

Planning Commission
Staff Report
March 15, 2018



Case No.	17ZONE1049
Request	R-5 to C-2
Project Name	Team Automotive
Location	2208 & 2210 Beargrass Avenue
Owner	Cardinal One Properties
Applicant	Cardinal One Properties
Representative	Bruce Mattingly
Jurisdiction	Louisville Metro
Council District	10 – Pat Mulvihill
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

- Waiver of sidewalk requirement for property frontage on Beargrass Avenue (LDC 5.8.1.)
- Change in zoning from R-5 Residential Single-Family to C-2 Commercial on 0.603 acres
- Change in form district from Neighborhood to Suburban Marketplace Corridor
- Detailed District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

The site is located on Beargrass Avenue near the intersection with Bardstown Road, zoned R-5 within a Neighborhood form district. A CUP for off-street parking was granted for the subject site in 1973 (B-6-73). The applicant is proposing to use the site for parking of vehicles for sale as an expansion of an auto sales business currently owned and operated by the applicant on adjoining properties to the east and south. The requested zone and form district changes would bring the site into conformity with these adjoining properties.

The site has direct access to Beargrass Avenue, limited to the southwest corner of the subject site. It also has indirect access to Bardstown Road via the adjoining business properties to the south and east under the applicant's ownership.

Properties to the west and north are zoned R-5 within a Neighborhood form district. The three adjoining properties to the west are developed with single-family residential uses. The property adjoining to the north is vacant. Properties to the south and east are zoned C-2 within a Suburban Marketplace Corridor.

STAFF FINDINGS

Staff finds that the proposed change in zoning and form district generally complies with the applicable guidelines and policies of Cornerstone 2020. Although the site to be re-zoned is an expansion of the existing commercial corridor into the abutting residential area, the applicant has agreed to binding elements that restrict future use of the property and mitigate potential lighting and traffic impacts. The site will be developed only with parking of vehicles for sale, with the majority of the more intense business uses related to the subject site continuing to occur on the adjoining parcels to the south and east, also under ownership of the applicant. Vehicular access to the subject site will occur at the point least likely to affect adjoining

residential properties, vehicle delivery operations will be prohibited on Beargrass Avenue and the applicant is providing all required screening, buffering and landscaping.

Staff also finds that the sidewalk waiver is justified in that there are no existing sidewalks along either the commercial or residential portions of Beargrass Avenue, which is fully developed with the exception of one property directly adjoining the subject site. In addition, Beargrass Avenue dead-ends into a park, located within a floodplain and bordered by a railroad track on its north side, making future extension of the street or connection to other streets unlikely. Pedestrian access to the subject site can be made from either of the two other parcels that are part of the business site via existing sidewalks along Bardstown Road.

TECHNICAL REVIEW

Preliminary approval of the proposal has been granted by MSD and Transportation Planning. The proposal has been reviewed for compliance with Cornerstone 2020 and the Land Development Code.

INTERESTED PARTY COMMENTS

Staff received in-person visits to the Planning & Design Services office and the Case Manager received emails prior to the LD&T meeting on January 11, 2018. Adjoining property owner Paula Jolly asked for more information on the applicant's plans for the site. Adjoining property owner Daniel Boone expressed concern about mature trees currently existing along the site's north property line and potential negative impacts on property values.

A petition submitted at the LD&T hearing included signatures from 14 of the 59 Beargrass Avenue property owners. The issues raised were "excess noise, trash, speeding on our street from test driving cars and we strongly oppose opening up our quiet residential neighborhood to the elements of everything C-2 brings including causing our property values to plummet and destroying our peaceful way of life".

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

Existing Form District: Neighborhood

The Neighborhood form district 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.

Proposed Form District: Suburban Marketplace Corridor

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The location of the subject site approximately 125 ft from Bardstown Road, a major arterial, and is appropriate for the proposed use. While the proposal is an expansion of the Suburban Marketplace Corridor into a residential area, the site is well within the established existing corridor's depth from Bardstown Road as established by adjacent and nearby properties. The Corridor and its adjacent residential areas are highly developed and, barring relocation, the subject site is the best available option for expansion of the existing business.

While the subject site will be accessible from Beargrass Avenue, it will serve as an accessory site to the primary business use located on adjoining properties and accessible via Bardstown Road. Significant

vehicular traffic increase on Beargrass Avenue is not expected. When considered as part of the primary business site, the subject site is accessible for cyclists, pedestrians and transit users.

Although the proposal is an expansion of an established commercial operation in close proximity to single-family residential uses, the applicant has agreed to mitigation measures that meet or exceed requirements to protect these uses. The applicant is binding out certain C-1 and C-2 uses (Guidelines 3.16,18) and has offered residential property owners the opportunity to add any listed uses. The applicant will prohibit any loading/unloading of vehicles for sale from occurring on Beargrass Avenue; access to the site for this purpose will be restricted to the applicant's adjoining properties on Bardstown Road (Guideline 3.16,18,24). Site lighting will be installed to the most restrictive LDC standards for type of luminaire and finished height (Guideline 3.19). All required buffering, screening and landscaping will be provided to mitigate negative visual impacts on adjoining residences and public rights-of-way (Guideline 1 A. 4,5,6,7,21,22,25).

A detailed analysis of the proposal's compliance with Cornerstone 2020 has been completed (Attachment 3). The Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of the requested zone and form district map amendment. The Louisville Metro Council has sole authority over the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 5.8.1.

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

STAFF: The waiver will not adversely affect adjacent property owners as there are no sidewalks on the remainder of Beargrass Avenue, a local street which is fully developed with the exception of one residential property. In addition, because Beargrass Avenue dead-ends into a park, located within a flood zone and bordered by a railroad track on its far side, no potential connection to future development is anticipated.

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

STAFF: The waiver will not violate specific Cornerstone 2020 guidelines as the main business office for the site is located on an adjacent parcel with pedestrian access via an existing sidewalk on Bardstown Road. The subject site will serve an accessory use function to the existing business.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property will be an addition to a fully-developed commercial site which has pedestrian access along its primary road frontage on Bardstown Road.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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 tree canopy is required and all additional planting requirements will be met. A portion of the site is within a FEMA floodplain but the proposal has received preliminary approval from MSD.

- b. The provision of safe and efficient vehicular and pedestrian transportation, within both the development and the community;

STAFF: Provision of safe and efficient vehicular and pedestrian transportation has been provided and Metro Public Works has approved the preliminary development plan. The applicant has agreed to a Binding Element to mitigate potential traffic impacts of the business operations on adjacent residential development.

- 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 for 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: The Metropolitan Sewer District has approved the preliminary development plan and will ensure 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.

- e. The compatibility of the land use and the overall site design, including location of buildings, parking lots, screening and landscaping, with existing and projected development in the area;

STAFF: The overall site design and land use are compatible with the existing and projected development in the area. All required landscaping, buffering and screening will be provided to mitigate potential negative effects on 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 generally conforms to applicable guidelines and policies of Cornerstone 2020 and to the requirements of the Land Development Code.

REQUIRED ACTIONS

- **APPROVE or DENY** the waiver of sidewalk requirement for property frontage on Beargrass Avenue (LDC 5.8.1.)
- **RECOMMEND APPROVAL or DENIAL** to Metro Council of change in zoning from R-5 Residential Single-Family to C-2 Commercial on 0.603 acres
- **RECOMMEND APPROVAL or DENIAL** to Metro Council of change in form district from Neighborhood to Suburban Marketplace Corridor on 0.603 acres
- **APPROVE or DENY** the Detailed District Development Plan with Binding Elements

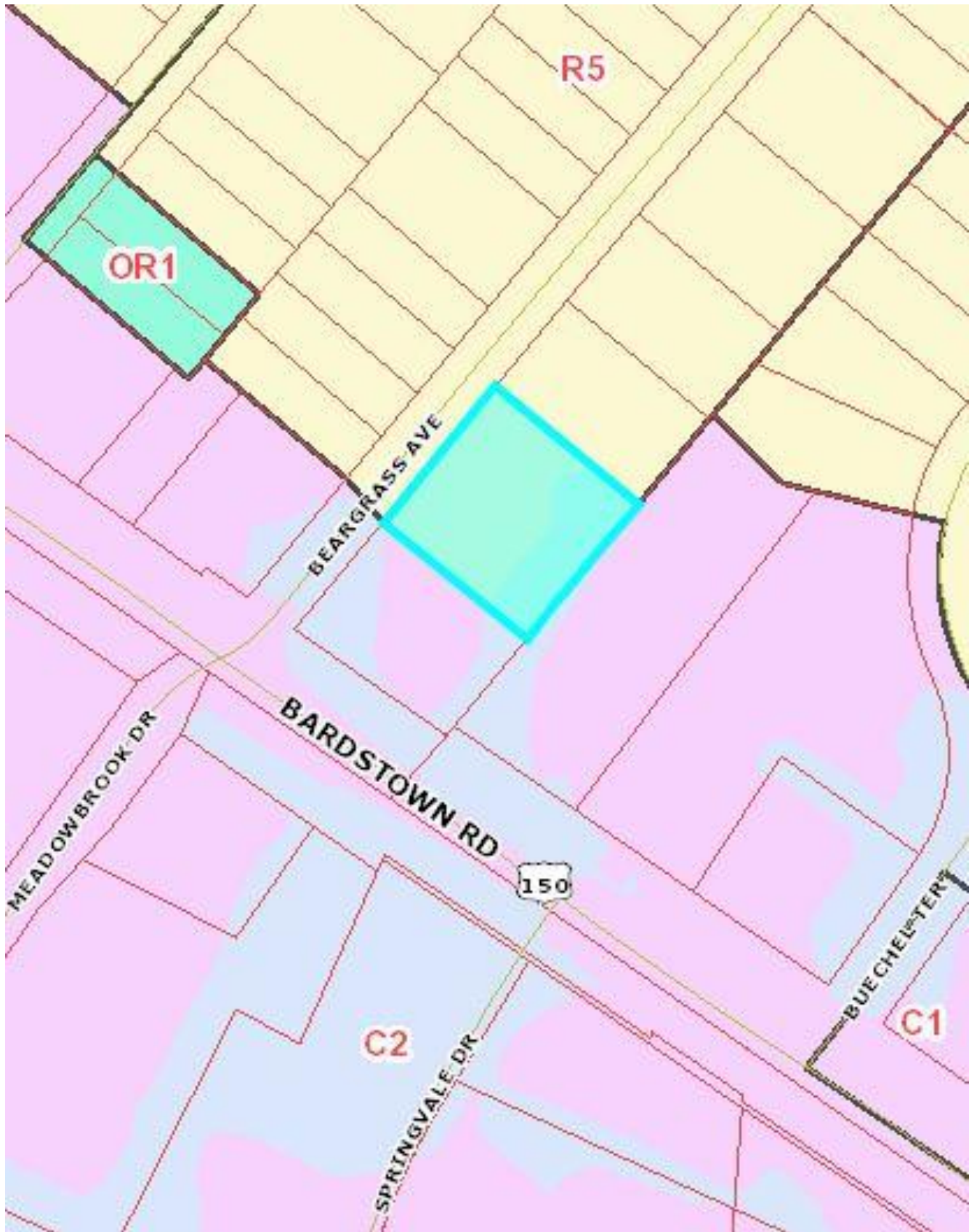
NOTIFICATION

Date	Purpose of Notice	Recipients
12/28/2017	Hearing before LD&T	1st and 2nd tier adjoining property owners Subscribers to Notification of Development Proposals for Council District 10
	Hearing before PC	1st and 2nd tier adjoining property owners Subscribers to Notification of Development Proposals for Council District 10
		Sign Posting on property
2/21/2018		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



3. Cornerstone 2020 Staff Checklist

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

Suburban Marketplace Corridor: Non-Residential

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposal is compatible with existing development pattern as a high-intensity use
2	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	The proposal accommodates multi-modal options and internal connectivity elsewhere on full business site (consisting of two adjoining sites fronting Bardstown Road)
3	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	NA	The proposal includes no buildings.
4	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	+	The proposal is a high-intensity use providing required landscaping, buffering and screening and includes Conditions of Approval addressing traffic, deliveries and lighting that increase compatibility with adjacent residential development.
5	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	+	The proposal expands an existing corridor. No other adjacent land is available for use or reuse by the existing business. The proposal mitigates negative effects on residential development and meets LDC design standards.
Community Form/Land Use Guideline 2: Centers			
6	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	The proposal does not create a new center.
7	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The proposal is directly adjacent to an established Suburban Marketplace Corridor.
8	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposal is compact and results in an efficient land use pattern and cost-effective infrastructure investment.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	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.	NA	The proposal does not create a center.
10	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	--	The proposal does not include mixed uses.
11	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.
12	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 site will share entrance and parking facilities with the remainder of the existing business sites with frontage on Bardstown Road.
13	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.	NA	
14	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	+	The proposal meets multi-modal access requirements and has received preliminary approval from Transportation Planning.
Community Form/Land Use Guideline 3: Compatibility			
15	A.2: The proposed building materials increase the new development's compatibility.	NA	No buildings are proposed.
16	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.	✓	Proposal is an expansion into existing residential area that provides all required screening, landscaping and buffering and includes Conditions of Approval addressing traffic, deliveries and lighting
17	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+	No significant increase in odor or emissions is expected
18	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+	The Applicant has agreed to a Binding Element addressing potential traffic issues (#8)
19	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	+	The Applicant has agreed to a Binding Element addressing potential lighting issues (#9)
20	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 site is located along transit corridor and within a Marketplace Corridor
21	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.	✓	Proposal provides appropriate transition through all required landscaping, buffering and screening.
22	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.	✓	Proposal mitigates impacts by providing all required landscaping, buffering and screening.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposal meets form district standards for setbacks and lot dimensions. No buildings are proposed.
24	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.	+	Applicant has agreed to a Binding Element addressing potential traffic issues (#8)
25	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.	✓	Proposal includes screening and buffering by providing all required landscaping, buffering and screening.
26	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	Proposal does not include parking garages.
27	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	NA	Proposal does not include signs.
Community Form/Land Use Guideline 4: Open Space			
28	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
29	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required
30	A.5: The proposal integrates natural features into the pattern of development.	NA	The site does not include natural features to be integrated.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
31	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The site does not include natural features to be respected. The proposal does not make substantial topographical changes and minimizes damage and degradation.
32	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	The site does not include these features.
33	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does not include these characteristics.
Marketplace Guideline 6: Economic Growth and Sustainability			
34	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located within the downtown.
35	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The use is not industrial.
36	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.	NA	The site is not located within an activity center but is adjacent to a Suburban Marketplace Corridor, and is not expected to generate large amounts of traffic.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	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 use is not industrial.
Mobility/Transportation Guideline 7: Circulation			
38	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	Proposal will not require improvements to roadways, other services or public facilities.
39	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal accommodates multi-modal options and internal connectivity, including sidewalk access, elsewhere on full business site (consisting of two adjoining sites fronting Bardstown Road)
40	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 sidewalk waver is compatible with surrounding land uses. The proposal does not include any new roadway development.
41	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 rights-of-way currently exist.
42	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal provides adequate customer-employee parking elsewhere on full business site (consisting of two adjoining sites fronting Bardstown Road).
43	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Joint and cross access provided within the full business site
Mobility/Transportation Guideline 8: Transportation Facility Design			
44	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No stub streets are proposed or required.
45	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Site can be accessed without encroaching on adjoining residential uses
46	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 street hierarchy or linkage between activity areas is proposed or required.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
47	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 site adjoins properties currently in same use and under same ownership. Multi-modal options are accommodated elsewhere on this business site (consisting of two adjoining sites fronting Bardstown Road).
Livability/Environment Guideline 10: Flooding and Stormwater			

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	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 site is located partially within The proposal has received preliminary MSD approval
Livability/Environment Guideline 12: Air Quality			
49	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD review was waived
Livability/Environment Guideline 13: Landscape Character			
50	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	Such conditions do not exist on site
Community Facilities Guideline 14: Infrastructure			
51	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	All public utilities are existing.
52	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	All public utilities are existing.
53	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.	✓	All public utilities are existing.

4. Proposed Binding Elements

1. All development shall be in accordance with the approved district development plan, applicable sections of the Land Development Code (LDC) and agreed-upon binding elements, unless amended pursuant to the LDC. Changes/additions/alterations to any binding element shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected to protect existing off-site trees or tree canopy within 3 feet of a common property line. Fencing shall be in place prior to any grading or construction to protect existing root systems from compaction, 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 is requested, including but not limited to building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening, buffering and/or landscaping as required by LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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 issuance of the Certificate of Occupancy unless specifically waived by the Planning Commission.
5. The applicant, developer or property owner shall provide a copy of the Binding Elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of its content. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for compliance with the Binding Elements.
6. A karst survey shall be completed prior to issuance of a building permit.
7. Use of the subject site shall be limited to automotive-related uses by Team Automotive. There shall be no other use of the property without the prior approval of the Planning Commission. Notice of a request to amend this Binding Element shall be given in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any such request.
8. Loading/unloading of vehicles for sale to be displayed on the site shall be restricted to existing access points on adjoining parcels at 4171 and 4209 Bardstown Road. No such loading/unloading shall occur at any point on Beargrass Avenue at any time.
9. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.