

Planning Commission Staff Report

February 21, 2019



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|---------------------------|--------------------------------|
| Case No: | 17ZONE1038 |
| Project Name: | Taylor Center |
| Location: | 3343-3425 Taylor Blvd |
| Owner(s): | Multiple owners |
| Applicant: | The McCartin Company, Inc. |
| Representative(s): | Accurus Engineering |
| Jurisdiction: | Louisville Metro |
| Council District: | 15 – Kevin Triplett |
| Case Manager: | Joel P. Dock, AICP, Planner II |

REQUEST(S)

- **Change-in-Zoning** from R-6 & R-7, Multi-Family Residential to C-1, Commercial
- **Variance** from Land Development Code (LDC), section 5.2.2.C to exceed the maximum setback of 25' as shown on the development plan
- **Variance** from LDC, section 5.5.1.A.2 to exceed the maximum corner lot setback of 5' as shown on the development
- **Waiver** of LDC, section 5.5.1.A.3 & 5.9.2.C.4 to allow parking and traffic circulation to be located in front of buildings
- **District Development Plan**

CASE SUMMARY

The requested change-in-zoning occupies a block face between Oleanda and Longfield Avenues fronting on Taylor Boulevard and located West of Churchill Downs and one-half mile South of Central Avenue. Currently along the block are eleven single-family residential homes, a fifteen foot alley, and an adult entertainment venue with associated parking. Taylor Boulevard, a major arterial roadway, contains a mixture of commercial and residential uses between Algonquin Parkway and Interstate-264.

Two fast food restaurants and a retail building are proposed on lots 1-3. The remaining section of rezoning is not proposed for development at this time and will require a detailed plan prior to construction approval. Unified access and circulation is provided and pedestrian connectivity to the public way is made.

This case was initially discussed at the LD&T meeting on May 17, 2018 and continued several times before being removed from discussion due to unresolved issues with the Kentucky Transportation Cabinet. The plan was eventually revised to include only two access points to Taylor Boulevard and features buildings setback from the right-of-way with parking facilities at the front and side.

STAFF FINDING

The proposal is not in conformance with the guidelines and policies of Cornerstone 2020. The variances, waivers, and detailed plan are not adequately justified as demonstrated in staff analysis

contained in the standard of review. Proposed finding of fact have been provided by staff as *Attachment 4*.

TECHNICAL REVIEW

- Detailed district development plans will be required prior to the development of areas proposed for general rezoning.
- A street closure for the existing 15' alley will be required prior to development in this area.
- A variance has been requested to exceed the maximum setbacks for structures. Buildings on lots 1-3 are located at 35', 55', and 75', respectively.

INTERESTED PARTY COMMENTS

A general opposition to fast food style restaurants and desire for sit-down restaurants was fairly consistent among the comments. Concerns were raised over the demolition of affordable housing in the neighborhood.

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 Plan 2040 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 Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood- serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new

Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The proposal does not preserve existing structures and these structures are consistent with predominate neighborhood design. The proposed development is inconsistent with the design principles of the TN form district. It is not compact as parking exceeds double the minimum requirements. Parking and vehicle use areas could be eliminated to create a more compact development pattern that fits the guidance of the TN form district. Where 11 structures are currently present, they are to be replaced with 3 structures having vast amounts of “dead space” for vehicle parking. Setbacks are inconsistent with the form district. The area contains a variety of uses and structures that do not meet the design principles of the form district. It also contains original structures that are at or near the street.

The C-1 zoning district would allow for neighborhood services to locate within close proximity to a population wherein 20% of households are without a vehicle. However, the proposed center will necessitate the need for increased vehicular trips as the nature of the uses encourages regular vehicle trips for their longevity. Multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm the use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian’s ability to safely traverse the site from public ways and between sites. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm

The proposal does not incorporate residential and office uses above retail or include other mixed-use, multi-story retail buildings. The proposal eliminates existing housing stock without replacement of dwelling units and displaces those tenants.

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 adversely affect the public health, safety or welfare as multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm. The use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian’s ability to safely traverse the site from public ways and between sites. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm

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

STAFF: The requested variance will alter the essential character of the general vicinity as setbacks are inconsistent with the form district. The area contains a variety of uses and structures that do not meet the design principles of the form district. It also contains original structures that are at or near the street.

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

STAFF: The requested variance will cause a hazard or nuisance to the public as multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm.

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

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as the proposed setback ignores design principles of the TN form district calling for building to be located at or near the street to encourage pedestrian interaction and vitality.

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 design principles of the form apply to all development along the corridor.

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 not create an unnecessary hardship on the applicant as buildings could be located at or near the street.

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 VARIANCE

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

STAFF: The requested variance will adversely affect the public health, safety or welfare as multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm. The use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian's ability to safely traverse the site from public ways and between sites. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm.

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

STAFF: The requested variance will alter the essential character of the general vicinity as setbacks are inconsistent with the form district. The area contains a variety of uses and

structures that do not meet the design principles of the form district. It also contains original structures that are at or near the street

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

STAFF: The requested variance will cause a hazard or nuisance to the public as the waterway serves as multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm.

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

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as the proposed setback ignores design principles of the TN form district calling for building to be located at or near the street to encourage pedestrian interaction and vitality.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the design principles of the form apply to all development along the corridor

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 not create an unnecessary hardship on the applicant as drive-thru facilities are not required.

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

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

STAFF: The waiver will adversely affect adjacent property owners as multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm. The use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian's ability to safely traverse the site from public ways and between sites. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm.

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

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 as parking and vehicle use areas could be eliminated to create a more compact development pattern that fits the guidance of the TN form district. Where 11 structures are currently present, they are to be replaced with 3 structures having vast amounts of “dead space” for vehicle parking. Setbacks are inconsistent with the form district. The area contains a variety of uses and structures that do not meet the design principles of the form district. It also contains original structures that are at or near the street.

The proposed center will necessitate the need for increased vehicular trips as the nature of the uses encourages regular vehicle trips for their longevity. Multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm. The use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian’s ability to safely traverse the site from public ways and between sites. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm

- (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 parking could be relocated or eliminated.

- (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 applicant has not incorporated other design measures that exceed the minimums of the district or compensate for non-compliance with the requirements to be waived. The proposal is creates standard suburban development which encourages vehicle trips.

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 proposal does not preserve existing structures and these structures are consistent with predominate neighborhood design. The proposed development is inconsistent with the design principles of the TN form district.

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

STAFF: Adequate provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community have not been provided consistently with the design

principles of the form district. Multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm. The use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian's ability to safely traverse the site from public ways and between sites. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm.

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

STAFF: The existing residential development does not provide public open space. Public parks are located along the transit route serving the development. The proposed district allows for high density residential 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 proposed development is inconsistent with the design principles of the TN form district. It is not compact as parking exceeds double the minimum requirements. Parking and vehicle use areas could be eliminated to create a more compact development pattern that fits the guidance of the TN form district. Where 11 structures are currently present, they are to be replaced with 3 structures having vast amounts of "dead space" for vehicle parking. Setbacks are inconsistent with the form district. The area contains a variety of uses and structures that do not meet the design principles of the form district. It also contains original structures that are at or near the street.

- 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 does not conform to the Comprehensive Plan as demonstrated in the Cornerstone 2020 staff analysis and proposed findings of fact for the change in zoning.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning R-6 & R-7, Multi-Family Residential to C-1, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC), section 5.2.2.C to exceed the maximum setback of 25' as shown on the development plan

- **APPROVE** or **DENY** the **Variance** from LDC, section 5.5.1.A.2 to exceed the maximum corner lot setback of 5' as shown on the development
- **APPROVE** or **DENY** the **Waiver** of LDC, sections 5.5.1.A.3 & 5.9.2.C.4 to allow traffic circulation and parking to be located in front of buildings
- **APPROVE** or **DENY** the **District Development Plan** subject to the removal of existing binding elements and adoption of proposed binding elements

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------------------|--------------------------|---|
| 05/03/18 12/21/18 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification |
| 2/5/19 | Hearing before PC | 1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

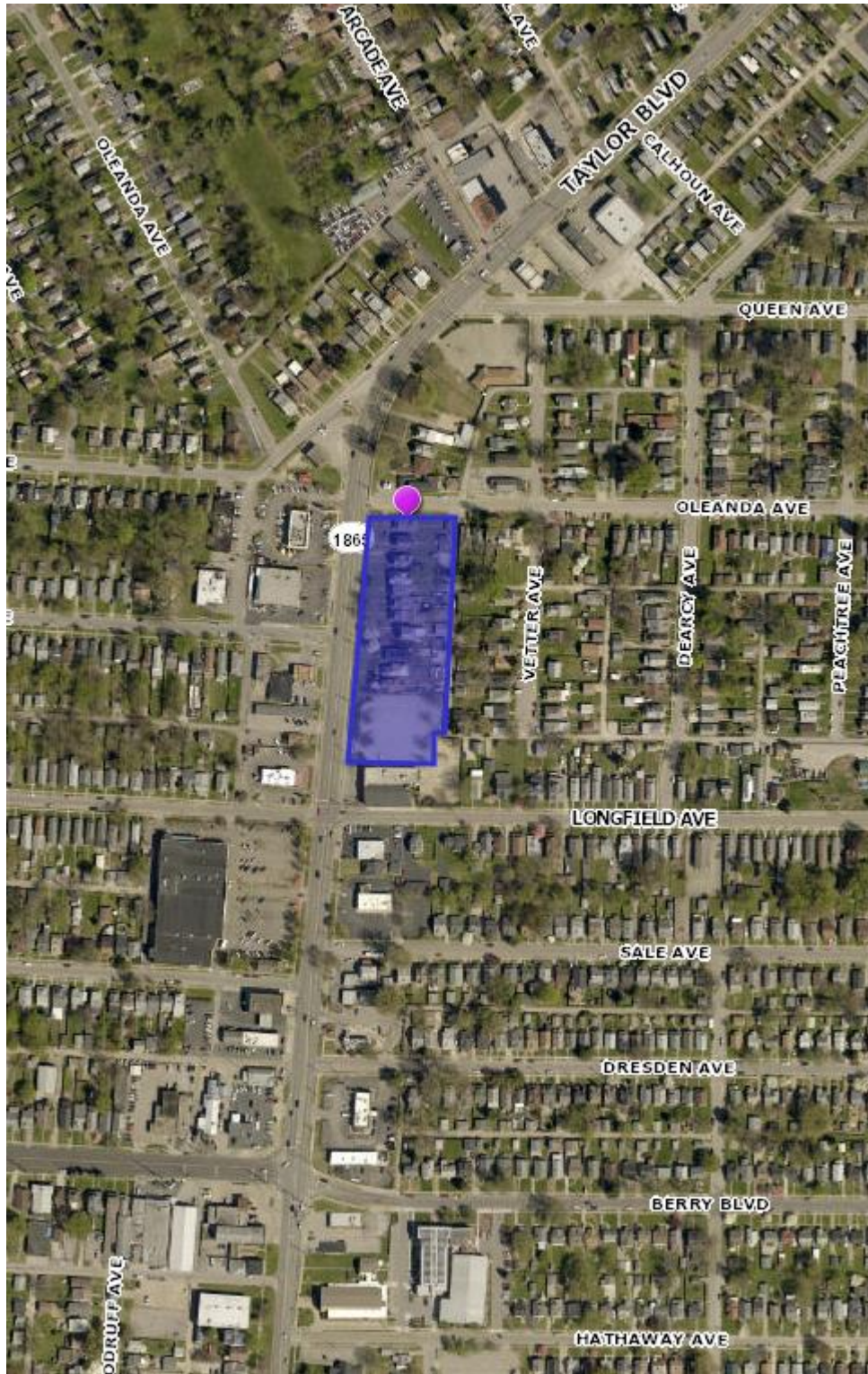
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Analysis
4. Proposed Findings of Fact
5. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Traditional Neighborhood: Non-Residential

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|---|---|---------------|--|
| Community Form/Land Use Guideline 1: Community Form | B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys. | ✓ | The proposal utilizes the existing grid pattern by providing access to public streets and the rear alley. |
| Community Form/Land Use Guideline 1: Community Form | B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants. | ✓ | The proposed district is appropriately located for its ability to provide neighborhood-serving uses as the district is located along an arterial roadway with public sidewalks and TARC service. The depth of the proposed district is consistent with adjacent districts and does not expand beyond the rear alley. |
| Community Form/Land Use Guideline 1: Community Form | B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas. | ✓ | The existing residential development does not provide public open space. Public parks are located along the transit route serving the development. The proposed district allows for high density residential development. |
| Community Form/Land Use Guideline 1: Community Form | B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design. | - | The proposal does not preserve existing structures and these structures are consistent with predominate neighborhood design. The proposed development is inconsistent with the design principles of the TN form district. |
| Community Form/Land Use Guideline 2: Centers | A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use. | ✓ | The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use. |
| 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. | ✓ | Sufficient population in the area exists to support a large variety of commercial uses permitted within the C-1 zoning district. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|---|---------------|---|
| 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 proposal is not compact as parking exceeds double the minimum requirements. Parking and vehicle use areas could be eliminated to create a more compact development pattern that fits the guidance of the TN form district. Where 11 structures are currently present, they are to be replaced with 3 structures having vast amounts of “dead space” for vehicle parking. |
| 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 C-1 zoning district would allow for neighborhood services to locate within close proximity to a population wherein 20% of households are without a vehicle. However, the proposed center will necessitate the need for increased vehicular trips as the nature of the uses encourages regular vehicle trips for their longevity. Multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm. |
| Community Form/Land Use Guideline 2: Centers | A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings. | - | The proposal does not incorporate residential and office uses above retail or include other mixed-use, multi-story retail buildings. The proposal eliminates existing housing stock without replacement of dwelling units and displaces those tenants. |
| 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. | - | While the proposal shares parking access and provides alley access as prescribed by the Traditional form district design guidelines, surface parking and drive lanes have been located in a manner which negatively impacts pedestrian interaction. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm. |
| 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 appear to be available based on existing development conditions. |
| 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 use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian’s ability to safely traverse the site from public ways and between sites. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|---|---------------|---|
| Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. | ✓ | The building design appears consistent with the form district. Renderings for development on lot 3 must be complaint with the TN form design guidelines. |
| 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 proposed district does not constitute a non-residential expansion into a residential area as the site is adjacent to commercial activity served by the arterial corridor serving the subject property. Development does not span the rear alley which separates the corridor from the residential neighborhood. |
| Community Form/Land Use Guideline 3: Compatibility | A.5: The proposal mitigates any potential odor or emissions associated with the development. | - | The idling of vehicles in drive-thru lanes may result in an increase of emissions or odors negatively impacting residents to the rear of the subject site. |
| Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | ✓ | KYTC has approved the curb-cuts as proposed. The road serving the development is intended to serve large volumes of traffic. |
| Community Form/Land Use Guideline 3: Compatibility | A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. | ✓ | Lighting will be in compliance with LDC 4.1.3 and be fully-shielded and directed away from residential areas. |
| Community Form/Land Use Guideline 3: Compatibility | A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center. | ✓ | The proposed district is located along a transit corridor and major arterial roadway. |
| 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. | ✓ | Landscape transitions have been provided as required by the LDC. |
| 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. | ✓ | Landscaping has been provided as required by the LDC |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|--|---------------|---|
| 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 are inconsistent with the form district. The area contains a variety of uses and structures that do not meet the design principles of the form district. It also contains original structures that are at or near the street. |
| Community Form/Land Use Guideline 3: Compatibility | A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians. | - | The introduction of heavy trucks for the purpose of loading will have an adverse impact of residential areas. Emissions, noise, and lights associated with these trucks when loading and unloading will create nuisances upon residences that are currently free of such nuisances. |
| Community Form/Land Use Guideline 3: Compatibility | A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street. | ✓ | The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots |
| 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 shall be compliant with form district standards and be monument or columnar style. |
| 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 existing residential development does not provide public open space. Public parks are located along the transit route serving the development. The proposed district allows for high density residential development. |
| Community Form/Land Use Guideline 4: Open Space | A.5: The proposal integrates natural features into the pattern of development. | ✓ | There are no apparent natural features on-site |
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | ✓ | There are no apparent natural features on-site |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|--|---------------|---|
| Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement. | - | The proposal does not preserve existing structures and these structures are consistent with predominate neighborhood design. The proposed development is inconsistent with the design principles of the TN form district. |
| 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 development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion. |
| 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 C-1 zoning district is appropriately located along a major arterial roadway and transit corridor occupying an entire block face with alley access |
| 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. | ✓ | Roadway contributions will be made as required. |
| 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 use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian's ability to safely traverse the site from public ways and between sites. |
| 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. | ✓ | Cross connectivity is provided |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|--|---|---------------|---|
| 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 |
| Mobility/Transportation Guideline 7: Circulation | A.10: The proposal includes adequate parking spaces to support the use. | ✓ | Sufficient parking is provided |
| 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 connectivity is provided |
| 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 site would not create a nuisance for lower intensity uses due to the sites location along a major arterial. |
| 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 use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian's ability to safely traverse the site from public ways and between sites. |
| 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. | ✓ | Preliminary approval has been received from MSD. |
| Livability/Environment Guideline 12: Air Quality | The proposal has been reviewed by APCD and found to not have a negative impact on air quality. | ✓ | APCD had no immediate concerns |
| 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 apparent on-site |
| Community Facilities Guideline 14: Infrastructure | A.2: The proposal is located in an area served by existing utilities or planned for utilities. | ✓ | The proposal is located in an area served by existing utilities or planned for utilities. |

| Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|---|---|--------------------------|--|
| Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | ✓ | There would appear to be an adequate supply of water as it is located in an urban area |
| 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. | ✓ | There would appear to be an adequate means of sewage treatment as it is located in an urban area |

4. Proposed Findings of Fact

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 1, Policy 2 and Guideline 5, Policies 2 and 4 as the proposal does not preserve existing structures and these structures are consistent with predominate neighborhood design. The proposed development is inconsistent with the design principles of the TN form district.

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 2, Policy 4 as the proposal is not compact as parking exceeds double the minimum requirements. Parking and vehicle use areas could be eliminated to create a more compact development pattern that fits the guidance of the TN form district. Where 11 structures are currently present, they are to be replaced with 3 structures having vast amounts of “dead space” for vehicle parking.

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 2, Policy 5 as the C-1 zoning district would allow for neighborhood services to locate within close proximity to a population wherein 20% of households are without a vehicle. However, the proposed center will necessitate the need for increased vehicular trips as the nature of the uses encourages regular vehicle trips for their longevity. Multiple forms of transportation and a sense of place are not encouraged by the proposed uses as pedestrians are forced to cross drive lanes and parking areas which decreases safe pedestrian interaction and the vitality of the public realm

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 2, Policy 6 as the proposal does not incorporate residential and office uses above retail or include other mixed-use, multi-story retail buildings. The proposal eliminates existing housing stock without replacement of dwelling units and displaces those tenants.

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 2, Policies 13 & 15 because while the proposal shares parking access and provides alley access as prescribed by the Traditional form district design guidelines, surface parking and drive lanes have been located in a manner which negatively impacts pedestrian interaction. The use of fewer curb cuts as required by KYTC has resulted in an increase in surface parking and adverse impacts on the public realm.

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 2, Policy 16, Guideline 7, Policies 3 and 4, and Guideline 9, Policies 1 and 2 as the use is auto-centric and not designed to support ease of access by bike, bus, or foot, or to persons with disabilities as parking, drive lanes, and drive-through facilities hinder a pedestrian’s ability to safely traverse the site from public ways and between sites.

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 3, Policy 5 as the idling of vehicles in drive-thru lanes may result in an increase of emissions or odors negatively impacting residents to the rear of the subject site.

Whereas, the Planning Commission finds that the proposal is not in conformance with Guideline 3, Policy 24 as setbacks are inconsistent with the TN form district. The area contains a variety of uses and structures that do not meet the design principles of the form district. However, it also contains original structures that are at or near the street.

Whereas, the Planning Commission further finds that the proposal is not in conformance with Guideline 3, Policy 24 as the introduction of heavy trucks for the purpose of loading will have an adverse impact of residential areas. Emissions, noise, and lights associated with these trucks when loading and unloading will create nuisances upon residences that are currently free of such nuisances.

5. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project not shown in detail on the approved plan, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. A closure for the 15' east/west alley shall be approved and recorded prior to requesting a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) for any area shown on the approved development plan as being within the "Area of General Rezoning."
5. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded between Lots 1-3 and the area shown on the approved development plan as "Area of General Rezoning" prior to requesting a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) for "Area of General Rezoning." A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
6. 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. Construction Fencing shall also be provided along the Limits of Disturbance as shown on the approved district development plan.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested on lots 1-3:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - c. 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
 - d. 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.

- e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument
- 8. No idling of trucks shall take place within 200 feet of single-family residences.
- 9. The materials and design of proposed structures on lots 1-2 shall be substantially the same as depicted in the renderings at the _____ public hearing of the Louisville Metro Planning Commission.
- 10. Before the issuance of any building permits on lot 3, renderings shall be provided to Planning Commission Staff for review and approval in accordance with all applicable regulations at the time of submittal.