

**Planning Commission
Staff Report**
April 2nd, 2015



Case No:	14ZONE1030
Request:	Change in Zoning from R-7 to C-1 with Revised Detailed District Development Plan
Project Name:	Family Dollar
Location:	3901 West Market Street
Owner:	Leslie and Michael Johnson Chalonda Johnson Philip Marby, Marby Property Maintenance LLC
Applicant:	Edward Allen, the Hutton Company
Representative:	Theo Stone, LeCraw Engineering Inc.
Jurisdiction:	Louisville
Council District:	5 –Cheri Bryant Hamilton
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in zoning from R-7 to C-1
- Variance #1: Variance from Chapter 5.5.1.A.2 to allow the building to exceed the 0' corner setback required along South 39th Street and West Market Street
- Waiver #1: Waiver from Chapter 5.5.1.A.1.b of the Land Development Code to not provide an entrance along both street frontages or corner entrance at ROW intersection
- Waiver #2: Waiver from Chapter 5.6.1.A.1 of the Land Development Code to provide less than the required 75% animating features along the 39th St. facade
- Waiver #3: Waiver from Chapter 5.6.1.C.1 of the Land Development Code to not provide the required 50% clear glazing for windows and doors along both S. 39th St. and W. Market St.
- Binding Element Amendments
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1, Commercial & R-7, Multi-Family Residential
Proposed Zoning District: C-1, Commercial
Existing Form District: TN, Traditional Neighborhood
Existing Use: Restaurant, Residential
Proposed Use: Retail
Minimum Parking Spaces Required: 17
Maximum Parking Spaces Allowed: 42
Parking Spaces Proposed: 31
Plan Certain Docket #: 9-12-79

The proposal is for a Family Dollar store to be constructed on an existing C-1 and R-7 zoned properties within the Traditional Neighborhood form district. The sites currently consist of a restaurant at the corner intersection of 39th Street and West Market Street with the other parcels residential. The existing C-1 corner lot was rezoned originally under 9-12-79 by the Planning Commission from R-7 to allow a corner commercial development. The adjacent sites proposed to be rezoned under the current request to do not have any previous rezonings or related cases. The subject sites are located within the area of the Shawnee

Neighborhood Plan. The economic development portion of the neighborhood plan locates the subject sites within the West Market Commercial study area. The West Market Corridor was listed within the Neighborhood Plan as having the highest priority regarding land use and zoning related issues.

The surrounding area consists of corner commercial to the east and south. Residential uses are concentrated to the north and west. The Academy at Shawnee High School is located to the west of the site across West Market Street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Restaurant/Retail	C-1/R-7	TN
Proposed	Commercial Retail	C-1	TN
Surrounding Properties			
North	Single Family Residential	R-5	TN
South	Mixed Commercial		
	Residential School	C-1 R-7	TN
East	Restaurant Residential	C-1 R-7	TN
West	Automotive Repair	R-7	TN

PREVIOUS CASES ON SITE

9-12-79: The corner property at the intersection of 39th Street and West Market Street was rezoned from R-7 to C-1 by the Planning Commission for neighborhood serving commercial use.

INTERESTED PARTY COMMENTS

Following the pre-application meeting several interested party comments were received. Two letters were received from neighborhood residents opposed to the expansion of commercial on the sites for Family Dollar. One letter was received in support of the project stating that it would be good infill for the neighborhood.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Shawnee Neighborhood Plan

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

The proposal for commercial development is appropriate for the area. The site is an existing C-1 plan certain with R-7 zoning to the west along three adjacent residential properties. The surrounding area is a mix of commercial and residential along the intersection with corner commercial to the east and south. The proposal is for a neighborhood serving commercial use that incorporates into the mix of low and medium density commercial uses mixed with residential along the corridor. The building has little to no setback at the corner intersection. The development respects the massing and spacing of corner commercial structures at the intersection. The proposal expands the location of the existing alley along the rear of the site that allows access from South 39th Street. There are a few issues that need to be addressed in regards to **Guideline 1, Community Form**. The proposal does not include on-street parking or parking to the rear of the building. The parking provided on site is to the west side of the proposed building. In addition, the proposal's design is compatible with the scale of existing developments in the corridor, but the materials and style are not consistent with the traditional form that creates a pedestrian level interest through the use of clear glazing and animating features. These issues need to be addressed in regards to the design of the proposal.

The proposal complies with **Guideline 3, Compatibility** with the exceptions of the previously identified issues regarding clear glazing in the building design and the animating features along the South 39th Street facade. All other compatibility issues have been addressed. While the proposal constitutes a non-residential expansion into an existing residential area, impacts to existing residences appear to be appropriately mitigated through the use of setbacks, landscaping and screening. The proposal is for a higher density and intensity use and is located along a transit corridor and in an existing activity center with the location being in the identified West Market Commercial area of the Shawnee neighborhood plan. Impacts of lighting, noise and other potential

impacts to the existing residential properties to the north and west are appropriately mitigated through the use of landscaping and screening as required by the Land Development Code.

The proposal complies with the natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources** by providing all required tree canopy for the site. Historic Preservation staff has identified issues with the proposal. The demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. The applicant has agreed to a binding element requiring documentation and recording of these structures prior to demolition as a mitigation measure.

The proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with full pedestrian connectivity, appropriate access around the development as well as bicycle parking provided to support the proposed uses. The existing network of streets, alleys and sidewalks supports access to surrounding lands to support the appropriate development of adjacent lands. Alley access will also be provided to the site.

The proposal appears to comply with all other applicable Guidelines and Policies of Cornerstone 2020.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES (Setback)

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the building will be located near the 0' ROW intersection with sidewalks directly serving the building.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since the building will be located near the ROW intersection with minimal setback due to the odd angle of the lot.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the building will be located near the 0' ROW intersection with sidewalks to serve the structure.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since it follows an established pattern of varying setbacks at the street intersections and the angle of the lot existed prior to current ownership.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the shape of the lot makes it difficult to hold a 0' setback along the ROW intersection.

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 the reasonable use of the land or create an unnecessary hardship on the applicant by requiring a building that would have to follow the odd angle of the lot at the street intersection.

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 since the shape of the lot existed prior to the zoning regulation.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (Building Entrance)

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

STAFF: The waiver will not adversely affect adjacent property owners since the entrance will connect to the public sidewalk system along West Market Street.

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

STAFF: Guideline 3, policy 1 calls for new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The waiver will not violate specific guidelines of Cornerstone 2020 since it follows the pattern of development within the vicinity and follows the intent of the comprehensive plan by allowing access from both the parking lot and primary street frontage along West Market Street.

- (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 since entry will be allowed to the building from both the primary street frontage along West Market Street and the parking area.

- (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 or would create an unnecessary hardship on the applicant since an additional entrance would be required along South 39th Street causing internal layout issues for the building.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(75% Animating Features)**

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

STAFF: The requested waiver will adversely affect adjacent property owners since the lack of animating features along the street façade has not been mitigated to provide pedestrian level interest along South 39th Street.

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

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 since the façade is a street facing façade along South 39th Street without appropriate mitigation to create a sense of place and pedestrian level interest.

- (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 not the minimum necessary to afford relief to the applicant since additional elements meeting the code definition of animating features required could be provided along the street frontage.

- (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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the full extent of the required animating features could be provided and no mitigation measures have been taken along South 39th Street.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(50% Clear Glazing)**

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

STAFF: The requested waiver will adversely affect adjacent property owners by not providing visual interest and a human scale that are representative of the form district along West Market Street and South 39th Street. The facades will contain areas of blank space with no clear glazing in the majority of windows and doors to be provided on the building.

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

STAFF: Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of

material, entrances, storefront windows, and other animating features the elimination and reduction of clear glazing creates a blank space and no pedestrian level interest along the major street frontages adjacent to the proposed building; therefore, the waiver will violate specific guidelines of Cornerstone 2020.

- (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 not the minimum necessary to afford relief to the applicant since additional clear glazing could be provided along the street frontages without affecting the proposed use.

- (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 not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant since additional clear glazing could be provided along the street frontages without affecting the proposed use

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and BINDING ELEMENTS

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

STAFF: There does not appear to be any environmental constraints on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. The applicant will be documenting and recording the identified historic resources on the property.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: Open space requirements for the proposed development will be provided per the Land Development Code.

- 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 existing and future development of the area. Appropriate landscape buffering will be provided to screen adjacent properties. Buildings and parking lots will meet appropriate setbacks. The clear glazing and animating features along the street frontages needs to be considered in regards to the building design.

- 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 and to requirements of the Land Development Code with the exception of the requested waivers, variance and identified technical review issues. The issues regarding building design need to be considered on the site with the proposed development. The identified technical review issues need to be addressed as well to ensure a code compliant development plan and no additional waivers are needed for the proposal.

TECHNICAL REVIEW

- Some corrections need to be made to the site plan as follows:
 - Interior landscaping data needs to be corrected. Shows areas that do not meet the definition of interior landscaping and labels them as interior landscape areas. Only two interior landscape areas shown as code requirements. Interior landscape areas meet the Land Development Code definition are required every 120' per Chapter 10.2.12.
 - 5' rear yard setback needs to be corrected in the site data listed.
 - Bearings and distances shown on the site plan need to be updated to match the legal description provided for the proposal.
 - The variance request needs to be listed on the plan.
 - The parking data on the plan needs to be corrected. The minimum requirement is incorrectly listed as 28 spaces.

STAFF CONCLUSIONS

The proposal generally complies with the Comprehensive Plan. The change in zoning follows a pattern of corner commercial at the intersection of West Market Street and South 39th Street. The setback of the building is more in compliance than the other existing structures within the general vicinity. The additional setback requested allows the building to hold portions of both street frontages while accounting for the odd angle of the lot. There are a few building and site design issues the Planning Commission needs to take into consideration. The Planning Commission needs to consider the design of the building and its impact upon the surrounding street frontages. The lack of clear glazing and some animating features with no mitigation in terms deters from the pedestrian level interest that is intended within the traditional form. The other requested waiver meets the standard of review and staff analysis as provided within the staff report. The development plan has some identified technical review issues that were identified at LD&T that have not been addressed. The issue regarding interior landscaping areas needs to be addressed on the plan. It could lead to a potential additional waiver if the 120' maximum distance rule is not followed within the vehicular use area. The Planning Commission needs to determine how to address these outstanding technical review issues. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for granting a variance, waivers and a detailed district development plan as established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
2/26/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
3/19/15	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
3/19/15	Hearing before PC	Sign Posting on property
3/26/15	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 from 9-12-79
5. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal preserves the grid pattern along the street frontages of West Market and S. 31st with a rear alley connection following the traditional form and pattern.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	√	The proposal is a neighborhood oriented commercial use located at the corner.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	NA	The proposal does not have an open space component requirement.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	√	The proposal requires demolition of several existing structures. The demolition of the residential structures could have an adverse effect on sites potentially eligible for the National Register. The applicant has agreed to a binding element to mitigate their demolition by recording and documenting these structures.
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	-	The proposal incorporates into an area of existing corner commercial with a new retail commercial use. The new construction does not meet the building design requirements of the Land Development Code.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 proposed retail commercial development has sufficient population to support it.
7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	√	The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.
8	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	√	A single commercial use is proposed at the site. It supports the use of alternative forms of transportation.
9	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The proposal does not incorporate residential and office uses above the proposed retail or other mixed use, multi-story retail buildings on the site. A single retail commercial development is proposed on the site.

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10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	√	The proposal does not share entrances and parking because the site is surrounded by residential zoning. The site is located along a minor arterial with access points from both West Market and the rear alley. Parking is located to the side of the structure. Pedestrian and transit access are provided along the building frontages.
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities with additional sidewalk connections to be created as well as transit facilities along West Market.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	-	The proposal's design is compatible with the scale of existing developments in the corridor. The materials and style are not consistent with the traditional form that creates a pedestrian level interest through the use of clear glazing and animating features.
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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, and odor and storm water) are appropriately mitigated.	√	The proposal expands the non-residential use into an existing residential area but appropriate mitigation is being provided through the use of buffering and landscaping along the property perimeter adjacent to the alley and residentially zoned parcels.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has approved the proposal.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Metro Public Works has approved the preliminary development plan indicating that the proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	√	Site lighting will comply with the Land Development Code.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 proposed use is located along a transit corridor and in an area of other corner commercial along a minor arterial.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal provides for appropriate transitions between the adjacent residential uses and zoned properties through the proposed landscape buffer yards with screening and planting materials.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal provides for appropriate mitigation between the adjacent residential uses and zoned properties through the proposed landscape buffer yards with screening and planting materials.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The building is has been pulled to the corner intersection with minor setbacks along the street frontages to accommodate the odd angle and shape of the lot.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	√	The proposed parking areas are buffered from the adjacent residential areas through the use of buffering and screening.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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. Additional information is needed to determine compliance regarding the interior landscaping.
25	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed for the development.
26	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	Future multi-family developments proposed on the subject site will be required to comply with open space requirements of the Land Development Code.
28	Livability Goals H3 and H5, all related objectives	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	The proposed site is not located within the Neighborhood Form District.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no apparent natural features or environment constraints on the site.
30	Livability Goals H3 and H5, all related objectives	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.	NA	There are no apparent natural features or environment constraints on the site.
31	Livability Goals H3 and H5, all related objectives	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 demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structures instead of demolition.
32	Livability Goals H3 and H5, all related objectives	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.	NA	The site does not have soil or slope issues.
33	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	√	The existing street network allows adequate access between the employment area and population areas.
34	People, Jobs and Housing Goal K4, Objective K4.1	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.	-	The development is proposed near the downtown area in the Shawnee neighborhood. Demolition is currently proposed with no rehabilitation or adaptive reuse on the site.
35	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not an industrial development.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
36	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	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 retail commercial development is proposed in an area of existing corner commercial development. It is located along one minor arterial with an expressway to the east.
37	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not an industrial development.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 existing network of streets, alleys and sidewalks supports access to surrounding lands to support the appropriate development of adjacent lands.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	NA	ROW dedication is not required for the proposal.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Adequate parking is being provided.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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	The proposal provides for rear alley access. Joint and cross access are not required or recommended due to the adjacent residentially zoned property.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-17, all related Objectives	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	Street stubs are not provided or required for the proposed use on the subject site.
45	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-17, all related Objectives	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 will not be created through areas of significantly lower intensity or density.
46	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-17, all related Objectives	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 existing network of streets, alleys and sidewalks supports access to surrounding lands to support the appropriate development of adjacent lands. The alley will access to the site and connect the adjacent streets.
47	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-17, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections.
48	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Storm water	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has preliminarily approved the proposal.
49	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has approved the proposal.
50	Livability, Goals F1 and F2, all related objectives	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	There are no natural corridors evident in the area.
51	Quality of Life Goal J1, Objectives J1.1-1.2	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	Quality of Life Goal J1, Objectives J1.1-1.2	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	Livability Goal B1, Objective B1.3	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 (Proposed to be deleted)

1. The appropriate variances will be obtained from the Board of Zoning Adjustment to permit the building and off-street parking areas to encroach into the front and street side yards. If the variances are not obtained no building permits will be issued for construction until such time as a revised district development plan has been approved by the Planning Commission.
2. The developer shall obtain approval of the Executive Director of the Planning Commission of a plan for screening (buffering, landscaping), for the area along the west property boundary and at the northwest corner of 39th Street and Market Street prior to issuance of building permits and such plan shall be implemented prior to occupancy and maintained thereafter.
3. The parking spaces located on the north side of the proposed building (Numbers 11 through 14) will be reserved for employee parking only and must be designated as such.
4. The location and dimensions of any proposed signs will be submitted to the Planning Commission for approval prior to issuance of any sign permit.
5. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department and the Traffic Engineering Department before building permits are issued.
6. Unless use in accordance with the approved plan and binding elements has been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

5. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 8, 320 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, 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. 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining any permits. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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.
 8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 2nd, 2015 Planning Commission meeting.
 9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 10. State Level 1 documentation is required to record all the historic resources on the property. The required elements for the documentation include:
 - a. Archival quality photographs (include digital copies on a CD)
 - b. Completion of Kentucky Historic Resources Inventory Form, including a statement of significance
 - c. A site plan showing the historic resources and property boundary

Land Development & Transportation Committee

Staff Report

March 12th, 2015



Case No:	14ZONE1030
Request:	Change in Zoning from R-7 to C-1; District Development Plan with Binding Elements; Variances; Waivers
Project Name:	Family Dollar
Location:	3901 West Market Street
Owner:	Leslie and Michael Johnson Chalonda Johnson Philip Marby, Marby Property Maintenance LLC
Applicant:	Edward Allen, The Hutton Company
Representative:	Theo Stone, LeCraw Engineering Inc.
Jurisdiction:	Louisville
Council District:	5 –Cheri Bryant Hamilton
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in zoning from R-7 to C-1
- Variance #1: Variance from Chapter 5.5.1.A.2 to allow the building to exceed the 0' corner setback required along South 39th Street and West Market Street
- Waiver #1: Waiver from Chapter 5.5.1.A.1.b of the Land Development Code to not provide an entrance along both street frontages or corner entrance at ROW intersection
- Waiver #2: Waiver from Chapter 5.6.1.A.1 of the Land Development Code to provide less than the required 75% animating features along the west façade and S. 39th St,
- Waiver #3: Waiver from Chapter 5.6.1.C.1 of the Land Development Code to not provide the required 50% clear glazing for windows and doors along both S. 39th St. and W. Market St.
- Binding Element Amendments
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1, Commercial & R-7, Multi-Family Residential

Proposed Zoning District: C-1, Commercial

Existing Form District: TN, Traditional Neighborhood

Existing Use: Restaurant, Residential

Proposed Use: Retail

Minimum Parking Spaces Required: 17

Maximum Parking Spaces Allowed: 42

Parking Spaces Proposed: 34

Plan Certain Docket #: 9-12-79

The proposal is for a Family Dollar store to be constructed on an existing C-1 and R-7 zoned properties within the Traditional Neighborhood form district. The sites currently consist of a restaurant at the corner intersection of 39th Street and West Market Street with the other parcels being residential. The existing C-1 corner lot was rezoned originally under 9-12-79 by the Planning Commission from R-7 to allow a corner commercial development. The adjacent sites proposed to be rezoned under the current request to do not have any

previous rezonings or related cases. The subject sites are located within the Shawnee Neighborhood Plan area. The economic development portion of the neighborhood plan locates the subject sites within the West Market Commercial study area. The West Market Corridor was listed within the Neighborhood Plan as having the highest priority regarding land use and zoning related issues.

The surrounding area consists of corner commercial to the east and south. Residential uses are concentrated to the north and west. The Academy at Shawnee High School is located to the west of the site across West Market Street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Restaurant/Retail	C-1/R-7	TN
Proposed	Commercial Retail	C-1	TN
Surrounding Properties			
North	Single Family Residential	R-5	TN
South	Mixed Commercial Residential School	C-1 R-7	TN
East	Restaurant Residential	C-1 R-7	TN
West	Automotive Repair	R-7	TN

PREVIOUS CASES ON SITE

9-12-79: The corner property at the intersection of 39th Street and West Market Street was rezoned from R-7 to C-1 by the Planning Commission for neighborhood serving commercial use.

INTERESTED PARTY COMMENTS

Following the pre-application meeting several interested party comments were received. Two letters were received from neighborhood residents opposed to the expansion of commercial on the sites for Family Dollar. One letter was received in support of the project stating that it would be good infill for the neighborhood.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Shawnee Neighborhood Plan

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

TECHNICAL REVIEW

- Some corrections need to be made to the site plan as follows:
 - Interior landscaping data needs to be corrected. Shows and includes areas that do not meet the definition of interior landscaping.
 - 5' rear yard setback needs to be corrected in the site data listed.
 - The structures to be removed need to be more clearly labeled as such on the plan.
 - Bearings and distances shown on the site plan need to be updated to match the legal description provided for the proposal.
 - The variance request needs to be listed on the plan.

STAFF CONCLUSIONS

An updated site plan needs to be submitted to staff and a public hearing date scheduled.

NOTIFICATION

Date	Purpose of Notice	Recipients
2/26/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 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. Existing Binding Elements from 9-12-79
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements (Propose to Delete All)

1. The appropriate variances will be obtained from the Board of Zoning Adjustment to permit the building and off-street parking areas to encroach into the front and street side yards. If the variances are not obtained no building permits will be issued for construction until such time as a revised district development plan has been approved by the Planning Commission.
2. The developer shall obtain approval of the Executive Director of the Planning Commission of a plan for screening (buffering, landscaping), for the area along the west property boundary and at the northwest corner of 39th Street and Market Street prior to issuance of building permits and such plan shall be implemented prior to occupancy and maintained thereafter.
3. The parking spaces located on the north side of the proposed building (Numbers 11 through 14) will be reserved for employee parking only and must be designated as such.
4. The location and dimensions of any proposed signs will be submitted to the Planning Commission for approval prior to issuance of any sign permit.
5. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department and the Traffic Engineering Department before building permits are issued.
6. Unless use in accordance with the approved plan and binding elements has been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 8, 320 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, 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. 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining any permits. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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.
 8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
 9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 10. State Level 1 documentation is required to record all the historic resources on the property. The required elements for the documentation include:
 - a. Archival quality photographs (include digital copies on a CD)
 - b. Completion of Kentucky Historic Resources Inventory Form, including a statement of significance
 - c. A site plan showing the historic resources and property boundary

Pre-Application Staff Report

July 23rd, 2014



Case No:	14ZONE1030
Request:	Change in Zoning from R-7 to C-1 with Revised Detailed District Development Plan
Project Name:	Family Dollar
Location:	3901 West Market Street
Owner:	Leslie and Michael Johnson Chalonda Johnson Philip Marby, Marby Property Maintenance LLC
Applicant:	Edward Allen, The Hutton Company
Representative:	Theo Stone, LeCraw Engineering Inc.
Jurisdiction:	Louisville
Council District:	5 –Cheri Bryant Hamilton
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in zoning from R-7 to C-1
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1, Commercial & R-7, Multi-Family Residential
Proposed Zoning District: C-1, Commercial
Existing Form District: TN, Traditional Neighborhood
Existing Use: Restaurant, Residential
Proposed Use: Retail
Minimum Parking Spaces Required: 17
Maximum Parking Spaces Allowed: 42
Parking Spaces Proposed: 34
Plan Certain Docket #: 9-12-79

The proposal is for a Family Dollar store to be constructed on an existing C-1 and R-7 zoned properties within the Traditional Neighborhood form district. The sites currently consist of a restaurant at the corner intersection of 39th Street and West Market Street with the other parcels residential. The existing C-1 corner lot was rezoned originally under 9-12-79 by the Planning Commission from R-7 to allow a corner commercial development. The adjacent sites proposed to be rezoned under the current request to do not have any previous rezonings or related cases. The subject sites are located within the area of the Shawnee Neighborhood Plan. The economic development portion of the neighborhood plan locates the subject sites within the West Market Commercial study area. The West Market Corridor was listed within the Neighborhood Plan as having the highest priority regarding land use and zoning related issues.

The surrounding area consists of corner commercial to the east and south. Residential uses are concentrated to the north and west. The Academy at Shawnee High School is located to the west of the site across West Market Street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Restaurant/Retail	C-1/R-7	TN
Proposed	Commercial Retail	C-1	TN
Surrounding Properties			
North	Single Family Residential	R-5	TN
South	Mixed Commercial		
	Residential	C-1	
	School	R-7	TN
East	Restaurant	C-1	
	Residential	R-7	TN
West	Automotive Repair	R-7	TN

PREVIOUS CASES ON SITE

9-12-79: The corner property at the intersection of 39th Street and West Market Street was rezoned from R-7 to C-1 by the Planning Commission for neighborhood serving commercial use.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Shawnee Neighborhood Plan

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

The proposal for commercial development is appropriate for the area. The site is an existing C-1 plan certain with R-7 zoning to the west along three adjacent residential properties. The surrounding area is a mix of commercial and residential along the intersection with corner commercial to the east and south.

The applicant needs to consider a redesign of the site to come into compliance with the form district requirements which will in turn aid in compliance with the Comprehensive Plan guidelines. The current proposal has the orientation of the building in a more suburban style form with its entrance points located toward the interior facing parking lot rather than the urban traditional form with corner entry or multiple entry points. The building needs to be also located at the ROW line along the intersection of South 39th Street and West Market Street. Building elevations are needed to determine further compliance issues.

Historic Preservation staff has identified issues with the proposal. The demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. They recommend exploring adaptive re-use of the structures instead of demolition.

A more detailed and accurate site plan is needed to further determine compliance with the majority of the Comprehensive guidelines.

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

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

TECHNICAL REVIEW

- Please see attached agency review comments.
- A better site plan that meets the site plan checklist items listed within the application is needed for a more complete review.

STAFF CONCLUSIONS

A better site plan that meets the checklist minimum items as listed within the application is needed prior to scheduling and conducting the required neighborhood meeting.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 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 Checklist
4. Existing Binding Elements from 9-12-79

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	-	The proposal preserves the grid pattern along the street frontages of West Market and S. 31st but there is no alley connection following the traditional form and pattern.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	-	The proposal is a neighborhood oriented commercial use located at the corner but does not include a mix of uses.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	NA	The proposal does not have an open space component requirement.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	-	The proposal requires demolition of several existing structures. The demolition of the residential structures could have an adverse effect on sites potentially eligible for the National Register.
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	+/-	The proposal incorporates into an area of existing corner commercial with a new retail commercial use. Additional information is needed on the extent of demolition and building design to determine compliance.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 proposed retail commercial development has sufficient population to support it.
7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
8	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance. A single commercial use is proposed at the site.
9	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The proposal does not incorporate residential and office uses above the proposed retail or other mixed use, multi-story retail buildings on the site. A single retail commercial development is proposed on the site.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Additional information is needed to determine compliance.
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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, and odor and storm water) are appropriately mitigated.	+/-	Additional information is needed to determine compliance.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	Additional information is needed to determine compliance.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Additional information is needed to determine compliance.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	√	Site lighting will comply with the Land Development Code.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 proposed use is located along a transit corridor and in an area of other corner commercial along a minor arterial.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	Additional information is needed to determine compliance.
25	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed for the development.
26	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	-	Freestanding signage is proposed in the traditional form which only permits attached signage on the building.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
27	Livability Goals H3 and H5, all related objectives	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.	+/-	Additional information is needed to determine compliance.
28	Livability Goals H3 and H5, all related objectives	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.	+/-	Additional information is needed to determine compliance.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	+/-	Additional information is needed regarding tree canopy to determine compliance.
30	Livability Goals H3 and H5, all related objectives	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.	+/-	Additional information is needed regarding tree canopy to determine compliance.
31	Livability Goals H3 and H5, all related objectives	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 demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structures instead of demolition.
32	Livability Goals H3 and H5, all related objectives	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.	NA	The site does not have soil or slope issues.
33	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	√	The existing street network allows adequate access between the employment area and population areas.
34	People, Jobs and Housing Goal K4, Objective K4.1	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.	-	The development is proposed near the downtown area in the Shawnee neighborhood. It is not consistent with the traditional form. Demolition is currently proposed with no rehabilitation or adaptive reuse on the site.
35	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not an industrial development.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
36	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	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 retail commercial development is proposed in an area of existing corner commercial development. It is located along one minor arterial with an expressway to the east. Additional information is needed on its access and affect upon adjacent areas.
37	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not an industrial development.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Additional information is needed to determine compliance.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Additional information is needed to determine compliance.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Additional information is needed to determine compliance.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Additional information is needed to determine compliance.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	+/-	Additional information is needed to determine compliance.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Additional information is needed to determine compliance.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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	Street stubs are not provided or required for the proposed use on the subject site.
45	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly low er intensity or density if such access would create a significant nuisance.	+/-	Additional information is needed to determine compliance.
46	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Additional information is needed to determine compliance.
47	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Additional information is needed to determine compliance.
48	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Storm water	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	MSD is reviewing the proposal to determine compliance.
49	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	+/-	APCD is reviewing the proposal to determine compliance.
50	Livability, Goals F1 and F2, all related objectives	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.	+/-	Additional information is needed regarding tree canopy to determine compliance.
51	Quality of Life Goal J1, Objectives J1.1-1.2	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	Quality of Life Goal J1, Objectives J1.1-1.2	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	Livability Goal B1, Objective B1.3	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.	+/-	Additional information is needed to determine compliance.

4. Existing Binding Elements

1. The appropriate variances will be obtained from the Board of Zoning Adjustment to permit the building and off-street parking areas to encroach into the front and street side yards. If the variances are not obtained no building permits will be issued for construction until such time as a revised district development plan has been approved by the Planning Commission.
2. The developer shall obtain approval of the Executive Director of the Planning Commission of a plan for screening (buffering, landscaping), for the area along the west property boundary and at the northwest corner of 39th Street and Market Street prior to issuance of building permits and such plan shall be implemented prior to occupancy and maintained thereafter.
3. The parking spaces located on the north side of the proposed building (Numbers 11 through 14) will be reserved for employee parking only and must be designated as such.
4. The location and dimensions of any proposed signs will be submitted to the Planning Commission for approval prior to issuance of any sign permit.
5. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department and the Traffic Engineering Department before building permits are issued.
6. Unless use in accordance with the approved plan and binding elements has been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

