

Planning Commission Staff Report

May 29, 2014



Case No:	13zone1016
Project Name:	Flynn Hook Property
Location:	4337 and 4403 Bardstown Road
Owner(s):	Salt River Development Company
Applicant:	Salt River Development Company
Representative(s):	Mindel Scott and Associates
Project Area/Size:	4.1 Acres
Existing Zoning District:	M-2/C-2
Existing Form District:	SMC
Jurisdiction:	Louisville Metro
Council District:	2- Barbara Shanklin
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Change in zoning from M-2 to C-2
- Variance from table 5.3.2 to permit the building on proposed Lot 2B to be setback approximately 142' from the front property line instead of between 10' and 80'. A 62' variance.
- Revised Detailed District Development plan and General Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for commercial businesses on three lots. Parking is being provided around the buildings. The site fronts on Bardstown Road. The site is flat and has no topographic constraints. To the north is a single-family residential subdivision on R-4 property in the Neighborhood Form District. To the west is commercial property zoned C-1. To the east is vacant property zoned C-2. To the south is R-4 single-family residential and an R-7 zoned cemetery.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-2/M-2	SMC
Proposed	Commercial	C-2	SMC
Surrounding Properties			
North	Single Family Residential	R-4	N
South	Cemetery	R-7	N
East	Vacant	C-2	N
West	Commercial	C-1	SMC

PREVIOUS CASES ON SITE

9-5-06- A change in zoning from R-4 to C-2 and M-2 to permit truck and trailer sales and a change in form district from Neighborhood to Suburban Marketplace Corridor was approved by the Planning Commission on June 1, 2006.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

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

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

STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The proposal is to change the zoning from an intense industrial zone to and intense commercial zone which exists around the site. All types of transportation and pedestrians are being provided for with the development. There is cross connectivity for all types of users. The proposal is for one curb cut while the other access points utilize cross access. Additional cross access is being provided to the site to the east. The proposal will not create a new center but will be part of an existing linear commercial corridor that has been established along Bardstown Road. The proposal is for new construction and for a down zone to a less intense zoning district.

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

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The building setback will not affect the public as the site has good pedestrian connectivity that prevents the vehicle pedestrian conflicts that can arise from buildings being too far setback from the road.

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

STAFF: The buildings along Bardstown Road in the area have altering setbacks; the three lots associated with this proposal are no different. With such variation of setbacks the character of the area will not be altered.

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

STAFF: The building setback will not affect the public as the site has good pedestrian connectivity that prevents the vehicle pedestrian conflicts that can arise from buildings being too far setback from the road.

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

STAFF: Due to the pedestrian connectivity on the site and the altering setbacks of existing buildings along Bardstown Road the request is not unreasonable. Placing more parking in the front of the building in this area also maintains a consistent setback for the rear of the properties that are adjacent to residential. Furthering the activity on the look from the residential and putting it to Bardstown Road.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The special circumstance for the variance is that the site is located adjacent to single family residential. Having the building setback further than required allows for more parking to be located in front of the structure and between the structure and Bardstown Road. This keeps traffic located along the activity area of the site close to Bardstown Road and away from the residential. All lots associated with the proposal have minimal parking between the building and the adjacent residential.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application would make the applicant have to provide the parking along the rear of the lot where the site is closest to residential and would be more of a nuisance than having it along the front where the activity is located.

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

STAFF: The result is a circumstance the applicant has taken to provide as much buffer of the use from the adjacent residential as possible given the lot shape and existing site constraints.

STANDARD OF REVIEW FOR DEVELOPMENT PLAN

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

STAFF: There are no existing natural resources evident on the site. The applicant will be providing trees and vegetation for buffering and other landscape requirements.

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

STAFF: Pedestrian connectivity and vehicular access is found throughout the site all lots are connected with sidewalks and crosswalks as well as vehicular connections to and from all the lots.

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

STAFF: The open space for the site is located along the rear and provides a significant buffer between the site and the adjacent single family residential.

- 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 preliminarily approved the proposal.

- 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 buffering along the north property line exceeds the requirements of the LDC due to the detention and easements in the area. With the exception of the building setback variance the plan complies with the LDC. The variance is consistent with the altering setbacks found along Bardstown Road.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal complies with the guidelines of the Comprehensive plan and requirements of the LDC.

TECHNICAL REVIEW

All agency review comments have been addressed.

STAFF CONCLUSIONS

The proposal is to change the zoning from an intense industrial zone to and intense commercial zone which exists around the site. All types of transportation and pedestrians are being provided for with the development. There is cross connectivity for all types of users. The proposal is for one curb cut while the other access points utilize cross access. Additional cross access is being provided to the site to the east. The proposal will not create a new center but will be part of an existing linear commercial corridor that has been established along Bardstown Road. The proposal is for new construction and for a down zone to a less intense zoning district.

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.

The existing binding elements should be removed from the site with the proposed binding elements taking their place.

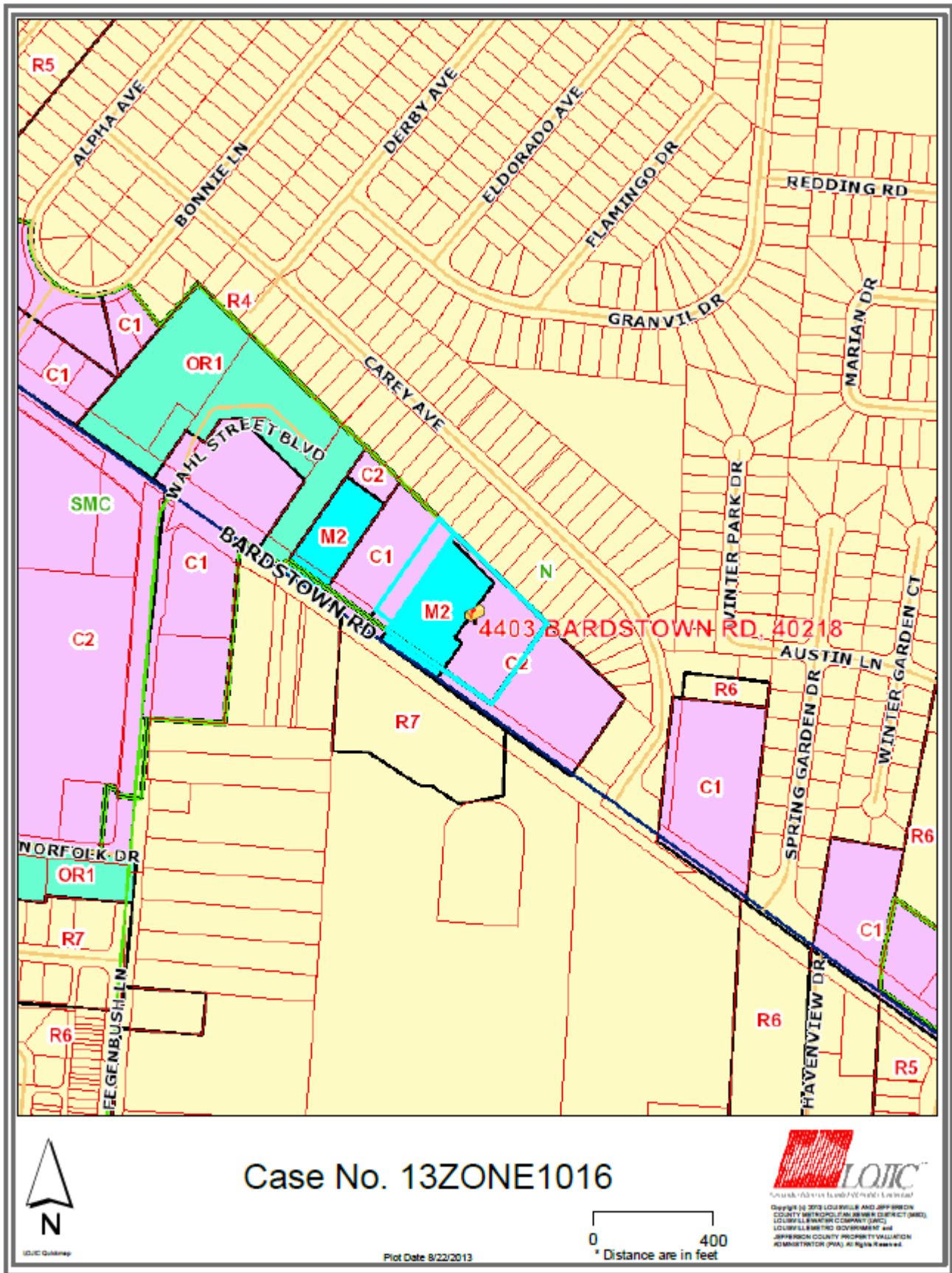
NOTIFICATION

Date	Purpose of Notice	Recipients
4/9/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 2 Notification of Development Proposals
5/14/14	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 2 Notification of Development Proposals
5/14/14	Hearing before PC	Sign Posting on property
5/14/14	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Inspection Report
5. Existing Binding Elements
6. Proposed Binding Elements
7. Applicant's Justification Statement and Proposed Findings of Fact

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	√	The proposal is to change the zoning from an intense industrial zone to and intense commercial zone which exists around the site.
2	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	√	All types of transportation and pedestrians are being provided for with the development. There is cross connectivity for all types of users.
3	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	√	The proposal is for one curb cut while the other access points utilize cross access. Additional cross access is being provided to the site to the east.
4	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	NA	The proposal is not for residential, so density is not a factor.
5	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	√	The proposal is located in an existing portion of the SMC.
6	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal will not create a new center but will be part of an existing linear commercial corridor that has been established along Bardstown Road. The proposal is for new construction and for a down zone to a less intense zoning district.
7	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 is located in an area where there is an existing subdivision behind the property.

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8	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	√	Because there are other commercially zoned properties in the area and a portion of the site is already zoned C-2 the proposal is an efficient land use pattern and cost effective for infrastructure.
9	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	√	The crossover agreements between the properties to the east and west result in a reduction of trips as will the pedestrian connectivity to and from the sites and adjacent sites.
10	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The proposal does not include a residential or office component. The proposal is for a single use.
11	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.
12	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 shares entrances and there is a crossover access agreement between the properties to the west. The three lots share access and a crossover agreement will be recorded between the proposed lots. All types of transportation is being provided for.
13	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	Utilities will be provided to the site and shared. The detention basin provided on an adjacent lot also serves the three proposed lots.
14	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 site provides for easy access for all transportation types and users. Pedestrian connectivity is found throughout.
15	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The building materials will be similar to those of the adjacent development and along this area of Bardstown Road.
16	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 is not a non-residential expansion into an existing residential area. The proposal is a down zone from the more intense M-2 to C-2.

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17	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has no issues with the proposal.
18	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Transportation Planning has not indicated any traffic issues with the proposal.
19	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Lighting will meet LDC requirements.
20	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 a high intensity commercial zone and is located along a transit corridor as well as an activity center corridor.
21	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 buffers and setbacks adjacent to the residential uses comply with the LDC.
22	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 buffers and setbacks adjacent to the residential uses comply with the LDC.
23	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 all fall within several feet of each other and are consistent with the other new developments in the area. Lot 2B is requesting a variance to allow for the building to be set back further from the ROW than required. This allows less parking to be located adjacent to the residential area and is similar to the other two lots by providing the most activity for the site along Bardstown Road.
24	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 buffer requirement for the site along the property lines adjacent to residential is being met. Lot 2B is requesting a variance to allow for the building to be set back further from the ROW than required. This allows less parking to be located adjacent to the residential area and is similar to the other two lots by providing the most activity for the site along Bardstown Road.

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25	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 indicates that the site meets the LDC requirements for the VUA buffering.
26	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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	A parking garage is not proposed.
27	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	√	Each lot will have a sign that meets LDC requirements.
28	Livability Goals H3 and H5, all related objectives	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	Open space is not required for the site.
29	Livability Goals H3 and H5, all related objectives	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	Open space is not required for the site.
30	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	There are no natural features evident on the site.
31	Livability Goals H3 and H5, all related objectives	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 are no natural features evident on the site.
32	Livability Goals H3 and H5, all related objectives	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 proposal is located on a site that has no historical significance.
33	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	Soils are not an issue with this site.
34	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located in a downtown.

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35	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for industrial development.
36	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	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 located along an activity corridor and is not a use that would generate large amounts of traffic.
37	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for industrial development.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	Roadway improvements are not necessary for this proposal.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	All types of transportation and pedestrians are being provided for with the development. There is cross connectivity for all types of users.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	A crossover access agreement will be recorded for all the properties.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	No additional ROW is required to be dedicated with this proposal.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Adequate parking is being provided. A shared parking agreement will be recorded as well.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	Cross access is being provided to the east and west properties.
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	A stub crossover connection is being provided to the east.
45	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	Access to the site is only from other C-2 zoned property and Bardstown Road.
46	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	No new streets are created with the proposal.
47	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	All types of transportation and pedestrians are being provided for with the development. There is cross connectivity for all types of users.
48	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has preliminarily approved the proposal.
49	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has no issues with the proposal.
50	Livability, Goals F1 and F2, all related objectives	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	No natural corridors exist for the site.
51	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Utilities will be provided to the site.
52	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	An adequate water supply exists for the site.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
53	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	The Health Department has not indicated any issues with the proposal.

Site Inspection Committee Report

Date: 5/16/14

Case Number: 13ZONE1016

Project: Flynn Hook Property

Address: 4337 & 4403 Bardstown Rd

Attendees: Jeff Brown

Observations:

Describe subject property

- Existing vacant lot, grassed, with tree line abutting residential properties to the north east.

Describe surrounding area

- To the northwest are new commercial developments, including a Family Dollar and Tire Discounters.
- To the north east is single family residential.
- To the south is a large cemetery

Questions/ Concerns:

Ensuring connectivity between the existing developments

Attachment 5: Existing Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The square footage shall be limited to 5,040 square feet.
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance 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. 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.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. 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.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 16, 2006 Planning Commission meeting.
10. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall

be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

12. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
13. Hours of operations shall be 9:00 a.m. through about 7:00 p.m. or 8:00 p.m. Monday through Saturday. The business shall be closed on Sundays
14. The lighting at the rear of the property will be turned off at the close of business each evening or at 10:00 PM, whichever is earlier.
15. The M-2 portion of the site shall be restricted to sales of large trucks (over two-ton hauling capacity). No other M-2 uses shall be permitted unless a public hearing is held by the Planning Commission on the land use change.

Attachment 6: Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 11,250 square feet of gross floor area for Lot 2A, 9,150 sf for Lot 2B, and 4,288 sf for Lot 2C.
3. No pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit 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. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and

recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The property owner shall provide a cross over access easement if the property to the east is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 29, 2014 Planning Commission meeting.
11. No idling of trucks between the rear of the shopping center and adjacent single-family residences. No overnight idling of trucks shall be permitted on-site.
12. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

Attachment 7: Applicant's Justification Statement and Proposed Findings of Fact

Justification.

The subject property was originally zoned C-2 and M-2 for a proposed automobile dealership. However, the dealership was never constructed and this property, together with two adjoining tracts was subsequently conveyed to the applicant in 2007 by Hook Family Holdings, LLC. Thereafter, a portion of the property that was acquired from Hook was conveyed to Tire Discounters and a portion was conveyed to Family Dollar General Stores. The portion that was conveyed to Family Dollar General was down zoned in 2012 to C-1.¹ Based upon the finding of the Planning and Zoning Commission in the Family Dollar rezoning action, the rezoning request of Salt River Investment, LLC in this action is justified based upon the following Guidelines:

Guideline 1 – Community Form.

The proposal appears to conform to Traditional and Suburban Marketplace Corridor Form Districts Goal F2 and Objectives F2.1, F2.3, Goal F3, Objectives F3.1 and F3.2, Goal F4, Objectives F4.1, F4.2, F4.4 and F4.5 and Community Form Guideline 1 and all applicable Policies adopted under thereunder, including Policy 1.B.8 because it is located in the Suburban Corridor marketplace Form District which is distinguished by medium and high intensity land uses. This form also encourages unified entry ways. The proposed development will share a common entry point with adjacent businesses: Tire Discounters and Family Dollar. Retail customers will have a choice of utilizing vehicular travel, bicycles or sidewalks to come to the site. This commercial area along Bardstown Road has a vibrant mixture of uses and sense of identity. The proposed uses are medium intensity land uses located between higher intensity nodes. The scale of all structures, its design and mass are consistent with other commercial uses in the vicinity. No setback encroachments are requested. Parking is sufficient for the proposed uses and will not adversely impact pedestrian use of the aesthetic quality of Bardstown Road corridor;

Guideline 2 – Centers.

The proposal conforms to Guideline 2 – Centers and all applicable Policies adopted thereunder, including Policies 2.2, 2.3, 2.4 and 2.15. The proposed uses will serve residents living in the general vicinity of the store. The uses are similar in character and intensity to other developments in the immediate area. The proposal is located in an area with a sufficient support population. The Development is compact and utilizes land in an economical way, and will use existing public infrastructure. Parking is situated so as to balance safety, traffic, transit pedestrian environmental and aesthetic considerations: it is anticipated that the proposal will receive the approval of the Louisville Department of Public Works and Assets (“Metro Works”), indicating the appropriateness of the proposed parking;

Guideline 3 – Compatibility.

The proposal conforms to Transportation and Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.22, 3.24 and 3.28. The development will be compatible with existing commercial and residential development. Residential development is located on Carey Avenue to the rear of the site. The development will not result in odor or air quality nuisances. The traffic-carrying capacity of Bardstown Road will not be adversely affected as a result of this development; no visual nuisances relating to noise or lighting will result from the development; no visual nuisances will be caused. Adequate landscape buffers will be installed pursuant to land Development Code (“LDC”) Article 10. Parking, loading and delivery are situated to cause minimal impact to adjacent residences. Signs will be proposed in accordance with LDC; and

Guideline 5 – Natural Areas and Scenic and Historic Resources.

The proposal conforms to Transportation and the Environmental Goal C1 and Objectives C1.4 and C1.5, Social and Cultural Resources Goal D1, and Objective D1.1, Land Goal E1, E2 and E4 and Objective E4.1, and Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2, 5.3, 5.6 and 5.7. Site development will respect the natural features of the land. There are no historic resources or distinctive cultural features on site. There are no archaeological resources on the site. Soils and slopes are adequate for the proposed development; and

Circulation Guideline 9 – Bicycle, Pedestrian and Transit. The proposal conforms to Site Design Standards for Alternative Transportation Modes Goal I1 and Objective I1.1, Goal I2 and Goal I5, and Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2 and 9.4. An existing public sidewalk serves the site along its northern frontage at Bardstown Road. The sidewalk will be extended across the entire Bardstown Road frontage of the site. The site is served by TARC Routes 17 and 62. Bicycle “parking” facilities are located on the site as shown on the development plan;

Guideline 10 – Flooding and Stormwater.

The Proposal conforms to Water Goal B1 and Objectives B1.1, B1.3 and B1.4, and Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.2, 10.3, 10.4, 10.6, 10.7, 10.10 and 10.11. This site features an existing detention basin in a large easement area at the rear of the property. Impact to the watershed has been minimized as a

result of the detention basin. Floodplain management standards reflect the full development potential of the watershed. The detention basin ensures adequate compensatory storage and accommodation of stormwater runoff volumes as a result of the development. The on-site drainage system will preserve “through” drainage systems in a manner acceptable to the Metropolitan Sewer District (“MSD”): it is anticipated that the development will receive the approval of MSD;

Guideline 12 – Air Quality.

The Proposal conforms to Air Goal C1 and Objective C1.2 and Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.2, 12.3 and 12.8. It is anticipated that the Air Pollution Control District will approve the proposal. The proposed uses will not result in a significant generator of vehicular traffic. Bardstown Road, as stated above, is a transit route. Sidewalks and bicycle movement are encouraged by on-site public sidewalks and bicycle storage facilities;

Guideline 14 – Infrastructure.

The Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. The proposal has adequate service for all necessary utilities. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities will be located underground wherever possible and will be situated where recommended by each utility for appropriate possible maintenance and repair access;

Guideline 15 – Community Facilities.

The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Fire fighting services will be provided by the Buechel Fire Department.