

# Planning Commission

## Staff Report

June 16, 2016



|                          |  |
|--------------------------|--|
| <b>Case No:</b>          | 16zone1012   |
| <b>Request:</b>          | R-6 to OR-3 with Variances and Waivers                           |
| <b>Project Name:</b>     | Glenview Trust Office Building                                   |
| <b>Location:</b>         | 6700 Overlook Drive  |
| <b>Owner:</b>            | Fred M. Ferriell   |
| <b>Applicant:</b>        | Glenview Trust Company   |
| <b>Representative:</b>   | Land Design and Development; Duncan, Galloway, Egan, & Greenwald |
| <b>Jurisdiction:</b>     | Louisville Metro   |
| <b>Council District:</b> | 16-Kelly Downard   |
| <b>Case Manager:</b>     | Julia Williams, RLA, AICP, Planner II                            |

### REQUEST

- Change in zoning from R-6 to OR-3
- Variances:
  1. Variance from Table 5.3.2 to exceed the maximum 80' setback along all roadways.
  2. Variance from Table 5.3.2 to exceed the maximum 30' building height by 15'.
- Waiver from Chapter 5.9.2 to not provide a pedestrian connection from Overlook Drive to the building entrance.
- District Development plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a 3 story office building with some underground parking. The footprint is 13,350 sf which permits a maximum building height of 30'. Access to the site will be from both US 42 and Overlook Drive. Sidewalks are either existing or are proposed along all frontages.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

|                               | Land Use     | Zoning | Form District |
|-------------------------------|--------------|--------|---------------|
| <b>Subject Property</b>       |              |        |               |
| <b>Existing</b>               | Vacant       | R-6    | N             |
| <b>Proposed</b>               | Office       | OR-3   | N             |
| <b>Surrounding Properties</b> |              |        |               |
| <b>North</b>                  | Nursing Home | R-6    | N             |
| <b>South</b>                  | Multi-Family | R-7    | N             |
| <b>East</b>                   | Multi-Family | R-6    | N             |
| <b>West</b>                   | Vacant       | R-4    | N             |

### PREVIOUS CASES ON SITE

None.

### INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### 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 REZONING

Following is 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 proposal is within a mixed density corridor that has been created along US 42. The proposal is surrounded by mixed density residential. The proposal is for high intensity office zoning but is located along a major arterial and primary collector. It will have little impact on adjacent residential uses. The proposal will not create a new center but will be for new construction. OR-3 permits other high density residential and office uses. The

proposal is compact and located in the vicinity to other similar and more intense uses making the proposal a cost effective investment. The proposal is part of a high density corridor that has been established along US 42. The zoning is complementary to other zoning in the area, which encourages a sense of place. The proposal is for the construction of office uses but also permits residential. The proposal is for a multi-story office.

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

A checklist is attached to the end of this staff report with a more detailed analysis. 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 DDP**

- 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: Tree canopy requirements of the Land Development Code will be provided on the subject site. The intermittent stream, steep slopes, and 100 year flood plain will be mainly left undisturbed.

- 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 has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements with the current proposal. Open space is provided in the floodplain area and steep slopes on the site.

- 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 and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1**

Chapter 5.3.2.C.2.A, to permit the building to be setback more than 80' from all roadways

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the building will be buffered where it is adjacent to residential.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since the proposal is along 3 roadways with one of those roadways being a parkway. There are also steep slopes and a floodplain affecting the setbacks along two roadways.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the building will be buffered where it is adjacent to residential.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since there are some environmental constraints that prevent the setbacks being provided along all 3 roadways.

ADDITIONAL CONSIDERATIONS:

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

STAFF: There are some environmental constraints that prevent the setbacks being provided along all 3 roadways. The 3 frontages are a special circumstance.

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: There are some environmental constraints that prevent the setbacks being provided along all 3 roadways. Disruption to those constraints would be a hardship and would cause the applicant to have to build a bigger building than necessary.

3. The circumstances are 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 the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2

to allow the proposed building to be 45' instead of the required 30' maximum building height

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the tallest portion of the building is located to away from the closest residential development.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since there are other taller structures located in the vicinity.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the tallest portion of the building is located away from the closest residential development.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the tallest portion of the building is located away from the closest residential development and there are other taller structures located in the vicinity.

### ADDITIONAL CONSIDERATIONS:

1. The requested variance arises 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 since the tallest portion of the building is located away from the closest residential development.

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 deprive the applicant of reasonable use of the land since there are other taller structures located in the vicinity.

3. The circumstances are 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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since pedestrian connections have been provided from the nearest major intersection at Brownsboro and Seminary Drive. Sidewalks are provided along all roadways.

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

STAFF: Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. Pedestrians are provided for around the site and from the major intersection. The topography of the site would not make the pedestrian connections cost effective.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the topography of the site would not make the pedestrian connections cost effective.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the topography of the site would not make the pedestrian connections cost effective.

### TECHNICAL REVIEW

- All technical review comments have been addressed.

### STAFF CONCLUSIONS

The proposal is within a mixed density corridor that has been created along US 42. The proposal is surrounded by mixed density residential. The proposal is for high intensity office zoning but is located along a major arterial and primary collector. It will have little impact on adjacent residential uses. The proposal will not create a new center but will be for new construction. OR-3 permits other high density residential and office uses. The proposal is compact and located in the vicinity to other similar and more intense uses making the proposal a cost effective investment. The proposal is part of a high density corridor that has been established along US 42. The zoning is complementary to other zoning in the area, which encourages a sense of place. The proposal is for the construction of office uses but also permits residential. The proposal is for a multi-story office.

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if 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.

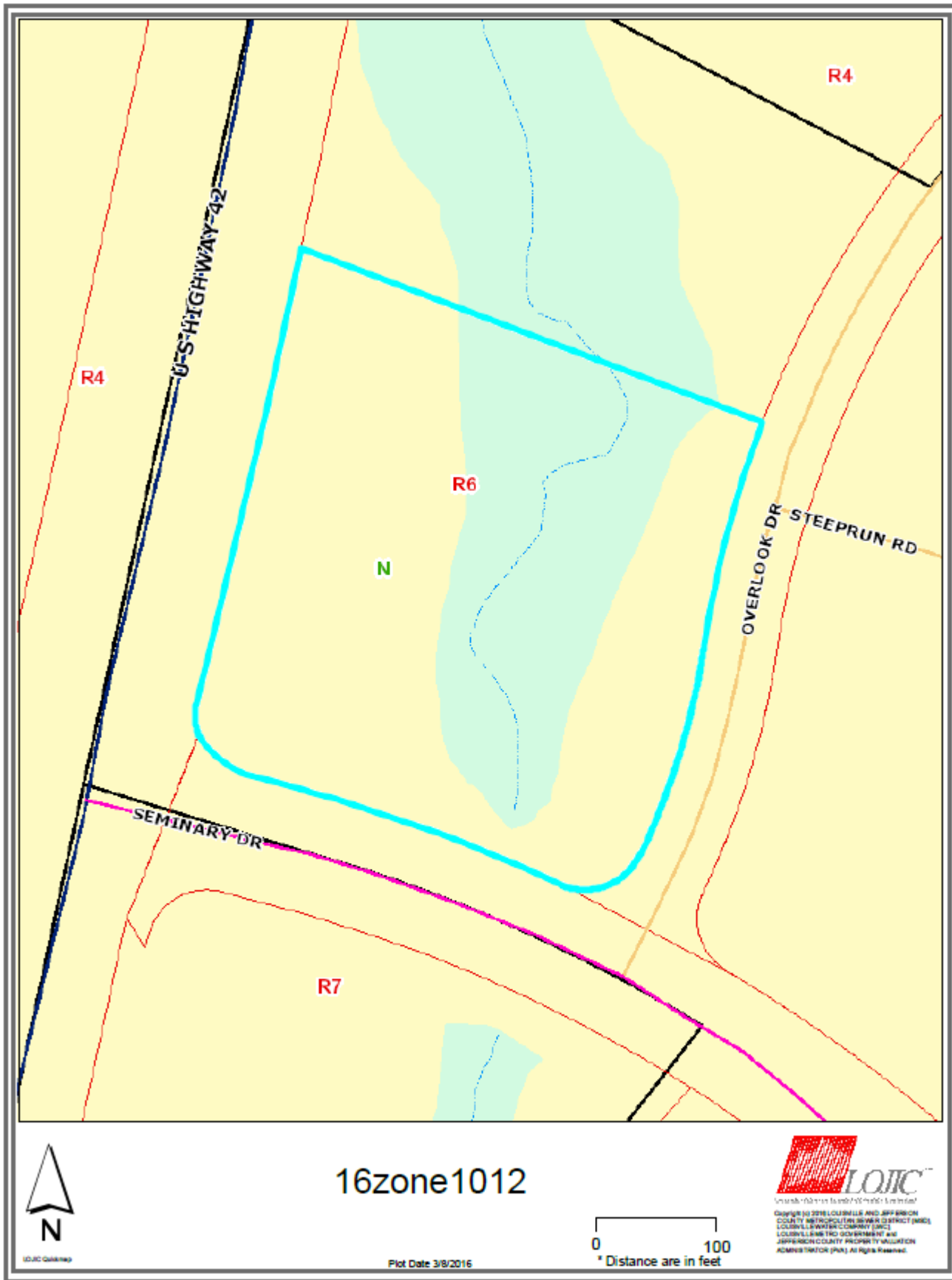
## NOTIFICATION

| Date    | Purpose of Notice                 | Recipients   |
|---------|-----------------------------------|--|
| 4/28/16 | Hearing before LD&T on<br>5/12/16 | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 16 Notification of Development Proposals |
| 6/1/16  | Hearing before PC                 | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 16 Notification of Development Proposals |
| 6/1/16  | Hearing before PC                 | Sign Posting on property   |
|         | Hearing before PC                 | Legal Advertisement in the Courier-Journal   |

## ATTACHMENTS

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

1. Zoning Map





2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Neighborhood: Non-Residential

| # | 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 within a mixed density corridor that has been created along US 42. The proposal is surrounded by mixed density residential.  |
| 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 proposal is for high intensity office zoning but is located along a major arterial and primary collector. It will have little impact on adjacent residential uses.             |
| 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 will not create a new center but will be for new construction. OR-3 permits other high density residential and office uses.   |
| 4 | Community Form/Land Use Guideline 2: Centers        | A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.   | NA            | The proposal is not for commercial.  |
| 5 | Community Form/Land Use Guideline 2: Centers        | A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.   | ✓             | The proposal is compact and located in the vicinity to other similar and more intense uses making the proposal a cost effective investment.  |
| 6 | Community Form/Land Use Guideline 2: Centers        | A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.                                 | ✓             | The proposal is part of a high density corridor that has been established along US 42. The zoning is complementary to other zoning in the area, which encourages a sense of place. |
| 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 for the construction of office uses but also permits residential. The proposal is for a multi-story office.  |
| 8 | Community Form/Land Use Guideline 2: Centers        | A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.                 | NA            | The proposal is not for a large development.   |

| #  | Cornerstone 2020 Plan Element                      | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments   |
|----|--|--|---------------|--|
| 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 has its own entrance off of US 42 which is not common along this portion of US 42. Entrances are not shared due to the adjacent uses, however the site is located along 3 roadways. |
| 10 | Community Form/Land Use Guideline 2: Centers       | A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.  | ✓             | Utilities could be shared with the proposal.   |
| 11 | Community Form/Land Use Guideline 2: Centers       | A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.  | ✓             | The proposal supports access by all types of transportation due to its sidewalk, driveway, and parking facilities.   |
| 12 | Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility.   | ✓             | The building materials are compatible with the adjacent sites.   |
| 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 proposal is not a non-residential expansion into a residential area. There are other non-residential uses located nearby and OR-3 permits mixed use.   |
| 14 | Community Form/Land Use Guideline 3: Compatibility | A.5: The proposal mitigates any potential odor or emissions associated with the development.   | ✓             | APCD had no issues with the proposal.  |
| 15 | Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.  | ✓             | Transportation Planning has not indicated traffic issues.  |
| 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 will meet LDC requirements.   |
| 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 for a high density zoning district and is located along a transit corridor and near an activity corridor.  |

| #  | Cornerstone 2020 Plan Element                      | Plan Element or Portion of Plan Element   | Staff Finding | Staff Comments                              |
|----|--|---|---------------|---|
| 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 buffers are being provided.     |
| 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. | ✓             | Appropriate buffers are being provided.     |
| 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.   | ✓             | Appropriate buffers are being provided.     |
| 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.   | ✓             | Appropriate buffers are being provided.     |
| 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.  | ✓             | Parking will be screened from the roadway.  |
| 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.   | ✓             | Some of the parking is located underground. |
| 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.   | ✓             | Signs will meet LDC requirements.           |

| #  | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments   |
|----|--|--|---------------|--|
| 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 open space for the site is within the floodplain.  |
| 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.  | ✓             | The open space for the site is within the floodplain.  |
| 27 | Community Form/Land Use Guideline 4: Open Space                                      | A.5: The proposal integrates natural features into the pattern of development.   | ✓             | Construction is not occurring in the area of the intermittent stream and for most of the existing 100 year floodplain. |
| 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.   | ✓             | Construction is not occurring in the area of the intermittent stream and for most of the existing 100 year floodplain. |
| 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 site has no historical value.  |
| 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.   | ✓             | Soils are not an issue with the proposal.  |
| 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 proposal is not located within a 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 industrial.  |
| 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.         | NA            | The proposal is not for commercial.  |

| #  | Cornerstone 2020 Plan Element                                       | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments  |
|----|---|--|---------------|---|
| 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 proposal is not for industrial.   |
| 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.  | ✓             | Roadway improvements are being made.  |
| 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.   | ✓             | A sidewalk is located along all roadways to address pedestrian and transit traffic. |
| 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. | ✓             | Cross access will be provided if the adjacent site ever develops non-residentially. |
| 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.   | ✓             | Additional ROW is not necessary.  |
| 39 | Mobility/Transportation Guideline 7: Circulation                    | A.10: The proposal includes adequate parking spaces to support the use.  | ✓             | Adequate parking is provided.   |
| 40 | Mobility/Transportation Guideline 7: Circulation                    | A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.  | ✓             | Cross access will be provided if the adjacent site ever develops non-residentially. |
| 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.  | NA            | No new roadways are proposed.   |

| #  | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element   | Staff Finding | Staff Comments   |
|----|--|---|---------------|--|
| 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 to the site is from a major arterial and local level road.  |
| 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.  | NA            | No new roadways 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.   | ✓             | Pedestrians and transit users are being provided for with the sidewalk along US 42.                                    |
| 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 no issues with the proposal.   |
| 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 issues with the proposal.  |
| 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.   | ✓             | Construction is not occurring in the area of the intermittent stream and for most of the existing 100 year floodplain. |
| 48 | Community Facilities Guideline 14: Infrastructure                    | A.2: The proposal is located in an area served by existing utilities or planned for utilities.  | ✓             | Proposed utilities will serve the site.  |
| 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.   | ✓             | An adequate water supply is available to the site.   |



| #  | Cornerstone 2020 Plan Element                     | Plan Element or Portion of Plan Element   | Staff Finding | Staff Comments   |
|----|---|---|---------------|--|
| 50 | Community Facilities Guideline 14: Infrastructure | A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. | ✓             | The Health Department has no issues with the proposal. |

**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. The development shall not exceed 40,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, 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 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.
6. 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.
7. 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.
8. The property owner shall enter into a reciprocal cross-over access easement with the property located along the northern boundary of the subject property, but only in the event such adjoining property



owner redevelops its property for non-residential use and, in conjunction with such re-development, is required by the Planning Commission to enter into a reciprocal cross-over access easement with the property owner. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 16, 2016 Planning Commission meeting.