

# Planning Commission Staff Report

April 2, 2015



Case No:	14ZONE1055
Request:	Change in Zoning from C-1 to C-2, Detailed District Development Plan and Binding Elements, and Waivers
Project Name:	Berry Auto Sales
Location:	1504 – 1506 Berry Blvd.
Owner:	Abdallah Badouan
Applicant:	J.L. McCoy & Co., LLC
Representative:	J.L. McCoy & Co., LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	David B. Wagner – Planner II

## REQUEST

- Re-Zoning from C-1 to C-2 for Auto Sales
- Waiver #1 from LDC 10.2 to encroach into the 15' LBA along the west lot line.
- Waiver #2 from LDC 10.2 to encroach into the 5' VUA LBA along Berry Blvd.
- Detailed District Development Plan
- Binding Elements

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site contains a one-story structure that is currently used as a 2,560 SF restaurant and store. It is located at the southwest corner of Berry Boulevard and Wheeler Avenue, being accessed from Berry Boulevard and a public way at the rear of the lot named Conn Street that appears to function like an alley. No new building construction is proposed. Landscaping and screening will be provided and striping for sales display and required parking spaces will be added to the site.

Existing Zoning District: C-1, Commercial  
Proposed Zoning District: C-2, Commercial  
Form District: Traditional Neighborhood  
Existing Use: Restaurant and Store  
Proposed Use: Auto Sales  
Minimum Parking Spaces Required: 1  
Maximum Parking Spaces Allowed: 2  
Parking Spaces Proposed: 2

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Restaurant, Store	C-1	TN
<b>Proposed</b>	Auto Sales	C-2	TN
<b>Surrounding Properties</b>			
<b>North</b>	Daycare, SF Residential	R-5, C-1	TN
<b>South</b>	Single Family Residential	R-5	TN
<b>East</b>	Single Family Residential	OR-1	TN
<b>West</b>	Single Family Residential	R-5	TN

### PREVIOUS CASES ON SITE

- Staff did not find any previous cases on the site.

### INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

North Iroquois Community Plan (1983): The subject site lies along the northern boundary (Berry Boulevard) of the North Iroquois Community Plan. Major Land Use Issues that are applicable to this site on page 3 of the Executive Summary include: (4) Potential intensification of land use conflicts in the several "overzoned" areas, particularly along Berry and Taylor Boulevards and (16) Protection of the area's residential character. Major Transportation Issues that are applicable to this site on page 4 of the Executive Summary include: (11) Hazardous traffic conditions created by turning movements into and out of the numerous parking areas along the commercial portions of Berry Boulevard and Manslick Road.

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

### STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The site is located at the intersection of a minor arterial and local level road and has been used and zoned commercial for some time. The proposed use for auto sales will replace the existing use of a restaurant and store. All of these uses are already in the vicinity of this site and the proposal would exchange one neighborhood-serving use for another. On the lot there is an existing building which will remain in its current location and the design of the structure will remain the same. The design of the building is similar to others in the surrounding area, maintaining a residential appearance. Since the site is bordered by right-of-way on three sides, a property perimeter LBA is only required along the western side of the site. The applicant will provide the required LBA, plantings, and 8' privacy fence which will help mitigate any adverse impacts on the adjoining residence. Since landscaping and a striped parking area will be added to the site, the proposal will allow the site to be upgraded and will decrease the amount of impervious surface area. Transportation Review has recommended the access along Berry Boulevard be removed, leaving the access points along Wheeler Avenue and Conn Street to serve the site. There are commercial and office zoning districts at this intersection, including a daycare center across the street. All of the intersections along Berry Boulevard from Taylor Boulevard to Manslick Road have some type of non-residential uses on the corner lots which have established corner lot non-residential uses as a pattern along Berry Boulevard. Since the subject site is already zoned commercially, the re-zoning to C-2 continues this corner commercial pattern along this street.

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

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

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The site has vehicular access by a rear street that functions as an alley, existing facilities to provide pedestrian and bicycle access, and frontage along a transit route. Since the only adjoining property is a residence, cross connectivity has rightfully not been added to the site. Pedestrian connections from the sidewalks to the sidewalk abutting the building have also been provided. However, Transportation Review has recommended that the Berry Boulevard access be closed and access be maintained from the other two rights-of-way.

The site is compliant with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District and MSD have approved the proposal and no other utility has any issues. Existing utility infrastructure will be maintained for the development.

The proposal is generally compliant with the **North Iroquois Community Plan**. This site will maintain the suggested commercial use of the property per the Community Plan even though it points out areas of “over zoning” along Berry Boulevard. The site has been zoned for commercial uses since at least 1963 and since it is changing from one commercial classification to another, there should be few adverse impacts on surrounding residential properties that won’t be mitigated through the added landscaping and screening. The hazardous traffic conditions cause by vehicles turning into and leaving the numerous curb cuts along Berry Boulevard should be lessened by the applicant closing the existing curb cut to Berry Boulevard.

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

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1  
from LDC 10.2 to encroach into the 15' LBA along the west lot line**

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

STAFF: The waiver will not adversely affect adjacent property owners because the existing building has been at its current location for many years. The required LBA, plantings, and screening will be provided along all other portions of the lot line shared with the residence to the west.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review.

- (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 because the existing building has been at its current location for many years and the LBA is only required because of the zoning change.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the existing building would need to be demolished and rebuilt in order to meet the requirement.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2  
from LDC 10.2 to encroach into the 5' VUA LBA along Berry Blvd.**

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

STAFF: The waiver will not adversely affect adjacent property owners because the pavement has been in place for years and Berry Boulevard lies between the subject site and any adjoining property owners.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review.

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

STAFF: The extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because it will allow the internal site circulation to be maintained as it is currently.

- (d) Either:

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

STAFF: The strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the pavement has been in existence for some time and allows for a wider driving aisle on the site.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND BINDING ELEMENTS**

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

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

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

STAFF: Transportation Review has recommended the Berry Boulevard access be removed to lessen the amount of vehicles turning on and off the street. Otherwise, the site lies along a transit route has multiple access points, and provides for all modes of transportation.

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

STAFF: No open space is required on this site.

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

STAFF: MSD has approved the drainage facilities for the site.

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

STAFF: The site design is compatible with existing corner lot commercial site pattern along Berry Boulevard. The existing building and parking lots will remain with additional landscaping and screening to be provided where reasonable. No changes will be made to the building design which will continue to be consistent with non-residential buildings in the vicinity.

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

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

### TECHNICAL REVIEW

- With the exception of the required Waivers, the plan meets the requirements of the LDC.
- The plan has received preliminary approval from MSD and Transportation Review.
- Binding Element #7 has been added to prohibit any automobile repair on the site.
- Since the North Iroquois Community Plan and Transportation Review recommend the Berry Boulevard access be removed, the Planning Commission should discuss the appropriateness of leaving this access as it currently exists. Since this is a state road, staff is awaiting final comments from KTC as to whether they will require the access point to be closed. At the time this report was composed, staff had not received a final decision from KTC.

### STAFF CONCLUSIONS

#### Rezoning

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

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

#### Waivers, Detailed District Development Plan, and Binding Elements

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

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the standards for granting a Waiver, DDDP, and Binding Elements established in the Land Development Code.

#### Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from C-1, Commercial, to C-2, Commercial, on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waiver #1 and #2 listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report

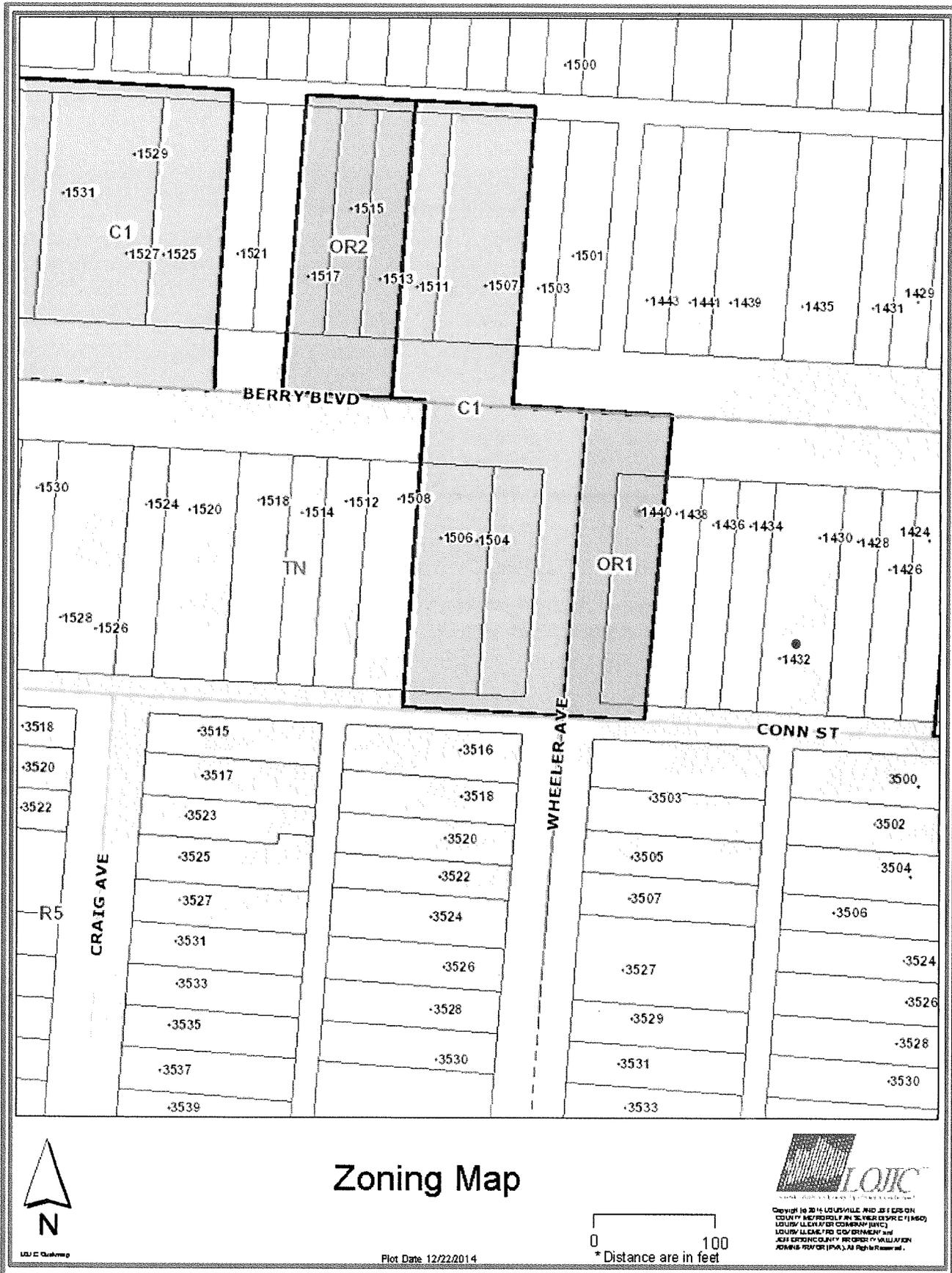
## NOTIFICATION

Date	Purpose of Notice	Recipients
2/27/15	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 15 Notification of Development Proposals
3/18/15	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 15 Notification of Development Proposals
3/18/15	Hearing before PC	Sign Posting on property
3/20/15	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

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

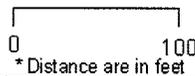
1. **Zoning Map**



**Zoning Map**



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Plot Date 12/22/2014

2. Aerial Photograph



**3. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 2, 2015 Planning Commission meeting.
7. There shall be no automobile repair permitted on this site.

taverns, salons, bars  
↑  
or

**4. Cornerstone 2020 Staff Checklist**

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed

- Does Not Meet Guideline  
 NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal preserves the street grid pattern, sidewalks, and alleys as there is no proposal to close any of the abutting rights-of-way.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	√	The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	NA	There are no public open spaces on this lot or adjoining it so no preservation may take place.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with predominate neighborhood building design.	√	The proposal preserves and renovates the existing building which is consistent with predominate neighborhood building design.
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another. The proposal preserves and renovates the existing building which is consistent with predominate neighborhood building design.
6	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 proposed retail commercial development is located in an area that has a sufficient population to support it.
7	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 proposed development is compact and results in an efficient land use pattern as the existing infrastructure on the site will be utilized, making the proposal a cost-effective infrastructure investment.
8	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 site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another. Alternative forms of transportation will be supported by the existing abutting sidewalks and because the site lies along a bus route. However, it does not appear that trips will be reduced or that the proposal will encourage vitality and a sense of place.
9	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The existing building on site is a one-story building and cannot provide mixed uses in a multi-story building.
10	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development in a center.
11	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 is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities. The curb cut along Berry Blvd. should be removed to reduce curb cuts on the site and parking located in the rear of the site in order to balance safety, traffic, transit, pedestrian, environmental, aesthetic concerns.
12	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	The proposal will continue to utilize existing infrastructure on site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The proposal will support easy access by bicycle, car and transit and by pedestrians and persons with disabilities via the sidewalks and access points along 2 of the street frontages.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposal will maintain the existing building materials which are compatible with nearby building design.
15	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 an existing residential area since it already is zoned and used as commercial property. Impacts upon the adjacent residential properties should be lessened as landscaping and a privacy fence are being added to the site.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The proposal has been approved by APCD.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as one of the access points will be removed and vehicles will then access the site from the two other streets
18	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposal must comply with all lighting regulations.
19	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 within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
20	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. The building will remain as is which is designed similarly to surrounding buildings.
21	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. The building will remain as is which is designed similarly to surrounding buildings.
22	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The building will remain as is which is designed similarly to surrounding buildings.
23	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	+/-	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. Parking will be generally located to the rear of the building except for the display spaces up front which already exist. The access to Berry Blvd. should be removed to promote safety by limiting the number of access points from a minor arterial level street.
24	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. Parking will be generally located to the rear of the building except for the display spaces up front which already exist.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	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	The proposal does include any parking garages.
26	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.	√	Any signs must comply with all sign regulations.
27	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space is not required for the proposal.
28	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for the proposal.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to incorporate into the pattern of development.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features to incorporate into the pattern of development.
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There are no historical features on the site.
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to incorporate into the pattern of development.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	NA	The proposal is not for an employment center.
34	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 site is not in the downtown area.
35	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 an industrial use.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
37	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 an industrial use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
38	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 applicant will contribute its proportional share of the cost of roadway improvements as required by Transportation Review.
39	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 site is located along a transit route, provides rear alley access, and will maintain existing sidewalks to provide amenities for multiple modes of transportation.
40	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 is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities. The curb cut along Berry Blvd. should be removed to reduce curb cuts on the site and parking located in the rear of the site in order to balance safety, traffic, transit, pedestrian, environmental, aesthetic concerns.
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The applicant will dedicate any ROW required by Transportation Review.
42	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.
43	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 is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	The proposal is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities.
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The proposal avoids access to development through areas of significantly lower intensity or density.
46	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 functional hierarchy of streets and alleys in the area will not be altered by the proposal.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities. It provides bicycle and pedestrian connections to transit stops. The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
48	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 has been approved by MSD.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
49	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 approved by APCD.
50	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no natural features to incorporate into the pattern of development.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	No utility has expressed any concerns or issues with the proposal.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	No utility has expressed any concerns or issues with the proposal.
53	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.	√	No utility has expressed any concerns or issues with the proposal.

# Land Development and Transportation Committee

## Staff Report

March 12, 2015



Case No:	14ZONE1055
Request:	Change in Zoning from C-1 to C-2, Detailed District Development Plan and Binding Elements, and Waivers
Project Name:	Berry Auto Sales
Location:	1504 – 1506 Berry Blvd.
Owner:	Abdallah Badouan
Applicant:	J.L. McCoy & Co., LLC
Representative:	J.L. McCoy & Co., LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	David B. Wagner – Planner II

### REQUEST

- Re-Zoning from C-1 to C-2 for Auto Sales
- Waiver #1 from LDC 10.2 to encroach into the 15' LBA along the west lot line.
- Waiver #2 from LDC 10.2 to encroach into the 5' VUA LBA along Berry Blvd.
- Detailed District Development Plan
- Binding Elements

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site contains a one-story structure that is currently used as a 2,560 SF restaurant and store. It is located at the southwest corner of Berry Boulevard and Wheeler Avenue, being accessed from Berry Boulevard and a public way at the rear of the lot named Conn Street that appears to function like an alley. No new building construction is proposed. Landscaping and screening will be provided and striping for sales display and required parking spaces will be added to the site.

Existing Zoning District: C-1, Commercial  
Proposed Zoning District: C-2, Commercial  
Form District: Traditional Neighborhood  
Existing Use: Restaurant and Store  
Proposed Use: Auto Sales  
Minimum Parking Spaces Required: 1  
Maximum Parking Spaces Allowed: 2  
Parking Spaces Proposed: 2

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Restaurant, Store	C-1	TN
<b>Proposed</b>	Auto Sales	C-2	TN
<b>Surrounding Properties</b>			
<b>North</b>	Daycare, SF Residential	R-5, C-1	TN
<b>South</b>	Single Family Residential	R-5	TN
<b>East</b>	Single Family Residential	OR-1	TN
<b>West</b>	Single Family Residential	R-5	TN

### PREVIOUS CASES ON SITE

- Staff did not find any previous cases on the site.

### INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

North Iroquois Community Plan (1983): The subject site lies along the northern boundary (Berry Boulevard) of the North Iroquois Community Plan. Major Land Use Issues that are applicable to this site on page 3 of the Executive Summary include: (4) Potential intensification of land use conflicts in the several "overzoned" areas, particularly along Berry and Taylor Boulevards and (16) Protection of the area's residential character. Major Transportation Issues that are applicable to this site on page 4 of the Executive Summary include: (11) Hazardous traffic conditions created by turning movements into and out of the numerous parking areas along the commercial portions of Berry Boulevard and Manslick Road.

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

### STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

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

### TECHNICAL REVIEW

- With the exception of the required Waivers, the plan meets the requirements of the LDC.

### STAFF CONCLUSIONS

- A public hearing date is ready to be set.

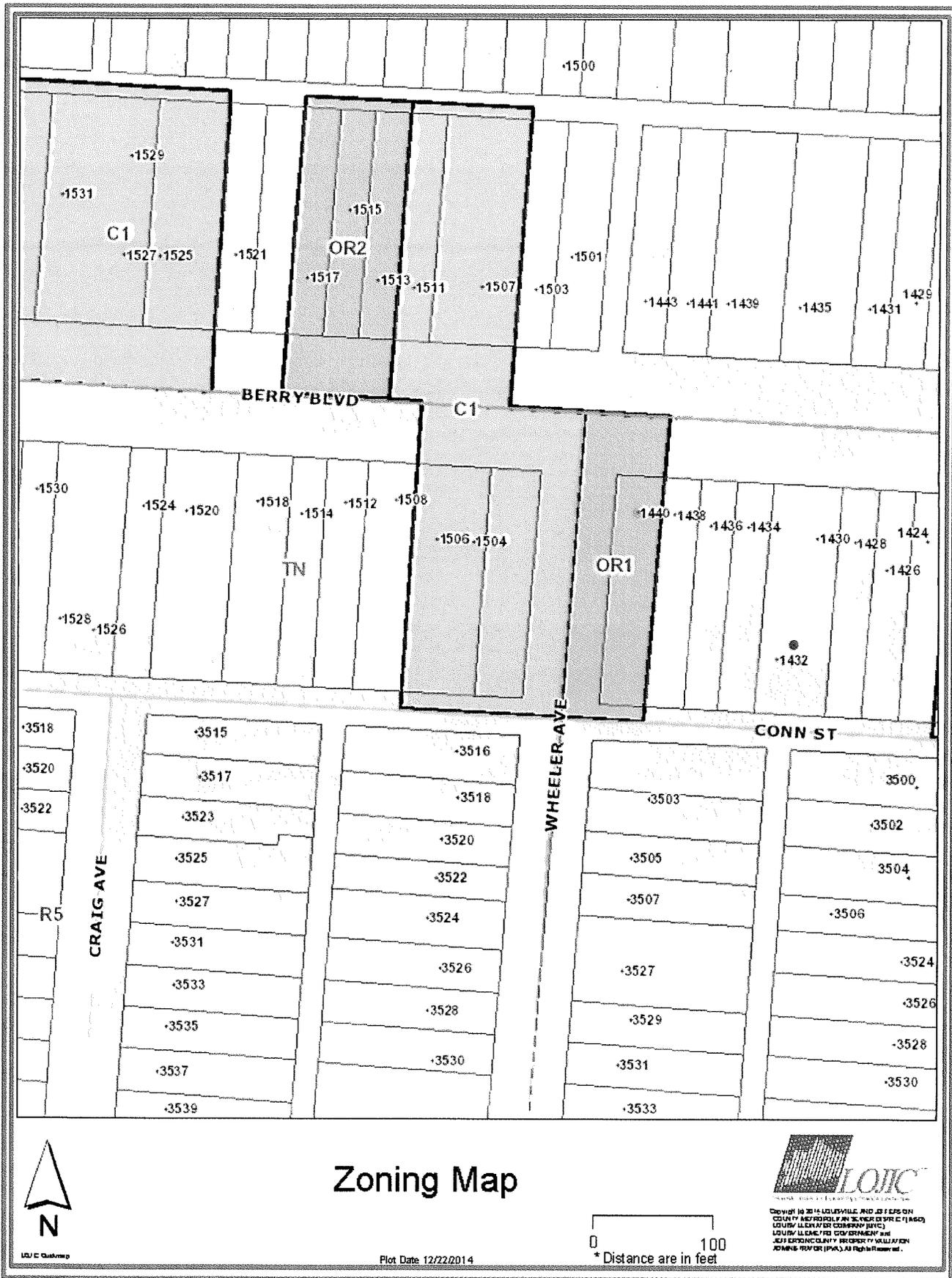
### NOTIFICATION

Date	Purpose of Notice	Recipients
2/27/15	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 15 Notification of Development Proposals

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

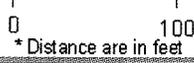
1. **Zoning Map**



**Zoning Map**



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Plot Date 12/22/2014

2. Aerial Photograph



### **3. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.

# Pre-Application Staff Report

December 22, 2014



<b>Case No:</b>	14ZONE1055
<b>Request:</b>	Re-Zoning from C-1 to C-2 for Auto Sales, Waivers, Detailed District Development Plan, and Binding Elements
<b>Project Name:</b>	Berry Auto Sales
<b>Location:</b>	1504 & 1506 Berry Blvd.
<b>Owner:</b>	Abdallah Badouan
<b>Applicant:</b>	J.L. McCoy & Company, LLC
<b>Representative:</b>	J.L. McCoy & Company, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Marianne Butler
<b>Case Manager:</b>	David B. Wagner – Planner II

## REQUEST

- Re-Zoning from C-1 to C-2 for Auto Sales
- Waiver from LDC 10.2 to encroach into the 15' LBA along the west lot line
- Detailed District Development Plan
- Binding Elements

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site contains a one-story structure that is currently used as a 2,560 SF restaurant and store. It is located at the southwest corner of Berry Boulevard and Wheeler Avenue, being accessed from both streets previously mentioned and a public way at the rear of the lot named Conn Street that appears to function like an alley. No new building construction is proposed. Landscaping and screening will be provided and striping for sales display and required parking spaces will be added to the site.

Existing Zoning District: C-1, Commercial  
Proposed Zoning District: C-2, Commercial  
Form District: Traditional Neighborhood  
Existing Use: Restaurant and Store  
Proposed Use: Auto Sales  
Minimum Parking Spaces Required: 1  
Maximum Parking Spaces Allowed: 2  
Parking Spaces Proposed: TBD

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Restaurant, Store	C-1	TN
<b>Proposed</b>	Auto Sales	C-2	TN
<b>Surrounding Properties</b>			
<b>North</b>	Daycare, SF Residential	R-5, C-1	TN
<b>South</b>	Single Family Residential	R-5	TN
<b>East</b>	Single Family Residential	OR-1	TN
<b>West</b>	Single Family Residential	R-5	TN

### PREVIOUS CASES ON SITE

- Staff did not find any previous cases on the site.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

North Iroquois Community Plan (1983): The subject site lies along the northern boundary (Berry Boulevard) of the North Iroquois Community Plan. Major Land Use Issues that are applicable to this site on page 3 of the Executive Summary include: (4) Potential intensification of land use conflicts in the several "overzoned" areas, particularly along Berry and Taylor Boulevards and (16) Protection of the area's residential character. Major Transportation Issues that are applicable to this site on page 4 of the Executive Summary include: (11) Hazardous traffic conditions created by turning movements into and out of the numerous parking areas along the commercial portions of Berry Boulevard and Manslick Road.

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

### STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having

sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The site is located at the intersection of a minor arterial and local level road and has been used and zoned commercial for some time. The proposed use for auto sales will replace the existing use of a restaurant and store. All of these uses are already in the vicinity of this site and the proposal would exchange one neighborhood-serving use for another. On the lot there is an existing building which will remain in its current location and the design of the structure will remain the same. The design of the building is similar to others in the surrounding area, maintaining a residential appearance. Since the site is bordered by right-of-way on three sides, a property perimeter LBA is only required along the western side of the site. The applicant will provide the required LBA, plantings, and 8' privacy fence which will help mitigate any adverse impacts on the adjoining residence. Since landscaping and a striped parking area will be added to the site, the proposal will allow the site to be upgraded and will decrease the amount of impervious surface area. Transportation Review has recommended the access along Berry Boulevard be removed, leaving the access points along Wheeler Avenue and Conn Street to serve the site. There are commercial and office zoning districts at this intersection, including a daycare center across the street. All of the intersections along Berry Boulevard from Taylor Boulevard to Manslick Road have some type of non-residential uses on the corner lots which have established corner lot non-residential uses as a pattern along Berry Boulevard. Since the subject site is already zoned commercially, the re-zoning to C-2 continues this corner commercial pattern along this street.

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

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

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The site has vehicular access by a rear street that functions as an alley, existing facilities to provide pedestrian and bicycle access, and frontage along a transit route. Since the only adjoining property is a residence, cross connectivity has rightfully not been added to the site. However, Transportation Review has recommended that the Berry Boulevard access be closed and access be maintained from the other two rights-of-way. Pedestrian connections from the sidewalks to the sidewalk abutting the building should also be provided. The applicant will need to address these comments on the plan.

The site is compliant with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District and MSD have approved the proposal and no other utility has any issues. Existing utility infrastructure will be maintained for the development.

The proposal is generally compliant with the **North Iroquois Community Plan**. This site will maintain the suggested commercial use of the property per the Community Plan even though it points out areas of "over zoning" along Berry Boulevard. The site has been zoned for commercial uses since at least 1963 and since it

is changing from one commercial classification to another, there should be few adverse impacts on surrounding residential properties that won't be mitigated through the added landscaping and screening. The hazardous traffic conditions cause by vehicles turning into and leaving the numerous curb cuts along Berry Boulevard should be lessened by the applicant closing the existing curb cut to Berry Boulevard.

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

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

## TECHNICAL REVIEW

### Property Perimeter Landscape Buffer Areas – Chapter 10.2.4 of the LDC

- C-2 (Class 4) to R-5 (Class 1)

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
C.4	15 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	25 ft	1.5	
	35 ft	1	

<sup>1</sup> This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.

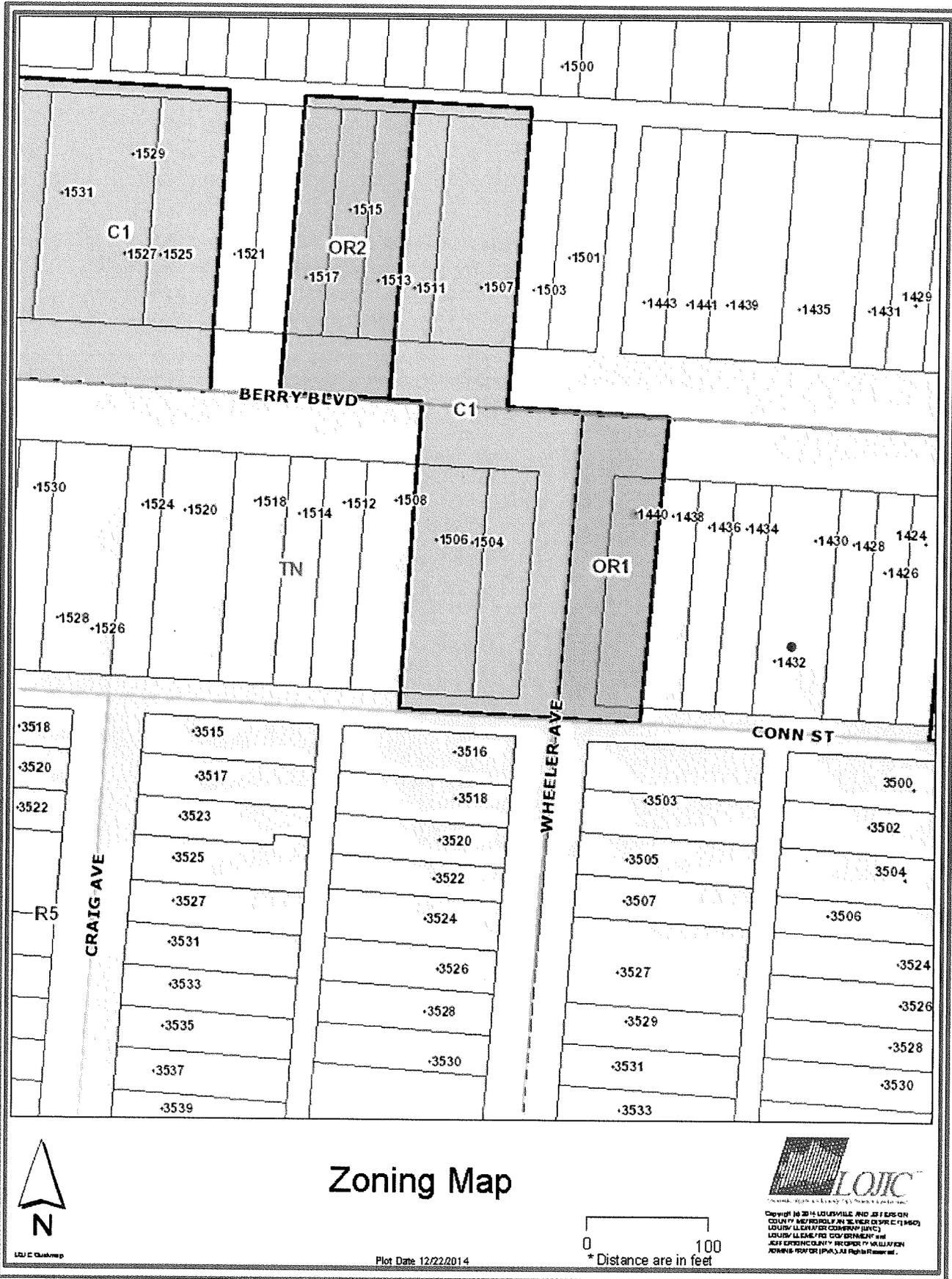
<sup>2</sup> The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A "2" multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. **Zoning Map**





### 3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal preserves the street grid pattern, sidewalks, and alleys as there is no proposal to close any of the abutting rights-of-way.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	√	The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	NA	There are no public open spaces on this lot or adjoining it so no preservation may take place.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with predominate neighborhood building design.	√	The proposal preserves and renovates the existing building which is consistent with predominate neighborhood building design.
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another. The proposal preserves and renovates the existing building which is consistent with predominate neighborhood building design.
6	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 proposed retail commercial development is located in an area that has a sufficient population to support it.
7	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 proposed development is compact and results in an efficient land use pattern as the existing infrastructure on the site will be utilized, making the proposal a cost-effective infrastructure investment.
8	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 site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another. Alternative forms of transportation will be supported by the existing abutting sidewalks and in that the site lies along a bus route. However, it does not appear that trips will be reduced or that the proposal will encourage vitality and a sense of place.
9	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The existing building on site is a one-story building and cannot provide mixed uses in a multi-story building.
10	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development in a center.
11	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 is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities. The curb cut along Berry Blvd. should be removed to reduce curb cuts on the site and parking located in the rear of the site in order to balance safety, traffic, transit, pedestrian, environmental, aesthetic concerns.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
12	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	The proposal will continue to utilize existing infrastructure on site.
13	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The proposal will support easy access by bicycle, car and transit and by pedestrians and persons with disabilities via the sidewalks and access points along 2 of the street frontages.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposal will maintain the existing building materials which are compatible with nearby building design.
15	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 an existing residential area since it already is zoned and used as commercial property. Impacts upon the adjacent residential properties should be lessened as landscaping and a privacy fence are being added to the site.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The proposal has been approved by APCD.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as one of the access points will be removed and vehicles will then access the site from the two other streets
18	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposal must comply with all lighting regulations.
19	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 within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
20	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. The building will remain as is which is designed similarly to surrounding buildings.
21	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. The building will remain as is which is designed similarly to surrounding buildings.
22	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The building will remain as is which is designed similarly to surrounding buildings.
23	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. Parking will be generally located to the rear of the building except for the display spaces up front which already exist. The access to Berry Blvd. will be removed causing fewer safety concerns by eliminating a curb cut.
24	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.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. Parking will be generally located to the rear of the building

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		Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.		except for the display spaces up front which already exist. The access to Berry Blvd. will be removed causing fewer safety concerns by eliminating a curb cut.
25	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	The proposal does include any parking garages.
26	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.	√	Any signs must comply with all sign regulations.
27	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space is not required for the proposal.
28	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for the proposal.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to incorporate into the pattern of development.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features to incorporate into the pattern of development.
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There are no historical features on the site.
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to incorporate into the pattern of development.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	NA	The proposal is not for an employment center.
34	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 site is not in the downtown area.
35	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 an industrial use.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposal provides appropriate transitions between uses that are substantially different in intensity of development since it will include the addition of landscaping and screening to buffer adjacent residences. The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
37	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 an industrial use.

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38	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 applicant will contribute its proportional share of the cost of roadway improvements as required by Transportation Review.
39	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 site is located along a transit route, provides rear alley access, and will maintain existing sidewalks to provide amenities for multiple modes of transportation.
40	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 is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities. The curb cut along Berry Blvd. should be removed to reduce curb cuts on the site and parking located in the rear of the site in order to balance safety, traffic, transit, pedestrian, environmental, aesthetic concerns.
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The applicant will dedicate any ROW required by Transportation Review.
42	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.
43	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 is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	The proposal is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities.
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The proposal avoids access to development through areas of significantly lower intensity or density.
46	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 functional hierarchy of streets and alleys in the area will not be altered by the proposal.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal is adjacent to only one other property which is residential and should not be connected via parking and entrance facilities. It provides bicycle and pedestrian connections to transit stops. The proposal is located within an appropriately located neighborhood center since it is at the intersection of a minor arterial and local level street. The site is already zoned and used for commercial purposes and changes from one neighborhood-serving use to another.
48	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 has been approved by MSD.

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49	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 approved by APCD.
50	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no natural features to incorporate into the pattern of development.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	No utility has expressed any concerns or issues with the proposal.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	No utility has expressed any concerns or issues with the proposal.
53	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.	√	No utility has expressed any concerns or issues with the proposal.