

Planning Commission Staff Report

April 4, 2019



Case No:	18ZONE1065
Project Name:	Silver Hawk Trucking
Location:	5102 E. Indian Trail
Owner(s):	Silver Hawk, LLC
Applicant:	Silver Hawk, LLC
Representative(s):	Cardinal Planning & Design, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from C-1, Commercial to M-2, Industrial
- **Variance** from Land Development Code (LDC), section 5.3.1.C.5 to reduce the front yard setback
- **Waivers**
 1. **Waiver** of LDC, section 10.2 to omit the vehicle use area landscape buffer abutting E. Indian Trail
 2. **Waiver** of LDC, section 10.2 to omit the property perimeter landscape buffer along the east and west property lines.
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning has been requested to allow heavy truck parking and storage along a primary collector roadway in the Neighborhood form district. The site is indicated as surfaced with gravel and enclosed by an 8' metal-type fence with gate. The site adjoins commercial uses to its east and west, single-family to the north, and industrial to the south. No structures have been proposed. The M-2, industrial district allows a wide range of manufacturing, warehousing, and outdoor storage.

STAFF FINDING

The proposed change in zoning, detailed plan, waivers, and variance have not been adequately justified and do not conform to the Comprehensive Plan or Land Development Code. The proposal constitutes an inappropriate expansion of an industrial use into the neighborhood form district. The proposal introduces high intensity uses within close proximity to a single-family neighborhood beyond the limits of the workplace form district. The proposal is inefficiently organized on the site as the existing conditions were created irrespective of the requirements of the Land development Code and these conditions are at a scale that is inappropriate for the neighborhood form district.

TECHNICAL REVIEW

The current non-permitted use of the property appears to have occurred after December, 2016 based on available *Google Street-view* imagery. The current owner of the property acquired the land on May 22, 2018. A notice of violation for barbed-wire fencing was issued July 27, 2018.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN FORM

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

Portions of the development site are located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposal constitutes an inappropriate expansion of an industrial use into the neighborhood form district and into a residential and neighborhood commercial area. The proposal is not a neighborhood center and does not provide neighborhood serving uses such as offices, retail shops, restaurants and services. The scale of the proposed district is not appropriate as workplace boundaries for industrial uses have been defined to the rear of the subject site. The proposal is a high intensity use located within close proximity to a single-family neighborhood. The expansion of the district beyond the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses

Setbacks, lot dimensions and building heights are not compatible with those of nearby developments that meet form district standards. Adverse impacts of industrial uses have not been minimized. The proposal is inefficiently organized on the site as the existing improvements were made improperly and exceed the minimum standards for setback and landscaping at a scale that is inappropriate for the neighborhood form district. The proposal does not include screening and buffering that is compatible and conforming to the requirements.

The proposal does not support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. Maneuvering of trucks along the roadway makes pedestrian travel unsafe.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The requested variance will adversely affect the public health, safety or welfare as the current conditions were created irrespective of the requirements of the Land Development Code which seek to appropriately transition from use to use and from roads to uses.

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

STAFF: The requested variance will alter the essential character of the general vicinity as appropriate transitions from a predominately residential area within the form districts is being encroached upon.

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

STAFF: The requested variance will cause a hazard or nuisance to the public as heavy industrial uses will be permitted to occur closer to roadways and residential area than intended by the form district.

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

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as the current conditions were created irrespective of the requirements of the Land Development Code.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the current conditions were capable of meeting requirements but failed to do so.

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

STAFF: The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the regulations currently in effect were in effect prior to the current non-permitted use of the property and encroachments.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as development occurred prior to requesting appropriate approvals for setback relief.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

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

STAFF: The waiver will adversely affect adjacent property owners as as the current conditions were created irrespective of the requirements of the Land Development Code which seeks to appropriately transition from use to use and from roads to uses

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

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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. Insufficient buffering and landscaping design has been constructed irrespective of the regulations and additional transitions that are needed to create compatibility between high intensity and low intensity uses.

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

STAFF: The extent of the waiver of the regulation is not minimum necessary to afford relief to the applicant as the site is not constrained by any natural or artificial features that limit appropriate development of the land.

- (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 applicant has not incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

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

STAFF: The waiver will adversely affect adjacent property owners as it will allow an inappropriate transition between areas zoned for neighborhood serving uses and a high intensity industrial zoning district. It detracts from the appropriate development of adjacent lands for neighborhood goods and services.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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. An inappropriate transition between areas zoned for neighborhood serving uses and a high intensity industrial zoning district will be created. It detracts from the appropriate development of adjacent lands for neighborhood goods and services.

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

STAFF: The extent of the waiver of the regulation is not minimum necessary to afford relief to the applicant as the site is not constrained by any natural or artificial features that limit appropriate development of the land

(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 applicant has not incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT 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: The subject property does not appear to contain any significant natural resources.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community have not been provided as the proposal does not support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. Maneuvering of trucks along the roadway makes pedestrian travel unsafe.

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

STAFF: The proposal does not provide any open or public space for the community as intended by the form.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: Setbacks, lot dimensions and building heights are not compatible with those of nearby developments that meet form district standards. Adverse impacts of industrial uses have not been minimized. The proposal is inefficiently organized on the site as the existing improvements were made improperly and exceed the minimum standards for setback and landscaping at a scale that is inappropriate for the neighborhood form district. The proposal does not include screening and buffering that is compatible and conforming to the requirements

- 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 proposed plan does not conform to the Comprehensive Plan or Land Development Code. The proposal is not a neighborhood center and does not provide neighborhood serving uses such as offices, retail shops, restaurants and services. The proposal does not include screening and buffering that is compatible and conforming to the requirements. The proposal does not adhere to the required setbacks of the form district. Waivers and Variances requested

have not been adequately justified as no mitigation has been provided and the encroachment is the result of actions of the applicant taken irrespective of the land use regulations.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from C-1, Commercial to M-2, Industrial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE or DENY** the **Variance** from Land Development Code (LDC), section 5.3.1.C.5 to reduce the front yard setback
- **APPROVE or DENY** the **Waiver** of LDC, section 10.2 to omit the vehicle use area landscape buffer abutting E. Indian Trail
- **APPROVE or DENY** the **Waiver** of LDC, section 10.2 to omit the property perimeter landscape buffer along the east and west property lines.
- **APPROVE or DENY** the **Detailed District Development Plan** subject to proposed binding elements

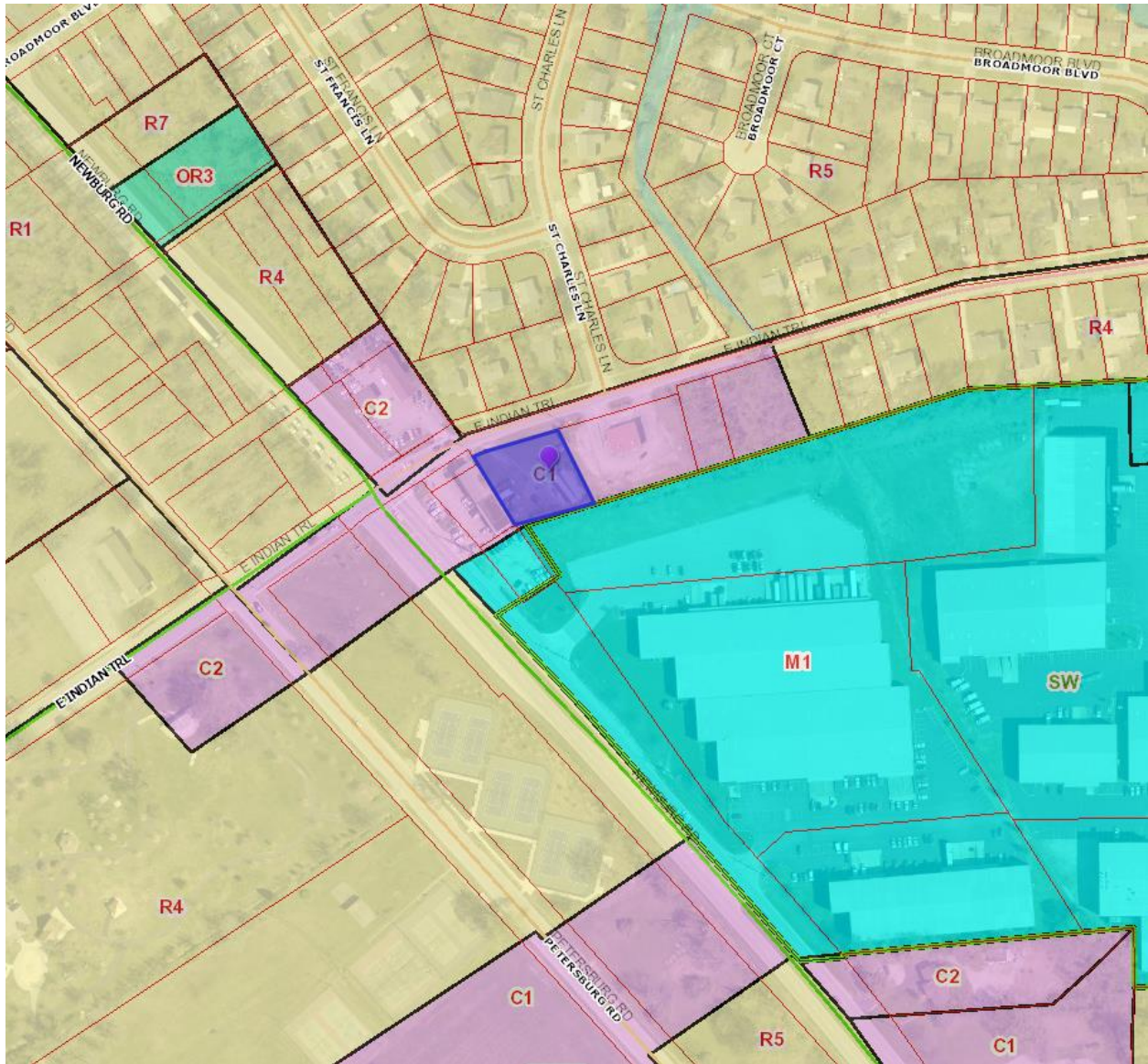
NOTIFICATION

Date	Purpose of Notice	Recipients
2/21/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 2
3/1/19	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 2
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

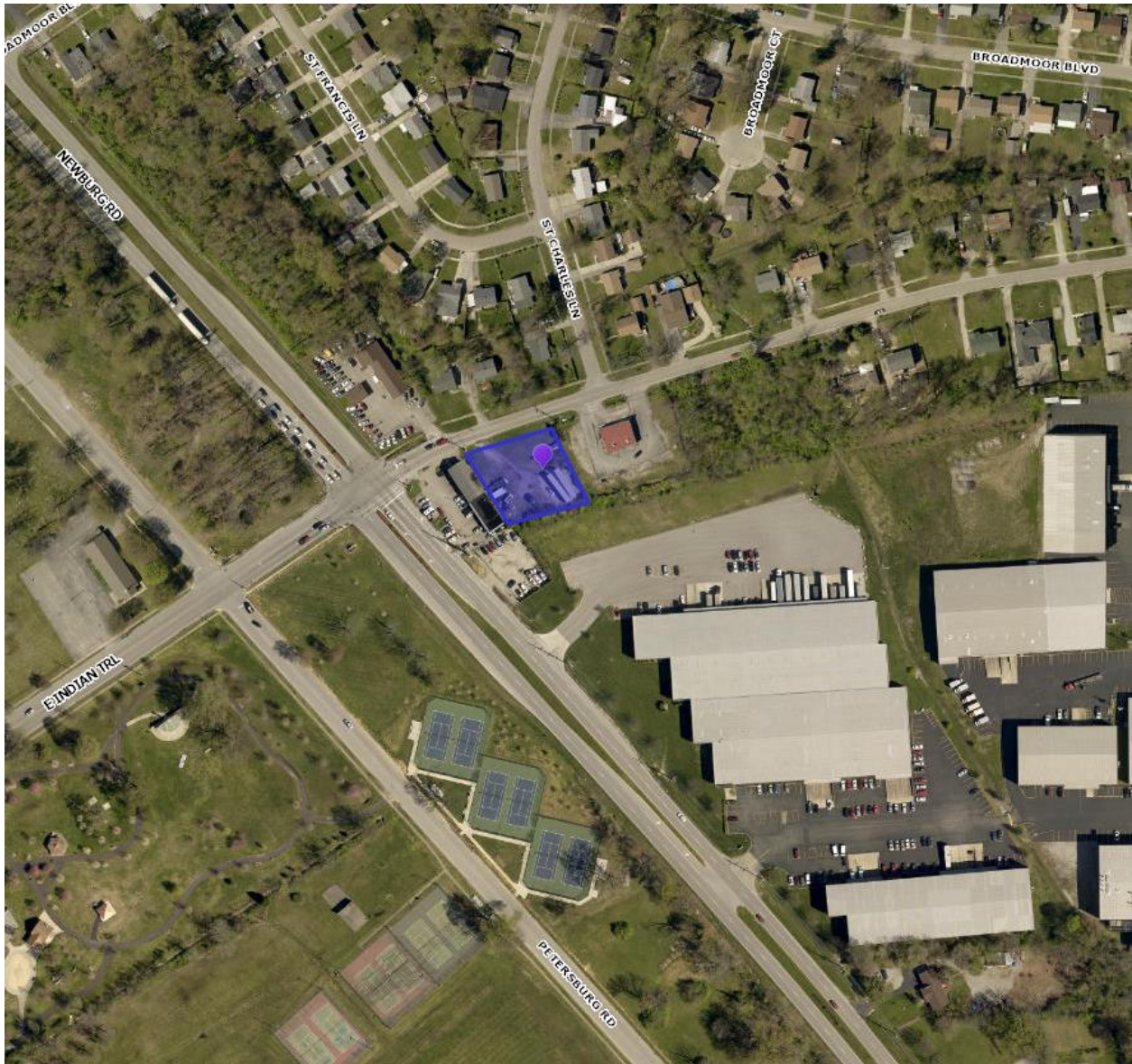
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	-	The proposal is not a neighborhood center and does not provide neighborhood serving uses such as offices, retail shops, restaurants and services. The scale of the proposed district is not appropriate as defined boundaries for industrial uses have been defined to the rear of the subject site.
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 a high intensity use located along a collector level roadway and adjoins a single-family neighborhood. Additionally, impacts may be presented as industrial uses from nearby would be permitted to expand onto this property or use it for means of access within close proximity to residential uses.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	-	The proposal is not a neighborhood center and does not provide neighborhood serving uses such as offices, retail shops, restaurants and services. Construction activities that have occurred recently on site are not in keeping with the 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 does not provide retail activities to serve the neighborhood.
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 inefficiently organized on the site as the existing improvements were made improperly and exceed the minimum standards for setback and landscaping at a scale that is inappropriate for the neighborhood form district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	-	The proposed use does not include 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 as the proposes district allows for heavy truck parking and other industrial uses adjoining commercial uses and a residential neighborhood.
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The proposal does not incorporate residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.
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.	-	The proposal is inefficiently organized on the site as the existing improvements were made improperly and exceed the minimum standards for setback and landscaping at a scale that is inappropriate for the neighborhood form district. The site contains no landscape elements or central focal point.
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 does not shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking and the sharing of commercial entrances with an industrial use would be inappropriate. Heavy truck maneuvering is inappropriate within such close proximity to residences and commercial services within the neighborhood form district. The expansion of the district beyond the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses
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 does not appear to require utilities, but utilities appear to be available in the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 does not support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. Heavy truck maneuvering is inappropriate within such close proximity to residences within the neighborhood form district and pedestrian facilities are not provided and pedestrian access to the facility would be inappropriate. Maneuvering of trucks along the roadway makes pedestrian travel unsafe.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	-	Metal fencing is not an appropriate material for screening and buffering within close proximity to residential and decreases compatibility with nearby industrial uses as well.
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 constitutes an inappropriate expansion of an industrial use into the neighborhood form district and into a residential and neighborhood commercial area as the existing zoning district supports commercial services and goods and the adjacent workplace form supports the location of industry.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	-	Odors and emissions from trucks pose a significant nuisance upon nearby residential
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	-	Industrial traffic along this roadway introduces a nuisance that is not currently present.
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.	✓	There do not appear to be impacts from lighting.
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 a high intensity use and would result in the inappropriate expansion of an industrial area into a neighborhood

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	-	Appropriate transitions have not been provided and the use is not-permitted as it currently exists.
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 current use of the property could have been avoided. Landscaping and setbacks consistent with the Land Development Code have not been provided and were placed in violation of the Land Development Code.
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.	-	Setbacks, lot dimensions and building heights are not compatible with those of nearby developments 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.	-	Adverse impacts of industrial uses have not been minimized as current site condition present encroachments into required buffers and setbacks.
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 does not include screening and buffering that is compatible and conforming to the requirements. Significant buffers and screening beyond the minimum requirements would be absolutely necessary to make this development conforming to the concepts of the neighborhood form district.
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
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.	✓	Signage shall be in conformance with applicable regulations.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	-	The proposal does not provide any open or public space for the community as intended by the form.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	-	The proposal does not provide any open or public space for the community as intended by the form.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The site does not appear to have any significant natural features
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The site does not appear to have any significant natural features
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal does not contain historic elements
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.	✓	The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
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	Located in NFD.
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.	-	The proposed industrial development is outside the limits of the workplace form and industrial subdivision and promotes the inappropriate use of a primarily residential road for heavy truck use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 subject site is located on a collector level roadway and residential uses will be negatively impacted
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.	✓	The subject site is located on a collector level roadway near an arterial roadway
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 contribute its proportional share of the cost of roadway improvements
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 does not promote mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.
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 expansion of the district beyond the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses
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.	✓	Right-of-way will be dedicated as required by transportation planning staff.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking will be provided to meet demand.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 expansion of the district behind the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No streets or stubs needed
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	-	Access to the subject site is through areas of significantly lower intensity as the site is located on a roadway which serves moderate intensity commercial and residential development.
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 expansion of the district behind the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses.
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 proposed use does not provide for the movement of pedestrians, bicyclists and transit users around and through the development.
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.	✓	The proposal's drainage plans have been approved by MSD,
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.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	No natural features appear to be significantly impacted.
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 or planned for 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 has access to an adequate supply of potable water and water for fire-fighting purposes.
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, 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.
5. 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.
6. 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.
7. The hours of operation of the site will be from 7 am to 7 pm. No trucks will enter or exit property outside of these hours.
8. No overnight idling of trucks permitted on site.
9. Each individual trailer may not be stored on the property for longer than 10 consecutive days.
10. No hazardous materials will be hauled or stored in the tractor trailer or on site.

11. The use shall be limited to tractor trailer parking and storage as proposed at the April 4, 2019 Planning Commission meeting.