

Change in Zoning Pre-Application Staff Report

July 3, 2017



Case No:	17ZONE1027
Project Name:	Eberle Orthodontics
Location:	13913 Shelbyville Road
Owner(s):	SJE, Inc.: Faith Community Church UCC, Inc.
Applicant:	SJE, Inc
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Project Area/Size:	0.70 acres
Existing Zoning District:	R-4
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner II

REQUEST

- **Change-in-Zoning** from R-4, Single-Family Residential to OR, Office-Residential
- **Detailed District Development Plan**

CASE SUMMARY/SITE CONTEXT

The applicant requests a change-in-zoning from R-4, single-family residential to OR, office-residential for improvement to an existing orthodontic office in Eastern Louisville Metro roughly six-tenths of one-mile East of Interstate-265 along Shelbyville Road. The current use on this residential property is permitted under an active conditional use permit (B-54-06) granted in 2006. Proposed improvements to the subject site include, an 810 square foot expansion to the principal structure and the addition of twenty-seven parking spaces resulting in an increase of 8,110 square feet of impervious surface. Area for added parking spaces will be accommodated for through a shift in property lines onto abutting religious grounds.

The surrounding area is made up of a mixture of single-family and multi-family residential uses (R-4, R-5, PRD, R-6, and R-7), as well as a variety of commercial uses (C-1 and CN) providing goods and service to the surrounding population. The area consists of many existing structures, structures under construction, and proposed development.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Orthodontic office	R-4	N
Proposed	Orthodontic office	OR	N
Surrounding Properties			
North	Religious Grounds	R-4	N
South	Senior Living	R-4	N
East	Religious Grounds	R-4	N
West	Single-Family	R-5	N

PREVIOUS CASES ON SITE

B-54-06V: Conditional use permit (approved 4/3/06). Relief granted from items A & C to allow increased maximum floor area and a larger sign area. Conditions placed on permit to reinforce regulations requiring that only one dentist would be permitted.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONINGS

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 of 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.

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 guidelines and policies of Cornerstone 2020, fail to meet those guidelines and policies, 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.

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

TECHNICAL REVIEW

A parking study in accordance with LDC 9.1.17 is required to demonstrate the necessity for the abundance of parking requested. Staff recommends that the parking expanding East onto the religious grounds be removed to preserve the green space between the building and the parkway which is aesthetically pleasing, and be placed in the rear parking area.

Staff weighed the options as requested by an adjoining property owner between modifying the active conditional use permit and the change-in-zoning request and finds that the request to change the zoning given the proposed improvements to the subject site would be the appropriate application. The addition of a dentist, along with the number of employees identified in the letter of explanation would no longer be permitted under the conditional use permit regulations, LDC 4.2.20. The OR, office residential zoning district is the lowest intensity office zoning district that would permit the proposed use.

Appropriate landscaping shall be provided to meet the minimum requirements of the LDC. The applicant should provide required screening and plant material in the event that dimensional requirements cannot be maintained. Screening and plant material abutting the residential property is of particular interest. Tree canopy shall be provided as required by the LDC.

All agency comments will need to be addressed before the case proceeds to a public meeting. Sites rezoned after the middle of 1975 are subject to specific development provisions known as "Plan Certain." These regulations require the owner/developer to agree to a specific development plan and development conditions as part of the rezoning process, known as binding elements. This plan and binding elements will run with the property and may limit what can be developed on the property.

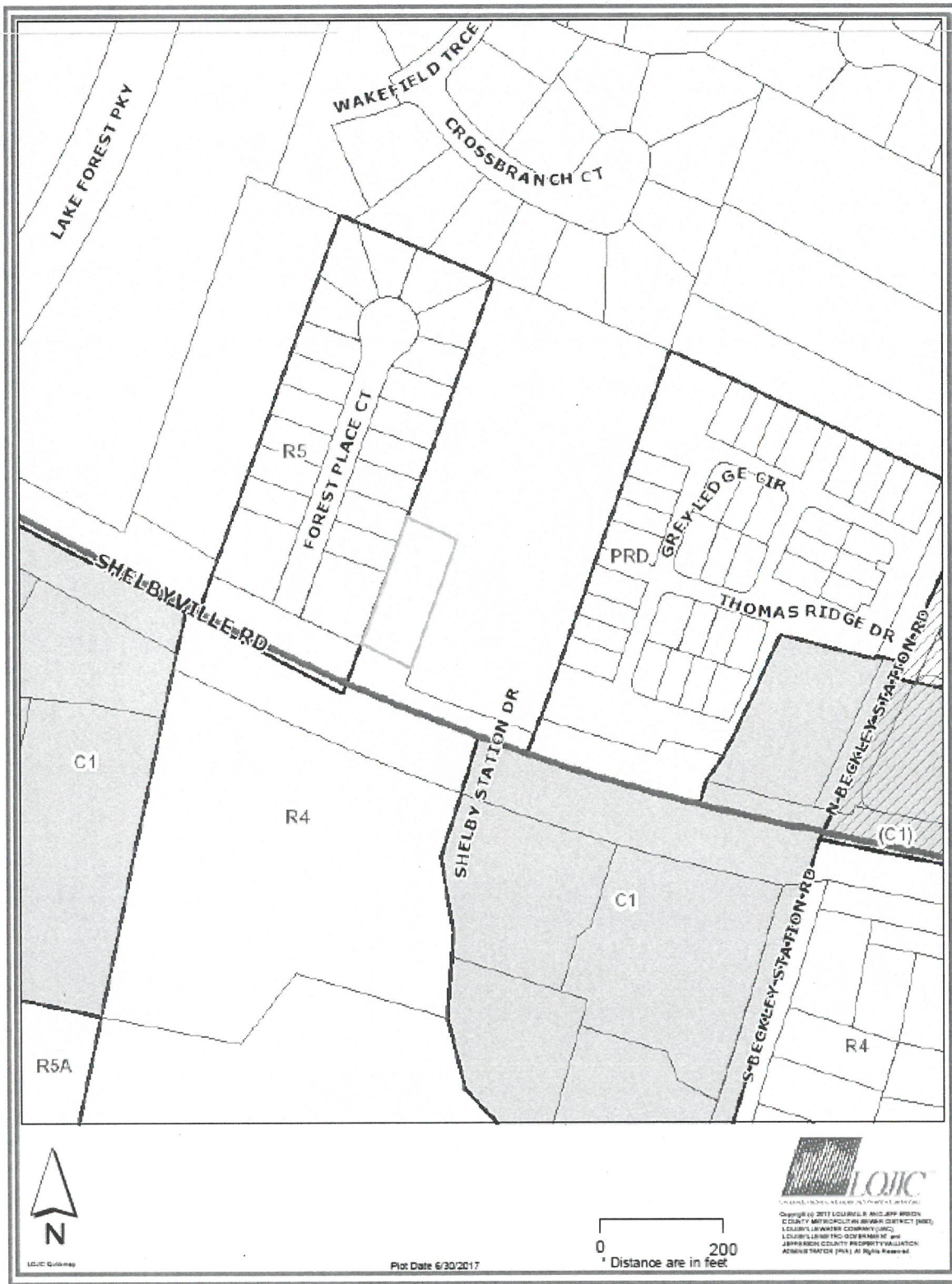
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 192 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

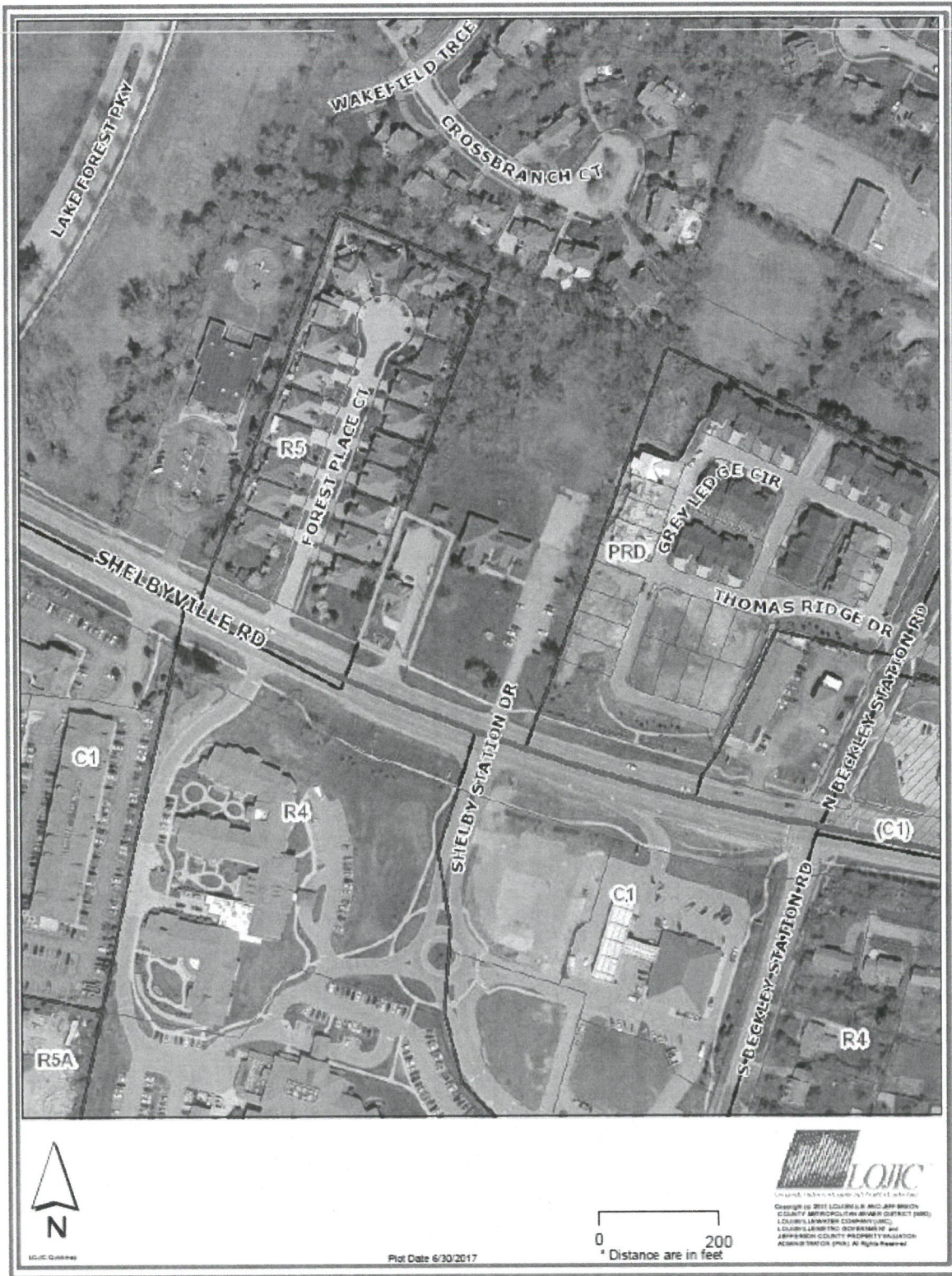
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

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.	✓	The proposal is not necessarily located within a center, but it is along a major transportation corridor and surrounded by mixture of single-family and multi-family residential uses (R-4, R-5, PRD, R-6, and R-7), as well as a variety of commercial uses (C-1 and CN) providing goods and service to the surrounding population. The area consists of many existing structures, structures under construction, and proposed development.
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 proposed use is an existing low intensity use. The improvements/expansion requiring the CIZ is being proposed in the lowest intensity office zoning district to permit the proposed use. It is located along a major arterial.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal does not create a new center. It includes the reuse of an existing structure
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 and to come in the future would appear to support the neighborhood service provided by the expanded use
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 use is compact, however, staff would recommend the relocation of the Eastern parking lot to the rear to minimize outward expansion of parking, especially fronting along the Parkway
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	-	The proposed development does not support alternative modes of transport. The proposed use shall demonstrate the need for the abundance of parking. Staff would like to see the parking be reduced in favor of alternative modes of transport (Bicycle and pedestrian facilities)

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7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal is an office use and is adequately supported by surrounding retail and residential uses.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is a minimal size
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.	+/-	Future connection upon the redevelopment of the abutting religious grounds should be incorporated. Consider relocating all parking to rear of structure.
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.	+/-	MSD and other utility agency comments should be addressed to provide service to the subject site and facilitate future services to abutting uses.
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.	+/-	Pedestrian connection required from the public way. Bicycle parking should be provided for customers and employees.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Building elevations shall be submitted.
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.	✓	Because the abutting use is religious grounds it is a non-residential use and the expansion into that property does not constitute an expansion into a residential area. Furthermore, the use is appropriately located in a mixed use area and would have minimal impact on abutting res. use to the West provided that the site is properly landscaped
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 as the site is a low intensity office use
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Parking study needed to demonstrate the need for exceeding maximum parking which may negatively impact traffic on Shelbyville Road.
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. <u>Will lighting be dimmed at night? How will lighting into residential properties be mitigated?</u>

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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 proposed low-intensity office use is located along an arterial level roadway and within proximity of nearby commercial and medium to high density uses.
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.	+/-	Required buffers and setbacks should be demonstrated on the plan or appropriate justification and mitigation shall be provided. The applicant should provide required screening and plant material in the event that dimensional requirements cannot be maintained. Any request for relief should be accompanied by the appropriate application.
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.	+/-	Required buffers and setbacks should be demonstrated on the plan or appropriate justification and mitigation shall be provided. The applicant should provide required screening and plant material in the event that dimensional requirements cannot be maintained. Any request for relief should be accompanied by the appropriate application
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.	+/-	Front setback and height appear to be compatible. Required buffers and setbacks should be demonstrated on the plan or appropriate justification and mitigation shall be provided. The applicant should provide required screening and plant material in the event that dimensional requirements cannot be maintained. Any request for relief should be accompanied by the appropriate application
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.	+/-	Screening and plant material should be used to mitigate to the greatest extent possible the impact of the impervious area on abutting residential properties. <u>Is there a concept plan for this area?</u>
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.	+/-	Required buffers and setbacks should be demonstrated on the plan. Landscaping along the parkway should protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. If parking along the East is left it should be appropriately screened from the parkway.

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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.	✓	Existing sign. It does not appear that any changes are being requested to the existing dimensions of signage.
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 applicant should consider an outdoor space for employees and customers for relaxation and breaks. An outdoor space for employees to take lunch breaks could minimize the impact on traffic for employees leaving the facility to find lunch and providing such an area may encroach use of it for this purpose.
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.	✓	No open space is required per this application. The parkway buffer is provided
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	+/-	The area of the rear expansion contains trees and vegetation along the Western P/L. <u>Will this be preserved? The impact on these features should be minimized to respect the buffer of the residential properties.</u>
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 area of the rear expansion contains trees and vegetation along the Western P/L. <u>Will this be preserved? The impact on these features should be minimized to respect the buffer of the residential properties.</u>
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 historic and does not appear to have 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 do not appear to be any significant environmental issues related to soils.
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	Site is not within the urban core or located near downtown

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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. Primary users will be individuals.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposal is not a retail commercial use. Parking indicates that it may, however, generate significant traffic. It is located on an arterial level roadway.
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	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.	+/-	Future Stub connections should be considered to facilitate infrastructure and cross-connectivity. Pedestrian connection shall be provided to facilitate use of sidewalk network along the roadway and safety
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 is not pedestrian oriented and is not intended for pedestrian users. The use as submitted relies heavily on vehicular trip. Pedestrian connection should be provided, along with bike parking. These additions support the future use of public transportation to gain access to the site
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.	+/-	Future Stub connections should be considered to facilitate infrastructure and cross-connectivity. Pedestrian connection shall be provided to facilitate use of sidewalk network along the roadway and safety All transportation planning review comments should be addressed.
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.	+/-	Pedestrian connection and bike facilities should be incorporated to promote the use of public transportation and multi-modal transport options.

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39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	-	Parking exceeds the maximum allowable parking. The development is too heavily dependent on vehicular trips.
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.	+/-	Future Stub connections should be considered to the religious grounds to facilitate infrastructure and cross-connectivity. Pedestrian connection shall be provided to facilitate use of sidewalk network along the roadway and safety
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.	+/-	Future Stub connections should be considered to the religious grounds to facilitate infrastructure and cross-connectivity. Pedestrian connection shall be provided to facilitate use of sidewalk network along the roadway and safety
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.	✓	Appropriate linkages have been made to facilitate vehicular users of public streets and maintain hierarchy.
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 is not pedestrian oriented and is not intended for pedestrian users. The use as submitted relies heavily on vehicular trip. Pedestrian connection should be provided, along with bike parking. These additions support the future use of public transportation to gain access to the site
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.	+/-	All MSD comments should be addressed prior to public meetings.
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.	✓	APCD has no concerns.

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47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	No natural corridors are impacted by the proposal
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	+/-	Utilities appear to be available. Easements should be provided as required to support 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.	✓	LWC has no objections.
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.	+/-	All MSD or Health Department comments should be addressed. Health has no concerns at this time.