

Planning Commission Staff Report

November 20, 2014



Case No:	14ZONE1027
Request:	Change in Zoning from R-4, Single Family Residential to C-1, Commercial, Detailed District Development Plan and Binding Elements, and Waivers
Project Name:	Zaxby's
Location:	8018-8102 Old Bardstown Rd. and 9816 & 9816-R Hillock Dr.
Owner:	Thomas Grove Management Co., LLC Mark & Linda Shircliff
Applicant:	Zaxby's of Louisville
Representative:	Bardenwerper, Talbott & Roberts, PLLC Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from R-4 to C-1 to allow a drive-through restaurant
- Waiver of LDC (Land Development Code) Section 5.9.2.b.i to waive the required pedestrian connection from the building entrance to the Old Bardstown Road sidewalk
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits at the southwest intersection of Old Bardstown Road and Hillock Drive, which are primary collector and local level streets, respectively. Hillock Drive will provide two points of access to the site until Old Bardstown Road is relocated as shown on the plan. Once this occurs, the easternmost access point to Hillock Drive will be closed and a new direct access to Old Bardstown Road will be constructed. The site is surrounded by retail to the north and east, a daycare to the south, and single family residential to the west. The four lots that comprise this site are currently used for single family residential.

A 3,847 SF drive-through restaurant is proposed on the site with eventual access from both Old Bardstown Road and Hillock Drive. Landscape buffer areas are provided along each property line as well to help screen the use from the adjoining residential uses to the west.

Existing Zoning District: R-4, Single Family Residential
Proposed Zoning District: C-1, Commercial
Form District: Neighborhood
Existing Use: Single Family Residential
Proposed Use: Drive-through Restaurant
Minimum Parking Spaces Required: 28 (w/ 10% reduction for transit route)
Maximum Parking Spaces Allowed: 77
Parking Spaces Proposed: 30

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single Family Residential	R-4	N
Proposed	Drive-through Restaurant	C-1	N
<i>Surrounding Properties</i>			
North	Retail	C-1/C-2	N
South	Daycare	OR-3	N
East	Retail	C-1	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

- Case 9736: A change in zoning from R-4 to C-1 to allow retail on the southeast corner of this site was submitted, but the case was not formally filed.

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Fern Creek Small Area Plan

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The proposal site lies within an existing activity corridor and at the intersection of primary collector, major arterial, and local level streets. It is surrounded on all sides by non-residential uses except to the west at the rear of the lot. Samples of the surrounding non-residential uses are retail, restaurant, and daycare. Since the site is located along a high activity corridor, there should be very few nuisances to surrounding areas and landscaping and setbacks will be applied along the rear of the lot to protect the single family residential use to the west. The proposal will fill in the gap between two previous rezonings to the north and south which were re-zoned to C-2, C-1, and OR-3, showing that this corridor area has a history of being deemed appropriate for an increase in the intensity of land uses. The applicant has provided renderings of the building and cross-access to the development to the south to further the site's compatibility and provide access to the site by multiple modes of transportation.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

The proposal complies with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)**. The site has been designed to allow for the relocation of Old Bardstown Road and the owner will dedicate right-of-way for said relocation upon the request of Public Works. The cross connection with the lot to the south will be provided to help improve vehicular traffic for the surrounding sites. At the time of the relocation, a pedestrian connection from the new sidewalk will be provided to the entrance of the building. The site provides easy access by all forms of transportation as it is a short walking distance to Bardstown Road for the bus route and bicycle parking racks will be installed. The existing street grid pattern will not be affected.

The proposal complies with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District and MSD have approved the proposal. All required infrastructure for utilities will be provided or already exist.

In regards to the **Fern Creek Small Area Plan**, the proposal does not comply. The site lies within the Southwestern Quadrant (Quadrant III) where it is desired to preserve the rural residential and agricultural character of the southwest corner of the Gene Snyder Freeway and Bardstown Road. Though much of the area is zoned R-4, Single Family Residential, the small area plan suggests that down zoning to between R-3 and R-R would help to preserve the existing character of the land in the area. Since this proposal is requesting to increase the intensity of the zoning of this site to C-1, Commercial, the applicant will need to justify why the increased intensity of the land use in this area should be allowed.

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 WAIVER
of LDC Section 5.9.2.b.i to not provide the required pedestrian connection
from the building entrance to the Old Bardstown Road sidewalk**

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

STAFF: The waiver will not adversely affect adjacent property owners because a pedestrian connection is provided from Hillock Drive. Once the Old Bardstown Road relocation occurs, the owner will be required to provide the pedestrian connection at that time per the binding elements.

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

STAFF: The waiver will not violate **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** of Cornerstone 2020. It is effectively a temporary Waiver since the pedestrian connection will be provided once Old Bardstown Road is relocated. Another connection is provided from Hillock Drive.

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

STAFF: The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because this is the only sidewalk requested to be eliminated.

- (d) Either:

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

STAFF: The strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would be required to build a sidewalk that will only soon have to be torn out.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND BINDING ELEMENTS

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

STAFF: The site is already built out and there are no natural resources on the site to conserve.

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

STAFF: Transportation Review has approved the proposal's transportation facilities.

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

STAFF: No open space is required on this 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: MSD has approved the drainage facilities for the site.

- 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 site design is compatible with existing commercial development in the area. The building will be located to allow for the future relocation of Old Bardstown Road. The required screening and landscaping will be provided along the rear of the site to help mitigate any potential nuisances to the abutting single family residences.

- 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 proposal complies with the guidelines of the Comprehensive Plan as explained in the review for the re-zoning request.

TECHNICAL REVIEW

- With the exception of the required Waiver, the plan meets the requirements of the LDC.
- The plan has received preliminary approval from MSD and Transportation Review.
- There was discussion at LD&T about when the cross connection to the south should be provided. The abutting owner desired for the connection to be delayed until the relocation of Old Bardstown Road occurs to which the applicant had no concern. Staff looked at the approved plan for the lot to the south and determined that the connection was proposed with or without the relocation of Old Bardstown Road and should still be required upon the development of the Zaxby's site.

STAFF CONCLUSIONS

Rezoning

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning complies with all Guidelines of the Comprehensive Plan. However, the Fern Creek

Small Area Plan recommends down zoning in order to preserve the existing character of the land. The applicant should discuss why a higher intense zoning should be allowed.

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.

Waiver, Detailed District Development Plan, and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver, DDDP, and Binding Elements are justified.

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 meets the standards for granting a Waiver, DDDP, and Binding Elements established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from R-4, Single Family Residential, to C-1, Commercial, on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Waiver listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report

NOTIFICATION

Date	Purpose of Notice	Recipients
10/9/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 22 Notification of Development Proposals
11/6/14	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers to Council District 22 Notification of Development Proposals
11/5/14	Hearing before PC	Sign Posting on property
11/7/14	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

3. 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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in 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 legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. 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.
5. 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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
7. Upon the development or redevelopment of abutting properties, a unified access and circulation system shall be developed to eliminate preexisting curb cuts and provide for vehicular movement throughout abutting sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the abutting property to be developed.
8. The proposed easternmost access point from the site to Hillock Drive is to be closed and a new access point to the site be made from the site to the relocated Old Bardstown Road as shown on the

development plan. The owner shall then also provide a pedestrian access from the front of the building to the abutting sidewalk along relocated Old Bardstown Road and striping through the VUA.

9. The area identified for future right-of-way for the relocation of Old Bardstown Road, as shown, shall be dedicated to public use by minor plat or deed at the applicant's expense within 60 days of request by the Director of Louisville Metro Public Works.

4. Cornerstone 2020 Staff Checklist

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

#	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 high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There are a mixture of uses in the vicinity including a daycare, retail, and restaurant uses that provide neighborhood services.
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 within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There should be limited impact upon the residential use to the west due to landscaping provided and this site also fills in the gap between two non-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.	NA	The proposal is within a high activity center and does not create a new activity center. There will be new construction to provide a commercial use within the Neighborhood Form District.
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.	√	The proposal provides a retail commercial development that can provide local services for an area that has residential and office uses.
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 will utilize existing infrastructure along the intersecting streets.
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.	NA	The proposal is not for a new activity center but a new development within an existing activity center.
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.	NA	The proposed building is a one story building and could not have mixed uses on multiple floors of the building.
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 a large development in a center.
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 abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	√	The proposal will use existing infrastructure to serve the use on the site.
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 will provide sidewalks and access providing easy access by car, pedestrians, and bicycle. There is a transit route along Bardstown Road that will serve this development.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposed building materials are appropriate for a suburban restaurant and are compatible with nearby commercial 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 within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There should be limited impact upon the residential use to the west due to landscaping provided and the use of existing infrastructure. This site also fills in the gap between two non-residential uses.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has approved 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.	√	The proposal is within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There should be limited impact upon the residential use to the west due to landscaping provided and the use of existing infrastructure. This site also fills in the gap between two non-residential uses.
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.	√	The proposal must comply with all lighting regulations.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There are a mixture of uses in the vicinity including a daycare, retail, and restaurant uses that provide neighborhood services. There is a transit route along Bardstown Road that will serve this development.
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.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.
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.	√	The setbacks, lot dimensions, and building heights will be compatible with surrounding buildings that meet form district standards.
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.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.
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 garages are proposed for this site.
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.	√	All signs must comply with the sign regulations.
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.	NA	No open space is required for this proposal.
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.	NA	No open space is required for this proposal.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	The site does not contain buildings that have historic or architectural 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.	NA	There are no natural features to integrate into the pattern of development.
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	This site is not located in the downtown area.
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 site is not proposed for an industrial use.
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 within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There are a mixture of uses in the vicinity including a daycare, retail, and restaurant uses that provide neighborhood services. There should be limited impact upon the residential use to the west due to landscaping provided and the use of existing infrastructure.
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	NA	The site is not proposed for an industrial use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		arterial street.		
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.	√	The proposal will utilize existing infrastructure on site.
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 abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	√	The proposal reserves areas for right-of-way dedication as requested by Transportation Review.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal includes adequate parking spaces to support the use.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	The proposal abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	√	The proposal abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	√	The proposal avoids access to development through areas of less intensity.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposal does not affect the functional hierarchy of streets in the area.
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 abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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	√	MSD has approved the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		uses best management practices.		
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 approved 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.	NA	There are no natural features to integrate into the pattern of development.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.
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.	√	The proposal is located in an area served by existing utilities.
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	MSD has approved the proposal.

Land Development and Transportation Committee Staff Report

October 23, 2014



Case No:	14ZONE1027
Request:	Change in Zoning from R-4, Single Family Residential to C-1, Commercial, Detailed District Development Plan and Binding Elements, and Waivers
Project Name:	Zaxby's
Location:	8018-8102 Old Bardstown Rd. and 9816 & 9816-R Hillock Dr.
Owner:	Thomas Grove Management Co., LLC Mark & Linda Shircliff
Applicant:	Zaxby's of Louisville
Representative:	Bardenwerper, Talbott & Roberts, PLLC Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from R-4 to C-1 to allow a drive-through restaurant
- Waiver of LDC (Land Development Code) Section 5.9.2.b.i to waive the required pedestrian connection from the building entrance to the Old Bardstown Road sidewalk
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits at the southwest intersection of Old Bardstown Road and Hillock Drive, which are primary collector and local level streets, respectively. Hillock Drive will provide two points of access to the site until Old Bardstown Road is relocated as shown on the plan. Once this occurs, the easternmost access point to Hillock Drive will be closed and a new direct access to Old Bardstown Road will be constructed. The site is surrounded by retail to the north and east, a daycare to the south, and single family residential to the west. The four lots that comprise this site are currently used for single family residential.

A 3,847 SF drive-through restaurant is proposed on the site with eventual access from both Old Bardstown Road and Hillock Drive. Landscape buffer areas are provided along each property line as well to help screen the use from the adjoining residential uses to the west.

Existing Zoning District: R-4, Single Family Residential
Proposed Zoning District: C-1, Commercial
Form District: Neighborhood
Existing Use: Single Family Residential
Proposed Use: Drive-through Restaurant
Minimum Parking Spaces Required: 28 (w/ 10% reduction for transit route)
Maximum Parking Spaces Allowed: 77
Parking Spaces Proposed: 30

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-4	N
Proposed	Drive-through Restaurant	C-1	N
Surrounding Properties			
North	Retail	C-1/C-2	N
South	Daycare	OR-3	N
East	Retail	C-1	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

- Case 9736: A change in zoning from R-4 to C-1 to allow retail on the southeast corner of this site was submitted, but the case was not formally filed.

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Fern Creek Small Area Plan

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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.

A final analysis of the proposal against the Comprehensive Plan will be done prior to the public hearing.

TECHNICAL REVIEW

- When Old Bardstown Road is relocated, the owner should then provide a pedestrian access from the front of the building to the abutting sidewalk along Old Bardstown Road and striping through the VUA (Vehicular Use Area). Staff agrees with the justification for the Waiver but has added a Binding Element to ensure the owner of the restaurant will provide the pedestrian connection at the appropriate time.
- With the exception of the required Waiver, the plan meets the requirements of the LDC.

STAFF CONCLUSIONS

A public hearing date is ready to be set.

NOTIFICATION

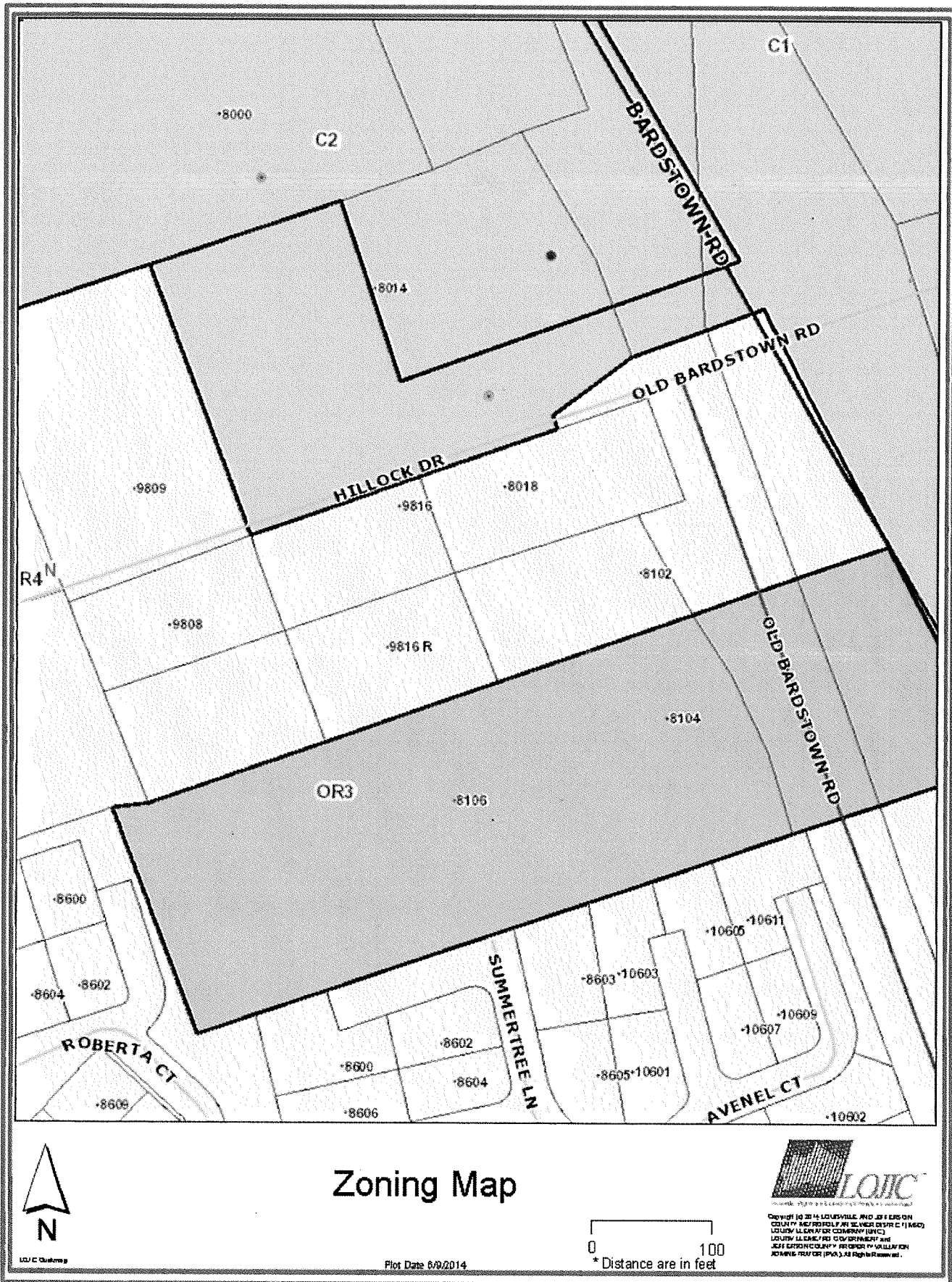
Date	Purpose of Notice	Recipients
10/9/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 22 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map

2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. 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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in 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 legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. 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.
5. 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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
7. Upon development or redevelopment of abutting properties, a unified access and circulation system shall be developed to eliminate preexisting curb cuts and provide for vehicular movement throughout abutting sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the abutting property to be developed.
8. The proposed easternmost access point from the site to Hillock Drive is to be closed and a new access point to the site be made from the site to the relocated Old Bardstown Road as shown on the

development plan. The owner shall then also provide a pedestrian access from the front of the building to the abutting sidewalk along relocated Old Bardstown Road and striping through the VUA.

9. The area identified for future right-of-way for the relocation of Old Bardstown Road, as shown, shall be dedicated to public use by minor plat or deed at the applicant's expense within 60 days of request by the Director of Louisville Metro Public Works.

Pre-Application Staff Report

June 10, 2014



Case No:	14ZONE1027
Request:	Re-zoning from R-4 to C-1 for a Drive-Through Restaurant, Detailed District Development Plan, and Binding Elements
Project Name:	Zaxby's - Old Bardstown Road
Location:	8018 – 8102 Old Bradstown Rd. and 9816 & 9816-R Hillock Dr.
Owner:	Thomas Grove Management Co., LLC and Mark and Linda Shircliff
Applicant:	Zaxby's of Louisville
Representative:	Bardenwerper, Talbott & Roberts, PLLC Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from R-4 to C-1 to allow a drive-through restaurant
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits at the southwest intersection of Old Bardstown Road and Hillock Drive, which are primary collector and local level streets, respectively. Hillock Drive (a private street) serves as the connection from Old Bardstown Road to Bardstown Road. The site is surrounded by retail to the north and east, a daycare to the south, and single family residential to the west. The four lots that comprise this site are currently used for single family residential.

A 3,847 SF drive-through restaurant is proposed on the site with full access from Old Bardstown Road and Hillock Drive. Landscape buffer areas are provided along each property line as well.

Existing Zoning District: R-4, Single Family Residential
Proposed Zoning District: C-1, Commercial
Form District: Neighborhood
Existing Use: Single Family Residential
Proposed Use: Drive-through Restaurant
Minimum Parking Spaces Required: 28 (w/ 10% reduction for transit route)
Maximum Parking Spaces Allowed: 77
Parking Spaces Proposed: 49

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-4	N
Proposed	Drive-through Restaurant	C-1	N
Surrounding Properties			
North	Retail	C-1/C-2	N
South	Daycare	OR-3	N
East	Retail	C-1	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

- Case 9736: Change in zoning from R-4 to C-1 to allow retail on the southeast corner of this site

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Fern Creek Small Area Plan

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The proposal site lies within an existing activity corridor and at the intersection of primary collector, major arterial, and local level streets. It is surrounded on all sides by non-residential uses except to the west at the rear of the lot. Samples of the surrounding non-residential uses are retail, restaurant, and daycare. Since the site is located along a high activity corridor, there should be very few nuisances to surrounding areas and landscaping and setbacks will be applied along the rear of the lot to protect the single family residential use to the west. The proposal will fill in the gap between two previous rezonings to the north and south which were re-zoned to C-2, C-1, and OR-3, showing that this corridor area has a history of being deemed appropriate for an increase in the intensity of land uses. The applicant will need to provide renderings of the building and cross-access to the development to the south to continue to encourage compatibility and provide access to the site by multiple modes of transportation.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

More information is required to determine compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)**. The applicant will need to address comments from Transportation Review and KTC, especially in regards to access to the right-of-way dedication along Old Bardstown Road and cross-connectivity to the development to the south. The site does, however, provide easy access by all forms of transportation. The existing street grid pattern will not be affected.

More information is required to determine compliance with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the the Air Pollution Control District has approved the proposal but comments from MSD need to be addressed.

In regards to the **Fern Creek Small Area Plan**, the proposal does not comply. The site lies within the Southwestern Quadrant (Quadrant III) where it is desired to preserve the rural residential and agricultural character of the southwest corner of the Gene Snyder Freeway and Bardstown Road. Though much of the area is zoned R-4, Single Family Residential, the small area plan suggests that down zoning to between R-3 and R-R would help to preserve the existing character of the land in the area. Since this proposal is requesting to increase the intensity of the zoning of this site to C-1, Commercial, the applicant will need to justify why the increased intensity of the land use in this area should be allowed.

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 City of Lyndon regarding the appropriateness of this zoning map amendment. The City of Lyndon has zoning authority over the property in question.

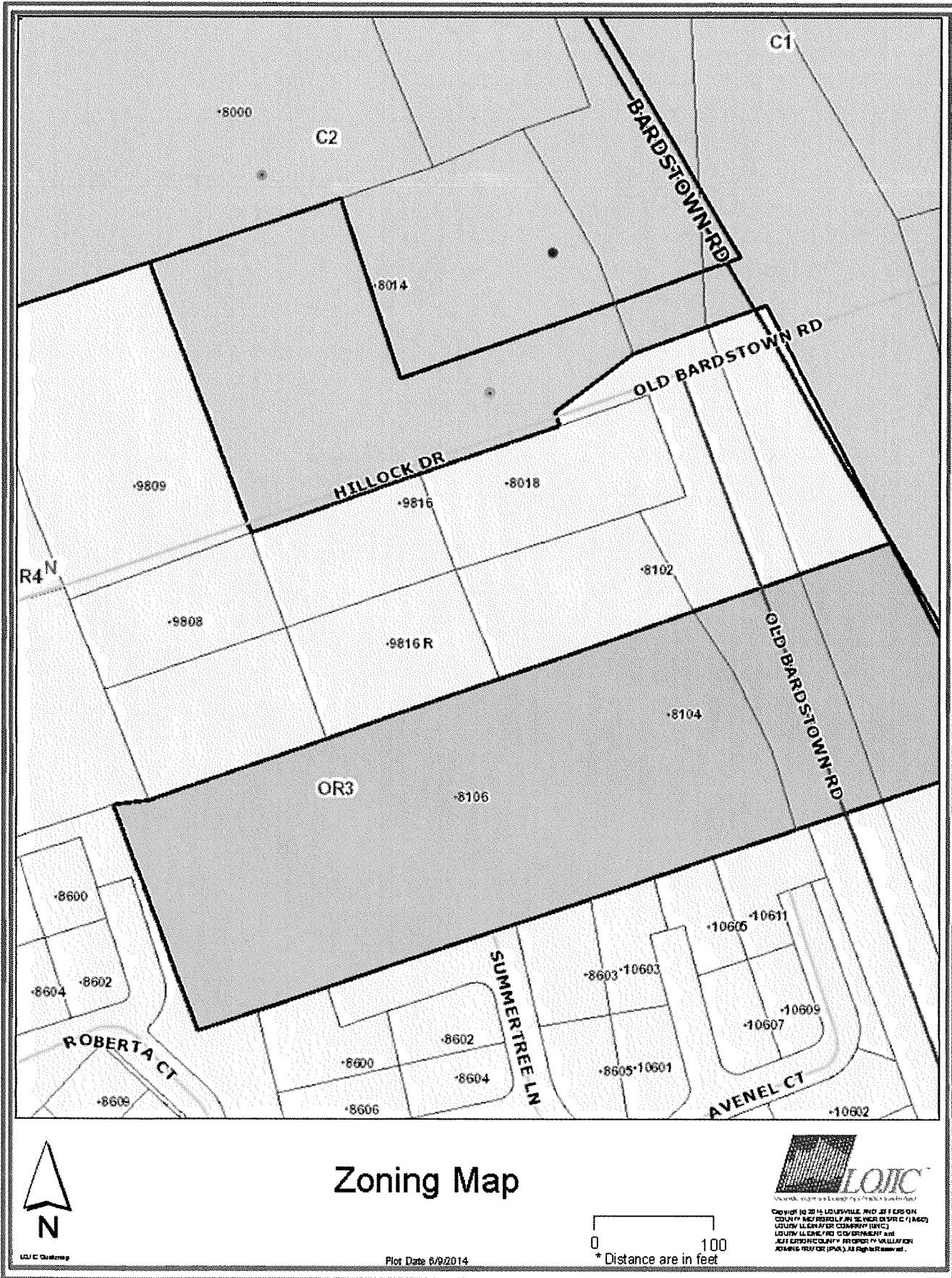
TECHNICAL REVIEW

- The applicant will need to address the technical comments from each agency.

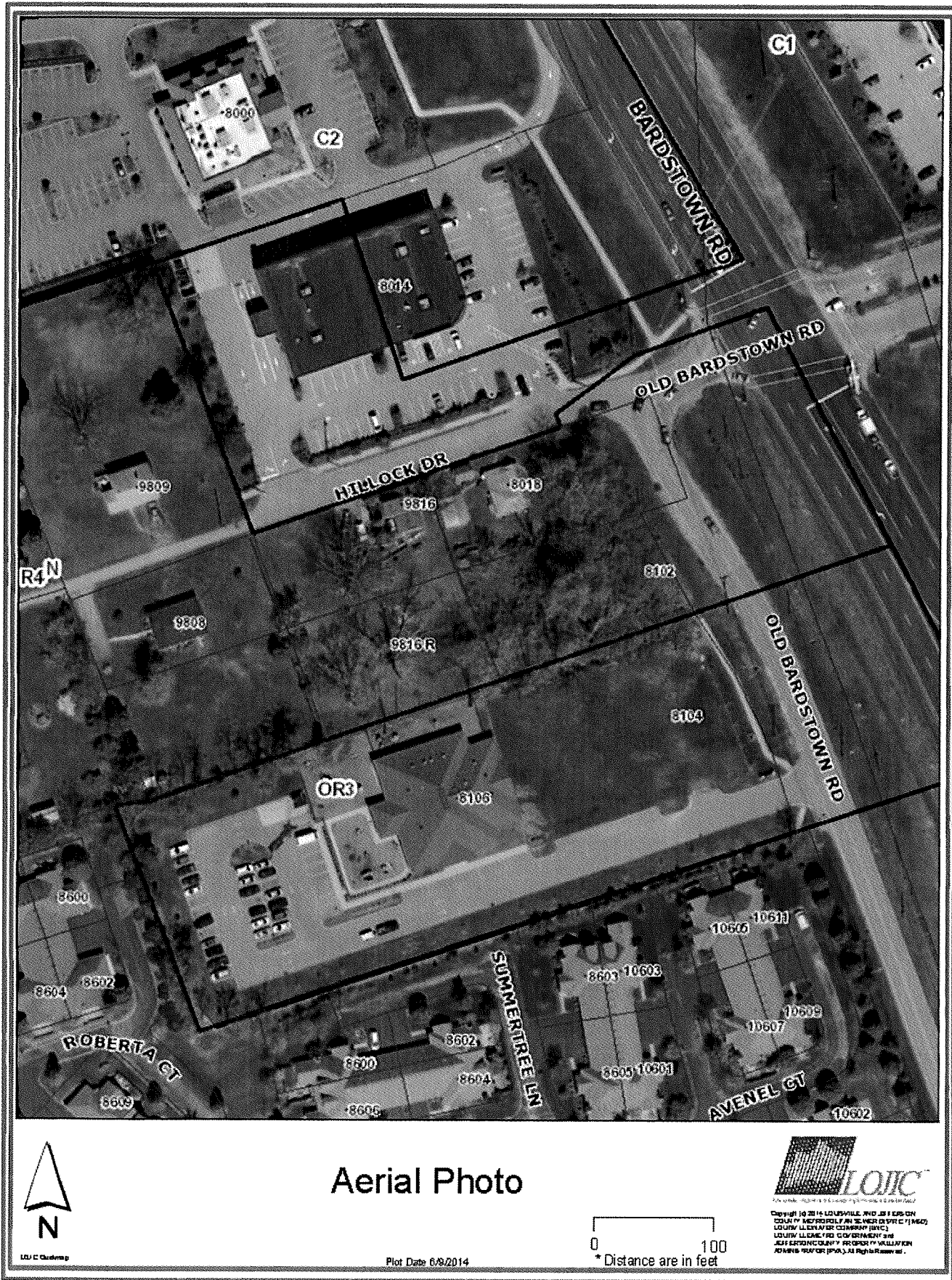
ATTACHMENTS

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App 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 high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There are a mixture of uses in the vicinity including a daycare, retail, and restaurant uses that provide neighborhood services.
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 within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There should be limited impact upon the residential use to the west due to landscaping provided and this site also fills in the gap between two non-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.	NA	The proposal is within a high activity center and does not create a new activity center. There will be new construction to provide a commercial use within the Neighborhood Form District.
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.	√	The proposal provides a retail commercial development that can provide local services for an area that has residential and office uses.
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 will utilize existing infrastructure along the intersecting streets.
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.	NA	The proposal is not for a new activity center but a new development within an existing activity center.
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.	NA	The proposed building is a one story building and could not have mixed uses on multiple floors of the building.
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 a large development in a center.
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 abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	√	The proposal will use existing infrastructure to serve the use on the site.
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 will provide sidewalks and access providing easy access by car, pedestrians, and bicycle. There is a transit route along Bardstown Road that will serve this development.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	More information is needed to determine if this policy has been met.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
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 within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There should be limited impact upon the residential use to the west due to landscaping provided and the use of existing infrastructure. This site also fills in the gap between two non-residential uses.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has approved 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.	√	The proposal is within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There should be limited impact upon the residential use to the west due to landscaping provided and the use of existing infrastructure. This site also fills in the gap between two non-residential uses.
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.	√	The proposal must comply with all lighting regulations.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There are a mixture of uses in the vicinity including a daycare, retail, and restaurant uses that provide neighborhood services. There is a transit route along Bardstown Road that will serve this development.
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.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.
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.	√	The setbacks, lot dimensions, and building heights will be compatible with surrounding buildings that meet form district standards.
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.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.
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.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.
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 garages are proposed for this site.
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.	√	All signs must comply with the sign regulations.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App 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.	NA	No open space is required for this proposal.
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.	NA	No open space is required for this proposal.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	The site does not contain buildings that have historic or architectural 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.	NA	There are no natural features to integrate into the pattern of development.
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	This site is not located in the downtown area.
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 site is not proposed for an industrial use.
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 within a high activity corridor located at the intersection of a primary collector, local, and major arterial level roads. There are a mixture of uses in the vicinity including a daycare, retail, and restaurant uses that provide neighborhood services. There should be limited impact upon the residential use to the west due to landscaping provided and the use of existing infrastructure.
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 site is not proposed for an industrial use.
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.	√	The proposal will utilize existing infrastructure on site.
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 abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	√	The proposal reserves areas for right-of-way dedication as requested by Transportation Review.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal includes adequate parking spaces to support the use.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	The proposal abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	√	The proposal abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	√	The proposal avoids access to development through areas of less intensity.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposal does not affect the functional hierarchy of streets in the area.
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 abuts another non-residential use and must provide a connection to the property to the south. Curb cuts will be limited and it locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
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.	+/-	More information is needed to determine if this policy has been met.
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 approved 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.	NA	There are no natural features to integrate into the pattern of development.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.

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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.	√	The proposal is located in an area served by existing utilities.
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.	+/-	More information is needed to determine if this policy has been met.