

# Board of Zoning Adjustment

## Staff Report

January 7, 2019



**Case No:** 18CUP1082  
**Project Name:** Parking  
**Location:** 4020 Poplar Level Road  
**Owner:** PIN Realty  
**Applicant:** Prism Engineering & Design, LLC  
**Jurisdiction:** Louisville Metro  
**Council District:** 10 – Pat Mulvihill  
**Case Manager:** Steve Hendrix, Planning & Design Coordinator

### REQUESTS

Conditional Use Permit to allow off-street parking in an R-5 zoning district with relief from Listed Requirement A. (200 foot distance).

Waivers to reduce the required property perimeter buffer requirements along the southern property line as well as a portion of the northern property line. LDC 10.2.4.

Waiver to allow Interior Landscape Areas to be less than 290 square feet and 8 feet. LDC 10.2.12.

Location	Requirement	Request	Waiver
North Property Line	25 feet	10 feet	15 feet
South Property Line	15 feet	3 feet	12 feet

### CASE SUMMARY/BACKGROUND

The ½ acre site is located on the west side of Poplar Level Road near Holy Family Catholic Church and across from the vacant Kmart within the Camp Taylor neighborhood. The proposed parking will be used by employees of Vision First which is at the corner of Mercer Avenue and Poplar Level Road. Thirty three, (33) parking spaces are proposed. The property is zoned OR-1 and is within a Neighborhood Form District.

### STAFF FINDING / RECOMMENDATION

The proposal meets the applicable policies of the Comprehensive Plan. There are six listed requirements of the conditional use permit requested and all will be met when relief is given for item A. The site is approximately 265 feet from the Vision First property. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Development Code for a conditional use permit with relief from Item A. of the listed requirements and landscape waivers.

## **TECHNICAL REVIEW**

There are no outstanding technical review items.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on August 21, 2018.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. The required tree canopy and landscape requirements will be provided.

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

STAFF: The proposal is compatible with the general character of the surrounding neighborhood in terms of scale, intensity, traffic, noise, drainage and appearance. Poplar Level Road is a major arterial and commercial land uses are along this portion of the street.

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

STAFF: The proposal has been reviewed by MSD and Transportation Planning and both have approved the plan

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

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements. There are six requirements and all have been met, except requirement A.

A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks). The applicant is requesting relief from this requirement. The site is approximately 265 feet from Vision First.

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS of the Land Development Code 10.2.4 and 10.2.12**

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

STAFF: The waivers will not adversely affect adjacent property owners because additional landscaping will be placed in the area where the waivers are requested and a majority of the existing trees will be saved with just a slight decrease in tree canopy.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 airborne and waterborne pollutants.

The proposed location is appropriate since the lot has frontage on a major arterial road, buffers will still be provided and the applicant is saving most of the existing trees.

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

STAFF: The extent of the waivers of the regulation are the minimum necessary to afford relief to the applicant since the site layout allows the minimum area needed to allow the conditional use permit parking area.

- (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 regulations would create an unnecessary hardship on the applicant, since the parking is needed to allow adequate customer parking at Vision First and since the applicant intends to save most of the existing trees.

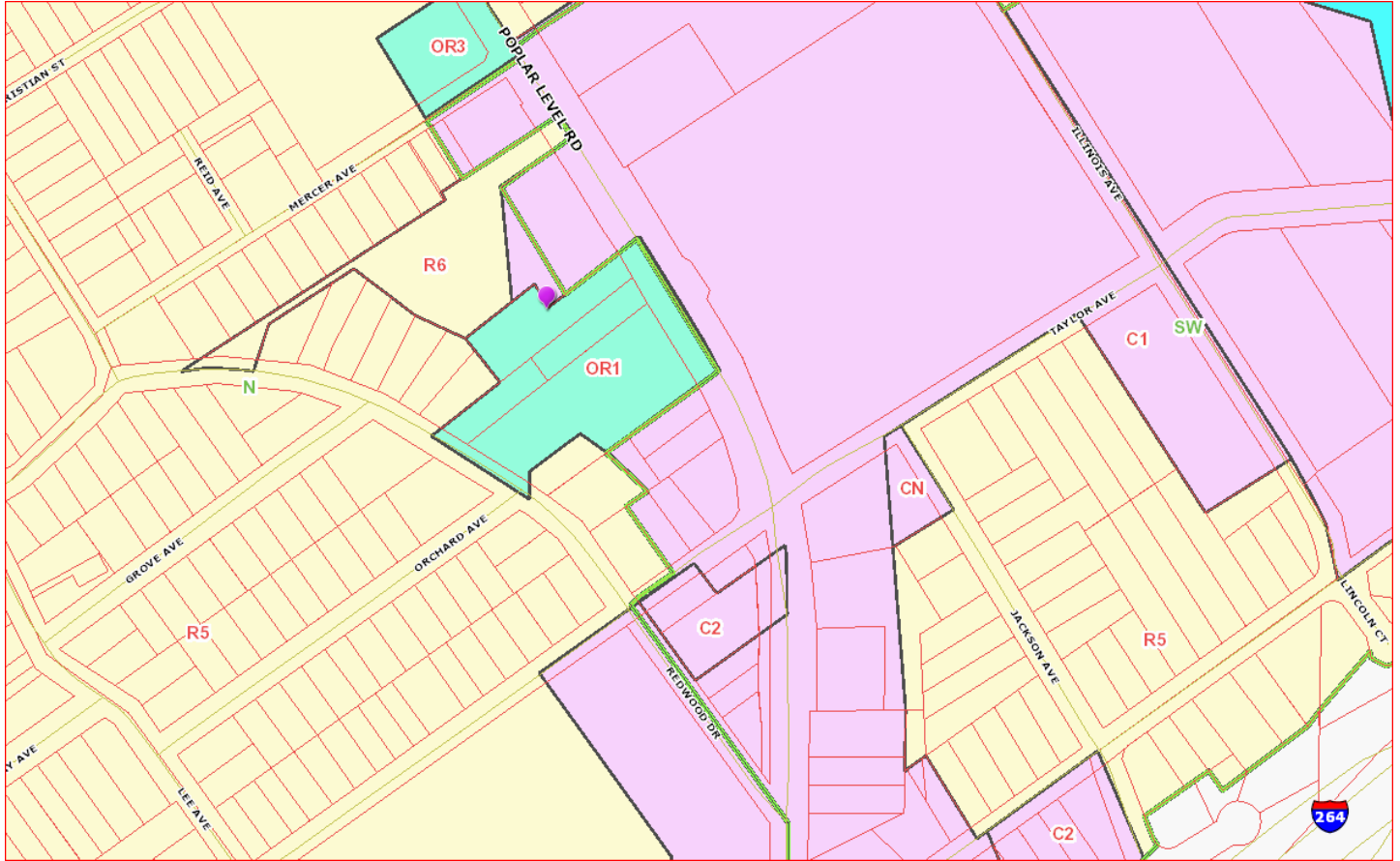
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
12/21/2018	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 2
12/21/2018	Hearing before BOZA	Sign Posting

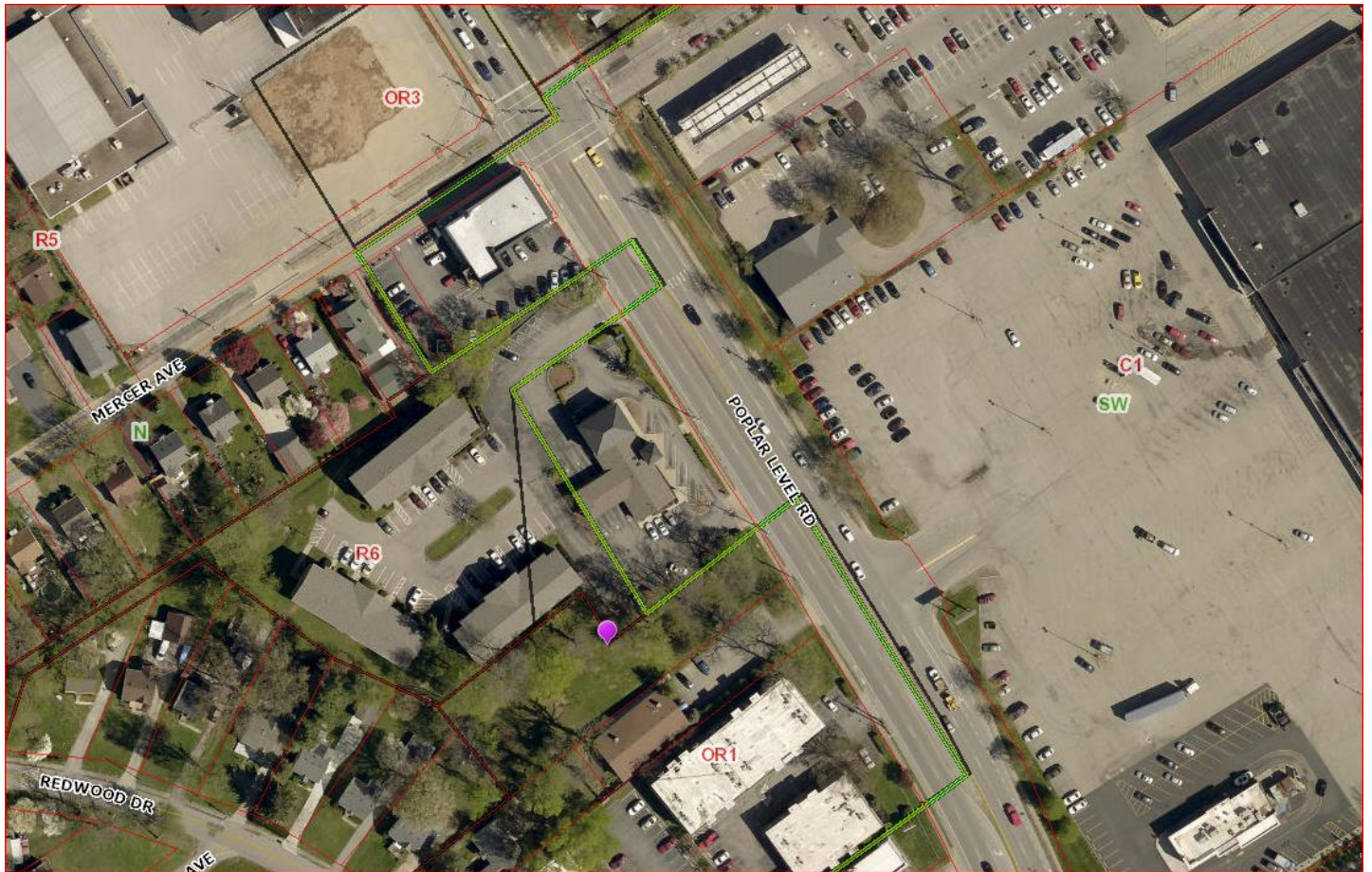
#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Neighborhood Meeting
5. Applicant's Justification
6. Staff Checklist Cornerstone 2020
7. Conditions of Approval

1. Zoning Map

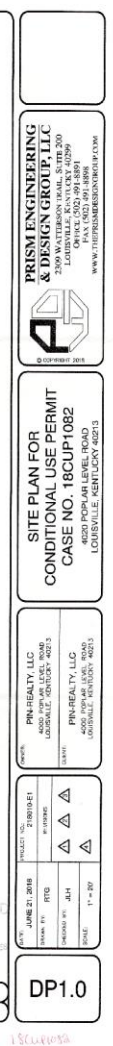


## 2. Aerial Photograph





**Published Date: January 2, 2019**



Neighborhood Meeting Attendance Sheet – Case No. 18CUP1082 August 21, 2018 5:00pm

Name	Street Address	Zip	Phone	Email
JAMES HARTMAN	1680 MERCER AVE	40213	458-3563	
AUN "	" "	"	"	
Pam Welch	7000 Pymont Rd	40207	291-6103	
David Summers	4020 Pymont Rd	40213	530-8220	
Jason L. Bell	2309 Wafferson Tr	40249		
Sandy Harris	1670 MERCER AVE	40213	454-4513	
Charles Perot	1686 MERCER AVE	40213	458-3609	
Kristen Herbert	1588 MERCER AVE	40213	554-0587	
Geoff Worley/Consulate, Inc.			504-574-1110	

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**18CUP1082  
4020 Poplar Level Road – Off-Street Parking  
Neighborhood Meeting Summary  
August 21, 2018**

The neighborhood meeting for 18CUP1082 was held August 21, 2018, at Holy Family Parish – Saffin Center at 3938 Poplar Level Road at 6:00pm.

The following is a summary of the meeting:

1. Introductions were made and the attendance sheet was noted.
2. Discussed the general purpose of the meeting –  
  
To discuss the proposal to construct an employee parking lot at 4020 Poplar Level Road to serve the employees of VisionFirst Eyecare, which will require a Conditional Use Permit (CUP). Explained that with this meeting, we will also listen to comments and concerns of the neighborhood and consider this information as the project moves forward.
3. Discussed that there will be an additional opportunity for property owners to discuss the project at the Board of Zoning Adjustments (BOZA) meeting. First and Second tier adjoining property owners, as well as anyone listed on the sign in sheet, will receive notification of the meeting.
4. Discussed that we planned to officially submit the application for Conditional Use Permit within the next couple of weeks. Metro planning staff will review the plan and supporting documentation. We anticipate that the project would proceed to the Board of Zoning Adjustments within the next 1 to 2 months.
5. A presentation of the plan was made. The following items were discussed:
  - a. Parking Layout
  - b. Landscaping and Buffering
  - c. Lighting
  - d. Drainage and Detention
6. Questions/Answers
  - a. Questions regarding use of the facility were discussed. This parking area is intended for VisionFirst Eyecare employees only.
  - b. Questions regarding drainage were addressed by a discussion of the existing and proposed drainage routes shown on our meeting exhibits.
  - c. Questions regarding tree removal were discussed. Currently, the plan results in minimal tree removal, with the intent to preserve the majority of the perimeter trees.
7. The project was well received by those in attendance. Once the presentation concluded and all questions were addressed, the meeting was concluded.

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## WAIVER JUSTIFICATION FOR 4020 POPLAR LEVEL ROAD CONDITIONAL USE PERMIT FOR OFF-STREET PARKING CASE NO. 18CUP1082 (Revised 11-19-18)

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### General

The proposed project will provide employee parking for VisionFirst Eyecare located at 4000 Poplar Level Road. The proposed project currently submitted under Case No. 18CUP1082 and located at 4020 Poplar Level Road, will require approval of the following waivers to construct the project as plan as shown on the proposed plan.

Land Development Code (LDC) waivers requested:

1. Waiver of LDC Section 10.2.4 to reduce the required property perimeter buffer requirements along the southern property line (requesting width reduction along southern property line and to omit screen fence along existing office use), as well as a portion of the northern property line (requesting width reduction along northern property line).
2. Waiver of LDC Section 10.2.12 to reduce the required area and minimum dimensions for interior landscape areas, as well as allow an increase in the maximum distance between interior landscape areas to 21 parking spaces.
3. Waiver of LDC Section 5.5.2.B.1.a to not provide vehicular and pedestrian connections to abutting developments.

### Waiver of LDC Section 10.2.4 and 10.2.12

LDC Section 10.2.4 provides the requirements for the required property perimeter landscape buffer areas. The proposed site, which is zoned OR-1, abuts OR-1 zoned property along the southern property line and abuts R-6 zoned property along a portion of the northern property line. As required by LDC Chapter 10, conditional use sites are treated as C-1 zoned property.

As a result, the construction of the proposed parking area would require the following property perimeter buffers:

1. North along R-6 zoning – 25' wide buffer with 1.5 planting multiplier (waiver requested for reduction in buffer width) with 8' screen fence
2. North along C-1 zoning – 5' wide buffer per LDC Section 10.2.10.A (provided) with min. 6' fence (8' fence provided)
3. South along OR-1 zoning – 15' wide buffer with 1.5 planting multiplier with 8' screen fence (waiver requested for a reduction with buffer width and to omit the fence along adjacent property with office use)
4. West along R-5 zoning – 25' with 1.5 planting multiplier with 8' screen fence (provided).

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Northern Property Line

A property perimeter buffer with a width of 10' is provided along the northern property line with an 8' screen fence along the R-6 zoned property. Therefore, the applicant requests to provide a 10' property perimeter buffer, in lieu of the required 25' buffer width. The existing mature trees along the northern property line are shown to be preserved.

Additionally, the required property perimeter buffer is provided along the C-1 zoned property at the northern side of the site.

Southern Property Line

A 15' property perimeter buffer is required along the southern property line. As shown on the plan, a variable width buffer is requested, with a minimum buffer width of 3'. Additionally, the applicant requests to omit the required 8' screen fence along the property to the south that contains an office use.

Interior Landscape Areas

As part of this waiver request, relief from LDC Section 10.2.12 is requested to allow a reduction in the minimum area and minimum width requirements for interior landscape areas. As noted on the plan, for interior landscape areas, the minimum area provided is 200 sq. ft., in lieu of the required 290 sq. ft. Additionally, the minimum width provided is 5', in lieu of the required 8' dimension. Lastly, the applicant requests an increase in the maximum spacing between interior landscape areas to 21 parking spaces.

LDC Section 10.2.14 allows an "innovative, aesthetically pleasing landscaping design" to be submitted that conforms to the intent of the regulations. The proposed plan, while not specifically meeting the dimensional requirements of Section 10.2.12 for interior landscape areas, does provide dispersed interior landscape areas, which generally follows the intent of the regulations.

Justification of Waiver of LDC Section 10.2.4 and 10.2.12

**1. Will the waiver adversely affect adjacent property owners?**

Approval of the requested waiver will not adversely affect adjacent property owners. As can be seen on the proposed plan, the proposed parking configuration has been designed to preserve as many existing mature trees as possible. The proposed property perimeter buffers have been positioned to locate existing mature trees in the buffer areas. As noted on the plan, approximately 6 existing trees are to be removed for the proposed construction, leaving all other existing trees in place. The existing tree canopy coverage area is 14,197 sq. ft. (62%), with a proposed tree canopy coverage area of 12,919 sq. ft. (57%), resulting in only a 5% loss of tree canopy coverage area for this project.

Along the southern property line, the site abuts existing OR-1 zoned property. The majority of the abutting OR-1 property currently operates as office and meeting space for the Mechanical Contractors Association of Kentucky. The site contains an existing office building and paved parking area. The applicant's proposed parking area is compatible with the abutting use.

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In the southwest corner of the proposed site, the southern property line abuts OR-1 property that is used as residential, with a common boundary of approximately 65'. Of that length, approximately 30' of 5' wide property perimeter buffer is proposed, in lieu of the required 15' buffer. In addition, numerous mature trees are shown to be preserved along this common property boundary, with an 8' screen fence to be constructed along the residential use.

In order to increase the aesthetics of the project, the applicant proposes to provide excess interior landscape area to increase compatibility with adjoining properties. This excess landscape area will help mitigate the use of interior landscape areas that have less area and width, as is required by the regulations.

**2. Will the waiver violate the Comprehensive Plan?**

The applicant's proposal will not violate the Comprehensive Plan since the applicant intends to provide employee parking at this location, as business growth has increased the number of employees at VisionFirst Eyecare. Once constructed, the proposed parking area will provide the additional parking needed to provide adequate parking for customers at the VisionFirst Eyecare office (Comprehensive Plan Goal C4.7). The proposed location of this parking area is appropriate, as the existing lot has frontage along a commercial corridor section of Poplar Level Road, which is classified as a major arterial roadway. The applicant intends to provide the required buffer widths, where feasible, and buffers with a modified width where conditions warrant. Providing these buffers is a goal of the Comprehensive Plan, in order to ensure compatibility between developments (Comprehensive Plan Goal C4.6).

Additionally, LDC Section 10.2.14 allows an "innovative, aesthetically pleasing landscaping design" to be submitted that conforms to the intent of the regulations. The proposed plan, while not specifically meeting the dimensional requirements of Sections 10.2.4 for buffers and 10.2.12 for interior landscape areas, does provide perimeter buffers and dispersed interior landscape areas, which generally follows the intent of the regulations.

**3. Is the extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes, the requested waiver is the minimum necessary to allow the proposed plan to be implemented.

**4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create unnecessary hardship on the applicant?**

The applicant is proposing to provide interior landscape area beyond what is required, in addition to preservation of existing mature trees. In addition, strict application of the regulations would create unnecessary hardship on the applicant, due to the need for employee parking. Additionally, LDC Section 10.2.14 allows an "innovative, aesthetically pleasing landscaping design" to be submitted that conforms to the intent of the regulations. The proposed plan, while not specifically meeting the dimensional requirements of Sections 10.2.4 for buffers and 10.2.12 for interior landscape areas, does provide perimeter buffers and dispersed interior landscape areas, which generally follows the intent of the regulations.

18 CUP 1082

## **Comprehensive Plan 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 Analysis
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.	NA	
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.	NA	
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.	NA	
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.	NA	
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.	NA	
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.	NA	
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.	NA	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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	
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.	NA	
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.	NA	
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.	✓	
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	
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 property is zoned OR-1, will be adjacent to a bank on the north side and the Mechanical Contractor's building on the south.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	NA	
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	NA	
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.	✓	Note stating that lighting will meet the LDC requirements.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	NA	
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.	NA	
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.	✓	Existing trees that are being used along with the buffering and screening will mitigate the impact .
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.	NA	
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.	✓	Proposed buffering and screening will minimize the impact, plus the hours of operation will limit the parking lot use to normal business hours.
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.	✓	
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	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	NA	
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.	NA	
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.	NA	
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	
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	
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.	NA	
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.	NA	
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	
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	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	NA	
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	
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	
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.	-	
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.	NA	
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.	✓	15 foot right of way dedication
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	NA	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	-	Applicant Note for future access.
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	
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.	NA	
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	
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.	NA	
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 blueline 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.	✓	
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.	NA	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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	
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	
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.	✓	
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.	NA	

### **Conditions of Approval**

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking without further review and approval by the Board.