

**Planning Commission
Staff Report**
January 7, 2016



Case No:	15zone1020
Request:	Change in zoning from R-4 to C-2, a variance, and waivers
Project Name:	Swope Auto Repair Facility
Location:	6780 Dixie Hwy., 4532 & 4534 Kerrick Lane, & TB 1032 Lot 200
Owner:	Stephen and Jean Gillespie, Jackie Allen, John and Kathi Moreland
Applicant:	Swope Development LLC
Representative:	BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	12-Rick Blackwell
Case Manager:	Julia Williams, RLA, AICP, Planner II

REQUEST

- Change in zoning from R-4 to C-2
- Variance to permit the encroachment of a driveline into the required 25' setback along the north property line as indicated on the development plan
- Waivers:
 1. Waiver from Chapter 10.2.4 to permit the encroachment of a driveline into the required 25' LBA along the north property line as indicated on the development plan.
 2. Waiver from Chapter 10.2.4. to permit over 50% overlap of a utility easement into a required LBA along the north and west property lines.
 3. Waiver from Chapter 5.9.2.A.1.b.i to not provide a pedestrian connection from Kerrick Lane to the building entrance.
- District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a 12,000 sf. automobile repair facility and display lot on 3 single family residential lots. The lots total site area is 2.94 acres with frontage along Kerrick Lane. The existing home at 6780 Dixie Highway appears to have been constructed around 1905.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single Family Residential	R-4	N/SMC
Proposed	Commercial	C-2	N/SMC
<i>Surrounding Properties</i>			
North	Single Family Residential/Commercial	R-4/C-2	N/SMC
South	Commercial	C-2	SMC
East	Commercial/Fire Station	C-2	SMC
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

None found.

INTERESTED PARTY COMMENTS

Staff received letters of support and opposition regarding the site. They are attached as a separate document.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 REZONING

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

The site is located in the Neighborhood Form District

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

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

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

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements

such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

Buffer yards and setbacks are being provided on the site. There are some encroachments that are being mitigated by the landscape and screening requirements for those buffers. A 30' buffer is being provided along Kerrick to reduce the impact of the site along that roadway and adjacent neighborhood.

The proposal is not a neighborhood center and is for one use. C-2 permits more regional oriented uses rather than neighborhood oriented uses. Residential is not part of the proposal. Entrance to the site will be from an access easement off of Dixie. Vehicular and pedestrian access is provided to the site. The proposal is a non-residential expansion into an existing residential area. The proposed zoning change includes the demolition of an existing 2-2 1/2 story frame structure. The demolition of the structure would have an adverse effect on a potentially eligible historic resource, the context is not fully known at this time. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. Staff is asking that site be documented at the State Level 1 documentation.

The proposal is to allow for an expansion onto a site where single family residential has been in existence for a century or more. Dixie Highway is a major arterial and where the site will have its main access. Kerrick Lane is a local level road and will not be used for access to the site. The high intensity zoning is not directly located on an arterial but with vehicle access only coming from an access easement, impact to Kerrick Lane will be minimal. The proposal is not a neighborhood center. It includes new construction for high intensity commercial zoning. C-2 zoning, while permitting C-1 uses allows for more intense commercial users outside the general neighborhood population. Much of the area is already zoned C-2. There is sufficient population in the vicinity to support the zoning. Expanding the existing C-2 in the area results in an efficient land use pattern as the residential zones have commercial zoning interspersed for some time. C-2 zoning allows for a variety of compatible commercial land uses. Transit is available on Dixie and no access will be from Kerrick Lane.

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

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO 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 development plan includes the demolition of an existing 2-2 1/2 story frame structure. The demolition of the structure would have an adverse effect on a potentially eligible historic resource, the context is not fully known at this time. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- 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 transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation

Cabinet have approved the preliminary development plan. Safe pedestrian connectivity has not been provided on site from either Kerrick Lane or Dixie Highway.

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

STAFF: There are no open space requirements with the current proposal. Open space is provided in the form of buffers and setbacks.

- 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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- 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 development plan conforms to applicable guidelines and policies of the Comprehensive Plan but not the requirements of the Land Development Code. A safe pedestrian connection needs to be made from the main Swope lot along Dixie to the proposed collision center structure.

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 public health safety or welfare since an 8' fence is proposed in the area of encroachment.

- (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 since the drive lane is internal to the site and being screened from adjacent owners.

- (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 since the drive lane is internal to the site and being screened from adjacent owners.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the drive lane is internal to the site and being screened from adjacent owners.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because encroachments into setbacks are not permitted in the neighborhood form district. The NFD applies to this site and other sites to the west of this site.

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 deprive the applicant of reasonable use of the land since the applicant chose the size of the structure and layout of the site. There are other site designs that would have prevented the variance.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant was aware of the regulations when submitting the application.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to permit the encroachment of a driveline into the required 25' LBA along the north property line as indicated on the development plan.

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

STAFF: The waiver will not adversely affect adjacent property owners since the drive lane is internal to the site and being screened from adjacent owners.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls 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 the impacts from 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 air borne and water borne pollutants. Since the drive lane is internal to the site and being screened from adjacent owners Cornerstone 2020 is not being violated.

- (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 since the landscape requirements and buffering will still be met in the area of the encroachment.

(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 not deprive the applicant of reasonable use of the land since the applicant chose the size of the structure and layout of the site. There are other site designs that would have prevented the waiver.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to allow a utility easement to encroach more than 50% into the landscape buffer area

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

STAFF: The waiver will not adversely affect adjacent property owners since the landscape and buffering requirements will still be met.

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

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls 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 the impacts from 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 air borne and water borne pollutants. Since the landscape and buffering requirements will still be met, Cornerstone 2020 is not being violated.

(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 since the landscape and buffering requirements will still be met.

(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 would create an unnecessary hardship on the applicant since the landscape and buffering requirements will still be met.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.9.2.A.1.b.i. to not provide a pedestrian connection from Kerrick Lane to the building entrance.

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

STAFF: The waiver will not adversely affect adjacent property owners since a pedestrian connection is provided from Dixie Highway.

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

STAFF: Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. Safe and appropriate access is being provided to the auto repair facility. Transit is available along Dixie Highway and there is pedestrian access from the main Dixie lot to the repair facility.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since pedestrian access is being provided from Dixie to the building.

- (d) Either:

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

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

STAFF: The applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived since pedestrian access is being provided from Dixie to the repair facility.

TECHNICAL REVIEW

- Agency review comments have been addressed.

STAFF CONCLUSIONS

Buffer yards and setbacks are being provided on the site. There are some encroachments that are being mitigated by the landscape and screening requirements for those buffers. A 30' buffer is being provided along Kerrick to reduce the impact of the site along that roadway and adjacent neighborhood.

The proposal is not a neighborhood center and is for one use. C-2 permits more regional oriented uses rather than neighborhood oriented uses. Residential is not part of the proposal. Entrance to the site will be from an access easement off of Dixie. Vehicular and pedestrian access is provided to the site. The proposal is a non-residential expansion into an existing residential area. The proposed zoning change includes the demolition of an existing 2-2 1/2 story frame structure. The demolition of the structure would have an adverse effect on a potentially eligible historic resource, the context is not fully known at this time. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. Staff is asking that site be documented at the State Level 1 documentation.

The proposal is to allow for an expansion onto a site where single family residential has been in existence for a century or more. Dixie Highway is a major arterial and where the site will have its main access. Kerrick Lane is a local level road and will not be used for access to the site. The high intensity zoning is not directly located on an arterial but with vehicle access only coming from an access easement, impact to Kerrick Lane will be minimal. The proposal is not a neighborhood center. It includes new construction for high intensity commercial zoning. C-2 zoning, while permitting C-1 uses allows for more intense commercial users outside the general neighborhood population. Much of the area is already zoned C-2. There is sufficient population in the vicinity to support the zoning. Expanding the existing C-2 in the area results in an efficient land use pattern as the residential zones have commercial zoning interspersed for some time. C-2 zoning allows for a variety of compatible commercial land uses. Transit is available on Dixie and no access will be from Kerrick Lane.

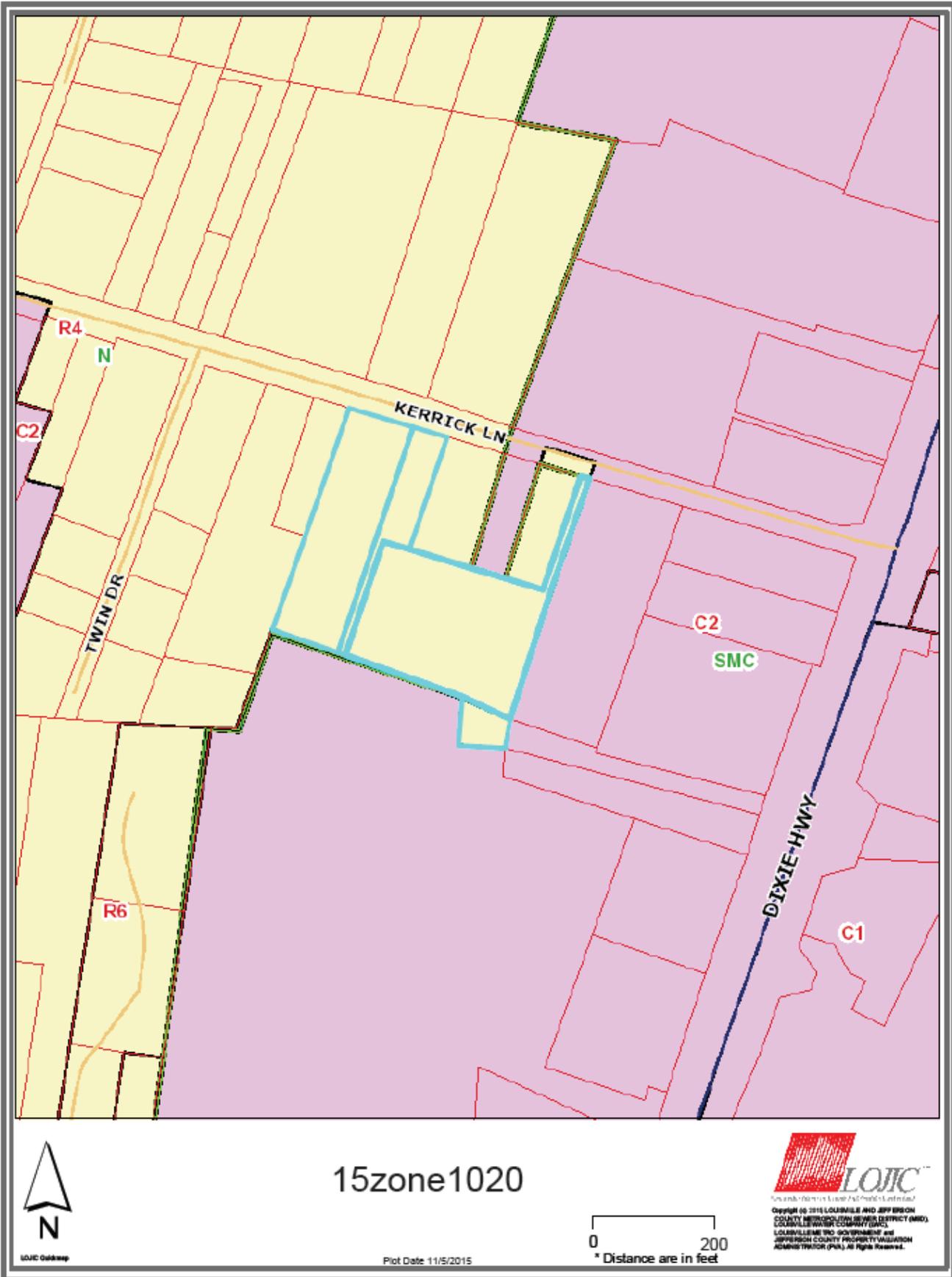
NOTIFICATION

Date	Purpose of Notice	Recipients
10/29/15	Hearing before LD&T on 11/12/15	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
12/3/15	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
12/2/15	Hearing before PC	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

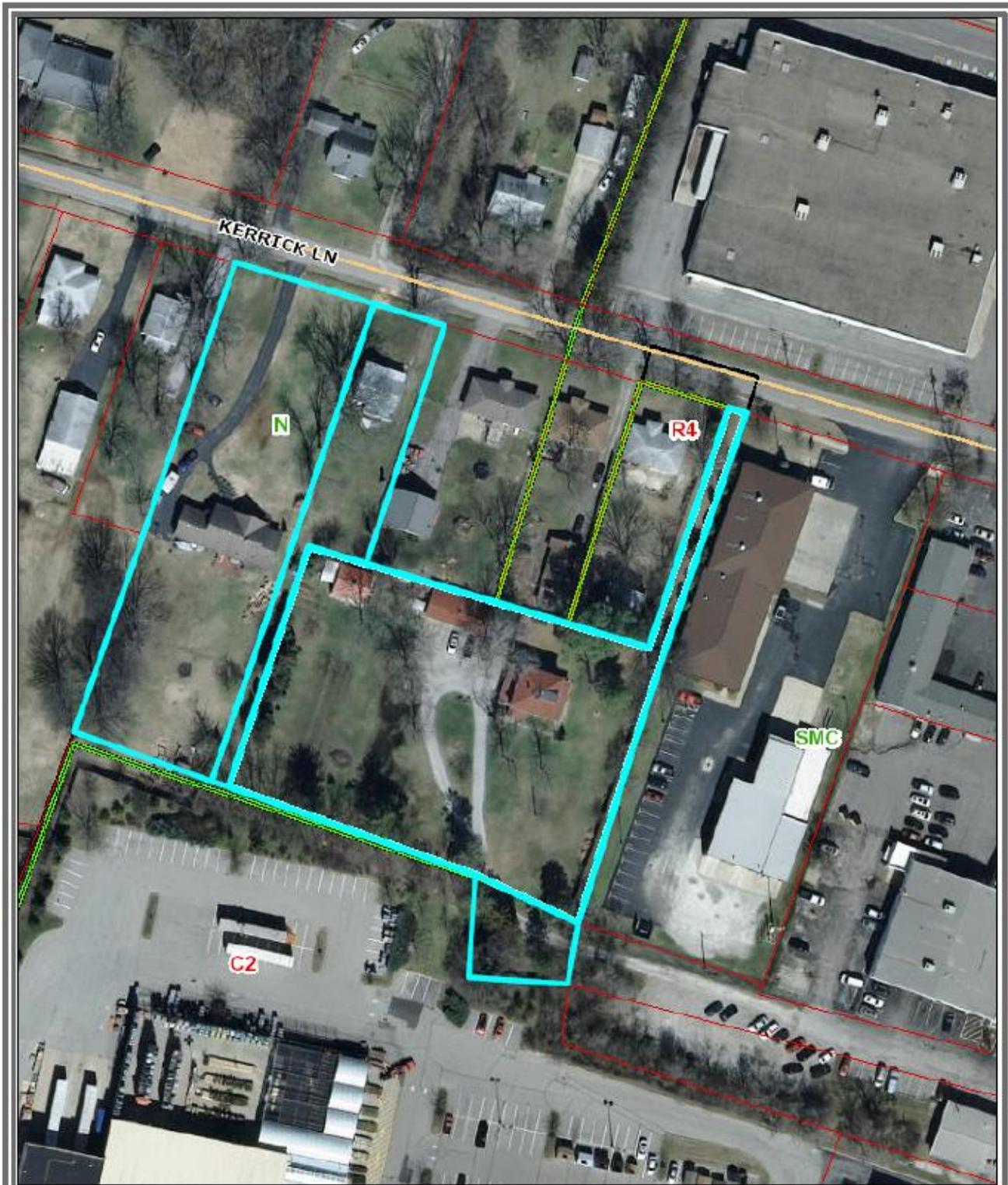
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



LOJIC Quickmap

15zone1020

Plot Date 11/5/2015

0 100
* Distance are in feet



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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.	-	The proposal is not a neighborhood center and is for one use. C-2 permits more regional oriented uses rather than neighborhood oriented uses.
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 to allow for an expansion onto a site where single family residential has been in existence for a century or more. Dixie Highway is a major arterial and where the site will have its main access. Kerrick Lane is a local level road and will not be used for access to the site. The high intensity zoning is not directly located on an arterial but with vehicle access only coming from an access easement, impact to Kerrick Lane will be minimal.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal is not a neighborhood center. It includes new construction for high intensity commercial zoning.
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.	✓	C-2 zoning, while permitting C-1 uses allows for more intense commercial users outside the general neighborhood population. Much of the area is already zoned C-2. There is sufficient population in the vicinity to support the zoning.
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.	✓	Expanding the existing C-2 in the area results in an efficient land use pattern as the residential zones have commercial zoning interspersed for some time.
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.	✓	C-2 zoning allows for a variety of compatible commercial land uses. Transit is available on Dixie and no access will be from Kerrick Lane.
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.	-	Residential is not part of the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not for a large development.
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.	✓	Entrance to the site will be from an access easement off of Dixie. A pedestrian way is being provided from Dixie to the proposed C-2 adjacent to the site.
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 could be shared.
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.	✓	Vehicular and pedestrian access is provided to the site.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The building materials are a mix, which is similar to 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 is a non-residential expansion into an existing residential area.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD has no issues with the proposal.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	By not having access to Kerrick Lane traffic to and from the site will be from a major arterial and therefore not adversely affecting the adjacent properties.
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 meet LDC requirements.
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 adjacent to an activity center that has been created along Dixie Highway and adjacent to a transit corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Buffer yards and setbacks are being provided on the site. There are some encroachments that are being mitigated by the landscape and screening requirements for those buffers.
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.	+	Buffer yards and setbacks are being provided on the site. There are some encroachments that are being mitigated by the landscape and screening requirements for those buffers. A 30' buffer is being provided along Kerrick to reduce the impact of the site along that roadway and adjacent neighborhood.
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 meet the requirements. An encroachment is being mitigated through proposed landscaping and screening.
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.	+	Buffer yards and setbacks are being provided on the site. There are some encroachments that are being mitigated by the landscape and screening requirements for those buffers. A 30' buffer is being provided along Kerrick to reduce the impact of the site along that roadway and adjacent neighborhood.
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.	+	A 30' buffer is being provided along Kerrick to reduce the impact of the site along that roadway and adjacent neighborhood.
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	A parking garage is not 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.	✓	Signs will meet LDC requirements.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space is provided in the form of LBAs and setbacks.
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.	✓	Open space is provided in the form of LBAs and setbacks.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	No natural features are evident on the site.
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	No natural features are evident on the site.
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 proposed zoning change includes the demolition of an existing 2-2 1/2 story frame structure. The demolition of the structure would have an adverse effect on a potentially eligible historic resource, the context is not fully known at this time. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. Staff is asking that site be documented at the State Level 1 documentation
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.	✓	Soils are not an issue for the proposal.
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 proposal is not located within a 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 industrial zoning.
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 proposals commercial zoning is located adjacent to a major arterial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 industrial zoning.
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.	NA	Roadway improvements are not being requested.
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal promotes pedestrian use via a sidewalk and pedestrian way from Dixie to the site. Amenities are provided for pedestrians to safely navigate the site. Vehicles are provided for on the site.
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.	✓	Cross access is being provided on the site.
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.	✓	Appropriate ROW is being dedicated.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is provided.
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.	✓	Cross access is being provided.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No new roadway is being created with the proposal.

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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.	✓	Since there is no access to/from Kerrick Lane and access is solely provided from an internal access easement a traffic nuisance to the residences is not being created.
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.	NA	No new roadway is being created with the proposal.
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal promotes pedestrian use via a sidewalk and pedestrian way from Dixie to the site. Amenities are provided for pedestrians to safely navigate the site. Vehicles are provided for on the site.
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.	✓	MSD has preliminarily approved the proposal.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has no issues with the proposal.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	No natural features are evident on the site.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing and planned utilities are proposed for the site.
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.	✓	LWC has not indicated any issues with the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 health department has not indicated any issues with the proposal.

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. The development shall not exceed 12,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or 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.
 - 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. The developer shall provide Planning and Design staff Kentucky State level 1 documentation for the historic home at 6780 Dixie Highway before demolition of the home. Documentation must be received and approved by Planning and Design staff prior to demolition.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 17, 2015 Planning Commission meeting.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. There shall be no direct access from Kerrick Lane to the proposed site.
12. No junked or inoperable vehicles are to remain on the site for more than 24 hours.