

**Planning Commission
Staff Report
June 7, 2018**



Case No:	17ZONE1060
Project Name:	The Storage Project at Bardstown Road
Location:	7500 Bardstown Road
Owner(s):	Madge H. Chalmers Revocable Trust & Edward Harding, Jr.
Applicant:	arc – Jason Sams
Representative(s):	arc – Jason Sams
Project Area/Size:	7.42 acres
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to C-2, Commercial
- **Conditional Use Permit** for mini-warehouse, Land Development Code, section 4.2.35
- **Waiver** of Land Development Code (LDC), section 10.2.B to allow LBA/Easement overlap in excess of 50%.
- **Variance** of LDC, section 5.3.5.C.3.a to reduce 50' non-res to res setback to 25'
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning from R-4, single-family residential to C-2, commercial has been requested on 7.42 acres in South-Central Louisville Metro; more precisely located in the Southwest quadrant of the Interstate-265/Bardstown Road interchange. The proposed development is for 100,925 square feet of mini-warehouse space and 4,265 square feet of retail. The majority of the mini-warehouse space is to be climate controlled and the structure nearest Bardstown road is proposed at two-stories. A private access drive is proposed along the Southern boundary to facilitate development to the rear of the subject site. A public sidewalk and pedestrian connection to the facilities will be provided. An intermittent stream intersects the project and MSD regulatory buffers have been provided.

STAFF FINDING

The proposal does not conform to the Comprehensive Plan, Retail Market Study, or Southeast Regional Center Plan. A solitary user is inconsistent with recommendations for a mixed-use center and does not promote functional multi-modal interaction. The plan further fails to adhere to smart growth principles such as walkability, public space, or mixed-uses that would allow for the appropriate development of the area as suggested by the Retail Market Study. For these reasons the conditional use permit and development plan are also unable to be adequately justified.

TECHNICAL REVIEW

Fern Creek Small Area Plan (Bardstown Road Corridor/Quadrant III: Southwest)

- Section 5.2.1.1 recommends that commercial development be located in either vacant buildings, vacant land between and adjacent to existing commercial (infill), and within the suburban marketplace corridor. This section lays out specific locations for mixed-use and nonresidential

activity in Figures 4 & 5, providing that these locations be limited to an activity center encompassing Thixton Lane and between Old Bardstown and Bardstown Road.

- The Southwest Quadrant is recommended for low- to medium-density land uses. There are no site specific recommendations for the development site, however.

Retail Market Study

- Page 27 provides a site-specific analysis of the development site. A Town Center-like, “super community center” development including a mix of “shops, restaurants, offices and services as well as some residential uses” with an anchor tenant is recommended.
- Page 30 considers the impact of development with respect to form district design standards and ultimately states, “Practical considerations suggest that any significant new retail development occurring within a Neighborhood Form District (which comprises most of the undeveloped land mass in the Metro) be included as part of a mixed-use development within an activity center. This will ensure that future development within the low-density Neighborhood Form Districts adhere to “smart growth” principals, in the spirit of the guidelines contained in Cornerstone 2020.
- Beginning on page 45 and specifically on Page 48 the Report recognizes that the area and neighborhoods surrounding the subject site are experiencing a retail market gap where new retail opportunities should be explored at key locations. One such area being South of the Interstate 265/Bardstown Road interchange.

Southeast Metro Regional Center Plan

- Land Use Priorities (Page 15):
 - Centers: Encourage mixed land uses organized around compact activity centers that are existing, proposed or planned.
 - Compatibility: Ensure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community.
 - Natural Areas: Protect natural areas, natural features and important scenic and historic resources. Locate development, whenever possible, in areas that do not have severe environmental limitations.
 - Economic Growth: Provide a positive culture for attracting and sustaining business within Louisville and Jefferson County
- The subject site is recommended for a change from Neighborhood Form to Regional Center Form District (page 18-20). The recommendations of a Regional Center form district at this location call for increased density of centers development preserves open space, agriculture, and natural area; reduced distances between home and work; Creating Economic Opportunities; and Developing a sense of place. Within the proposed RCFD, apply appropriate design guidelines that promote mixed use, multi-modal streets, and create connections to adjoining residential and commercial properties. Sustainable/green development techniques for new development in the RCFD in accordance with the guidelines and techniques found in the MSD Green Design Manual should be implemented.
- Connector Recommendation: North/South Connector from Cedar Creek Road to tie into Bardstown Road at future Southpointe Commons Boulevard Intersection.

Significant changes have occurred to the area south of the Interstate 265/Bardstown Road interchange since the adoption of the *Fern Creek Small Area Plan* on May 8, 2001. Several rezonings for commercial districts have been approved that do not necessarily follow the guidance of the plan from

2001, including plan certain dockets 9941, 11640 (SouthPointe Commons), 12630, & 12734. The Louisville Metro Demographic and Economic projections, 2010-2040 projects that the population of the census tract containing the subject site is expected to see a seventy percent increase in population and the tract immediately to its South is expected to grow by fifty percent. Such an increase would necessitate the need for retail and neighborhood services, similar to those proposed in the Southpointe Commons project (docket 11640) and a previous proposal on the subject site under docket 15ZONE1036. Relative to the increase in population, the Market Area containing the subject site is projected to see significant increases in professional, health care, and other private sector employment. The Southeast Metro Regional Center Plan is the most up-to-date plan reflecting current planning priorities and implementation of those priorities for the area. That said, the Retail Market Study offers site specific guidance for the subject with many similarities to the aforementioned plan. The main point of contrast is that the Regional Center Plan calls for the implementation of a Regional Center form district, while the Retail study calls for neighborhood form. Both call for neighborhood goods and services in mixed-use centers.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

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

The site is located in the 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 Comprehensive Plan, as well as the *Retail Market Study* and *Southeast Regional Center Plan* call for a neighborhood center. Site specific recommendations of the *Retail Market Study* call for a Town Center-like, “super-community center” development that includes a mix of “shops, restaurants, offices and services as well as some residential uses” with an anchor tenant. The proposed development is primarily a solitary user that does not provide neighborhood goods and services or conform to the recommendation of the *Retail Market Study*. The scale of this primary user is not appropriate as the site is dominated by structural footprint that does not engage the public. While the proposal calls for two users, one dominates the majority of the area. The proposal does not provide open space to meet the needs of the community. Site specific guidelines call for the integration of smart growth principles on this particular site which would include public space and walkable areas.

Mini-warehouse facilities do not produce functional interaction with for multi-modal transit or create a sense of place which is crucial for the longevity of mixed-use centers. Access by vehicle is also problematic due to a future proposed median that would restrict access to the site from the South via Bardstown Road without first passing the site to find an alternative route. Further, Wingfield Road is being realigned and a signalized intersection provided to which the development does not connect. Any future development on this area should integrate into the intersection.

The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape plantings and buffers will be provided as required. Parking, loading and delivery areas located adjacent to residential areas do not create any adverse impacts.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conform to the Comprehensive Plan, Retail Market Study, or Southeast Regional Center Plan. A solitary user is inconsistent with recommendations for a mixed-use center and does not promote functional multi-modal interaction. The plan further fails to adhere to smart growth principles such as walkability, public space, or mixed-uses that would allow for the appropriate development of the area as suggested by the Retail Market Study

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The scale of this primary user is not appropriate as the site is dominated by structural footprint that does not engage the public.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary public facilities will be provided.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The conditional use permit complies with each of the regulatory guidelines, except item 'G'. Allowing for excess height increases the compactness of the use and minimizes site disturbance.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the width and planting material will be provided as required.

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

STAFF: Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards,

vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The requested waiver will not violate these guidelines as the width and planting material will be provided as required.

- (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 the minimum necessary to afford relief to the applicant as the width and planting material will be provided as required and utilities must be provided.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the width and planting material will be provided as required and utilities must be provided.

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 not adversely affect the public health, safety or welfare as landscaping will be provided to mitigate the impact of incompatible development occurring adjacent to one another.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as appropriate transitions between uses that are substantially different in scale and intensity or density have been provided.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public the movement of pedestrians and vehicles will not be impacted by the request.

- (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 regulation is in place to preserve additional distance between non-residential and residential property and the development was capable of accommodating for this setback.

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 site is vacant and sufficient space could have been made available to accommodate the setback.

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 site is vacant and sufficient space could have been made available to accommodate the setback.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

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 proposed development plan provides for protection of an intermittent stream and tree canopy abutting the stream.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community is not provided as mini-warehouse facilities do not produce functional interaction with multi-modal transit. Access by vehicle is also problematic due to a future proposed median that would restrict access to the site from the South via Bardstown Road without first passing the site to find an alternative route. Further, Wingfield Road is being realigned and a signalized intersection provided to which the development does not connect. Any future development on this area should integrate into the intersection.

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

STAFF: The proposal does not provide open space to meet the needs of the community. Site specific guidelines call for the integration of smart growth principles on this particular site which would include public space and walkable areas is not provided.

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

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

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

STAFF: The scale of this primary user is not appropriate as the site is dominated by structural footprint that does not engage the public

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposal does not conform to the Comprehensive Plan, Retail Market Study, or Southeast Regional Center Plan. A solitary user is inconsistent with recommendations for a mixed-use center and does not promote functional multi-modal interaction. The plan further fails to adhere to smart growth principles such as walkability, public space, or mixed-uses that would allow for the appropriate development of the area as suggested by the Retail Market Study.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Conditional Use Permit** for mini-warehouse, Land Development Code, section 4.2.35
- **APPROVE** or **DENY** the **Waiver** of Land Development Code (LDC), section 10.2.B to allow LBA/Easement overlap in excess of 50%.
- **APPROVE** or **DENY** the **Variance** of LDC, section 5.3.1.C.5 to encroach upon the 50' non-res to res setback.
- **APPROVE** or **DENY** the **Detailed District Development Plan**

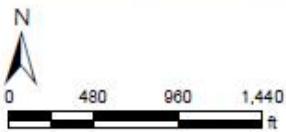
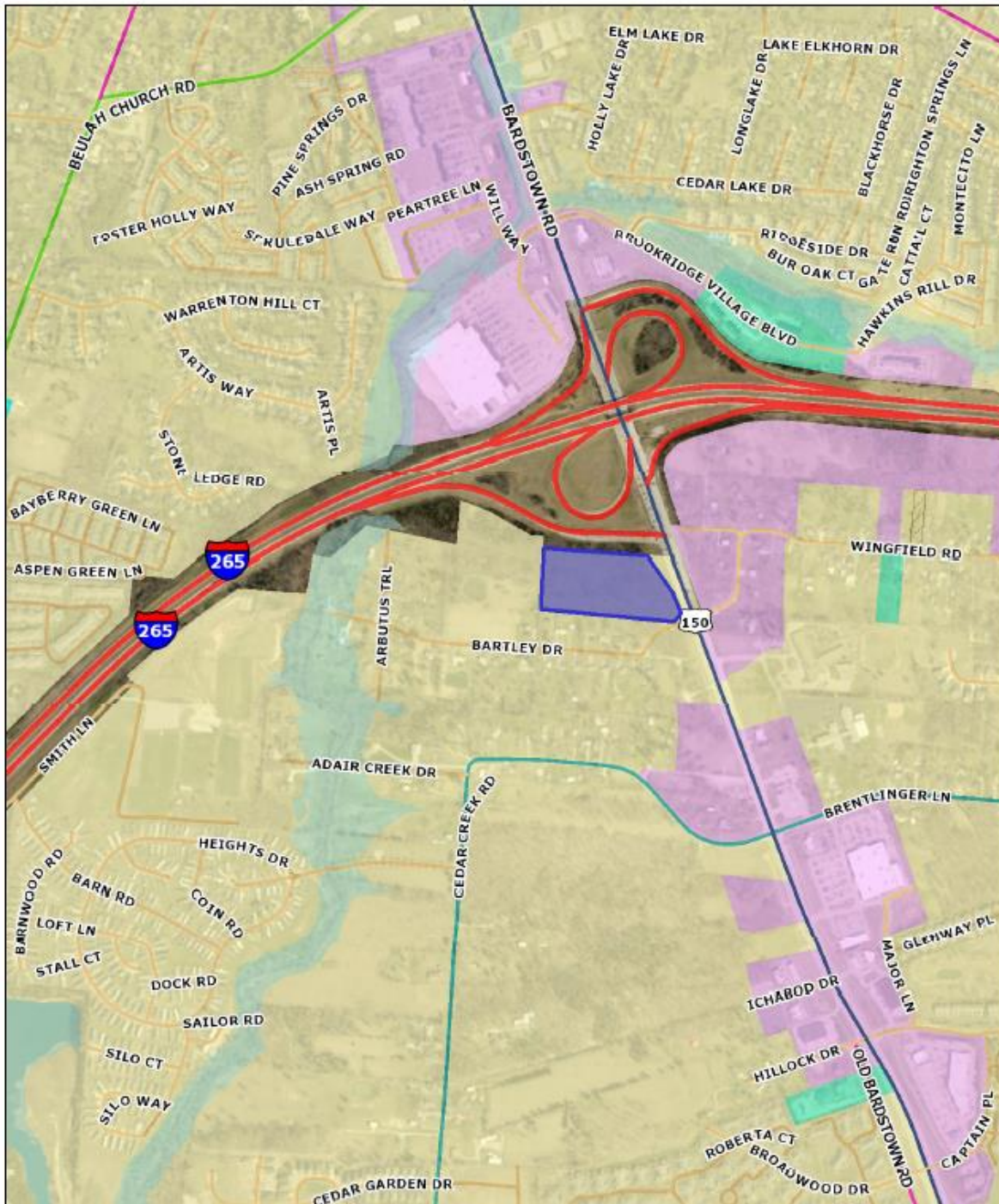
NOTIFICATION

Date	Purpose of Notice	Recipients
4/12/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
05/21/18	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
05/24/18	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
5. Staff Findings of Fact

1. Zoning Map



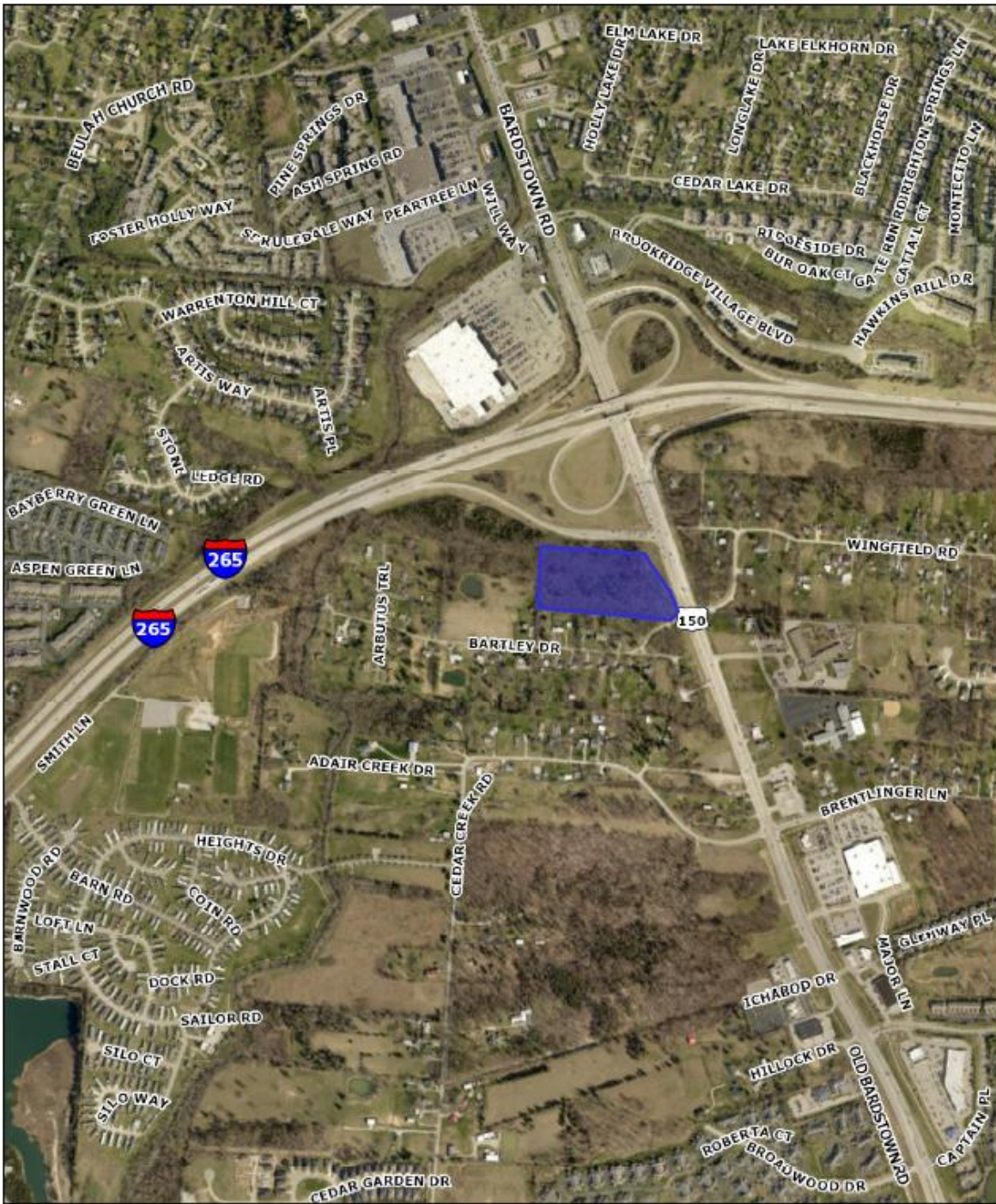
Friday, December 1, 2017 | 11:21:59 AM



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2. Aerial Photograph



Friday, December 1, 2017 | 11:22:47 AM



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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.	-	A neighborhood center calls for mixed uses at an appropriate scale. The proposed development is primarily being developed for a solitary user that does not provide neighborhood goods and services. The scale of this primary user is not appropriate as the site is dominated by structural footprint that does not engage the public.
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 located along an arterial level roadway and primary access to the subject site is immediately provided from the roadway with limited impact on local roadways.
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 currently located within the NFD; however, the Southeast Regional Plan calls for the creation of a regional center form district and site specific recommendations of the Retail Market Study call for a Town Center-like, "super-community center" development including a mix of "shops, restaurants, offices and services as well as some residential uses" with an anchor tenant.
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.	✓	Sufficient neighborhood and regional population exists to support a variety of land uses.
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	-	The site is dominated by the structural footprint of a solitary user and occupies viable land for future mixed-use development as recommended by small areas studies adopted for the area.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	-	The proposal calls for a two users; one dominating the majority of the area. Mini-warehouse facilities do not produce functional interaction with cyclist or pedestrians or create a sense of place.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 provides for a single alternative use along the frontage.
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 does not create a center as recommended by the small area studies adopted for the area and a single story design sprawls the development site with no amenities.
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 provides a private roadway to facilitate future development to the rear of the subject site away from Bardstown Road. The ideal condition would be to have the proposed use at the very rear of the development and mixed-use along the frontage with an anchor tenant as suggested by the <i>Retail Market Study</i> .
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities will be provided.
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 encourage multi-modal access and access by vehicle is limited due to a future proposed median that would restrict access to the site from the South via Bardstown Road without passing the site first to find an alternative route. Further, Wingfield Road is being realigned and signalized intersection provided. Any future development on this subject site should integrate into the intersection.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposal is compatible in design with a wide variety of architectural styles in the area.
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 does not constitute a non-residential expansion into a residential area as small area plans adopted for the area call for the development of nonresidential uses on the subject site
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposed use would not appear to generate offensive odors or emissions.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	-	The use may not necessarily be a large generator of traffic, but traffic problems may result from the proposed development as a median that would restrict access to the site from the South via Bardstown Road without passing the site first to find an alternative route is proposed. Further, Wingfield Road is being realigned and signalized intersection provided. Any future development on this subject site should integrate into the intersection.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will comply with LDC 4.1.3.
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 located along an arterial roadway within proximity to activity centers.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape plantings and buffers will be provided as required.
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as landscape plantings and buffers will be provided as required.
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 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.	✓	Parking, loading and delivery areas located adjacent to residential areas do not create any adverse impacts.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The proposal includes screening and buffering of parking and circulation areas adjacent to the street as landscape plantings and buffers will be provided as required.
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 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 will be in compliance with Ch. 8 of the LDC.
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 open space to meet the needs of the community as site specific guidelines call for the integration of smart growth principles on this particular site which would include public space and walkable areas.
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 open space to meet the needs of the community as site specific guidelines call for the integration of smart growth principles on this particular site which would include public space and walkable areas.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal preserves the intermittent stream flowing through the subject and includes TCCA in that area.
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 proposal preserves the intermittent stream flowing through the subject and includes TCCA in that area.
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 subject does not appear to hold any historical significance and is currently vacant.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Army Corps of Engineers approval will be required prior to MSD construction plan approval.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The subject site is not located downtown
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for an industrial use
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	-	The proposed use is not for retail commercial and would be better suited in an area of existing development away from viable land for potential mixed-use development as called for in adopted small area plans.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for an industrial use or zoning district.
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 and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.
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 use is auto-centric and does not promote mass transit, bicycle and pedestrian use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	-	The proposal's transportation facilities are not compatible with surrounding uses as the site does not appropriately link to a future signalized intersection and accessibility is restricted from the immediate south. The proposal does provide for a private road to facilitate future development but this does not compensate for the above noted concerns.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Dedications will be made as required.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal provides for joint and cross access through the development and to connect to adjacent development sites
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.	✓	Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land
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 will be from Bardstown road via a small amount of travel on a local roadway and would not impact areas of lower intensity.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	-	The development does not provide for appropriate linkages between activity areas in and adjacent to the development as the site does not appropriately link to a future signalized intersection and accessibility is restricted from the immediate south
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 use is auto-centric and does not promote or provide for the movement of bicycle and pedestrian users.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.
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.	✓	The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.
48	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.
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. Construction Fencing shall also be provided along the Limits of Disturbance as shown on the approved district development plan.
4. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor plat or legal instrument shall be recorded granting the 30' private access easement as shown on the approved district development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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. In no event, shall mini-warehouse facilities be constructed along the frontage of Bardstown Road beyond the extent of the proposed mini-warehouses as shown on the approved district development plan. An out-lot(s), whether on the same parcel as the mini-warehouse or not, shall be preserved in perpetuity for commercial use.

7. All healthy vegetation shall be preserved and maintained within the 25' intermittent stream buffer. Any vegetation lost as a result of site disturbance shall be replaced along the stream bank.
8. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
9. The materials and design of proposed structures shall be substantially the same as depicted in the renderings at the June 7, 2018 Planning Commission public hearing of the Louisville Metro Planning Commission.

4. Staff Proposed Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds, the Comprehensive Plan, as well as the Retail Market Study and Southeast Regional Center Plan call for a neighborhood center. The proposed development is primarily being developed for a solitary user that does not provide neighborhood goods and services. The scale of this primary user is not appropriate as the site is dominated by structural footprint that does not engage the public.

WHEREAS, the Louisville Metro Planning Commission finds, the proposal is currently located within the NFD; however, the Southeast Regional Plan calls for the creation of a regional center form district and site specific recommendations of the Retail Market Study call for a Town Center-like, “super-community center” development including a mix of “shops, restaurants, offices and services as well as some residential uses” with an anchor tenant.

WHEREAS, the Louisville Metro Planning Commission finds, the site is dominated by the structural footprint of a solitary user and occupies viable land for future mixed-use development as recommended by small areas studies adopted for the area.

WHEREAS, the Louisville Metro Planning Commission finds, the proposal calls for a two users; one dominating the majority of the area. Mini-warehouse facilities do not produce functional interaction with multi-modal users or create a sense of place.

WHEREAS, the Louisville Metro Planning Commission finds, the proposal does not create a center as recommended by the small area studies adopted for the area and a single story design sprawls the development site with no amenities.

WHEREAS, the Louisville Metro Planning Commission finds, the proposal provides a private roadway to facilitate future development to the rear of the subject site away from Bardstown Road. The ideal condition would be to have the proposed use at the very rear of the development and mixed-use along the frontage with an anchor tenant as suggested by the Retail Market Study.

WHEREAS, the Louisville Metro Planning Commission finds, the proposal does not encourage multi-modal access and access by vehicle is limited due to a future proposed median that would restrict access to the site from the South via Bardstown Road without passing the site first to find an alternative route. Further, Wingfield Road is being realigned and signalized intersection provided. Any future development on this subject site should integrate into the intersection.

WHEREAS, the Louisville Metro Planning Commission finds, traffic problems may result from the proposed development as a median that would restrict access to the site from the South via Bardstown Road without passing the site first to find an alternative route is proposed. Further, Wingfield Road is being realigned and signalized intersection provided. Any future development on this subject site should integrate into the intersection

WHEREAS, the Louisville Metro Planning Commission finds, the proposal does not provide open space to meet the needs of the community as site specific guidelines call for the

integration of smart growth principles on this particular site which would include public space and walkable areas.

WHEREAS, the Louisville Metro Planning Commission finds, the proposed use is not for retail commercial and would be better suited in an area of existing development away from viable land for potential mixed-use development as called for in adopted small area plans.

WHEREAS, the Louisville Metro Planning Commission finds, the use is auto-centric and does not promote mass transit, bicycle and pedestrian use.

WHEREAS, the Louisville Metro Planning Commission finds, the proposal's transportation facilities are not compatible with surrounding uses as the site does not appropriately link to a future signalized intersection and accessibility is restricted from the immediate south. The proposal does provide for a private road to facilitate future development but this does not compensate for the above noted concerns.

WHEREAS, the Louisville Metro Planning Commission further finds, the development does not provide for appropriate linkages between activity areas in and adjacent to the development as the site does not appropriately link to a future signalized intersection and accessibility is restricted from the immediate south.