompass the entirety of the development site, including a vacant area for future development. The proposal allows for the cohesive redevelopment of vacant land and existing development consistent with the corridor and its uses. It does not entail the disruption of residential areas as landscape transitions are zone based and protections for residences are afforded in the marketplace. The development is LDC compliant with the exception of appropriately requested relief.
6	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal does not create a new center and increases the site's zoning district within the corridor by eliminating industrial uses and right-zoning existing parking facilities.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	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 Dixie Hwy corridor is surrounded by residential development and has good accessibility from other parts of the city.
8	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 will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses.
9	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 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 as residential, medical, and office uses are present on-site and the change in zoning allows additional concentration of mixed-uses along the corridor.
10	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 development site currently contains residential and office uses and the change in zoning allows additional concentration of mixed-uses along the corridor.
11	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 will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses. The development is focused on serving the corridor.
12	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.	+/-	Cross-connectivity is provided, but the site contains numerous access points of varying widths. Curb cuts could be reduced to eliminate potential traffic conflicts to/from the arterial roadway.
13	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.
14	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.	✓	Minimal improvements are required at this time to conform with the requirements of the LDC. A pedestrian connection has been provided in the area of building and parking improvements
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposed building materials are consistent with existing conditions.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
16	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 does not constitute a non-residential expansion into an existing residential area as a small portion of development will expand the non-residential aspects of the zoning district within the corridor. However, the depth and existing development pattern of the development site is consistent with adjacent and nearby development along the corridor
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The elimination of the industrial district reduces the likelihood of nuisance emissions in the future.
18	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Access points nearest residential areas are secondary and serve parking areas furthest from existing development.
19	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 41.3
20	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.	✓	Dixie Hwy is a major arterial with transit access and a well-developed commercial corridor. The proposed district is consistent with uses along the corridor.
21	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.	✓	Existing conditions of the parking lot proposed to be rezoned are less than the current required width. Existing screening is located in this area to prevent views upon residential land.
22	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.	✓	Residential uses are often found at the rear of commercial corridors and the zoning change does not present any additional adverse impact upon the residential communities bordering the corridor as the C-1 district is medium intensity and additional landscaping and setback will be required upon development or redevelopment of the site.
23	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 appear consistent with development along the corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	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.	✓	Existing conditions of the parking lot proposed to be rezoned are less than the current required width. Existing screening is located in this area to prevent views upon residential land.
25	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.	✓	Existing conditions of the parking lot proposed to be rezoned are less than the current required width. Existing screening is located in this area to prevent views upon residential land.
26	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	There is not proposed parking garage.
27	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 on-site will be complaint with Ch.8 of the LDC
28	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.	NA	There is no open space requirement with this proposal.
29	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	There is no open space requirement with this proposal.
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features on-site
31	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 are no natural features on-site

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal reuses existing structures; one being constructed in 1948. No demolition is proposed.
33	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 contain significant environmental constraints. The proposal's drainage plans have been approved by MSD.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located downtown.
35	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	This proposal is not industrial.
36	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.	✓	Dixie Hwy, a major arterial, is a high traffic commercial corridor. The change allows for mixed-uses to concentrate along the corridor consistently with adjacent and current uses of the site.
37	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	This proposal is not industrial.
38	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. Minimal site improvements limit roadway or other public improvements required.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
39	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.	✓	Minimal site improvements limit multi-modal facility improvements required. The site provides bike racks and pedestrians connections to the corridor, however.
40	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. Access is currently internally circulated and will connect with the future development of vacant areas.
41	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.	✓	No right-of-way was required of this proposal.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is present on-site for existing uses.
43	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.
44	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	This proposal is located on an existing roadway network and is not creating any new roadways.
45	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 is from an existing commercial corridor through areas of similar intensity.
46	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.	✓	This proposal is located on an existing roadway network that is sufficient.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
47	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 site contains numerous access points of varying widths. Curb cuts could be reduced to eliminate potential traffic conflicts to/from the arterial roadway and improve pedestrian movement and safety along the corridor.
48	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
49	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.
50	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	This area is highly developed and there are no existing natural corridors.
51	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.
52	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.
53	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. Existing Binding Elements (9-32-93)

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. The site shall only be used for the automatic teller machine and off-street parking for customers and employees of the PNC Bank. Any other use or new construction shall require prior approval from the Planning Commission.
3. There shall be no freestanding sign permitted on site.
4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties.
6. The lights permitted shall be low height pedestal style lighting.
7. There shall be no access from or through this site to the adjacent property to the north.
8. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - a) The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - c) A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - d) The property owner must request abandonment of CUP Docket No. B-165-90 for the portion on the subject site.
9. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement office 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.

5. Existing Conditions of Approval (B-165-90)

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. No site preparation or construction of the off-street parking lot shall begin until the applicant obtains construction approval from the Metropolitan Sewer District.

3. The off-street parking area shall be landscaped in accordance with the provisions of Article 12 of the Zoning District Regulations. A landscaped plan for this site shall be approved by the staff landscape architect prior to construction of the off-street parking lot.
4. The parking lot shall be used only by customers and employees of the Citizens Fidelity Bank.
5. The Conditional Use Permit shall be exercised as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an off-street parking lot without further review and approval by the Board.
6. The lights permitted shall be low height pedestal style lighting.
7. The Conditional Use Permit shall not be effective until the applicant received construction approval from the Jefferson County Department of Public Works and Transportation.
8. A six (6) foot tall fence shall be constructed along the west property line of 1807 Kingsford Drive. The fence shall be of prime grade treated lumber and shall be thirty-five (35) feet in length beginning with the building line of the home at 1809 Kingsford Drive extending to the rear of said home. The smooth or finished side of the wood fence shall face 1809 Kingsford Drive. The actual design shall be mutually agreed upon by the applicant and the owner of 1809 Kingsford Drive. From the rear of said home to the rear of lot line the fence shall be chain link.
9. The fence shall be located on the inside of the required minimum five (5) foot landscape buffer area (L.B.A.) so that the required landscaping shall be placed on the outside of the fence along the 1807/1809 Kingsford Drive property line.
10. The applicant agrees to have the residential structure on the site moved to another location for residential use. The address of such new location shall be provided to the Board staff.
11. No access from or through this site shall be provided to the adjacent property to the north.
12. The site shall be graded in such a manner as to cause run-off to flow away from 1809 Kingsford Drive.

6. Proposed Binding Elements (18ZONE1053)

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, streamers or banners shall be permitted on the site.
4. 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.

5. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between each site as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
6. 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.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.