

# Planning Commission Staff Report

December 7, 2017



<b>Case No:</b>	16ZONE1089
<b>Project Name:</b>	Mini-Storage
<b>Location:</b>	4900 S. Hurstbourne Parkway
<b>Owner(s):</b>	MALDS, LLC.
<b>Applicant:</b>	Luke Williams
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts, PLLC – Bill Bardenwerper
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Joel P. Dock, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to C-2, Commercial
- **Conditional Use Permit** for mini-warehouse, Land Development Code, section 4.2.35
- **Detailed District Development Plan**

## CASE SUMMARY

A change-in-zoning from R-4, single-family residential to C-2, commercial with a Conditional Use Permit for mini-warehouse on 7.67 acres in East-Central Louisville Metro is requested. The site is roughly one-half miles Northwest of Bardstown Road and roughly the same distance South of Watterson Trail along S. Hurstbourne Parkway. Sixty-eight thousand square feet of self-storage is proposed on this vacant lot. The storage units will be divided among five buildings, one being climate controlled. Van/truck rental also appears to be available and spaces have been specifically designated for this use. The rear three-hundred-fifty feet of the lot are left undisturbed.

Abutting three sides of the subject site are low-density R-4, single family residential zoning districts. Immediately opposite the roadway, a high-intensity C-2, Commercial zoning district is present. Uses along S. Hurstbourne Parkway between Bardstown Road and Watterson Trail consist of an assisted living facility, Down Syndrome Association of Louisville, foster care facility, side yards of two single-family homes, a large residential estate, and a utility yard. Beginning North of the site at the intersection with Watterson Trail, Hurstbourne Parkway consists primarily of multi-family, office, and commercial uses continuing as far North as La Grange Road. Bardstown Road to the South is primarily a commercial corridor.

## STAFF FINDING

The requested zoning district appears to be adequately justified based on the standard of review and staff analysis as the requested district provides for the development of an activity center along a roadway capable of handling larger quantities of vehicular and pedestrian movement. Further, a sufficient population exists to support a non-residential development.

The standard of review and staff analysis for the conditional use permit does appear to be adequately justified as the land use is inconsistent with applicable policies of the comprehensive plan. The

proposal is not for, or within, a neighborhood center and isolated from nearby activity centers along an arterial level roadway. The individual occupancy land use would be better suited if proposed within an existing center, or as a component of, a proposed mixed-use center. For this reason, the development plan cannot be justified with respect to conformance with the comprehensive plan, but meets all other items of the staff analysis.

### **TECHNICAL REVIEW**

The plan is in order and there do not appear to be any outstanding technical review items to be discussed.

### **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff at this time.

### **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 PROPOSED REZONING**

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

#### **The site is located in the Neighborhood Form District**

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

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

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

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

The proposed rezoning to a C-2, Commercial zoning district complies with the applicable guidelines and policies of Cornerstone 2020 as a C-2 zoning district at this location would provide for the development of a wide range of neighborhood and regional land uses serving residential neighborhoods far and near. Such a neighborhood center could be developed in compliance with form district guidelines as demonstrated by the proposal. Population surrounding the development and regionally would support an activity center developed within a C-2 zoning district at this location, although topography may pose site constraints. An activity center at this location would be compatible with an assisted living, Down Syndrome Association of Louisville, and foster care facilities along this portion of Hurstbourne Parkway, as well as being compatible with surrounding neighborhoods. While the non-residential zoning district requested would encroach upon a primarily residentially zoned area, such expansion of a non-residential zoning district could provide complimentary neighborhood and regional services and amenities along an arterial level roadway designed to handle larger amounts of traffic and movement.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposed conditional use permit for mini-warehouse is not consistent with applicable policies of the comprehensive plan as the proposal is not for, or within, a neighborhood center. The proposed mini-warehouse is located independently along an arterial level roadway that is also a Parkway. It is isolated from nearby activity centers and non-residential higher intensity uses along the corridors of Hurstbourne Parkway and Bardstown Road, with the exception of an immediately adjacent commercial district opposite Hurstbourne Parkway. The neighborhood form district calls for centers to be located at street intersections with one of the corners containing an established non-residential use. The individual occupancy land use would be better suited if proposed within an existing center, or as a component of, a proposed mixed-use center. The proposal does not incorporate mixed-uses, or residential or

office uses above retail. The proposal does not promote mass transit, bicycle or pedestrian use. The proposal is not pedestrian oriented. It is auto-centric.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is not incompatible with the general character of the area as this portion of the corridor remains relatively undefined with respect to its long term potential as development on either side of the subject site may be impractical due to significant topography. The land use itself has a relatively low-impact on surrounding uses as this type of use would not appear to generate any adverse impacts on traffic, noise, odor, or lighting.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary public facilities will be provided to accommodate the land use. TARC service is currently not available, but the proposal is providing the required sidewalks and connectivity to facilitate ease of access for future users.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The requested conditional use permit meets of each of these guidelines.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

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

STAFF: The proposed development plan leaves a large amount of its land at the rear undisturbed from development. The improvements are relatively compact and use no more land than is needed to accommodate the design of the use.

- 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 sidewalks along the frontage will provided with connection to the development site and stub connection have been provided in the event of development of adjacent property to the East and West.

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

STAFF: Open space is being provided to meet the needs of the development as a large amount of land to the rear of the subject site is being preserved.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design has a relatively low impact on the surrounding area as the land use on the subject site would appear to create minimal traffic, the immediately abutting areas are relatively undefined with respect to character, and the use creates no adverse impact on public health or safety.

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

STAFF: The development plan for mini-warehouse is not in conformance with applicable policies of the comprehensive plan as the proposal is not for, or within, a neighborhood center. The proposed mini-warehouse is located independently along an arterial level roadway that is also a Parkway. It is isolated from nearby activity centers and non-residential higher intensity uses along the corridors of Hurstbourne Parkway and Bardstown Road, with the exception of an immediately adjacent commercial district opposite Hurstbourne Parkway. The neighborhood form district calls for centers to be located at street intersections with one of the corners containing an established non-residential use. The individual occupancy land use would be better suited if proposed within an existing center, or as a component of, a proposed mixed-use center. The proposal does not incorporate mixed-uses, or residential or office uses above retail. The proposal does not promote mass transit, bicycle or pedestrian use. The proposal is not pedestrian oriented. It is auto-centric.

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Conditional Use Permit** for mini-warehouse, Land Development Code, section 4.2.35
- **APPROVE or DENY** the **Detailed District Development Plan**

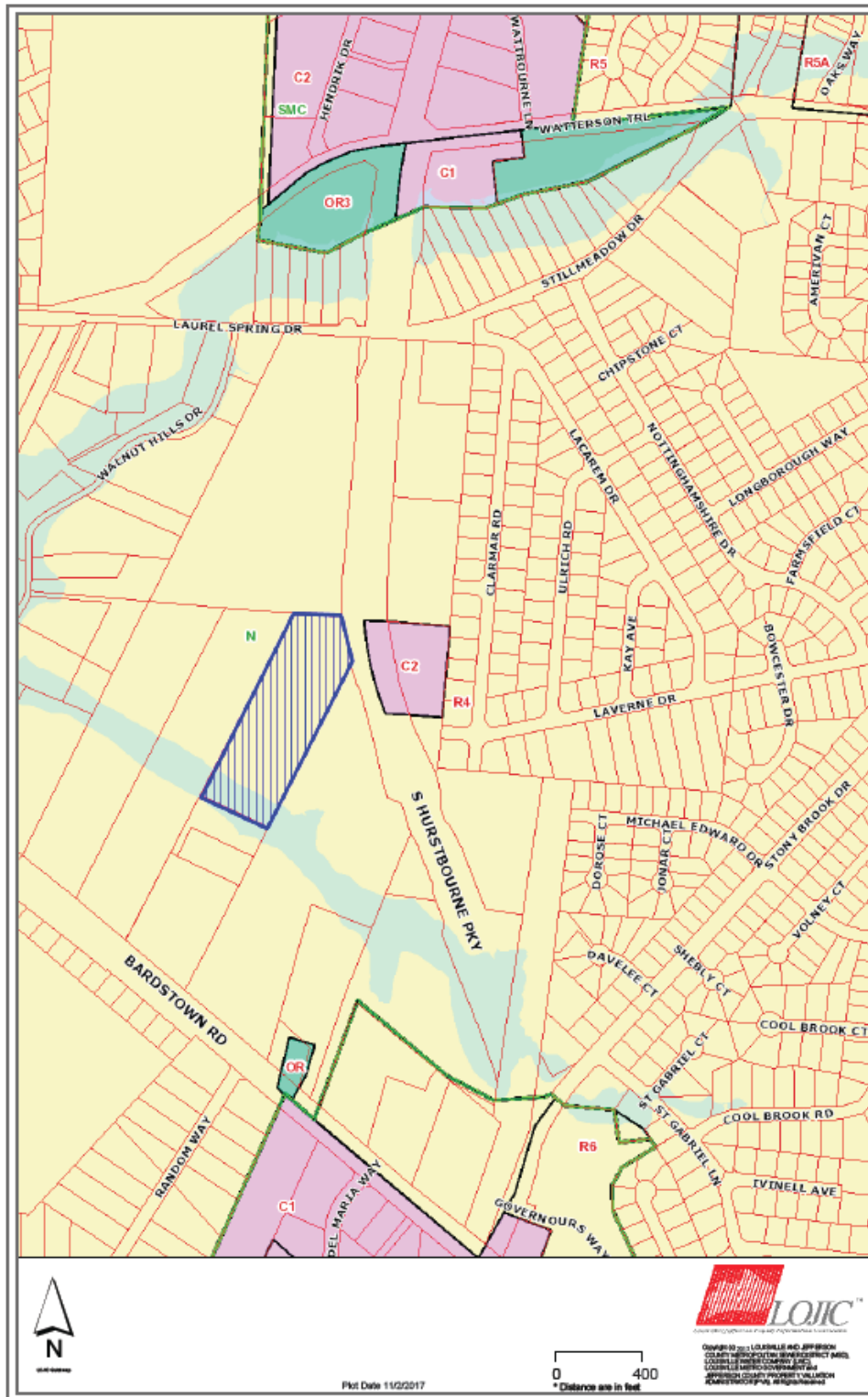
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/27/17	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
11/17/17	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
11/15/17	Hearing before PC	Sign Posting on property
11/25/17	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph





### 3. Cornerstone 2020 Staff Checklist

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

#### Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	-	<p>The proposal is not for, or within a neighborhood center and is independently located along an arterial level roadway that is also a Parkway. It is isolated from nearby activity centers and uses along the higher intensity non-residential/mixed-use corridors of Hurstbourne Parkway and Bardstown Road, with the exception of an immediately adjacent commercial district opposite Hurstbourne Parkway.</p> <p>While a C-2 zoning district may provide a wide range of neighborhood and regional land use options that can be developed in accordance with this policy, the specific land use requiring a conditional use permit is for a single occupant.</p>
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	The subject site is located along an arterial level roadway. Buffering and tree canopy has been provided as required to mitigate its impact on residential and low-intensity development in the immediate vicinity.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	-	The neighborhood form district calls for centers to be located at street intersections with one of the corners containing an established non-residential use. The individual occupancy land use requiring a conditional use permit would be better suited if proposed within an existing center or as a component of a proposed mixed-use center.
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	Population surrounding the development and regionally would support a mini-storage facility as the surrounding area contains a senior living facility and Hurstbourne parkway contains a variety of multi-family development which may require the services of a mini-storage facility upon downsizing or while in transition.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposed development is compact and utilizes only the land necessary to achieve the desired design.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	-	<p>The individual occupancy land use requiring a conditional use permit would be better suited if proposed within an existing center or as a component of a proposed mixed-use center as the specific use is dependent on vehicular transportation. Sidewalks and pedestrian connection have been provided and cross access is available to adjacent sites.</p> <p>A C-2 zoning district allows for a wide variety of regional and neighborhood services that may include a mix of compatible land uses that reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.</p>
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	<p>The proposal requiring a conditional use permit does not incorporate mixed-uses, residential or office.</p> <p>A C-2 zoning district allows for a wide variety of regional and neighborhood services, as well as the potential for incorporation of residential and office uses above retail and other mixed-use, multi-story retail buildings.</p>
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	-	<p>While the specific land use requested is compact and utilizes only the land necessary to achieve the desired design, it is not located in, nor does it create a neighborhood center.</p> <p>A C-2 zoning district would allow for a large development of a multi-purpose center.</p>
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The proposal provides cross access for vehicular and pedestrian movement to each site adjacent to its East and West.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utility agencies have not objected to the proposal on the basis of utility connection.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Sidewalks and pedestrian connection have been provided to the site. Cross access has also been provided to adjacent sites. TARC service is not currently available along this portion of Hurstbourne parkway, but the specific land use requested requiring a conditional use permit does not necessarily require or facilitate public transit.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The design of the building is attractive and compatible with development along Hurstbourne Pkwy and Bardstown Road.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The non-residential zoning district requested would encroach upon a primarily residentially zoned area, but such expansion of a non-residential zoning district could provide complimentary neighborhood and regional services and amenities along an arterial level roadway.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	There would not appear to be any nuisances created by odor or emissions. Vehicles should not be left to idle while unloading or loading
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The specific land use requested would not appear to create any adverse demand on traffic and the C-2 zoning district requested is appropriately located along an arterial roadway.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting should be no more than required to provide safety and be in compliance with all applicable regulations.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is along an arterial level roadway and near an activity center. The specific land use requiring a conditional use permit would be suited within an activity center, but the zoning district would appear to be appropriate based on its location along an arterial level roadway and near an activity center.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Appropriate transitions between uses that are substantially different in scale and intensity or density of development have been provided as all landscaping is being provided as required.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal mitigates the impacts caused when incompatible developments occur adjacent to one another as all setbacks and buffering is being provided as required.
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	All required setbacks and heights are maintained in accordance with form district regulations and those additional regulations as applied to the conditional use permit for mini-warehouse.
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking, loading and delivery areas are designed to minimize impact on adjacent property owners as adequate buffering is in place and these areas are limited in scope.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Appropriate screening and buffering has been proposed as required by Chapter 10 of the Lan Development Code.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structures are proposed.
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will be in compliance with Chapter 8 of the LDC for signs along parkways (monument or columnar style)
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The proposal provides open space that helps meet the needs of the community and provides for the continued maintenance of that open space as the rear 360 feet of the lot appears to remain undisturbed.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	Open space design is consistent with the pattern of development in the Neighborhood Form District as the rear of the lot appears to remain undisturbed.

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27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The rear of the lot appears to remain undisturbed. Trees should be preserved to maintain the wooded areas which span several properties. Buffers should be provided along the bulk of the use area to preserve the wooded character of this area.
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposal respects the natural features of the site as the site has significant topography that limits disturbance and a large portion of the rear of the lot remains undisturbed.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The property is not recognized as having any features of historical significance.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	There does not appear to be any significant environmental issues related to soils. Significant slopes exists which limits the overall development of the site
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The subject site is not within the urban core or located near downtown
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for a major industry.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	While the proposal is not a retail commercial use and the generation of high amounts of traffic would not appear to be a situation created by the use, the C-2 zoning district has the potential to allow uses with high traffic generation and the district is appropriately located on an arterial roadway.

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34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposed land use is not a major industry and will have minimal employees and generate little traffic.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Stub connections have been provided to facilitate infrastructure and cross-connectivity.
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	-	The proposal does not promote mass transit, bicycle or pedestrian use. The proposal is not pedestrian oriented and is not intended for pedestrian users. The use is auto-centric. TARC does not currently serve this section of Hurstbourne Parkway. Amenities have been provided to allow pedestrian connection from a proposed sidewalk.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal's transportation facilities are compatible with and support access to surrounding land uses as stub connections have been provided to facilitate infrastructure and cross-connectivity.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Sidewalks will be provided as required
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is provided to support the use.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal provides for joint and cross access through the development and to connect to adjacent development sites as stub connections have been provided to facilitate infrastructure and cross-connectivity.

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41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access is from an arterial level roadway.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The proposal does not impact the hierarchy of streets as no new public roads are proposed.
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides for the movement of pedestrians through the development. TARC service is not available at this location. In the event of TATC service becoming available this site will have provided the necessary infrastructure.
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has preliminarily approved the development plan
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The proposal includes additions and connections to a system of natural corridors due to the undisturbed vegetation at the rear of the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities will be provided as necessary to serve the development.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	adequate supply of potable water and water for fire-fighting purposes will be provided
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	MSD has preliminarily approved the development plan

#### 4. Proposed Binding Elements

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