

**Planning Commission
Staff Report**

April 20, 2017



Case No:	16ZONE1091
Project Name:	Mason Dixon Business Park
Location:	4520 Mason Dixon Lane
Owner(s):	Mason Dixon Properties, LLC.
Applicant:	Mason Dixon Properties, LLC.
Representative(s):	Mindel, Scott & Associates, Inc.
Project Area/Size:	3.61 acres
Existing Zoning District:	R-4
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Change-in-Zoning** from R-4, Single-Family Residential to M2, Industrial
- **General District Development Plan**

CASE SUMMARY/SITE CONTEXT

The applicant requests a change-in-zoning from R-4, single-family residential to M-2, Industrial on 3.61 acres of a larger forty-three acre industrial site in Central Louisville Metro, roughly one mile South of Interstate-264 along Poplar Level Road. No structures are being proposed as part of this rezoning application. The change-in-zoning will combine the larger development site into a single industrial zoning district to facilitate development.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-4	SW
Proposed	Vacant	M-2	SW
<i>Surrounding Properties</i>			
North	Industrial (subject site)	M-2	SW
South	Vacant/Commercial	R-4/C-2/CM	N
East	Industrial	M-2	SW
West	Camp Taylor Fire Dept.	M-1	SW

PREVIOUS CASES ON SITE

16DEVPLAN1149: Category 3 development plan for industrial redevelopment (withdrawn)

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONINGS

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 of 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 PROPOSED REZONING

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

The site is located in the Suburban Workplace Form District

Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

STANDARD OF REVIEW FOR GENERAL DISTRICT DEVELOPMENT PLAN

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

STAFF: No additional natural resources appeared to be present on the subject site of the change in zoning request. The larger area of the industrial site contains natural features that will be evaluated at the time of redevelopment.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Sidewalks are present on Poplar level Road and Public Transportation is available. Interstate-264 is within close proximity providing the necessary infrastructure for industrial development.

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

STAFF: Open space and outdoor amenities will be evaluated at the time of redevelopment of the larger industrial on which the change in zoning request is being made. The district development plan contains no proposed structures.

- 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 surrounding area. The area surrounding the development contains a mixture of commercial and industrial uses, and the subject site is within an industrial center. The proposal will create a common zoning district on the subject site to facilitate development and industrial use of the property within a workplace form district.

- 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 as demonstrated in the *Cornerstone 2020 Staff Review Checklist* for the change in zoning request.

TECHNICAL REVIEW

A category 3 development plan was submitted and reviewed under docket 16DEVPLAN1149, but was ultimately withdrawn due to site constraints. *Cornerstone 2020* Guideline 8, Policy 9 provides that access to development through areas of significantly lower intensity should be avoided. It has been held common that a primary means of access through a lower-intensity zoning district is not permitted. Primary access to allow for the redevelopment of the industrial site would have been achieved through a single-family zoning district. In approving this zoning change the site would be in conformance with the aforementioned policy.

The proposed application for change in zoning from R-4 to M-2, supporting documentation, and district development plan are in order. Preliminary approval has been received from the Metropolitan Sewer District and Transportation Planning.

A detailed district development plan would be required upon redevelopment of the existing industrial property for structures planned within the portion proposed for rezoning.

STAFF CONCLUSIONS

The proposal is in conformance with the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* provided in *Attachment 3*. The proposed zoning district is compatible with surrounding land uses within the area and along the corridor. The roadway corridor serving the development contains a mixture of commercial and industrial uses and the larger industrial site is within an industrial center. A common zoning district on the subject site will facilitate development and the industrial use of the property within a workplace form district. A sidewalk is present along Poplar Level Road. The Industrial use of the property is supported by easy access to Interstate-264 and public transportation is available for employees. A drive lane through the

subject site will provide a primary means of access in the event that this request is approved. Traffic will not increase as a result of this request alone. Traffic considerations will be made upon redevelopment if it results in increased demand from users. Natural features will be evaluated when the site is redeveloped.

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.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for approving a District Development Plan as established in the LDC.

REQUIRED ACTIONS

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4, Single-family Residential to M-2, Industrial
- **APPROVED** or **DENY** the **District Development Plan**

NOTIFICATION

Date	Purpose of Notice	Recipients
3/30/2017	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
4/5/2017	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
4/5/2017	Hearing before PC	Sign Posting on property
4/12/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

3. Cornerstone 2020 Staff Review Checklist

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

Suburban Workplace: 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.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	No structures are proposed at this time, but the zoning district proposed is compatible with surrounding land uses within the area and along the corridor.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The roadway which the subject fronts contains a mixture of commercial and industrial uses and the subject site is within an industrial center.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	The proposal fronts an arterial level roadway. Upon redevelopment of the site pedestrian access for employees will be provided on the detailed district development plan.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	No structures are proposed at this time.
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The roadway which the subject fronts contains a mixture of commercial and industrial uses and the subject site is within an industrial center.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The existing development is industrial. The change will facilitate redevelopment. APCD did not express objections to the proposal.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic will not increase as a result of the request. Access to the site exists from the public road. Traffic considerations could be made upon redevelopment if it results in increased demand from users.
8	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 will not impact lighting as no structures are proposed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is located along an arterial roadway and the intensity of the district is compatible with abutting properties/districts.
10	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.	✓	No landscaping is required at this time. The buffers that would be required upon redevelopment should be compatible with surrounding uses as the site abuts industrial, commercial, and an arterial level roadway.
11	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.	✓	Development is compatible with the industrial and commercial facilities abutting the site and opposite Poplar level road.
12	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.	NA	No structures are proposed at this time.
13	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 site is adjacent to industrial, commercial, and opposite Poplar Level Road from vacant property.
14	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.	NA	No structures are proposed at this time.
15	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No structures are proposed at this time.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
16	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.	✓	Sign will be in compliance with LDC
17	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 requirements will be evaluated at the time the site is redeveloped.
18	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	SW form district
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Natural features will be evaluated at the time the larger industrial site is redeveloped.
20	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.	✓	Natural features will be evaluated at the time the larger industrial site is redeveloped.
21	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.	✓	No structures are proposed at this time. A structure is contained on the larger parcel that may require review by Urban design staff pending redevelopment.
22	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.	✓	No structures are proposed at this time. At the time of development within the area proposed for rezoning staff will work to ensure that any issues related to erosion or hydric soils are appropriately mitigated in consultation with appropriate agencies.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposal will create a common zoning district on the subject site to facilitate development and industrial use of the property within a workplace form district.
24	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	Not within downtown form district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The change-in-zoning facilitates future expansion at the site which is located within an industrial area
26	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The subject site is along an arterial level roadway roughly one mile from Interstate-264
27	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The subject site is along an arterial level roadway roughly one mile from Interstate-264
28	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.	✓	R/W is being dedicated as required
29	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.	✓	A sidewalk exists along the frontage. Industrial use is supported by easy access to interstate and public transportation corridor for employees
30	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	A sidewalk exists along the frontage. Industrial use is supported by easy access to interstate and public transportation corridor for employees. A drive lane through the subject site will allow for redevelopment of the industrial site as a primary means of access through approval of this rezoning request.
31	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.	✓	R/W is being dedicated as required

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking will be provided upon development of the larger industrial site.
33	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 existing drive lane through the area provides access to a 43 acre industrial site.
34	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.	✓	Adjacent land is built out with minimal connection. Upon redevelopment of the larger site connection will be evaluated based on the requirements of the LDC and comprehensive plan.
35	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.	✓	Rezoning will facilitate future development of the surrounding industrial site.
36	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 existing drive lane through the area provides access to a 43 acre industrial site. The site fronts on an arterial level roadway.
37	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.	✓	A sidewalk is available along the frontage. Redevelopment of the site will trigger additional pedestrian and transportation requirements. The intensity of the use is appropriately served by transportation infrastructure.
38	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 given their preliminary approval of the plan.
39	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 concerns.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The subject site is located in an industrial center with large masses of impervious surface. There do not appear to be any natural corridors of significance.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The subject site is located in an industrial center. Utilities should be provided as required upon development.
42	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 indicated an adequate supply of water
43	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.	✓	MSD did not express immediate concerns with the proposal and the Health Department has not provided comments expressing concern.

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. Prior to development (includes clearing and grading), the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.