

# Planning Commission

## Staff Report

March 20, 2014



<b>Case No:</b>	13ZONE1009
<b>Request:</b>	Change in Zoning from M-2, Industrial to C-1, Commercial, Revised Detailed District Development Plan, Waivers and Amendment to Binding Elements
<b>Project Name:</b>	Dandridge Office and Housing Development
<b>Location:</b>	920 Dandridge Ave. and 900-904 Charles St.
<b>Owner:</b>	T.C. Peters Construction
<b>Applicant:</b>	Architectural Artisans, Inc.
<b>Representative:</b>	Architectural Artisans, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Jim King
<b>Case Manager:</b>	David B. Wagner – Planner II

### REQUEST

- Change in zoning from M-2 to C-1 for an Office, two Duplexes, and a Single Family Dwelling
- Waiver to reduce the required 15' Landscape Buffer Area (LBA) along the southeast lot line to 3' [Land Development Code (LDC) Section 10.2.4]
- Revised Detailed District Development Plan
- Amendment to binding Elements

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits at the south side of the intersection of Charles Street, Dandridge Avenue, and Shelby Parkway with an alley parallel to Charles Street along the southwest side of the site. There are two existing structures on site which are used as office space currently. The larger building facing Dandridge Avenue looks like a typical office for a contractor's shop and storage yard while the smaller building facing Charles Street appears to be a standard single family residential structure typical of the area.

The existing office building and single family residence on the site will continue to be used as such while the plan includes two new duplex buildings. The duplexes will act as infill buildings along Charles Street between the existing residence on the site and an existing residence to the southeast. Nine additional parking spaces will be added behind the buildings on the site and three spaces on Charles Street will still be utilized. A new wooden privacy fence will be installed along the southeast property line and in between the new duplexes and the existing single family residence. The existing entrance on Dandridge Avenue will provide a one-way access that will then allow exiting traffic to leave the site by the 15' alley on the southwest side of the site.

Existing Zoning District: M-2, Industrial  
Proposed Zoning District: C-1, Commercial  
Form District: Traditional Workplace  
Existing Use: Office  
Proposed Use: Office, Duplexes, and Single Family Dwelling  
Minimum Parking Spaces Required: 10  
Maximum Parking Spaces Allowed: 38  
Parking Spaces Proposed: 12

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Office	M-2	TW
<b>Proposed</b>	Office, Duplexes, Single Family Dwelling	C-1	TW
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Dwellings, Duplexes, Apartments, Commercial Warehouse	M-2/R-6/C-1	TW/TN
<b>South</b>	Single Family Dwellings, Industrial Warehouse	M-2/R-6	TW/TN
<b>East</b>	Single Family Dwellings	R-6/C-1	TN
<b>West</b>	Single Family Dwellings, Duplexes, Industrial Warehouse	M-2	TW

### PREVIOUS CASES ON SITE

- Docket 9-38-97: Re-zoning from R-6 to M-2, Variance, Parking Waiver, and District Development Plan

### INTERESTED PARTY COMMENTS

Staff has not received any inquiries from interested parties.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

### STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

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.

Compliance with **Guideline 1 (Community Form)** and **Guideline 3 (Compatibility)** has been met. The proposal allows for medium and small scale employment and the proposed commercial zoning would integrate well with surrounding areas as it would act as a buffer between the industrial and residential uses. Since the current zoning allows industrial uses, this down zoning helps to protect the surrounding residents from new high intensity industrial uses. The dwellings provide for new housing opportunities and would respect the established residential pattern along Charles Street and Dandridge Avenue, acting as infill development. The commercial building could provide appropriate local services for both the surrounding residents and employees of the surrounding businesses. Parking would be provided behind the buildings and the site would maintain the grid pattern of the streets with alley access. A new 8' wooden privacy fence would replace the existing chain link fence on the southeast property line and some landscaping would be provided to mitigate any adverse impacts of the parking area on the abutting residences. Although the proposed C-1 zoning allows the proposed uses, an OR (Office/Residential) zoning designation is the lowest zoning district that would allow these uses. The Planning Commission should consider if it is appropriate to allow a higher zoning classification than is necessary for this request.

As the site is proposing three or more contiguous structures along Charles Street, the Traditional Neighborhood Design Alternative standards are being utilized. Due to the site being located on a corner lot, the existing office building and associated proposed parking eliminates the possibility of providing the Private Yard Area required by the Infill Standards. However, the on-site parking is located in the best available area and allows for the infill residential structures to be built, continuing the street building wall along Charles Street. The surrounding area also lacks sufficient on-street parking and this site design will help to alleviate that issue. The Planning Commission should consider whether this alternate site design fulfills the intent of the Comprehensive Plan and is compatible with adjacent development.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site and Historic Preservation has approved the proposal with one request. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

The proposal meets a service need for area employees and residents while the proposed dwellings fit in with the surrounding residential development pattern. The development complies with **Guideline 6 (Economic Growth and Sustainability)**.

The proposal complies with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)**. The applicant has addressed all comments from Transportation Review. The proposal's transportation facilities are compatible with and support access to

surrounding land uses as they continue the pattern of site access by utilizing local streets and rear alleys. Adequate parking is provided by on-site parking spaces and along Charles Street.

The proposal complies with **Guideline 10 (Flooding and Stormwater)** as MSD has approved the proposal.

**Guideline 11 (Water Quality)** has been complied with as the Louisville Water Company has not raised any concerns.

**Guideline 12 (Air Quality)** has been complied with as the Air Pollution Control District has approved the proposal.

The proposal has been determined to comply with **Guideline 13 (Landscape Character)**. The existing chain link fence along the southeast property line will be replaced with a new 8' wooden privacy fence and include landscaping to help mitigate any nuisances for the abutting residents from the new parking area at the rear of the buildings. Appropriate tree canopy coverage will also be provided on the site.

**Guideline 14 (Infrastructure)** and **Guideline 15 (Community Facilities)** have been complied with as all utility and government agencies have given their approval or have not raised any concerns.

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 WAIVER  
to reduce the required 15' LBA along the southeast lot line to 3' (LDC Section 10.2.4)**

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

STAFF: The waiver will not adversely affect adjacent property owners because the existing chain link fence along the southeast property line will be replaced with an 8' wooden privacy fence and some landscaping will be provided. This will be an improvement and help protect the adjoining residents from any nuisances caused by the proposed parking area.

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

STAFF: The waiver will not violate the Comprehensive Plan as required plantings and screening will still be provided and an underutilized property will be redeveloped instead of remaining unused.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this applicant/developer is not requesting a total waiver of this LBA but only a partial one. The pattern along Charles Street includes narrow side yards between residences and the proposed parking area will not be next to existing houses.

- (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: 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 because it would not allow the proposal to be developed similarly to the existing building pattern along Charles Street.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND BINDING ELEMENTS**

- 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 conserves natural resources that currently exist on the site, including the existing tree canopy coverage.

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

STAFF: Transportation Review has approved the proposal's transportation facilities.

- 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 this 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 approved the drainage facilities for the site.

- 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 proposal is compatible with the surrounding area as it is completing the street wall along Charles Street by using infill residential development and the commercial use is a buffer between the industrial and residential uses nearby. The location of all buildings, parking, screening, and landscaping all follow the development pattern in the area.

- 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 proposal conforms with the Comprehensive Plan and Land Development Code as stated above in the Comprehensive Plan analysis.

#### **TECHNICAL REVIEW**

- With the exception of the required Waiver, the plan meets the requirements of the LDC.
- Off-street parking is prohibited in the Private Yard Area in an infill setting (LDC 5.4.1D.1). However, the applicant is utilizing the Traditional Neighborhood Design Alternative (LDC 5.4.1.H) as they are creating three or more contiguous residential structures. The Planning Commission should consider if the alternate design, as part of the development plan, is compatible with surrounding areas and meets the intent of Cornerstone 2020.

## STAFF CONCLUSIONS

### Rezoning

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning complies with all Guidelines of the Comprehensive Plan. However, the Planning Commission should consider if it is appropriate to allow a higher zoning classification than is necessary for this request.

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.

### Waiver, Revised Detailed District Development Plan, and Amendment to Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver, RDDDP, Amendment to Binding Elements are justified. However, the Planning Commission should consider if the alternate design, as part of the development plan, is compatible with surrounding areas and meets the intent of Cornerstone 2020.

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 meets the standards for granting a Waiver, RDDDP, Amendment to Binding Elements established in the Land Development Code.

### Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from M-2 for Industrial to C-1 for Commercial, on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Waiver listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Revised Detailed District Development Plan and Amendment to Binding Elements listed in the staff report

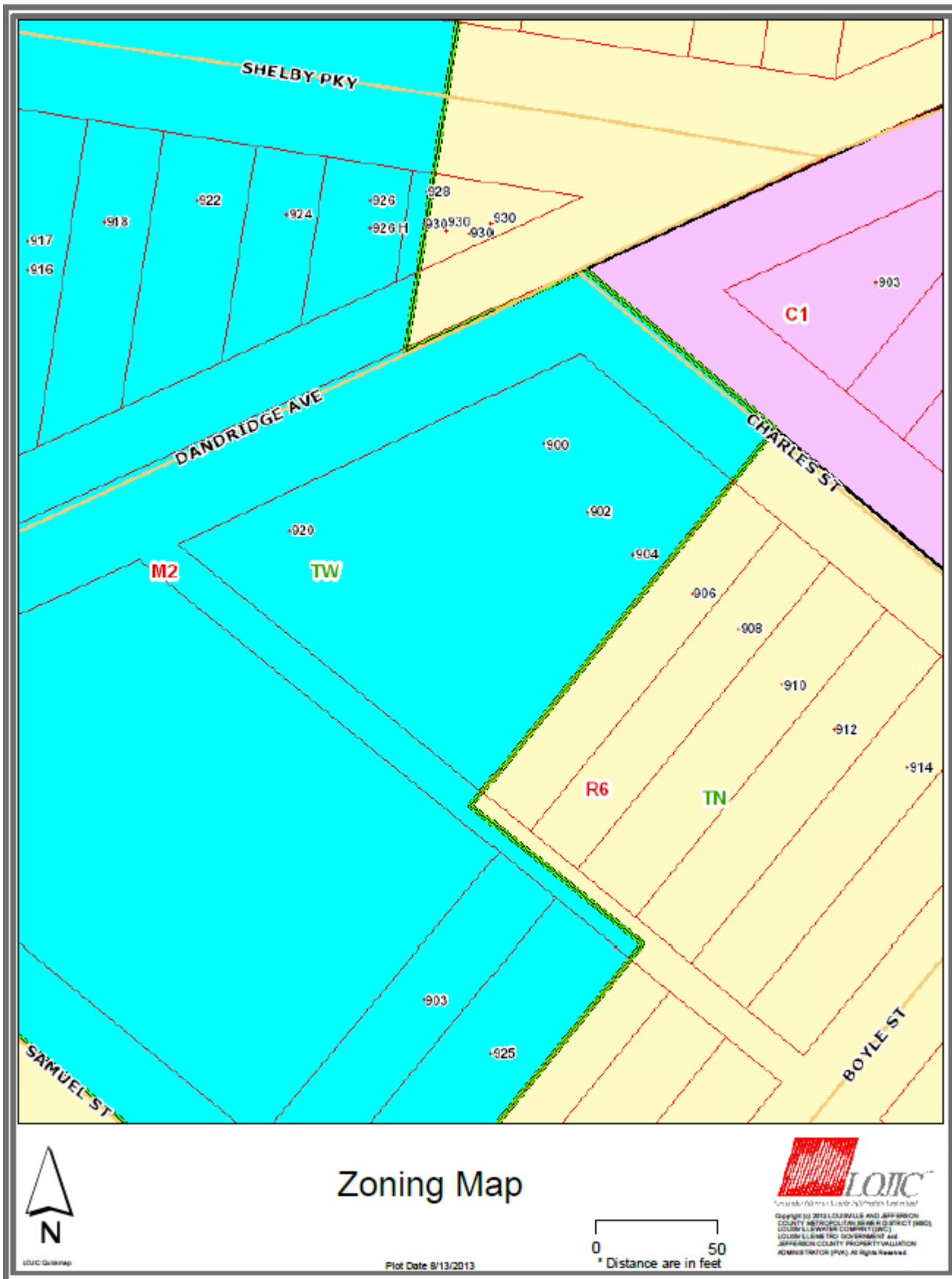
## NOTIFICATION

Date	Purpose of Notice	Recipients
2/13/14	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 10 Notification of Development Proposals
3/6/14	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 10 Notification of Development Proposals
3/10/14	Hearing before PC	Sign Posting on property
3/8/14	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements
5. Cornerstone 2020 Staff Checklist
6. Legal Description

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. No further development shall occur without prior approval from the Planning Commission and City of Louisville except for land uses permitted in the established zoning district.
2. The residential character of the residential structure, including landscaping, shall be maintained. Exterior additions or alterations shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee.
3. The development shall not exceed 4,830 square feet of gross floor area for the office and 5,500 square feet of gross floor area for the warehouse.
4. The facade of the warehouse shall be substantially as shown on the architectural renderings prepared by Stengel-Hill Architects received September 26, 1997.
5. The hours of operation shall be 7:00 A. M. to 5:00 P. M., Monday through Saturday.
6. There shall be no direct vehicular access to Charles Street.
7. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the zoning district regulations.
8. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
9. There shall be no outdoor storage on the site.
10. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
11. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
12. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, or demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved

13. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
14. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
15. A certificate of occupancy must be received from the appropriate code enforcement office 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.
16. There shall be no outdoor music (live, piped, radio or amplified) or outdoor PA system permitted on the site.
17. 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, 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. 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.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
  5. 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.
  6. 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.
  7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 20, 2014 Planning Commission meeting.

**5. Cornerstone 2020 Staff Checklist**

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

#	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 maintains the existing grid street pattern and alley access which is consistent with adjacent development.
2	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal supports access to public transportation.	√	The proposal supports access to public transportation as it is within walking distance of a bus route.
3	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal includes on-street or rear parking areas.	√	The proposal includes parking areas that will be behind the existing and proposed buildings.
4	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal provides adequate buffering between potentially incompatible non-residential uses where necessary.	√	Although the LBA along the southeast lot line is decreased to 3', the chain link fence will be replaced with an 8' wooden privacy fence and landscaping will be provided.
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.	√	The existing building that will become the office has no setback and the building proposed for the single dwelling and the duplexes will meet the infill standards for existing dwellings along Charles Street by utilizing the Traditional Neighborhood Design Alternative standards.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	More information is required to determine if proposed building materials increase the development's compatibility.
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 not a non-residential expansion as the lot is currently zoned for industrial uses and is used as offices currently. Although the down zoning does help the site to act as a buffer area between residential and industrial uses and protects abutting residents from currently permitted industrial uses, the uses proposed only require an OR zoning classification.
8	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The APCD has approved 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 Review has approved the proposal.
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.	√	The proposal must meet all lighting regulations.
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.	NA	The proposal is not a higher density or intensity use.
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.	√	Although the LBA along the southeast lot line is decreased to 3', the chain link fence will be replaced with an 8' wooden privacy fence and landscaping will be provided. The proposal meets height and setback requirements for the zoning and form district.
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.	√	Although the LBA along the southeast lot line is decreased to 3', the chain link fence will be replaced with an 8' wooden privacy fence and landscaping will be provided. The proposal meets height and setback requirements for the zoning and form district.
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.	√	The existing building that will become the office has no setback and the building proposed for the single dwelling and the duplexes will meet the infill standards for existing dwellings along Charles Street.
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.	√	Although the LBA along the southeast lot line is decreased to 3', the chain link fence will be replaced with an 8' wooden privacy fence and landscaping will be provided. This buffering will help minimize adverse impacts to the residences to the southeast from the proposed parking area. The parking area will be accessed from Dandridge Avenue and the rear alley and is situated behind the office and residences.
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.	√	Although the LBA along the southeast lot line is decreased to 3', the chain link fence will be replaced with an 8' wooden privacy fence and landscaping will be provided. This buffering will help minimize adverse impacts to the residences to the southeast from the proposed parking area. The parking area will be accessed from Dandridge Avenue and the rear alley and is situated behind the office and residences.
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	There are no parking garages proposed for this development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	√	The proposal must meet all sign regulations.
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.	NA	Open space is not required for this proposal.
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	Open space is not required for this proposal.
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 on site to integrate into the pattern of development.
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 on site to integrate into the pattern of development.
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.	√	Historic Preservation has approved the proposal with a recommendation.
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.	√	The development does not have any environmental constraints.
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 proposed uses (office and residential) meet the needs of the local workplaces and their employees.
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.	NA	The proposal is not located downtown.
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.	NA	The proposal is not for industrial use.
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 proposal could be a retail commercial development but is located between industrial and residential uses, acting as a buffer between the two. It does not generate large amounts of traffic and will not adversely affect adjacent areas as it is consistent with the residential pattern in the area. The site could currently be used for industrial purposes and this down zoning actually protects the neighboring areas from high intensity industrial uses.
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.	NA	The proposal is not for industrial use.
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	√	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities as required.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		necessary by the development through physical improvements to these facilities, contribution of money, or other means.		
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.	√	The proposal promotes multiple types of transportation through sidewalks, proximity to a bus route, and bicycle facilities are not required.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses as they continue the pattern of site access by utilizing local streets and rear alleys.
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 Review has approved the proposal.
34	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.
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.	NA	The proposal abuts residential property that would not require cross access.
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.	NA	The proposal abuts residential property that would not require cross access.
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.	NA	The proposal abuts residential property that would not require cross access.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses as they continue the pattern of site access by utilizing local streets and rear alleys.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses as they continue the pattern of site access by utilizing local streets and rear alleys. The site can be accessed by all modes of transportation.
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 approved the proposal.
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.	√	The APCD has approved the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	There are no natural features on site to integrate into the pattern of development.
43	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.
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.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
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.	√	MSD has approved the proposal.



6. Legal Description

DB8409 PG0941

LEGAL DESCRIPTION

**QUITCLAIM DEED**

THIS QUITCLAIM DEED made and entered into this 14 day of May, 2004, by and between **WILLIAM P. HANKA** and **JEAN L. HANKA**, husband and wife, P.O. Box 278, Greenville, Floyd County, Indiana 47124, **PARTIES OF THE FIRST PART**; and **T.C. PETERS CONSTRUCTION CO.**, a Kentucky Corporation, 1295 Bardstown Road, Louisville, Jefferson County, Kentucky 40204, **PARTY OF THE SECOND PART**.

**WITNESSETH:**

For the total consideration of One Hundred Seventy Thousand Dollars (\$170,000.00), the receipt of which is hereby acknowledged, the Parties of the First Part hereby quitclaim unto the Party of the Second Part, the following real estate located at 900 Charles Street in Louisville, Jefferson County, Kentucky, and described as follows:

Beginning at the Southwesterly corner of Charles Street and Dandridge Avenue, said corner being the Northwesterly corner of Lot 26, Block 1, Ellison Subdivision, a plat of which is of record in Deed Book 477, Page 638, in the Office of the Clerk of the County Court of Jefferson County, Kentucky; running thence Eastwardly with the Southerly line of Charles Street 86.26 feet, to the Northwestwardly corner of the tract conveyed to John & Pearl Brown; thence Southwardly with the Easterly line of Brown aforementioned 160 feet to an alley; thence with the Southerly line of said alley 164.96 feet to a point in the Southeasterly line of Dandridge Avenue; thence with said line in a Northeasterly direction 178.13 feet more or less to the Point of Beginning. Containing .46 acres and being all of Lots 26 thru 28 and the West 20 feet of Lot 29 Block 1 Ellison's Subdivision recorded in Deed Book 477, Page 638 in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

Being the same property conveyed to the Parties of the First Party by Deed dated June 3, 2002, and recorded June 4, 2002, in Deed Book 7892, Page 0838, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

RECEIVED

NOV 25 2013  
PLANNING &  
DESIGN SERVICES

Received: November 25, 2013

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