

Change in Zoning Pre-Application Staff Report

TBD 9/26/17



Case No:	17ZONE1044
Project Name:	Nicklies – Old La Grange Rd
Location:	12413 Old La Grange Road
Owner(s):	Jeffersonville Commons, LLC; Ian, LLC
Applicant:	Jeffersonville Commons, LLC
Representative(s):	Land Design & Development
Project Area/Size:	4.76 acres
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to PEC, Planned Employment Center

CASE SUMMARY

A change in zoning to PEC is being requested on two residential parcels in Northeastern Louisville Metro to allow for a 72,150 square foot warehouse. The development site is located in the Northwest quadrant of the intersection at Old La Grange/La Grange Road and Chamberlain Lane, North of Interstate-265. A railway forms the Northeast boundary of the site, PEC zoning districts with existing commercial and industrial uses form the Southwest and Northwest boundary, and Old La Grange Road provides employee and customer access along the Southeast property line. Truck access has been proposed through two adjacent parcels from Chamberlain Crossing Drive.

STAFF FINDING

The proposal is compatible and integrates into the pattern of development within the general vicinity. It is adjacent to similar intensities of uses within a PEC zoning district and Suburban Workplace form district. While the site is currently R-4, the proposal does not constitute an expansion into a residential area as the site is buffered from such areas by over 350 feet of railway property at the Northeast boundary. Access to Interstate-265 and nearby activity centers is readily available from arterial and collector level roadways. The intensity of the proposed use and potential traffic generation is supported by these roadways.

Current site design results in a need for more information or revisions before staff can affirm conformance with multiple guidelines of Cornerstone 2020, specifically related to pedestrian facilities, landscaping, and access. These items are explored in greater detail in *Staff's Analysis* and *Attachment 3*.

TECHNICAL REVIEW

- All agency comment should be addressed prior to the public hearing.
- A neighborhood meeting shall be held no more than 90 days prior to a formal application for zoning change.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

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

The site is located in the Suburban Workplace Form District

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

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

The proposed use and zoning district are compatible, integrated, and supported by existing and future development and infrastructure in the general vicinity. Conformance issues as they relate to staff's analysis as outlined in the *Staff Checklist of Attachment 3* can be addressed through site design. The site does not contain wetlands or slopes and there do not appear to be any natural features present on site, except existing tree canopy. Trees should be preserved to the best of the applicant's ability along property lines, specifically those along the Northeast and Southwest property lines. Appropriate transitions are provided as adjacent uses are similar in intensity. The lesser of the intensity of adjacent uses appears to have provided buffering as would have been required for PEC to R-4 zoning districts.

TARC services are available along La Grange Road. The proposal should incorporate facilities for pedestrians and mass transit users, including sidewalks along the public road frontage and connections from the public way to building entrances. Sidewalk network is available for connection. The applicant

should consider sharing access for both truck and vehicular traffic from the existing access point on Chamberlain Lane, or sharing vehicular access on Old La Grange with abutting user to minimize the impact of the use and its associated traffic on this local roadway which serves residential property. If a waiver of the 15' buffer along Old La Grange road is absolutely necessary staff would like to see conceptual landscaping in this area to review mitigation measures to reduce the impact of parking on public roadways as Old La Grange Road provides primary access to residential neighborhoods to the North of the site.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before ____	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District ____
	Hearing before ____	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District ____

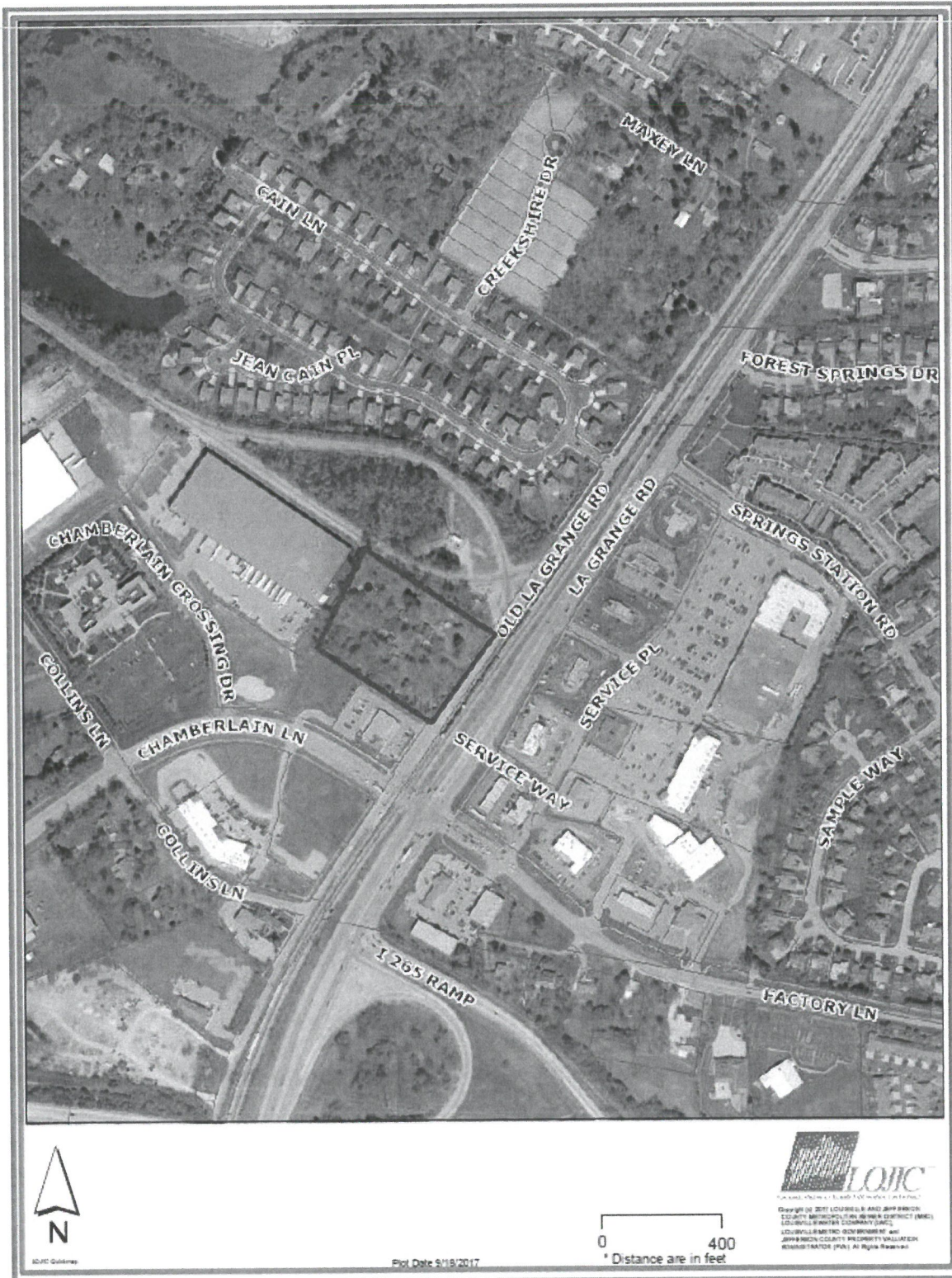
ATTACHMENTS

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

Suburban Workplace: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposal integrates into the pattern of development as nearby users are industrial and commercial as permitted within a PEC zoning district, and the layout of the site is similar to these existing uses.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The proposal integrates into the pattern of development as nearby users are industrial and commercial as permitted within a PEC zoning district.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	+/-	The applicant should include sidewalk which connect to the existing walks provided by adjacent users. Pedestrian connections should be provided from these walks through off-street parking areas to the principal employee/customer entrance.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Elevations are needed to determine conformance with this element.
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal does not constitute an expansion into a residential area as the site is buffered from such areas by over 350 feet of railway property
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	APCD did not express any concerns with the proposal. Staff would encourage the conveyance to future tenants of the importance of reducing emissions through "idol free" practices when trucks are to be at rest for extended periods of time.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The location supports the potential traffic demand of the use as the site is located adjacent to similar uses and within close proximity to an interstate which reduces travel on other roadways.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	All lighting shall be shielded and directed downward and away from residential development.
9	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The intensity of the proposed use is appropriately located with immediate access to an arterial level roadway and the interstate from a collector level road, and is at the intersection of this arterial level road.
10	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Appropriate transitions are provided as adjacent uses are similar in intensity. The lesser of the intensity of adjacent uses appears to have provided buffering as would have been required for PEC to R-4 zoning districts.
11	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	+/-	The development is compatible with adjacent uses. If a waiver of the 15' buffer along Old La Grange road is absolutely necessary staff would like to see conceptual landscaping in this area to mitigate the visual impact of parking on public roadways as Old La Grange provides primary access to residential neighborhoods to the North of the site.
12	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights appear to be compatible and meet form district standards.
13	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	+/-	If a waiver of the 15' buffer along Old La Grange road is absolutely necessary staff would like to see conceptual landscaping in this area to mitigate the visual impact of parking on public roadways as Old La Grange provides primary access to residential neighborhoods to the North of the site.
14	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	+/-	If a waiver of the 15' buffer along Old La Grange road is absolutely necessary staff would like to see conceptual landscaping in this area to mitigate the visual impact of parking on public roadways as Old La Grange provides primary access to residential neighborhoods to the North of the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.
16	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	+/-	Signage should be complaint with Ch. 8 of the LDC.
17	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	+/-	There are no open space requirements with this proposal. Staff would encourage designated outdoor break areas for employees.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	+/-	There are no open space requirements with this proposal. Staff would encourage designated outdoor break areas for employees.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	+/-	There do not appear to be any natural features present on site, except existing tree canopy. Trees should be preserved to the best of the applicant's ability along property lines, specifically those along the Northeast and Southwest property lines.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	+/-	There do not appear to be any natural features present on site, except existing tree canopy. Trees should be preserved to the best of the applicant's ability along property lines, specifically those along the Northeast and Southwest property lines.
21	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The existing structures on-site cannot be reused for the proposed use and these residential properties and structures are no longer compatible with adjacent development.
22	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	+/-	The site does not contain wetlands or slopes. MSD comments should be addressed to control any adverse impacts from runoff or changes to the surface which could create issues with drainage.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	Proposed use is warehousing

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Not downtown
25	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	Proposed use is warehousing and located in an industrial/employment center with convenient access to major roadways.
26	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	Subject site is conveniently located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway.
27	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The proposal does not indicate employment in excess of 100 employees and is located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway.
28	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	+/-	Transportation planning comments should be addressed. All improvements required by this application or as a requirement of binding elements should be made by the applicant
29	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	+/-	The proposal should incorporate facilities for pedestrians and mass transit users, including sidewalks along the public road frontage and connections from the public way to building entrances.
30	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Vehicular and truck transportation infrastructure is adequate and compatible with surrounding area. Truck access is routed through employment center roadways instead of Old La Grange Road which serves residential populations.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
31	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	+/-	The proposal should incorporate facilities for pedestrians and mass transit users, including sidewalks along the public road frontage and connections from the public way to building entrances.
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is sufficient and reflective of projected employment.
33	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	+/-	Staff encourages shared access when possible. An existing curb-cut from Chamberlain Lane is available for shared access for truck traffic. <u>Why is this cut not being used?</u>
34	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Adjacent development is railway, build-out, or connection is not appropriate due to the lesser intensity of the use.
35	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	+/-	The applicant should consider sharing access for both truck and vehicular traffic from the existing access point on Chamberlain Lane or sharing vehicular access on Old La Grange to minimize the impact of the use and its associated traffic on this local roadway which serves residential property.
36	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	+/-	The applicant should consider sharing access for both truck and vehicular traffic from the existing access point on Chamberlain Lane or sharing vehicular access on Old La Grange to minimize the impact of the use and its associated traffic on this local roadway which serves residential property.
37	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	+/-	The proposal should incorporate facilities for pedestrians and mass transit users, including sidewalks along the public road frontage and connections from the public way to building entrances. TARC route #64x is available at Factory Lane and La Grange Road

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
38	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	All MSD comments should be addressed prior to a public hearing
39	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD did not express any concerns with the proposal
40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	No natural corridors are present on site or abutting the development.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities would appear to be available or will be provided as the site is in an area of existing industrial development.
42	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	+/-	The Worthington Fire Department has indicated a potential need for additional hydrants. Please coordinate with the fire department to resolve any concerns.
43	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	<u>Health:</u> * Proposed building must connect to its own sanitary sewer PSC with a minimum six inch sanitary sewer. * Owner must provide documentation of connect to sanitary sewer, PSC, with a minimum six inch sanitary sewer. * All construction and sales trailers must be permitted by the Department of Public Health and Wellness in accordance with chapter 115 of Louisville Jefferson County Metro Ordinances. * Mosquito control in accordance with chapter 96 of Louisville Jefferson Count Metro Ordinances.