

Planning Commission

Staff Report

March 19, 2015



Case No:	14zone1056
Request:	Change in zoning from M-1 to EZ-1
Project Name:	The Edison Center
Location:	1228 South 7th Street
Owner:	The Edison Center LLC
Applicant:	The Edison Center LLC
Representative:	Sabak Wilson and Lingo Inc.
Jurisdiction:	Louisville Metro
Council District:	6-David James
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Change in zoning from M-1 to EZ-1
- Variance from Chapter 5.2.5.C.3 to allow parking to encroach into the required setback along 7th Street as shown on the development plan
- Waivers:
 1. Waiver from 5.8.1.B to not provide sidewalks along 9th Street and Dumesnil Street
 2. Waiver from 5.9.2.A.1.b.1 to not provide a pedestrian connection from 9th Street and Dumesnil Street to the primary structure
 3. Waiver from 5.9.2.C.4 to permit traffic circulation in front of the principal structure
 4. Waiver from 5.5.1.A.3 to permit parking in front of the building and to not provide a masonry wall to screen the parking from the ROW
- District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: M-1
Proposed Zoning District: EZ-1
Existing Form District: TW
Existing Use: Vacant Industrial
Proposed Use: Office
Minimum Parking Spaces Required: 147
Maximum Parking Spaces Allowed: 968
Parking Spaces Proposed: 451

The buildings on this site are on the National Register of Historic Places. The site was previously owned by Louisville Gas and Electric for offices and warehousing.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant Industrial	M-1	TW
Proposed	Office	EZ-1	TW
<i>Surrounding Properties</i>			
North	Industrial	M-2/M-1	TW
South	Vacant	M-1	TW
East	Residential/Commercial	TNZD	TN
West	Railroad/Industrial	EZ-1	TW

PREVIOUS CASES ON SITE

1-9-69- Street closure for Ormsby Avenue

INTERESTED PARTY COMMENTS

Staff received a phone call from an adjacent property owner, Bruce Cohen, who said he was “100% in support of the proposal”.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 REZONING

The site is located in the Traditional Workplace Form District

A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off street and behind buildings.

There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

The site will not screen the parking from the adjacent residential located across 7th Street.

The proposal will not change the existing grid pattern. The alley adjacent to the site is unimproved and does not have sufficient width to provide access. Transit is available along 7th Street. A sidewalk exists along 7th Street. The proposal includes on street parking as well as a parking lot around the existing building. The proposal is not directly adjacent to residential uses. All the buildings are existing and will remain on the site. The proposal is for EZ-1 which allows for a mix of commercial and industrial uses in a mostly industrial area.

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 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: The proposal preserves the existing buildings on the site which are on the National Register of Historic Places. Natural features are not evident on the site.

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

STAFF: Vehicular transportation is provided for with drive lanes and parking. 7th and Dumesnil Streets will not be changed. A sidewalk exists along 7th Street where transit is also available. A sidewalk is not provided along Dumesnil as it is a dead end street.

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

STAFF: Open space is not required for the 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: MSD has preliminarily approved the proposal.

- 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 long vacant site and existing historic buildings are compatible with the areas industrial past. The zoning will allow for both industrial and commercial uses which would be compatible with future development in the area.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal complies with the LDC and Comprehensive Plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The variance will not affect the public. The site in most areas already had parking within the required setback. The area where the variance is required is where a building once stood and had not historically been used for parking.

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

STAFF: Parking within the setbacks on this site has been evident for some time. Adding a parking area where a building once stood would not alter the character of the area because this particular site has had parking along the property lines under the previous owner.

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

STAFF: The variance will not be a nuisance to the public because the site has had parking within the setbacks for some time and would not be a new concept for this site.

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

STAFF: The variance is not unreasonable because of the other parking on the site within the setbacks and due to the environmental constraints on the site that do not permit digging and otherwise the removal of the existing pavement.

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 variance is due to a special circumstance. The site is environmentally constrained to which the pavement is not permitted to be removed per the Site Management Plan.

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: The strict application would create an unnecessary hardship on the applicant as the applicant is striping an existing paved area for parking that is consistent with the other parking areas on the plan.

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 not a result of action taken by the applicant prior to the adoption of the regulation. The existing structure was removed after LG&E vacated the site. Parking was never used

on that part of the site but due to the environmental conditions of the site the site cannot be disturbed to accommodate the setbacks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1

Waiver from 5.8.1.B to not provide sidewalks along 9th Street and Dumesnil Street

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

STAFF: The waiver will not adversely affect adjacent property owners since Dumesnil is a dead end street that was cut off due to the 9th Street expansion. Pedestrian access is only from 7th Street where transit exists. A fence surrounds the site to control both pedestrian and vehicular access to the site. Vehicular and access to 9th Street is limited. When 9th Street was expanded in this area sidewalks were not constructed.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Sidewalks are not appropriate along 9th Street due to its use as a "highway" in this area. Sidewalks along Dumesnil in this area would also not be appropriate due to it being a dead end road and the site limiting access to the site from that road.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since 9th Street was constructed to not have pedestrian activity in this area and since Dumesnil is a dead end street.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2

Waiver from 5.9.2.A.1.b.1 to not provide a pedestrian connection from 9th Street and Dumesnil Street to the primary structure

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

STAFF: The waiver will not adversely affect adjacent property owners since the transit route is along 7th Street where the existing sidewalk and pedestrian connection will be. 9th Street was constructed to not have pedestrian activity in this area and Dumesnil is a dead end street.

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

STAFF: Guideline 9, states that proposal should provide, 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 for pedestrians where it is most appropriate, along 7th Street.

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

STAFF: The waiver is the minimum necessary because the Site Management Plan indicates that the site is to have limited access due to potential soil and groundwater contaminants. The access is being provided where it is most appropriate which is from 7th Street.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the regulation would deprive the applicant of reasonable use of the land because there are environmental issues regarding the site that require the site to have managed access.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3

Waiver from 5.9.2.C.4 to permit traffic circulation in front of the principal structure

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

STAFF: The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance.

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

STAFF: Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure 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. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is a result of an existing condition on the site. The site traffic and circulation has been in place for some time with the exception of where a building once stood and there is no new construction proposed. Therefore, the waivers will not violate specific guidelines and policies of Cornerstone 2020.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the pavement is existing and will only be re-stripped.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the pavement is existing and there is no new construction on the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #4

Waiver from 5.5.1.A.3 to permit parking in front of the building and to not provide a masonry wall to screen the parking from the ROW

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

STAFF: The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public right-of-way along 7th Street to the building entrance.

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

STAFF: Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure 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. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. All the pavement is existing with no new construction proposed. The parking areas on the site have not ever been screened.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the parking areas and pavement is existing and has been so for some time. Adding a 3' wall on only the portion of the site where it is required would be inconsistent with the overall development.

- (d) Either:

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the pavement is existing and there is no new construction on the site. Adding a 3' wall on only the portion of the site where it is required would be inconsistent with the overall development.

TECHNICAL REVIEW

- All technical review comments have been addressed.

STAFF CONCLUSIONS

The site will not screen the parking from the adjacent residential located across 7th Street.

The proposal will not change the existing grid pattern. The alley adjacent to the site is unimproved and does not have sufficient width to provide access. Transit is available along 7th Street. A sidewalk exists along 7th Street. The proposal includes on street parking as well as a parking lot around the existing building. The proposal is not directly adjacent to residential uses. All the buildings are existing and will remain on the site. The proposal is for EZ-1 which allows for a mix of commercial and industrial uses in a mostly industrial area.

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.

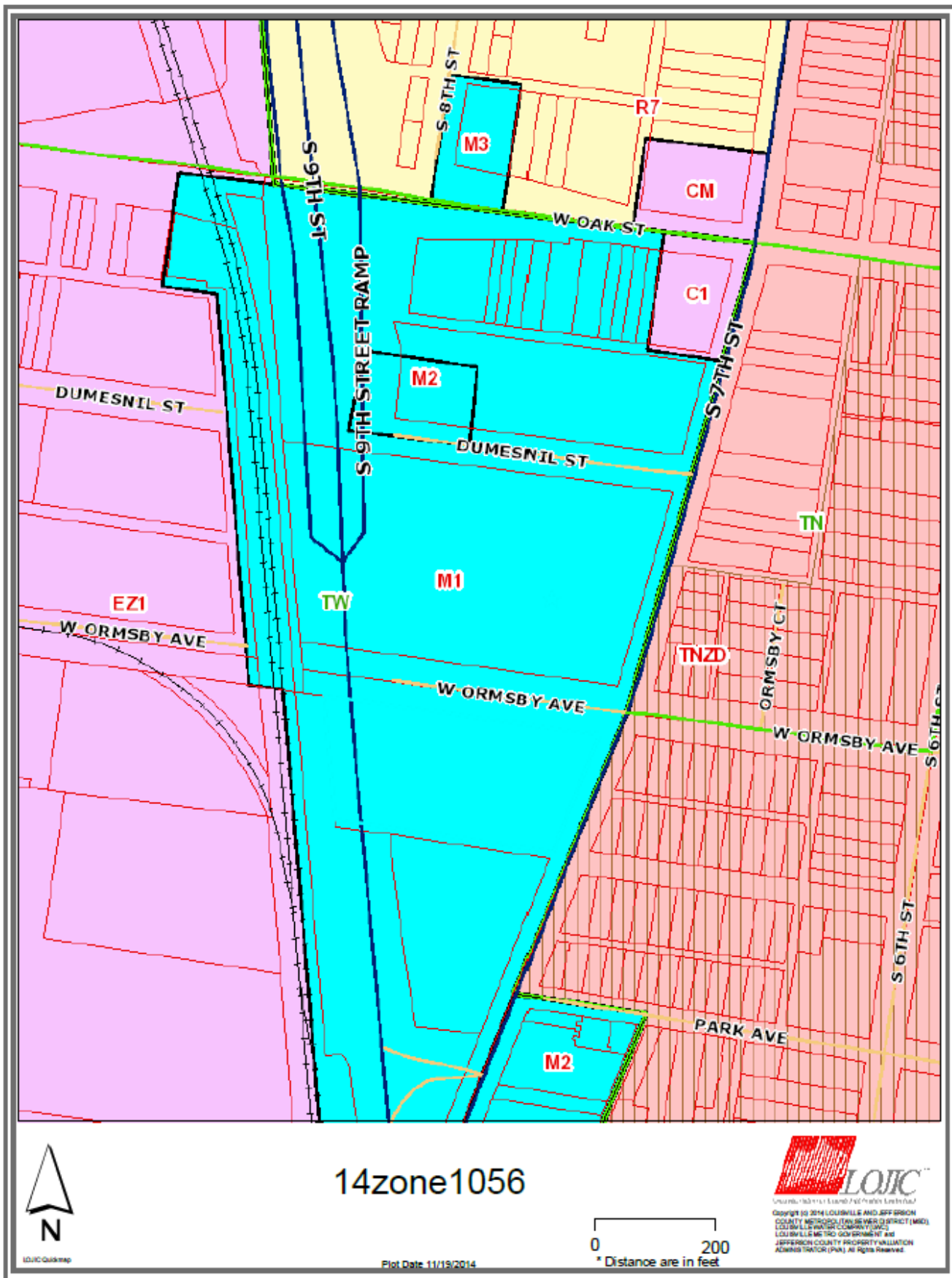
NOTIFICATION

Date	Purpose of Notice	Recipients
2/26/15	Hearing before LD&T on 3/12/15	1 st and 2 nd tier adjoining property owners Subscribers of Council District 6 Notification of Development Proposals
2/27/15	Hearing before PC on 3/19/15	1 st and 2 nd tier adjoining property owners Subscribers of Council District 6 Notification of Development Proposals
3/18/15	Hearing before PC	Sign Posting on property
3/4/15	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

Traditional Workplace: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal respects the existing grid street pattern and provides for alley access if consistent with adjacent development.	✓	The proposal will not change the existing grid pattern. The alley adjacent to the site is unimproved and does not have sufficient width to provide access.
2	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal supports access to public transportation.	✓	Transit is available along 7 th Street. A sidewalk exists along 7 th Street.
3	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal includes on-street or rear parking areas.	✓	The proposal includes on street parking as well as a parking lot around the existing building.
4	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal provides adequate buffering between potentially incompatible non-residential uses where necessary.	✓	The proposal is not directly adjacent to residential uses.
5	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal includes buildings that have little or no setback from the street, and that are integrated with surrounding housing, if present.	✓	All the buildings are existing and will remain on the site.
6	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	No new building is proposed.
7	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 for EZ-1 which is allows for a mix of commercial and industrial uses in a mostly industrial area.
8	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.
9	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 no issues with the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
10	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.	✓	Lighting will meet LDC requirements.
11	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 high intensity Industrial/Commercial which is located along a transit corridor and within an existing industrial area.
12	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 proposal is not directly adjacent to residential and the other surrounding uses are similar in use.
13	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 adjacent developments are compatible.
14	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	NA	The lots and buildings are existing.
15	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	-	The site will not screen the parking from the adjacent residential located across 7 th Street.
16	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 site will not screen the parking from the adjacent residential located across 7 th Street.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
17	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.
18	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.	✓	Signs will meet LDC requirements.
19	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 proposals existing conditions do not lend itself to usable non-paved open space.
20	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	The proposal is not located in the neighborhood form.
21	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features evident on this site.
22	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features evident on this site.
23	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 preserves 2 existing historic structures for adaptive reuse.
24	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 with the site.
25	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposals adaptive reuse proposal of two long vacant historic structures meet the needs of the industrial area because the buildings and proposed uses will no longer be an eyesore for the adjacent residential and other existing industrial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
26	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 but is for the reinvestment and rehab of historic structures that contribute to the Traditional Workplace form.
27	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 proposal up zoning to EZ-1 is located in an existing industrial area.
28	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 zoning permits commercial development. Both 7 th and 9 th Streets are arterial level roadways.
29	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 proposed office and warehouse use are located between two arterials (7 th and 9 th Streets).
30	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.	✓	Transportation Planning has no issues with the proposal.
31	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 striped walkway from the existing 7 th Street sidewalk will connect to the entrance to the building. Transit is available along S. 7 th Street.
32	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.	✓	Existing drive lanes and roadways provide connections to adjacent properties.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	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.	✓	Transportation Planning has no issues with the proposal.
34	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is being provided.
35	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 and joint access is not necessary due to the existing roadways and alley.
36	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.	✓	Roadway connections are existing.
37	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 development is through a roadway that is shared with commercial, industrial, and residential.
38	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 streets are being created.
39	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 striped walkway from the existing 7 th Street sidewalk will connect to the entrance to the building. Transit is available along S. 7 th Street.
40	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has no issues with the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
41	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.
42	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 features are evident on the site.
43	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing utilities serve the site.
44	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	An adequate water supply is available to the site.
45	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 i 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. The development shall not exceed 150,390 square feet of gross floor area.
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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
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.