

# Planning Commission

## Staff Report

February 15, 2018



<b>Case No:</b>	16zone1031
<b>Project Name:</b>	Circle K
<b>Location:</b>	12411/12415 Taylorsville Road
<b>Owner(s):</b>	Mac's Convenience Stores LLC
<b>Applicant:</b>	Mac's Convenience Stores LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	11-Kevin Kramer
<b>Case Manager:</b>	Julia Williams, RLA, AICP, Planning Supervisor

### **REQUEST(S)**

- Change in zoning from R-4 to C-1
- Variance from 5.1.8 to exceed the maximum 80' setback by 17' on the Tucker Station Road side and by 107'+/- on the Taylorsville Road side.
- Waiver from 5.5.2 and 5.6.1.C to not provide animating features or clear windows and doors on the Tucker Station Road building façade.
- District Development Plan with Binding Elements

### **CASE SUMMARY/BACKGROUND**

The proposal is for a change in zoning from R-4 to C-1 to allow for the construction of a gas station. An existing gas station on the corner lot at Tucker Station and Taylorsville Road will be demolished. The proposal is for 10 gas pumps and a 4,604 sf convenience store. Lot 1 is significantly treed. The proposal is located in the Tyler Rural Settlement National Register District.

### **STAFF FINDING**

The Tyler Rural Settlement District Neighborhood Plan is clear in its statement regarding limiting commercial development expanding west of Tucker Station Road which indicates that the proposal does not comply with the Comprehensive Plan as neighborhood plans are individual compatible documents to the Comprehensive Plan. The proposal otherwise would comply with the Comprehensive Plan as Taylorsville Road is a major arterial and there have been significant density changes to the area which would provide a population to support the proposal.

### **TECHNICAL REVIEW**

Cornerstone 2020

Land Development Code

The Tyler Rural Settlement District Neighborhood Plan (2/2008):

Land Use Recommendation #4 recommends that new commercial development along Taylorsville Road occur to the East of Tucker Station Road. "LU4. Limit future non-residential land uses to the existing activity center (Tyler Center) and to land along Taylorsville Road east of Tucker Station Services Road and encourage their integration with residential uses to form mixed-use developments..."

“...these potential commercial developments should adhere strictly to the recommendations of this Plan and also be included in the Town Center Form District. The design of any proposed commercial and/or mixed use developments shall be consistent with the special district design standards recommended in this plan as a transition from the existing center or future Town Center to the east and the Tyler Rural Settlement District to the west...

“Develop regulations to require commercial, residential and mixed-use developments and redevelopments to preserve, protect, and enhance historic elements, architectural features, scenic vistas, opens spaces, wildlife habitat, streams and other hydrologic features through the implementation of new pedestrian oriented design and development standards.

- a. Require new development to preserve vegetation, hydrologic features and wildlife corridors.
- b. Define outdoor spaces with historically appropriate elements such as wood plank fencing, rock walls, and preservation of indigenous vegetation.
- c. Require signage to be externally lit and constructed from traditional materials (masonry, wood, metal, etc.) Share signage between developments to reduce the clutter along roadways.
- d. Require placement of utilities underground along collector street rights-of-way.
- e. Designate palette of right-of-way improvements such as street trees, light fixtures/poles, street furniture, sidewalk/trail materials, etc. to provide continuity throughout the district.
- f. Require buildings to incorporate architectural styles that reflect the historic characteristics of the District. Traditional building materials (rock, masonry, wood, metal) shall be used for exterior building facades.
- h. Require non-residential buildings to present attractive, pedestrian scale facades toward the street with parking facilities located in the rear, screened from the street and other properties by the building, landscaping or other historically acceptable means.
- i. Avoid large expanses of parking by breaking pavement into smaller areas and interjecting green spaces.
- j. Limit building heights to 2-1/2 stories and maximize building setbacks to match or exceed those of typical existing buildings.
- k. Provide gateway elements at the Tucker Station and Taylorsville Roads intersection to create a sense of arrival to the district.
- l. Require shielding of lights to respect the "Dark Sky".

“Provide appropriate buffers between less compatible uses, preferably consisting of naturally occurring vegetation over installed landscape materials.

- a. Preserve existing fencerows or significant large trees rather than clear cutting and planting rows of nursery grown plants.
- b. If no existing vegetation, install plants from the preferred list in groupings that appear natural rather than equally spaced rows.”

## **INTERESTED PARTY COMMENTS**

- My name is Casey Witt and my address is 12404 Tyler Woods Court. I received a letter in the mail last Friday notifying me that there is interest to rezone the lot directly behind my home (located at 12411 Taylorsville Rd) from R-4 to C1. I am very concerned about this. One reason why my husband and I decided to buy our home here in Louisville in the first place was because it, along with the lot behind ours that I am referencing in this email, are recognized as a National Register District here in Louisville, being a part of the historic Tyler Settlement. I was researching the land the development code (April, 2016 version) for this area but see that the document still has Tyler Settlement under “Reserved” status. My question is, how can that property even be rezoned if a special district property with no established land development codes?
- I know I'm late in responding but I'm against any new development in this area. Traffic is absolutely awful now especially at this intersection. It also is taking away from the rural lifestyle.

I have expressed my concerns previously about the development of this area. If a circle k is built at this intersection I guaranteed there will be even more accidents. Please listen to residents versus businesses. Thanks for listening. Stacey Foster

## **STANDARD OF REVIEW FOR REZONING**

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

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

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

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

### The site is located in the Neighborhood Form District

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

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

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

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposal is an expansion of a commercial property located at the western corner of Tucker Station and Taylorsville Roads. The expansion of the existing zoning from the existing 1 acre lot to the proposed two acre lot decreases the scale of the proposal from nearby neighborhoods to outside the

nearby neighborhoods. The Neighborhood Plan indicates that commercial should not expand west of Tucker Station Road.

The Neighborhood Plan recommends that buildings incorporate architectural styles that reflect the historic characteristics of the District. Traditional building materials (rock, masonry, wood, metal) shall be used for exterior building facades.

Also it recommends non-residential buildings to present attractive, pedestrian scale facades toward the street with parking facilities located in the rear, screened from the street and other properties by the building, landscaping or other historically acceptable means.

A building façade waiver along Tucker Station is being requested which indicates non-compliance with the neighborhood plan.

The proposal is for higher intensity commercial zoning not located in an activity center or along a transit route.

A variance is being requested to increase the setbacks along both Tucker Station and Taylorsville. Increasing the setbacks also increases the walking distance from the public sidewalk into the proposed business and increases pedestrian and vehicle conflicts on the site.

The Neighborhood Plan recommends avoiding large expanses of parking by breaking pavement into smaller areas and interjecting green spaces. Green spaces around the site are mainly located along the perimeter and do not break up the pavement.

The Neighborhood Plan indicates the site to “Provide appropriate buffers between less compatible uses, preferably consisting of naturally occurring vegetation over installed landscape materials.

a. Preserve existing fencerows or significant large trees rather than clear cutting and planting rows of nursery grown plants.

b. If no existing vegetation, install plants from the preferred list in groupings that appear natural rather than equally spaced rows.” The Neighborhood Plan recommends avoiding large expanses of parking by breaking pavement into smaller areas and interjecting green spaces. Open spaces on the site are around the perimeter of the site and do not meet the intent of the neighborhood plan.

The proposed commercial expansion is not located in an existing commercial activity center that has been established east of Tucker Station. Taylorsville Road is a major arterial.

The proposal is for an expansion of a moderate to high intensity zoning district along a major arterial. Impact on the low density adjacent residential is mitigated by the landscape buffer area and setback. It is further mitigated by a proposed detention basin which increases the distance between the site and the existing residential to the north to a total of approximately 55’. The residential to the west is buffered by an LBA.

Density has increased south of the site with apartments recently having been constructed diagonal from the site. Other multi-family developments are located further down Taylorsville Road and Multi-family was previously proposed on the PDD site east of the site and across Tucker Station Road.

The proposal is for the expansion of one land use. C-1 permits a mix of neighborhood serving land uses. A sidewalk is proposed along Taylorsville Road which will help with supporting pedestrian access to the site, should transit become available in this area the sidewalk will be beneficial for serving TARC.

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

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

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will adversely affect the public health, safety or welfare since the building will now be located further away from the public sidewalks increasing the pedestrian distance to the structure and creating additional pedestrian/vehicle conflict.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since the proposal is a redevelopment of an existing gas station that was not non-conforming.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since public access to the site is increased with a sidewalk along Taylorsville and the proposal is utilizing existing vehicle access points.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the building is essentially going to be located in the same or similar located as the previous building.

## **ADDITIONAL CONSIDERATIONS:**

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site could come into compliance with the regulation.

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

STAFF: Moving the structure to meet the setbacks would not create an unnecessary hardship as the site could be redesigned to accommodate the use.

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

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The requested waiver will not adversely affect adjacent property owners because the building façade is not facing residential development.

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

STAFF: Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district. The neighborhood plan requires non-residential buildings to present attractive, pedestrian scale facades toward the street. The façade waiver violates the Comprehensive Plan because the façade along Tucker Station is not providing clear windows and doors that are consistent with the look of the rest of the building. Clear windows could be provided along the façade as the interior of the structure could be modified so that all facades would be in compliance with the LDC.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since clear windows could be provided along the façade as the interior of the structure could be modified so that all facades would be in compliance with the LDC.

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

STAFF: The applicant has not incorporated other design measures that compensate for non-compliance with the requirements nor are the provisions of the regulation depriving the applicant of the reasonable use of the land or creating a hardship since clear windows could be provided along the façade as the interior of the structure could be modified so that all facades would be in compliance with the LDC.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP

- 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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

- 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 pertinent to the current proposal.

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

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

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

STAFF: The development plan does not conform to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code due to the waiver and variance requested and the non-compliance of the site with the neighborhood plan design elements.

## **REQUIRED ACTIONS:**

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to C-1
- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Waiver**
- **APPROVED** or **DENY** the **District Development Plan**

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

## **NOTIFICATION**

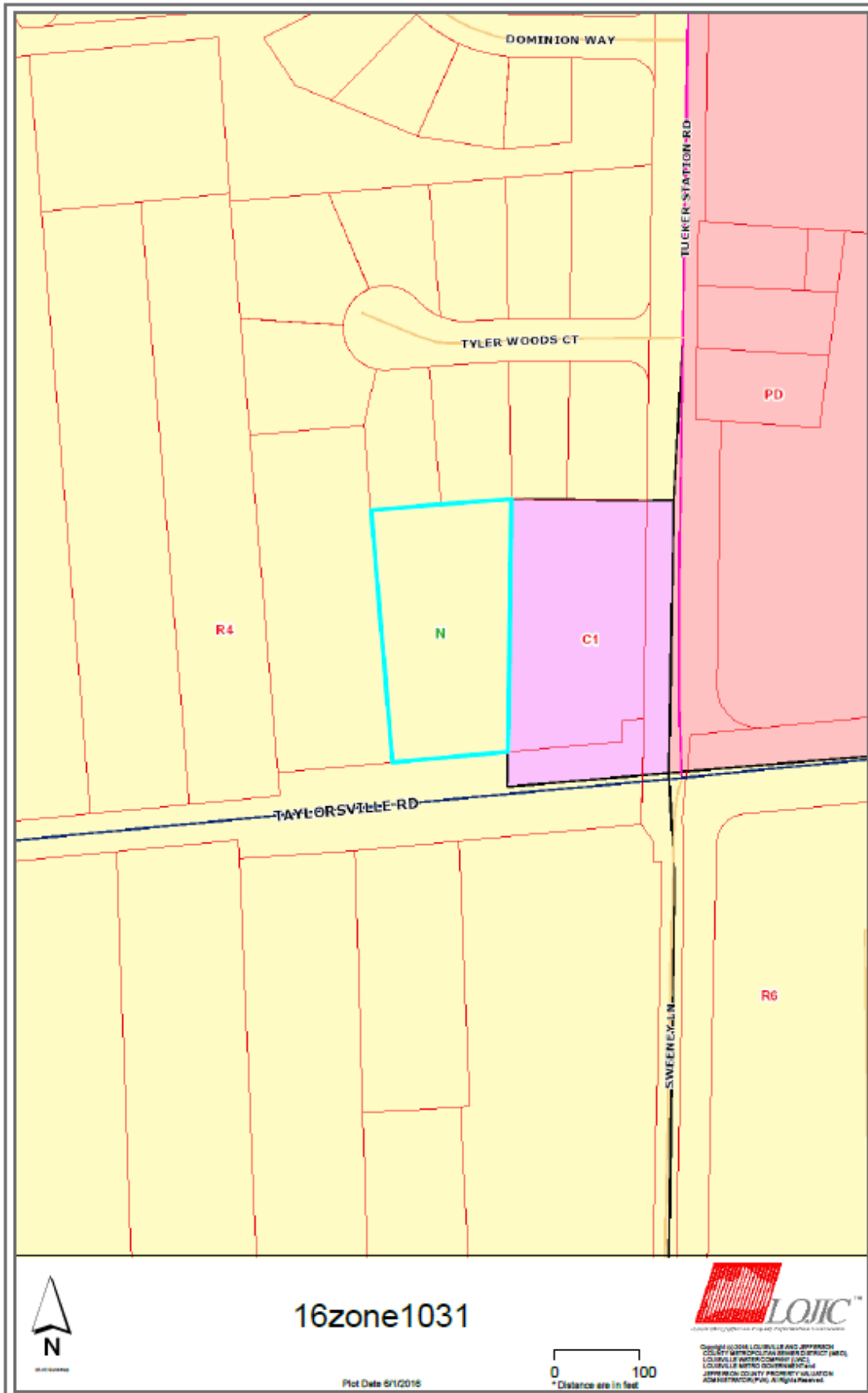
Date	Purpose of Notice	Recipients
11/30/17	Hearing before LD&T on 12/14/17	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 11 & 20
1/4/18	Hearing before PC on 1/18/18	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District ____
1/3/18	Hearing before PC	Sign Posting on property
	Hearing before PC	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

#### Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	-	The proposal is an expansion of a commercial property located at the western corner of Tucker Station and Taylorsville Roads. The expansion of the existing zoning from the existing 1 acre lot to the proposed two acre lot decreases the scale of the proposal from nearby neighborhoods to outside the nearby neighborhoods. The Neighborhood Plan indicates that commercial should not expand west of Tucker Station Road.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	The proposal for an expansion of a moderate to high intensity zoning district along a major arterial. Impact on the low density adjacent residential is mitigated by the landscape buffer area and setback. It is further mitigated by a proposed detention basin which increases the distance between the site and the existing residential to the north to a total of approximately 55'. The residential to the west is buffered by an LBA.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	-	The proposal will not create a new center but will be an expansion of existing commercial zoning. New construction for commercial is proposed. The Neighborhood Plan indicates that commercial should not expand west of Tucker Station Road.
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.	✓	Density has increased south of the site with apartments recently having been constructed diagonal from the site. Other multi-family developments are located further down Taylorsville Road and Multi-family was previously proposed on the PDD site east of the site and across Tucker Station Road.
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.	-	The proposal is compact and results in an efficient land use pattern as it is directly associated and adjacent to the existing zoning at the corner of Tucker Station and Taylorsville Road. However the Neighborhood Plan indicates that commercial should not expand west of Tucker Station Road.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The proposal is for the expansion of one land use. C-1 permits a mix of neighborhood serving land uses. A sidewalk is proposed along Taylorsville Road which will help with supporting pedestrian access to the site, should transit become available in this area the sidewalk will be beneficial for serving TARC.
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.	-	The proposal is for a one story retail building and gas station. Residential is not part of the proposal.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development and is not located in a center.
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.	✓	Since this proposal is for one use and is surrounded by residential access to the site is not shared. The proposal is utilizing existing access points to the site limiting the curb cuts to only existing cuts.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities would only be shared if the adjacent properties were to become non-residential.
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.	✓	A sidewalk is proposed along Taylorsville Road which will help with supporting pedestrian access to the site, should transit become available in this area the sidewalk will be beneficial for serving TARC.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	-	The Neighborhood Plan recommends that buildings incorporate architectural styles that reflect the historic characteristics of the District. Traditional building materials (rock, masonry, wood, metal) shall be used for exterior building facades. Also it recommends non-residential buildings to present attractive, pedestrian scale facades toward the street with parking facilities located in the rear, screened from the street and other properties by the building, landscaping or other historically acceptable means. A building façade waiver along Tucker Station is being requested which indicates non-compliance with the neighborhood plan.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal is a non-residential expansion into a mainly low density residential area. Impact on the low density adjacent residential is mitigated by the landscape buffer area and setback. It is further mitigated by a proposed detention basin which increases the distance between the site and the existing residential to the north to a total of approximately 55'. The residential to the west is buffered by an LBA.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD has no issues with the proposal.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Planning has not indicated any issues with the traffic for the proposal.
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.	✓	The neighborhood plan recommends shielding of lights to respect the "Dark Sky". No additional information has been given on lighting. Lighting will be required to meet LDC requirements.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	-	The proposal is for higher intensity commercial zoning not located in an activity center or along a transit route.
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.	✓	The Neighborhood Plan indicates the site to "Provide appropriate buffers between less compatible uses, preferably consisting of naturally occurring vegetation over installed landscape materials. a. Preserve existing fencerows or significant large trees rather than clear cutting and planting rows of nursery grown plants. b. If no existing vegetation, install plants from the preferred list in groupings that appear natural rather than equally spaced rows." More information is needed. The proposal indicates that the impact on the low density adjacent residential is mitigated by the landscape buffer area and setback. It is further mitigated by a proposed detention basin which increases the distance between the site and the existing residential to the north to a total of approximately 55'. The residential to the west is buffered by an LBA.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The Neighborhood Plan indicates the site to “Provide appropriate buffers between less compatible uses, preferably consisting of naturally occurring vegetation over installed landscape materials. a. Preserve existing fencerows or significant large trees rather than clear cutting and planting rows of nursery grown plants. b. If no existing vegetation, install plants from the preferred list in groupings that appear natural rather than equally spaced rows.” More information is needed. The proposal indicates that the impact on the low density adjacent residential is mitigated by the landscape buffer area and setback. It is further mitigated by a proposed detention basin which increases the distance between the site and the existing residential to the north to a total of approximately 55’. The residential to the west is buffered by an LBA.
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.	-	A variance is being requested to increase the setbacks along both Tucker Station and Taylorsville. Increasing the setbacks also increases the walking distance from the public sidewalk into the proposed business and increases pedestrian and vehicle conflicts on the site.
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.	-	The Neighborhood Plan recommends avoiding large expanses of parking by breaking pavement into smaller areas and interjecting green spaces. Green spaces around the site are mainly located along the perimeter and do not break up the pavement.
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.	-	The Neighborhood Plan recommends avoiding large expanses of parking by breaking pavement into smaller areas and interjecting green spaces. Green spaces around the site are mainly located along the perimeter and do not break up the pavement.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The Neighborhood Plan recommends signage to be externally lit and constructed from traditional materials (masonry, wood, metal, etc.) Share signage between developments to reduce the clutter along roadways. Provide gateway elements at the Tucker Station and Taylorsville Roads intersection to create a sense of arrival to the district. Signs will meet LDC requirements.
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.	-	The Neighborhood Plan indicates the site to "Provide appropriate buffers between less compatible uses, preferably consisting of naturally occurring vegetation over installed landscape materials. a. Preserve existing fencerows or significant large trees rather than clear cutting and planting rows of nursery grown plants. b. If no existing vegetation, install plants from the preferred list in groupings that appear natural rather than equally spaced rows." The Neighborhood Plan recommends avoiding large expanses of parking by breaking pavement into smaller areas and interjecting green spaces. Open spaces on the site are around the perimeter of the site and do not meet the intent of the neighborhood plan.
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.	-	The Neighborhood Plan indicates the site to "Provide appropriate buffers between less compatible uses, preferably consisting of naturally occurring vegetation over installed landscape materials. a. Preserve existing fencerows or significant large trees rather than clear cutting and planting rows of nursery grown plants. b. If no existing vegetation, install plants from the preferred list in groupings that appear natural rather than equally spaced rows." The Neighborhood Plan recommends avoiding large expanses of parking by breaking pavement into smaller areas and interjecting green spaces. Open spaces on the site are around the perimeter of the site and do not meet the intent of the neighborhood plan.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	A small portion of the sites tree canopy is indicated as preserved. There are no other natural features evident.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	A small portion of the sites tree canopy is indicated as preserved. There are no other natural features evident.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The existing structure and site have no historical or cultural value other than being located in the Tyler Settlement National Register District.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	Soils are not an issue for the proposal.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	-	The proposal is not located in a downtown nor is it located where the Neighborhood Plan recommends, east of Tucker Station.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for industrial.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	-	The proposed commercial expansion is not located in an existing commercial activity center that has been established east of Tucker Station. Taylorsville Road is a major arterial.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for industrial.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	A deceleration lane has been added along Taylorsville Road.
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.	✓	A sidewalk is proposed along Taylorsville Road which will help with supporting pedestrian access to the site, should transit become available in this area the sidewalk will be beneficial for serving TARC.
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	No new roadways are being created.
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.	✓	The proposal dedicates ROW and a deceleration lane has been added along Taylorsville Road.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is proposed.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Cross access is not provided because the adjacent uses are low density residential.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No new roadways are being created.
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.	✓	Access to the site is from two rights of way.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	No new roadways are being created.
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.	✓	A sidewalk is proposed along Taylorsville Road which will help with supporting pedestrian access to the site, should transit become available in this area the sidewalk will be beneficial for serving TARC.
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.	✓	MSD has no issues with the proposal.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has no issues with the proposal.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The existing tree canopy on the site can provide a habitat area that is connected to other treed areas off site.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Planned utilities will serve the site.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Water is available to the site.
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The health department has no issues with the proposal.

**4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be monument style.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to the issuance of a building permit.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during

development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The property owner shall provide a cross over access easement if the property to the west is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 18, 2018 Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.