

Planning Commission

Staff Report

August 16, 2018



Case No:	18ZONE1015
Project Name:	Bluegrass Lawn and Garden
Location:	6502 Blevins Gap Road
Owner(s):	James Kilgore
Applicant:	James Kilgore
Representative(s):	Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-family Residential to CM, Commercial-Manufacturing
- **Variance** from Land Development Code, section 5.3.1.C.5 to reduce the required 30' setback at the rear property to 5'
- **Waivers**
 1. Waiver of Land Development Code, section 5.5.2.A.1 to not provide windows along the primary facade
 2. Waiver of Land Development Code, section 10.2.2 to reduce 25' LBA to 5' along rear property line
 3. Waiver of Land Development Code, section 10.2.4.B.3 to allow for easement/LBA overlap
- **Detailed District Development Plan**

CASE SUMMARY

A rezoning is being requested on roughly 1 acre of land east of Dixie Highway and South of I-265. The land is currently vacant. The site abuts railroad right-of-way to the East, a proprietary club to the South and West, and is located opposite Blevins Gap Road from single-family residential homes. An 18,000 sq. ft. warehouse with loading is proposed.

STAFF FINDING

The proposal is not in conformance with Cornerstone 2020. Several plan elements as outlined in the Staff Analysis of the rezoning require additional attention and demonstration of compliance. Primarily, loading areas must not be visible from public ways or residential property (LDC 5.5.2.B.2) and trucks should not be routed through a residential area leaving the facility. For these reasons, the building design waiver and development plan could also not be justified.

TECHNICAL REVIEW

- Loading areas are in conflict with LDC 5.5.2.B.2 which provides that, "Off-street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and residential uses. Screening may be accomplished through use of a fence with landscaping that at maturity will equal the height of the fence, or a wall constructed of the same building materials as the principal structure." Single-family residential properties are located opposite Blevins Gap Road. This issue in combination with the façade design waiver raises

some concern with respect to the impact (appearance and operation) of the proposed use within close proximity to single-family residential property and the public street. The preservation of existing mature tree canopy, solid fencing at a sufficient height encompassing loading areas, berm with landscaping, or other means should be considered.

- The applicant should present their proposed landscape material reductions to be considered with the waiver request along the rear property line.
- DPW comment: Sidewalk fee-in-lieu option is being applied for the sidewalk requirement along Blevins Gap Rd. The fee-in-lieu amount will be calculated per the approved construction plans and must be paid prior to construction approval by Metro Public Works.
- DPW comment: The security gate needs to be at least 30ft from the Right-Of-Way.
- Plans will need to be updated to reflect DPW fee-in-lieu notes and additional waiver request not yet indicated.

STANDARD OF REVIEW FOR ZONING 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 CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The location of the zoning district does not constitute an expansion into a residential area and appears to be appropriately located as the railway serves as a boundary between commercial and light industrial areas and low-density residential neighborhoods. The roadway fronting the site is a collector level roadway feeding immediately to an arterial roadway within less than 1,000 feet to the west. The applicant's primary use is located along this arterial roadway and will be served by the proposed warehouse. The use will provide a supportive service and generate limited volumes of truck traffic with limited or no customer traffic.

At this time, it has not been demonstrated that certain Plan Elements can be appropriately mitigated. The plan is not conforming to the following Plan Elements:

- Guideline 1, Policy 3 & Guideline 8, Policy 9: It has been brought to light in recent communications that there is intent to route heavy trucks to the east leaving the facility and then north on E. Orell Road which is through a residential area. This results in the movement of a higher intensity use through an area of lower intensity
- Guideline 3, Policy 2, 21, 22 & 24: Loading areas are in conflict with LDC 5.5.2.B.2 which requires that loading areas not be visible from public ways or residential uses. Appropriate transitions and the minimization of adverse impacts of loading on public roadways and residential property have not been demonstrated.
- Guideline 1, Policy 3: The scale of the project respective to the size of the lot is incompatible as it has not been demonstrated that the loading areas along the frontage can be screened appropriately from adjacent residential uses or the public roadway. The request is currently in conflict with LDC 5.5.2.B.2.

The applicant will need to demonstrate to the satisfaction of the Commission that these factors identified can be mitigated or eliminated.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 as the use to the rear of the proposed variance request is non-residential and the area immediately to the rear contains a cellular antennae and drainage facilities.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as it allows the structure to be moved further to the rear of the property away from the public roadway.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as it does not impact the movement of vehicles, pedestrians or abutting owners.

- (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 as the use to the rear of the proposed variance request is non-residential and the area immediately to the rear contains a cellular antennae and drainage facilities

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the size of the size of the land was known at the time of purchase.

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 create an unnecessary hardship on the applicant as the variance does not impact public safety or create a hazard.

3. 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.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

1. Land Development Code, section 5.5.2.A.1 to not provide windows along the primary facade

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

STAFF: The requested waiver will not adversely affect adjacent property owners as its aesthetic purpose and interactive purpose is limited at this location given its distance from the primary commercial corridor and lack of pedestrian connectivity.

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

STAFF: Guideline 3, Policy 2 of Cornerstone 2020 calls for proposed building materials that increase the new development's compatibility. The building design allows for loading areas along the frontage which have not been appropriately screened from view from public ways and residential uses.

- (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 as windows can be integrated into the proposed building design or the façade and associated loading areas can be screened from view of public ways.

- (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 as windows can be integrated into the proposed building design or the façade and associated loading areas can be screened from view of public ways.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

2. Land Development Code, section 10.2.2 to reduce 25' LBA to 5' along rear property line

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

STAFF: The waiver will not adversely affect adjacent property owners as the use to the rear of the proposed waiver request is non-residential and the area immediately to the rear contains a cellular antennae and drainage facilities

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

STAFF: Guideline 3, Policy 4 of Cornerstone 2020 calls for an evaluation of impacts, including; traffic, parking, signs, lighting, noise, odor, and storm water. Guideline 3, Policies 7 & 8 of the call for the mitigation of the impact of noise and light on existing communities. Policy 22 calls for mitigation to reduce the impact of incompatible developments when they occur adjacent to one another. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The use to the rear of the proposed waiver request is non-residential and the area immediately to the rear contains a cellular antennae and drainage facilities. These uses are not incompatible.

- (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 based on the applicant's requested development plan.

- (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 regulation would deprive the applicant of the reasonable use of the land as the use to the rear of the proposed waiver request is non-residential and the area immediately to the rear contains a cellular antennae and drainage facilities. These uses are not incompatible.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

3. Land Development Code, section 10.2.4.B.3 to allow for easement/LBA overlap

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

STAFF: The waiver will not adversely affect adjacent property owners as the required buffer and planting will be provided

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The required buffer and planting will be provided

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the required buffer and planting will be provided

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the required buffer and planting will be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: The proposed development plan provides the minimum required tree canopy; thus, conserving natural resources.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the use is a low traffic. However, the maneuvering of heavy truck traffic may result in conflict at the entrance due to the scale of the project respective to the lot size.

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

STAFF: Open space is not required or necessary on the proposed development.

- 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 site design is not compatible as adequate screening for proposed loading and truck maneuvering areas has not been demonstrated adjacent to the public right of way.

- 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: It has not been demonstrated that certain Plan Elements can be appropriately mitigated. The plan is not conforming to Guideline 1, Policy 3; Guideline 8, Policy 9; Guideline 3, Policies 2, 21, 22 & 24. It has been brought to light in recent communications that there is intent to route heavy trucks to the east leaving the facility and then north on E. Orell Road which is through a residential area. This results in the movement of a higher intensity use through an area of lower intensity. Loading areas are in conflict with LDC 5.5.2.B.2 which requires that loading areas not be visible from public ways or residential uses. Appropriate transitions and the minimization of adverse impacts of loading on public roadways and residential property have not been demonstrated. The scale of the project respective to the size of the lot is incompatible as it has not been demonstrated that the loading areas along the frontage can be screened appropriately from adjacent residential uses or the public roadway

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4, Single-family Residential to CM, Commercial-Manufacturing on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Variance** from Land Development Code, section 5.3.1.C.5 to reduce the required 30’ setback at the rear property to 5’
- **APPROVE** or **DENY** the following **Waivers**:
 1. Waiver of Land Development Code, section 5.5.2.A.1 to not provide windows along the primary facade
 2. Waiver of Land Development Code, section 10.2.2 to reduce 25’ LBA to 5’ along rear property line
 3. Waiver of Land Development Code, section 10.2.4.B.3 to allow for easement/LBA overlap
- **APPROVE** or **DENY** the **Detailed District Development Plan**

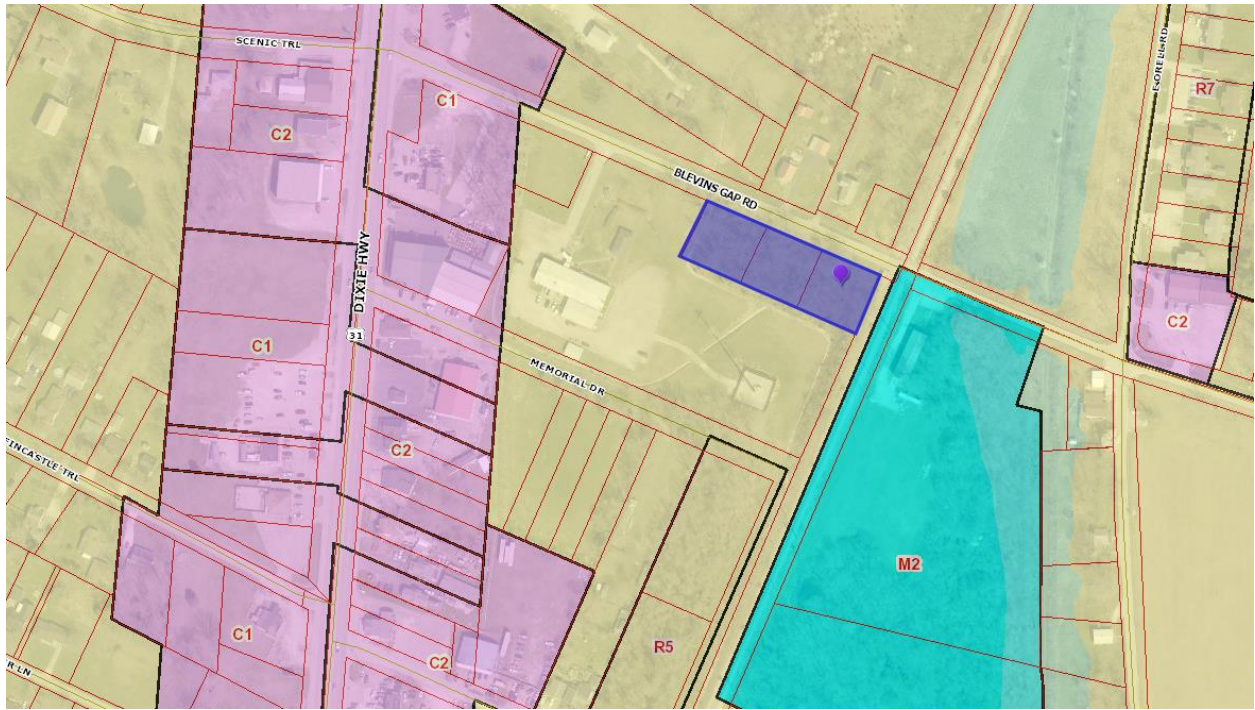
NOTIFICATION

Date	Purpose of Notice	Recipients
07/12/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
07/27/18	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
08/2/18	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. 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

Neighborhood: Non-Residential/Mixed-use

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	-	The subject site is located within proximity to a commercial activity corridor and the zoning district would appear to be appropriately located as residential areas are more predominate to the East of the railroad tracks. The scale of the project respective to the size of the lot is incompatible as it has not been demonstrated that the loading areas along the frontage can be screened appropriately from adjacent residential uses or the public roadway. The request is currently in conflict with LDC 5.5.2.B.2
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	-	The roadway fronting the site is a collector level roadway feeding an arterial within less than 1,000 feet. Residential areas are more predominate to the East of the railroad tracks. However, it has been brought to light in recent communications that there is intent to route heavy trucks (10 per month) to the east leaving the facility and then north on E. Orell Road which is through a residential area.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal is located in the Neighborhood Form District and includes new construction.
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not for retail commercial
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The applicant appears to be utilizing the majority of the land available for development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal does not provide for mixed uses. It does, however, provide supportive services to a commercial business along a commercial corridor.
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 provide for mixed uses. It does, however, provide supportive services to a commercial business along a commercial corridor.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not located in a center and is for light industrial use.
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The proposal does not shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking because shared entrances are not feasible. It is a solitary user between a private club and a railway.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities will be provided as demanded by the user.
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal does not provide multiple forms of transport. However, these forms of transport will not be in high demand for the proposed user.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	-	Loading areas have been placed facing the public right of way. It has not been demonstrated through landscaping or other means that the façade design can be appropriately mitigated.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The location of the zoning district does not constitute an expansion into a residential area as the railway serves as a boundary between commercial and light industrial areas and low-density residential neighborhoods.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal mitigates any potential odor or emissions associated with the development as trucks will not be left to idle.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as the proposed use will produce minimal amounts of traffic and have no proposed customer traffic.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky as lighting will be in compliance with LDC 4.1.3
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The roadway fronting the site is a collector level roadway feeding an arterial within less than 1,000 feet. Residential areas are more predominate to the East of the railroad tracks.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	-	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 have not been demonstrated at this time. Loading areas have been placed in conflict with LDC 5.5.2.B.2
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	-	The applicant has not yet demonstrated that the proposed will be compatible. Loading areas have been placed in conflict with LDC 5.5.2.B.2
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Requests have been made to reduce the required setback and landscape buffering at the rear of the site. Because the existing use to the rear of these requests is a private proprietary club (Non-residential), there is no adverse impact on a residential use. The rear of these requests is also the location of a cellular tower and drainage facilities. The setback and landscape reductions are compatible.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	-	Loading areas are in conflict with LDC 5.5.2.B.2 which requires loading areas to not be visible from public ways or residential uses.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	-	Loading areas are in conflict with LDC 5.5.2.B.2.a which requires loading areas to not be visible from public ways or residential uses.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No garages have been proposed
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will be in compliance with Ch.8.
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space is not requirement of this request.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	Open space is not requirement of this request.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal integrates natural features into the pattern of development as tree canopy will be provided as required by the LDC.
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposal respects the natural features of the site as tree canopy will be provided as required by the LDC.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The subject site does not contain any historic resources of significance.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	Preliminary approval has been received by MSD
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Not downtown
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The proposed land use is located to provide supportive services to a nearby commercial use along Dixie Highway. The use does not require any special infrastructure.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposed use is not for retail commercial and is a low generator of traffic.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The nearest arterial is accessible by collector level roadway within 1,000 feet.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	A sidewalk fee-in-lieu will be paid to offset the provision of a sidewalk within the right-of-way.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal does not promote mass transit, bicycle and pedestrian use or provide amenities to support these modes of transportation, but the provision of these means is not necessary for the proposed use and the facility will be gated from the public.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Access to surrounding land uses would not be appropriate at this time.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Right-of-way will be dedicated as required by Public Works.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is adequate and reflective of minimal on-site employees.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Cross access would not be appropriate at this time due to surrounding land uses..
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	The proposal does not necessitate stub connectivity.
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	-	The proposed zoning district is on the West side of the railway which serves has a division between low-density residential and non-residential uses. However, it has been brought to light in recent communications that there is intent to route heavy trucks (10 per month) to the east leaving the facility and then north on E. Orell Road which is through a residential area.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The site appropriately links to Dixie Highway

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal does not provide, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, but the provision of these means is not necessary for the proposed use and the facility will be gated from the public.
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal's drainage plans have been approved by MSD.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	No natural corridors appear to be present
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities will be provided as needed by the property owner.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - e. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. Outdoor sales, display, and storage are prohibited.