

**Planning Commission
Staff Report**
July 19, 2018



Case No:	18ZONE1036
Project Name:	840 E. Chestnut Street
Location:	840 E. Chestnut Street
Owner(s):	Critical mass, LLC
Applicant:	Critical mass, LLC
Representative(s):	Critical mass, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from M-2, Industrial to EZ-1, Enterprise Zone
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning from M-2 to EZ-1 is being requested to allow for expanded uses on the subject property, specifically those less intense uses permitted within the commercial districts that are not currently permitted by the existing zoning district. The site contains a two-story building and a small-scale mini-warehouse facility. No site improvements have been proposed, except parking at the rear. The first floor of the structure will be divided between a retail storefront and food processing facility. There are three existing dwelling-units on the second floor.

Associated Cases:

9-74-00: Change in zoning from R-8 to M-2

18MOD1003: An amendment to uses allowed by binding element #3.

STAFF FINDING

The change in zoning complies with the guidelines and policies of Cornerstone 2020. The benefit of opening this structure to retail, office, and other commercial development, where it has previously been prohibited by the existing zoning classification, in combination with the minimal scale of industrial uses allows for this change in zoning to be appropriate. The detailed district development plan appears to be adequately justified based upon the staff analysis contained in the standard of review.

TECHNICAL REVIEW

- The EZ-1 zoning district permits all C-2 and M-3 uses; however, it requires that all M-2 and M-3 uses observe a 200' setback from any residential use (LDC 2.6.1.A.1). It does not provide that M-2 and M-3 uses may not occur within 200', only that a setback shall be applied. The subject site contains existing structures and uses that are currently permitted by the M-2 district, and at no point does the property contain a dimension greater than 200 feet; thus, no setback can be applied. Notice of the public hearing was supplied to all 1st and 2nd tier properties owners and a neighborhood meeting to discuss the scope of the change in zoning to EZ-1 was held on May 27, 2018. No objections to the proposed uses appear to have been made by attendees. Staff is requesting that the Planning Commission consent to those uses requested and all uses allowed by the proposed binding elements to be located on the subject site, notwithstanding the fact that

some food processing uses permitted in the M-2 and M-3 districts will be located less than 200' from a residential use. No action is necessary to consent as a binding element to this effect has been included.

- The EZ-1 district also restricts dwelling units unless associated with agricultural uses or as caretaker's quarters for industrial uses, unless permitted by those special standards contained in LDC 4.3. LDC 4.3.5 specifically authorizes dwelling units in traditional neighborhood form districts.

STANDARD OF REVIEW FOR ZONING 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 CHANGE IN ZONING

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

The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood- serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The subject site is located in a well-connected, walkable urban neighborhood supported by TARC service. The introduction of C-2 commercial uses on the subject site, where they are currently prohibited, greatly enhances the vitality of the existing structure and surrounding neighborhood by allowing a mix of neighborhood-serving uses such as offices, shops, and restaurants. The introduction of these uses supports the use of alternative forms of transportation and encourages vitality and sense of place. No new site construction is proposed. Existing buildings will be preserved in a manner

consistent with predominate neighborhood building design. Parking facilities will be located to the rear alley where access is traditionally obtained.

The subject site is currently zoned M-2 and the change to EZ-1 allows a slightly higher intensity of uses; however, the industrial component is of a minimal scale and the use of the site for large, offensive and nuisance industrial uses would not appear to be feasible. The added benefit of opening this structure to retail, office, and other commercial development in combination with the minimal scale of industrial uses makes this change in zoning appropriate.

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: The applicant will be revitalizing an existing corner commercial structure in a Traditional Neighborhood.

- 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 as sidewalks and connections from the structure to the sidewalks are exiting and the site is located in a walkable and well-connected urban neighborhood.

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

STAFF: Open space is not a required for the proposed development.

- 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 as the site is an existing industrial use within a mixed-use urban neighborhood and the changes to the use of the building will allow for a greater range of goods and services to be provided and produced.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in *Attachment 3* of the staff report.

REQUIRED ACTION(S)

- **RECOMMEND** to the Louisville Metro Council that the Change-in-Zoning from M-2, Industrial to EZ-1, Enterprise Zone on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detailed District Development Plan**

NOTIFICATION

Date	Purpose of Notice	Recipients
06/14/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
07/03/18	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
	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. Existing Binding Elements
5. 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

Traditional 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.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal preserves the existing grid pattern of streets, sidewalks and alleys as the existing facilities exhibit traditional corner commercial development at the intersection of a minor arterial roadway.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	+	The introduction of C-2 commercial uses on the subject site where they are currently prohibited greatly enhances the vitality of the existing structure and surrounding neighborhood by allowing a mix of neighborhood-serving uses such as offices, shops, and restaurants.
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	✓	No open spaces are impacted by the development.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	✓	No new development is proposed on-site. The proposal preserves existing buildings consistent with the predominate neighborhood building design
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	A new center is not being created. The proposed zoning district incorporates into the exiting mixed-use pattern within the neighborhood.
6	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.	✓	Sufficient population in the area exists to support a large variety of commercial and industrial uses permitted within by the district
7	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 proposed zoning district utilizes the existing facilities on-site which are developed as traditional corner commercial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
8	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 subject site is located in a walkable urban neighborhood supported by TARC service; thus, supporting the use of alternative forms of transportation and encouraging vitality and sense of place.
9	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 incorporates residential uses above retail and/or includes other mixed-use, multi-story retail buildings.
10	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.	✓	The development is small and compact. Existing buildings are to be repurposed.
11	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.	✓	Parking facilities will be located to the rear alley where access is traditionally obtained. No adverse impacts on pedestrian safety will result.
12	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 are available as the site is located within the urban services district.
13	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.	✓	The subject site is located in a walkable urban neighborhood supported by TARC service
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The structure and its materials are not proposed to be changed.
15	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 does not constitute a non-residential expansion into an existing residential area as it is currently zoned M-2.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal mitigates any potential odor or emissions associated with the development as the size and scale of the potentially offensive uses is limited.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic would appear to be negligible given the size and scale of the proposed development.
18	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.	✓	No changes to the subject site have been proposed that would increase adverse impacts of its lighting on nearby properties, and on the night sky.
19	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 site is located within proximity to similar uses in an urban area that is well-connected to transit.
20	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	No site work is being conducted that would require additional screening or buffering.
21	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 size and scale of the existing structures and proposed development within those structures aids in the compatibility of the use with surrounding uses and additional mitigation would not be needed.
22	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards
23	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.	✓	Parking is being obtained from a rear alley in a manner consistent with the intent of alleys in traditional neighborhoods.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	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.	✓	No site work is being conducted that necessitates additional screening and landscaping.
25	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages proposed
26	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.	✓	Signage shall be in conformance with zoning district regulations.
27	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space is not a required component of this plan.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no apparent natural features on-site
30	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.	✓	There are no apparent natural features on-site
31	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 proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value.
32	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.	✓	The development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	✓	The subject site is accessible by multiple means of transportation.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
34	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 subject site is located in close proximity to the central business district and may be commonly associated with development in the downtown area. The proposed use constitutes a reinvestment and rehab in the downtown area.
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The subject site is currently zoned M-2 and the change to EZ-1 allows a slightly higher intensity of uses; however, the site is of a minimal scale and large industrial uses would not appear to be feasible.
36	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 components of the zoning district are appropriately located at an intersection of minor arterial roadways and a transit corridor running from downtown to residential neighborhoods South of the urban core.
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The development will have less than 100 employees and is located along an arterial roadway.
38	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.	✓	Existing conditions do not necessitate the need for contributions.
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The subject site is located in a walkable urban neighborhood supported by TARC service.
40	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.	✓	The subject site is located in a walkable urban neighborhood supported by TARC service

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
41	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.	✓	No right-of-way dedication is necessitated by the proposed development.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use.
43	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.	NA	The subject site and surrounding development are fully built-out
44	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 stub streets required per this application
45	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 subject site currently containing an industrial use is through existing areas. The site is of a minimal scale and large industrial uses would not be feasible.
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The proposal does not impact the existing hierarchy of streets.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as the subject site is located in a walkable urban neighborhood supported by TARC service.
48	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	The applicant will need to finalize plans and receive approval from MSD.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
49	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.
50	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.	✓	No natural corridors are apparent on-site
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities as it is within the urban services district.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes as it is within the urban services district.
53	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 proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as it is within the urban services district.

4. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 4,150 square feet of gross floor area.

3. **The following M-2 uses shall not be permitted on the site:**

- Auction sales, outdoor
- Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
- Bus garage and repair shop
- Exposition building or center
- Fairgrounds
- Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage
- Lumber yards
- Railroad freight terminals and yards
- River terminals
- Truck or transfer terminal, freight and motor freight and motor freight stations
- Warehouses, produce and storage
- Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

- Air conditioning, commercial
- Aircraft and aircraft parts
- Aluminum extrusion, rolling, fabrication, and forming
- Animal pound
- Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
- Battery, storage (wet cell)
- Boat manufacturing and repair
- Coal and coke, storage and sales
- Concrete products (except central mixing and proportioning plant) Culverts
- Firearms
- Foundry products (electrical only) Implements, agricultural or farm Ink manufacture (mixing only)
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
- Machine, tool, die, and gauge shops
- Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
- Pencils
- Perfumes or perfumed soaps, commercial
- Plating, electrolytic process
- Plumbing supplies
- Poultry or rabbit, packing or slaughtering (wholesale)
- Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products

Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
Shipping containers (corrugated board, fiber or wire-bound) Tire re-treading and vulcanizing shop
Tobacco (including curing) or tobacco products

4. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system audible beyond the property line.
8. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

5. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

~~2. The development shall not exceed 4,150 square feet of gross floor area.~~

2. The following M-2 uses shall not be permitted on the site:

- Auction sales, outdoor
- Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
- Bus garage and repair shop
- Exposition building or center
- Fairgrounds
- Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage
- Lumber yards
- Railroad freight terminals and yards
- River terminals
- Truck or transfer terminal, freight and motor freight and motor freight stations
- ~~Warehouses, produce and storage~~
- Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

- Air conditioning, commercial
- Aircraft and aircraft parts
- Aluminum extrusion, rolling, fabrication, and forming
- Animal pound
- Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
- Battery, storage (wet cell)
- Boat manufacturing and repair
- Coal and coke, storage and sales
- Concrete products (except central mixing and proportioning plant) Culverts
- Firearms
- Foundry products (electrical only) Implements, agricultural or farm Ink manufacture (mixing only)
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
- Machine, tool, die, and gauge shops
- Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
- Pencils
- Perfumes or perfumed soaps, commercial
- Plating, electrolytic process
- Plumbing supplies
- Poultry or rabbit, packing or slaughtering (wholesale)
- Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products
- Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Shipping containers (corrugated board, fiber or wire-bound) Tire re-treading and vulcanizing shop
Tobacco (including curing) or tobacco products
Tire re-treading and vulcanizing shop

- ~~4. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.~~
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, ~~or banners~~ shall be permitted on the site.
4. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
5. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system audible beyond the property line.
6. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
7. **A license agreement, if required, shall be obtained for the installation of bike racks and handicap ramp located within the right-of-way of S. Campbell Street.**
8. **All M-3 uses shall be prohibited, except the use, manufacture, processing, treatment, or storage of the following:**
Aromatic Flavoring material (essential oils)
Cider and vinegar
Molasses
Oils, shortenings, and fats
Pickles, vegetable relish, & sauces
Sauerkraut
Pottery and porcelain products (coal-fired, including bathroom or kitchen equipment, or similar products)
Soaps and soap products
9. **Outdoor storage, processing, treatment, or manufacturing associated with an industrial use is prohibited.**
10. **The Louisville Metro Planning Commission consents to those uses as shown on the approved district development plan and all other uses not prohibited by these binding elements, notwithstanding the fact that they may be located within 200 feet of a residential use.**



Land Development & Transportation Staff Report

June 28, 2018



Case No:	18ZONE1036
Project Name:	840 E. Chestnut Street
Location:	840 E. Chestnut Street
Owner(s):	Critical mass, LLC
Applicant:	Critical mass, LLC
Representative(s):	Critical mass, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from M-2, Industrial to EZ-1, Enterprise Zone
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning from M-2 to EZ-1 is being requested to allow for expanded uses on the subject property, specifically those less intense uses permitted within the commercial districts that are not currently permitted by the existing zoning district. The site contains a two-story building and a small-scale mini-warehouse facility. No site improvements have been proposed, except parking at the rear. The first floor of the structure will be divided between a retail storefront and food processing facility. There are three existing dwelling-units on the second floor.

Associated Cases:

9-74-00: Change in zoning from R-8 to M-2

18MOD1003: An amendment to uses allowed by binding element #3.

STAFF FINDING

Except for a few minor outstanding review comments of MSD, the application is in order and appears to be ready for the next available Public Hearing of the Planning Commission.

STANDARD OF REVIEW FOR ZONING 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.

NOTIFICATION

Date	Purpose of Notice	Recipients
06/14/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 4,150 square feet of gross floor area.

3. The following M-2 uses shall not be permitted on the site:

- Auction sales, outdoor
- Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
- Bus garage and repair shop
- Exposition building or center
- Fairgrounds
- Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage
- Lumber yards
- Railroad freight terminals and yards
- River terminals
- Truck or transfer terminal, freight and motor freight and motor freight stations
- Warehouses, produce and storage
- Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

- Air conditioning, commercial
- Aircraft and aircraft parts
- Aluminum extrusion, rolling, fabrication, and forming
- Animal pound
- Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
- Battery, storage (wet cell)
- Boat manufacturing and repair
- Coal and coke, storage and sales
- Concrete products (except central mixing and proportioning plant) Culverts
- Firearms
- Foundry products (electrical only) Implements, agricultural or farm Ink manufacture (mixing only)
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
- Machine, tool, die, and gauge shops
- Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
- Pencils
- Perfumes or perfumed soaps, commercial
- Plating, electrolytic process
- Plumbing supplies
- Poultry or rabbit, packing or slaughtering (wholesale)
- Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products

Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
Shipping containers (corrugated board, fiber or wire-bound) Tire re-treading and vulcanizing shop
Tobacco (including curing) or tobacco products

4. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system audible beyond the property line.
8. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

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- Exposition building or center
- Fairgrounds
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- Lumber yards
- Railroad freight terminals and yards
- River terminals
- Truck or transfer terminal, freight and motor freight and motor freight stations
- Warehouses, produce and storage
- Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

- Air conditioning, commercial
- Aircraft and aircraft parts
- Aluminum extrusion, rolling, fabrication, and forming
- Animal pound
- Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
- Battery, storage (wet cell)
- Boat manufacturing and repair
- Coal and coke, storage and sales
- Concrete products (except central mixing and proportioning plant) Culverts
- Firearms
- Foundry products (electrical only) Implements, agricultural or farm Ink manufacture (mixing only)
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
- Machine, tool, die, and gauge shops
- Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
- Pencils
- Perfumes or perfumed soaps, commercial
- Plating, electrolytic process
- Plumbing supplies
- Poultry or rabbit, packing or slaughtering (wholesale)
- Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products

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Tobacco (including curing) or tobacco products

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6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system audible beyond the property line.
8. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

- 1st floor cell - 3 units

- food processing
- Retail lease space

- preserves

Change in Zoning Pre-Application Staff Report



Case No:	18ZONE1036
Project Name:	840 E. Chestnut Street
Location:	840 E. Chestnut Street
Owner(s):	Critical mass, LLC
Applicant:	Critical mass, LLC
Representative(s):	Critical mass, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- Change-in-Zoning from M-2, Industrial to EZ-1, Enterprise Zone
- Detailed District Development Plan

DRC
BE mod
5/9
restricted
use
M-2

CASE SUMMARY

A change in zoning from M-2 to EZ-1 is being requested to allow for expanded uses on the subject property, specifically those less intense uses permitted within the commercial districts. The current zoning of the property allows for accessory uses and buildings that are subordinate to the uses permitted by the district, including retail sale, rental, or repair of items manufactured or assembled on site. The site contains a two-story building and a small-scale mini-warehouse facility. No site improvements have been proposed, except parking at the rear.

STAFF FINDING

Staff would like to know more about the proposed and existing uses within the facility in order to best determine the appropriateness of the request and conformance with the Comprehensive Plan. The proposed district would allow for the expansion of commercial uses in conjunction with existing industrial uses to the benefit of the neighborhood. However, M-3 uses permitted by the requested district would be inappropriate within the neighborhood.

TECHNICAL REVIEW

- The current zoning of the property allows for accessory uses and buildings that are subordinate to the uses permitted by the district, including retail sale, rental, or repair of items manufactured or assembled on site. Will future commercial uses be associated with the manufacture, processing, treatment or storage of goods on site?
- A neighborhood meeting shall be held no more than 90 calendar days prior to the filing of formal application. At time of filing a change in zoning request, the applicant shall provide a summary of a public meeting between the applicant and the parties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.
- All agency comments should be addressed prior to proceeding to a public hearing.

Sunday
May 27th

STANDARD OF REVIEW FOR ZONING 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 CHANGE IN ZONING

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

The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood- serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The proposed district will allow for the expansion of commercial uses in conjunction with existing industrial uses to serve and benefit the neighborhood. The extent of the commercial uses is not yet known. Sufficient population in the area exists to support a large variety of commercial and industrial uses permitted within by the district. The subject site is located in a walkable urban neighborhood supported by TARC service; thus, supporting the use of alternative forms of transportation and encouraging vitality and sense of place. The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value.

The increase in the intensity of permitted industrial uses is particularly concerning to staff. The M-3 uses permitted by the proposed district are the most offensive uses permitted by-right within the boundaries of the county and the expansion or introduction of such use would not be appropriate for a traditional residential neighborhood such as this one

A checklist containing staff's complete analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. 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.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
	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

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

Traditional 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.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal preserves the existing grid pattern of streets, sidewalks and alleys as the existing facilities exhibit traditional corner commercial development at the intersection of a minor arterial roadway.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	+/-	The proposed district will allow for the expansion of commercial uses in conjunction with existing industrial uses to serve the neighborhood. The extent of the commercial uses is not known and M-3 uses would be inappropriate within the neighborhood.
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	✓	No open spaces are impacted by the development.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	✓	No new development is proposed on-site. The proposal preserves existing buildings consistent with the predominate neighborhood building design
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	A new center is not being created. The proposed zoning district incorporates into the exiting mixed-use pattern within the neighborhood.
6	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.	✓	Sufficient population in the area exists to support a large variety of commercial and industrial uses permitted within by the district
7	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 proposed zoning district utilizes the existing facilities on-site which are developed as traditional corner commercial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
8	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 subject site is located in a walkable urban neighborhood supported by TARC service; thus, supporting the use of alternative forms of transportation and encouraging vitality and sense of place.
9	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 incorporates residential uses above retail and/or includes other mixed-use, multi-story retail buildings.
10	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.	✓	The development is small and compact. Existing buildings are to be repurposed.
11	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.	✓	Parking facilities will be located to the rear alley where access is traditionally obtained. No adverse impacts on pedestrian safety will result.
12	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 are present.
13	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.	✓	The subject site is located in a walkable urban neighborhood supported by TARC service
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The structure and its materials are not proposed to be changed.
15	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 increase in the intensity of permitted industrial uses is particularly concerning to staff. The M-3 uses permitted by the proposed district are the most offensive uses permitted by-right within the boundaries of the county and the expansion or introduction of such use would not be appropriate for a traditional residential neighborhood such as this one.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	The M-3 uses permitted by the proposed district are the most offensive uses permitted by-right within the boundaries of the county and the expansion or introduction of such use would not be appropriate for a traditional residential neighborhood such as this one. Odor or emissions more offensive than the current use may be allowed.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Information is needed for proposed uses to appropriately determine the impact of traffic.
18	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.	✓	No changes to the subject site have been proposed that would increase adverse impacts of its lighting on nearby properties, and on the night sky.
19	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 intensity of the district is increasing in a manner that allows more offensive industrial uses. The site is located within proximity to similar uses but immediately abuts residential uses.
20	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.	+/-	What transitions are provided currently?
21	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.	+/-	<u>What mitigation against future industrial uses will reduce their potential impact?</u>
22	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	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.	✓	Parking is being obtained from a rear alley in a manner consistent with the intent of alleys in traditional neighborhoods.
24	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.	+/-	<u>Will any additional screening or landscaping be added?</u>
25	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages proposed
26	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.	✓	Any new signs shall be in conformance with zoning district regulations.
27	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.	✓	No open spaces are impacted by the development.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no apparent natural features on-site
30	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.	✓	There are no apparent natural features on-site
31	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 proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	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.	✓	The development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	✓	The subject site is accessible by multiple means of transportation.
34	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 subject site is located in close proximity to the central business district and may be commonly associated with development in the downtown area. The proposed use constitutes a reinvestment and rehab in the downtown area.
35	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.	+/-	Subject site is not located in an industrial area. The M-3 uses permitted by the proposed district are the most offensive uses permitted by-right within the boundaries of the county and the expansion or introduction of such use would not be appropriate for a traditional residential neighborhood such as this one.
36	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 C-2 zoning district is appropriately located at an intersection of minor arterial roadways and a transit corridor running from downtown to residential neighborhoods South of the urban core.
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The development will have less than 100 employees and is located along an arterial roadway.
38	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.	✓	Existing conditions do not necessitate the need for contributions.
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The subject site is located in a walkable urban neighborhood supported by TARC service.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
40	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.	✓	The subject site is located in a walkable urban neighborhood supported by TARC service
41	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.	+/-	Right-of-way shall be provided as required by transportation planning staff.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	+/-	Not all factors are known of the proposed use to determine conformance with this element.
43	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.	NA	The subject site and surrounding development are fully built-out
44	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 stub streets required per this application
45	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.	+/-	The change to M-3 impacts access intensity and some uses permitted may result in negative impacts on access.
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The proposal does not change existing hierarchy of streets.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The subject site is located in a walkable urban neighborhood supported by TARC service

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	All MSD comments should be addressed prior to setting a hearing date
49	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 had no immediate concerns
50	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.	✓	No natural corridors are apparent on-site
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities are available
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	There would appear to be an adequate supply of water as it is located in an urban area
53	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.	✓	There would appear to be an adequate means of sewage treatment as it is located in an urban area