

Planning Commission Staff Report

October 18, 2018



Case No:	18ZONE1022 & 18STREETS1013
Project Name:	Ghasem - Factory Lane
Location:	12910 Factory Lane
Owner(s):	Ghasem Properties, Inc.
Applicant:	Ghasem Properties, Inc.
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to C-1, Commercial
- **Street Closure**
- **Waivers:**
 1. Waiver of Land Development Code, section 5.8.1.B to not provide sidewalks along Old Factory Lane (un-named in LOJIC)
 2. Waiver of Land Development Code, section 10.2.4 to allow encroachments for parking and maneuvering in 15' LBA (East P/L)
 3. Waiver of Land Development Code, section 10.2.12 to reduce 10' VUA LBA to 5'
 4. Waiver of Land Development Code, section 10.3.7.A to allow encroachments for building and parking in 50' Gene Snyder Freeway buffer
- **Revised Detailed & Detailed District Development Plan**

CASE SUMMARY

A change in zoning from R-4 to C-1, Commercial, is requested on two residential parcels in Northeastern Louisville Metro to allow for a 19,000 square foot mixed-use structure and associated parking. The subject site is more precisely located on the south side of Factory Lane, roughly five-hundred feet east of La Grange Road along an un-named local road commonly referred to as "Old Factory Lane". A segment of this road is proposed for closure to facilitate a parking expansion. The proposal will expand east from an existing development and include additions to the previously developed site for pedestrian and vehicular connections, as well as a building expansion and new freestanding structure. A sidewalk waiver for Old Factory Lane is being requested with the pedestrian access to the site provided from the existing network along Factory Lane through the abutting commercial development.

Associated Cases

9-74-00 & 9-88-98: Change-in-zoning from R-4 to C-1 and revised plan with parking waiver (app. 11/2/00)

STAFF FINDING

The proposal appears to be in conformance with Comprehensive Plan. The proposal integrates into the existing pattern of development. Setbacks, lot dimensions and building heights appear compatible and consistent with existing development. Pedestrian and vehicular requirements have all been met. The Subject site is also conveniently located within close proximity to Interstate-265, nearby industrial and employment centers, and near an intersection with a major arterial roadway. The Street closure, waivers, and detailed district development plan all appear to adequately justified and meet the standard of review.

TECHNICAL REVIEW

- Preliminary plan approval has been received from MSD and Transportation Planning staff

Street Closure

- Middletown Fire District – Middletown Fire Department has no objections to the proposed closure.
- E-911/Metro Safe Addressing – E-911 has no objections to the proposed closure.
- AT&T – AT&T has requested easements in the area of the proposed closure.
- MSD –Easements will be granted for continued access to facilities.
- Louisville Metro Health Department – Health and Wellness has no objections to the proposed closure.
- Louisville Gas & Electric – LG&E has requested easements in the area of the proposed closure.
- Louisville Water Company – LWC has requested easements in the area of the proposed closure.
- Louisville Metro Public Works – DPW has no objections to the proposed closure.
- Historic Preservation – Historic Preservation has no objections to the proposed closure.
- TARC – TARC has no objections to the proposed closure.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

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

The site is located in the Suburban Workplace Form District

Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposal integrates into the existing pattern of development as nearby users are non-residential and the layout of the site is similar to these existing uses. Landscape areas are being provided adjacent to the public road and throughout the site. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. All landscaping material will be provided and setbacks are consistent with current abutting development. The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians as pedestrian ways and connections have been provided, bike parking is available, and the site is within proximity of TARC service. The Subject site is also conveniently located within close proximity to Interstate-265, nearby industrial and employment centers, and near an intersection with a major arterial roadway.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET AND ALLEY CLOSURES

1. Adequate Public Facilities – Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right of way shall be approved where an identified current or future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities; and

STAFF: Adequate public facilities are available to serve existing and future needs of the community. Easements will be provided prior to recording the street closure plat for each utility agency requesting the retention of their services within the area of the closure.

2. Where existing or proposed utilities are located within the right of way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities; and

STAFF: Easements will be provided prior to recording the street closure plat for each utility agency requesting the retention of their services within the area of the closure.

3. Cost for Improvement – The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of a proposed

project, including cost of improvements to adjacent rights-of-way or relocation of utilities within an existing easement; and

STAFF: Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities.

4. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan; and

STAFF: The request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. The roadway is being repurposed to serve a private development in a similar fashion to its current purpose. Improvements will be made along sections of the roadway to remain open and access to developed lands and future development will be provided. Requested easements will be provided.

5. Other Matters – Any other matters which the Planning Commission may deem relevant and appropriate; and

STAFF: There are no other relevant matters

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

Waiver to not provide sidewalks

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

STAFF: The waiver will not adversely affect adjacent property owners as “Old Factory Lane” does not serve a significant public purpose in providing access to adjoining development or the subject site. Factory Lane is the primary roadway providing primary access to multiple sites and the development plan demonstrates pedestrian connectivity to this roadway from existing segments of public sidewalks having frontage along the development. Any future sidewalk construction would be most appropriate to occur on Factory Lane which does not directly adjoin the site.

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

STAFF: Guideline 7 calls for the proposal to include the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development. It also calls for transportation facilities to be compatible with and support access to surrounding land uses, and contributes to the appropriate development of adjacent lands Guideline 9, Policy 1 calls for the provision of 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. The proposed waiver does not reduce pedestrian or transit connectivity as pedestrian ways are shown through the development and transit connectivity is provided nearest to the route along La Grange Road. The requirements for pedestrian connectivity are met through these connections. The site does not immediately adjoin Factory Lane where a sidewalk would be most appropriate.

- (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 “Old factory Lane” does not serve a significant public purpose in providing access to adjoining development or the subject site and the location where a future sidewalk is most needed does not immediately adjoin the development site.

- (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 create an unnecessary hardship on the applicant as “Old factory Lane” does not serve a significant public purpose in providing access to adjoining development or the subject site and pedestrian connections to meet the minimums of the district have been provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

Waiver to encroach upon east P/L buffer

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

STAFF: The waiver will not adversely affect adjacent property owners as all required planting and screening material 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. All required planting and screening material will be provided and the adjacent property is zoned for office-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 the minimum necessary to afford relief to the applicant as the encroachments are minimal and all required planting and screening material 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 create an unnecessary hardship on the applicant as the encroachments are minimal and all required planting and screening material will be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)

Waiver to encroach upon VUA LBA

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

STAFF: The waiver will not adversely affect adjacent property owners as there are no abutting properties that will be adversely affected and sufficient landscape spacing is provided between the parking areas and pavement.

(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. There are no abutting properties that will be adversely affected and sufficient landscape spacing is provided between the parking areas and pavement. All planting material 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 additional right-of-way has been requested and landscaped areas will still be provided, including all planting material.

(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 create an unnecessary hardship on the applicant as additional right-of-way has been requested and landscaped areas will still be provided, including all planting material.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (4)

Waiver to encroach upon Gene Snyder buffer

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

STAFF: The waiver will not adversely affect adjacent property owners as the landscape buffer request does not impact abutting property owners and allows for consistent building setbacks along the interstate.

- (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. All required planting material and screening will be provided. The setback requested is consistent with existing development and the area of encroachment is located adjacent to instate ramp and not the primary drive lanes of the interstate. Detention/retention facilities are necessary to serve the development.

- (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 request is a result of the proposed development and the shape and size of the existing lots. Further the encroachments are located along an exit ramp and the setback is consistent with existing development.

- (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 create an unnecessary hardship on the applicant as detention/retention facilities are necessary for storm water management, the shape and size of the lots limits full compliance for the proposed development, and the setback is consistent with existing development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. All landscape material required will be provided and adequate buffering has been established between uses. The subject site contains a structure that is potentially eligible for National Register. Documentation of this structure and a 30-day hold will be placed upon this structure prior to demolition.

- 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 proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. Pedestrian ways and connections have been provided, bike parking is available, and the site is within proximity of TARC service. The Subject site is conveniently located within close proximity to Interstate-265, nearby industrial or employment centers, and near an intersection with a major arterial roadway..

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

STAFF: The proposed development does not require the provision of open space. All landscape material is provided and adequate buffering has been demonstrated.

- 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: Setbacks, lot dimensions and building heights are compatible with the existing and projected future development of the area as landscape areas are being provided adjacent to the public road and throughout the site and setbacks are consistent with current abutting development

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

STAFF: The proposed development plan conforms to the Comprehensive Plan and all relief requested from the Land Development Code appears to be adequately justified. The proposal integrates into the existing pattern of development as nearby users are non-residential and the layout of the site is similar to these existing uses. Landscape areas are being provided adjacent to the public road and throughout the site. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. All landscaping material will be provided and setbacks are consistent with current abutting development. The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians as pedestrian ways and connections have been provided, bike parking is available, and the site is within proximity of TARC service. The Subject site is also conveniently located within close proximity to Interstate-265, nearby industrial and employment centers, and near an intersection with a major arterial roadway.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-1, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **RECOMMEND** to the Louisville Metro Council that the Street Closure on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the requested **Waivers**:
 1. Waiver of Land Development Code, section 5.8.1.B to not provide sidewalks along Old Factory Lane (un-named in LOJIC)
 2. Waiver of Land Development Code, section 10.2.4 to allow encroachments for parking and maneuvering in 15' LBA (East P/L)

3. Waiver of Land Development Code, section 10.2.12 to reduce 10' VUA LBA to 5'
 4. Waiver of Land Development Code, section 10.3.7.A to allow encroachments for building and parking in 50' Gene Snyder Freeway buffer
- **APPROVE or DENY the Revised Detailed & Detailed District Development Plan**

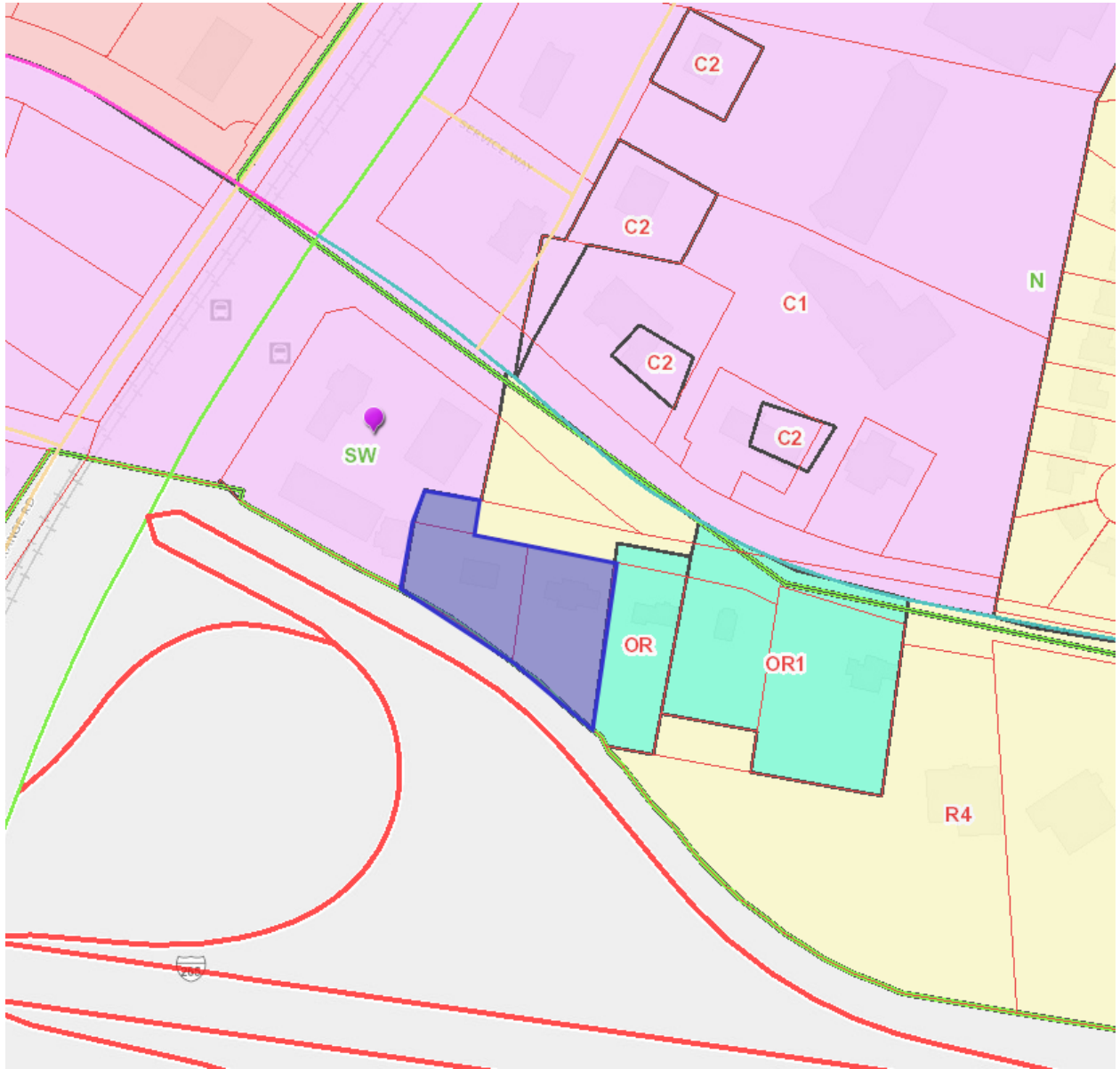
NOTIFICATION

Date	Purpose of Notice	Recipients
7/13/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
9/14/18	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
10/1/18	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 Analysis
3. Existing Binding Elements
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

Suburban Workplace: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposal integrates into the pattern of development as nearby users are non-residential and the layout of the site is similar to these existing uses. Landscape areas are being provided adjacent to the public road and throughout the site.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The proposal integrates into a mixture of related uses with cross-connectivity being provided and the layout being similar to these existing uses.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians as walks from public ways for pedestrians and vehicular cross connectivity between the adjacent sites will be provided.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposed building materials will be consistent with existing development
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal does not constitute a non-residential expansion into an existing residential area the site abuts non-residential zoning districts and a vacant parcel of residentially zoned property abutting the public right-of-way and the site.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposed land use would not appear to generate any greater adverse impact from odor or emissions than found among for adjacent users.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The location supports the potential traffic demand of the use as the site is located within a cluster of similar uses and within close proximity to an interstate which may reduce travel on other roadways.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will be in compliance with the LDC.
9	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 intensity of the proposed use is appropriately located with immediate access to an arterial level roadway and the interstate from a collector level road.
10	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Uses abutting the site are not substantially different in scale and appropriate landscaping will be provided.
11	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 is compatible with surrounding developments and provides for appropriate transitions between these similar uses with landscaping and common design.
12	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as all landscaping material will be provided and setbacks are consistent with current abutting development.
13	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking, loading, and delivery areas do not impact views from residential areas as they do not immediately abut or face residential properties.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
14	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.
15	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.
16	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 will be in conformance with Chapter 8 of the Land Development Code
17	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.	✓	The proposal does not require the provision of open space
18	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.	✓	The proposal does not require the provision of open space and is located in the workplace form.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There do not appear to be any natural features of significance and landscaping will be provided adjacent to the Gene Snyder freeway.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There do not appear to be any natural features of significance and landscaping will be provided adjacent to the Gene Snyder freeway.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
21	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 structure instead of demolition. The structures are over 65 years, if determined eligible for the National Register as per Wrecking Ordinance Section 150.110 - there will be a required 30-day hold on the issuance of the permit. Historic resource documentation should be provided to preserve a record of the community's past
22	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The proposed development site does not appear to contain wet or highly permeable soils, or other features of concerns.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The subject site is located in an area containing a mixtures of commercial, office, and industrial uses, and proposes the same.
24	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
25	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	Not an industrial use
26	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 Subject site is conveniently located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
27	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	Not an industrial use
28	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. Sidewalks and pedestrian connections, as well as increased pavement width will be provided.
29	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as pedestrian ways have been provided to connect with public walks.
30	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Cross-connectivity is provided and future cross connectivity will be provided to the East.
31	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is sufficient.
33	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal provides for joint and cross access through the development and to connect to adjacent development sites as cross-connectivity is provided and future cross connectivity will be provided to the East.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
34	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.	✓	Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land as connectivity with "Old factory Lane" will be maintained and access to adjacent lands will be facilitated as needed.
35	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the subject site is through areas of similar intensity
36	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 development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development.
37	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity as pedestrian ways and connections have been provided, bike parking is available, and the site is within proximity of TARC service.
38	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
39	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.
40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	No natural corridors are present on site. Landscaping will be provided adjacent to the Gene Snyder Freeway

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities would appear to be available or will be provided as the site is in an area of existing development.
42	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.
43	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

4. Existing Binding Elements (9-74-00 & 9-88-98)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The residential character of the existing structure to be used for office space shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee:
 - a) roof line
 - b) building material
 - c) porch
 - d) windows
3. There shall be no medical office or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless the applicant, property owner, or developer provides documentation for the DPDS file that parking can meet the requirement of the proposed use.
4. The development shall not exceed 7,675 square feet of gross retail floor area and 3,080 square feet of gross office floor area.
5. There shall be no direct vehicular access to Old Factory Lane.
6. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
7. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
8. There shall be no outdoor storage sales, or display on the site.
9. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
10. 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.
11. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be

submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

12. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from
 - 1) the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a of the site and shall be maintained thereafter.
 - d. 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 Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
13. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
14. 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.
15. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
16. 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.
17. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
18. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
19. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 2, 2000 Planning Commission .

5. Proposed Binding Elements (Revised Detailed & Detailed District Development Plan for 9-74-00 & 9-88-98 & 18ZONE1022)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The residential character of the existing structure to be used for office space shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee:
 - a) roof line
 - b) building material
 - c) porch
 - d) windows~~
- 2. An Individual Historic Resource Survey Form shall be completed for any historic resources (structures over 65 years old) on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.**
- ~~3. There shall be no medical office or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless the applicant, property owner, or developer provides documentation for the DPDS file that parking can meet the requirement of the proposed use.~~
- ~~4. The development shall not exceed 7,675 square feet of gross retail floor area and 3,080 square feet of gross office floor area.~~
- ~~5. There shall be no direct vehicular access to Old Factory Lane.~~
- ~~3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations. **Signs shall be in compliance with Ch. 8 of the Land Development Code.**~~
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage sales, or display on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. 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.

- ~~11. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.~~
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
- a. ~~The development plan must receive full construction approval from~~
1) ~~the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~
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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a of the site and shall be maintained thereafter.~~
 - c. **The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Land Development Code, Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.**
 - 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.**
 - e. ~~A minor plat or legal instrument creating the lots as shown on the approved district development plan shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - f. **A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.**
 - g. **A road closure for a portion of "Old Factory Lane" as shown on the development plan shall be recorded prior to requesting a building permit. Easements will be provided prior to recording of the street closure for each utility agency requesting the retention of their services within the area of the closure**
 - h. **Building renderings for all new structures and additions shall be approved by Planning Commission staff**
- ~~13. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~

9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
11. 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.
12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. ~~Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.~~ **A copy of said plan shall be provided to Planning and Design Services for incorporation into the record.**
- ~~18. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.~~
13. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the November 2, 2000 & **October 18, 2018 public hearings of the Planning Commission.**
14. **The property owner shall provide a cross over access easement if the property to the east is ever re-developed for a nonresidential use requiring the provision of additional parking or any voluntary expansion of parking. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.**