

**Planning Commission
Staff Report**

January 5, 2017



Case No:	16ZONE1058
Request:	Change in zoning from R-7 to OR
Project Name:	Eastern Parkway Law Office
Location:	604 Eastern Parkway
Owner:	Venture 604, LLC
Applicant:	C.R.P and Associates, LLC
Representative:	Randall L. Wright
Jurisdiction:	Louisville Metro
Council District:	15 - Butler
Case Manager:	Brian Mabry, AICP, Planning & Design Supervisor

REQUEST

- Change in zoning from R-7 to OR for .211 acres
- Detailed District Development plan
 - Waiver from Chapter 10, Part 2, Table 10.2.3 of the LDC to allow the proposed parking lot along the east property line to encroach 3.21 feet into the five-foot landscape buffer area and to allow an existing accessory structure to encroach 2.5 feet into the five-foot landscape buffer area

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is near the southeast corner of Eastern Parkway and Bradley Avenue. Miller Avenue, the frontage road for Eastern Parkway, stops just northeast of the subject property. The applicant proposes to extend Miller Avenue, within the existing public right-of-way, to connect to his property if the requested rezoning is approved.

The subject property is rectangular in shape and varies from 60 to 63 feet in width. A vacant 2,420 square-foot, single-story residence currently exists on the site. The applicant requests the rezoning in order to establish a stand-alone law office with no residential component. This use is allowed in the requested OR, but not allowed in the existing R-7. The applicant proposes a 410 square-foot expansion of the structure and to retain an existing detached garage.

The applicant proposes five off-street parking spaces, which meets the parking requirements of the LDC. Tree canopy requirements are not triggered; however, landscape buffer requirements (LBA) apply. The applicant requests a waiver related to the encroachment of the existing accessory structure into the west side LBA and the encroachment of proposed off-street parking into the east side LBA.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant residential	R-7	TN
Proposed	Office	OR	TN
Surrounding Properties			
Northwest (across Eastern Parkway)	Religious building	R-7	TN
Southeast (across alley)	Single-family residence	R-6	TN
Northeast	Single-family residence	R-7	TN

PREVIOUS CASES ON SITE

None. The applicant had an initial attempt to rezone the property as case 14ZONE1042 but never got past the pre-application stage of review.

INTERESTED PARTY COMMENTS

At the Land Development and Transportation Committee meeting for this case on December 8, 2016, nearby rental property owner Michal Kruger discussed traffic concerns associated with extending Miller Lane. She said a business could put a burden on the street, which is currently narrow.

Thomas Woodcock, of the 500 block of Eastern Parkway, emailed Staff to express his opposition to the request. Mr. Woodcock noted that Olmsted Parkways are meant as primarily residential corridors with trees and lawns- Not paving over of the rear yards entirely for parking and additions on the rear of single family homes for commercial enterprises. He also wanted to encourage the owner to instead look into purchasing or leasing office space in a commercial building. He noted that time and time again we have seen rezoning of single family homes into commercial spaces throughout Louisville to our city's detriment. He stated that allowing this rezone will only lead to decreased property prices and ultimately lead more owners to attempt to convert single family homes into commercial enterprises. See Attachment 3.

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 proposed to be 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 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 proposal preserves the street grid pattern as vehicular traffic will be required to access the site from the extension of Miller Avenue. The sidewalks will be maintained as they currently exist. The proposal preserves and renovates the existing building which is consistent with the neighborhood building design. The applicant proposes only a modest expansion and to renovate the interior of the structure. The proposed development is compact and results in an efficient land use pattern as the existing infrastructure on the site will be utilized, making the proposal a cost-effective infrastructure investment. The applicant proposes LBAs on the east and west sides of the property. As an existing residential structure, the building design and materials, height and setback are compatible with its surroundings. The proposal has received preliminary approval from Transportation Planning, MSD and APCD.

The proposal does not introduce a neighborhood center but it does include a neighborhood serving use. The site is surrounded by residentially zoned property and, although there is a church directly across the street, the lots to the east, south, and west are all residential uses. The proposal does not include a mix of compatible land uses that will reduce trips (unless the applicant lives nearby). The single proposed use would be for an office. However, with OR zoning, the property retains the ability to be used as a residential or office and residential use in the future. The proposed office is a nonresidential expansion into an existing residential area, even though OR is a residential zoning district.

The proposal to rezone the property from R-7, Multi-family residential, to OR, Office Residential, is only an incremental intensification of the site. In fact, the current zoning allows 34.8 dwelling units per acre, while the requested zoning allows only 12.05 per acre. In addition, the rezoning would put into use the structure which appears to have been vacant for some time.

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: LOJIC shows no natural resources or environmental constraints on the site.

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

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

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

STAFF: There are no open space requirements with the current proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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. Except for the portions of the LBA that will be encroached upon by the existing garage and the proposed off-street parking, appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

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

STAFF: With the exception of the waiver, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (LBAs)

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing structure will remain on-site with screening added along the majority of the east and west property lines, except for where the existing detached garage and proposed parking area encroach.

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

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 because the encroachments into the proposed LBAs are minimal.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to fit the minimum off-street parking on-site and to allow the existing detached garage to remain.

- (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 would create an unnecessary hardship on the applicant by eliminating existing parking below the minimum parking requirement and by forcing the removal of a brick detached garage.

TECHNICAL REVIEW

- All agency comments have been addressed.
- At the time of submittal, Staff incorrectly took in a Variance request for the existing detached garage. Upon further consideration, Staff realized that the Variance was not needed due to the garage being an existing condition.

STAFF CONCLUSIONS

The proposal preserves the street grid pattern as vehicular traffic will be required to access the site from the extension of Miller Avenue. The sidewalks will be maintained as they currently exist. The proposal preserves and renovates the existing building which is consistent with the neighborhood building design. The applicant proposes only a modest expansion and to renovate the interior of the structure. The proposed development is compact and results in an efficient land use pattern as the existing infrastructure on the site will be utilized, making the proposal a cost-effective infrastructure investment. The applicant proposes LBAs on the east and west sides of the property. As an existing residential structure, the building design and materials, height and setback are compatible with its surroundings. The proposal has received preliminary approval from Transportation Planning, MSD and APCD.

The proposal does not introduce a neighborhood center but it does include a neighborhood serving use. The site is surrounded by residentially zoned property and, although there is a church directly across the street, the lots to the east, south, and west are all residential uses. The proposal does not include a mix of compatible land uses that will reduce trips (unless the applicant lives nearby). The single proposed use would be for an office. However, with OR zoning, the property retains the ability to be used as a residential or office and residential use in the future. The proposed office is a nonresidential expansion into an existing residential area, even though OR is a residential zoning district.

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

NOTIFICATION

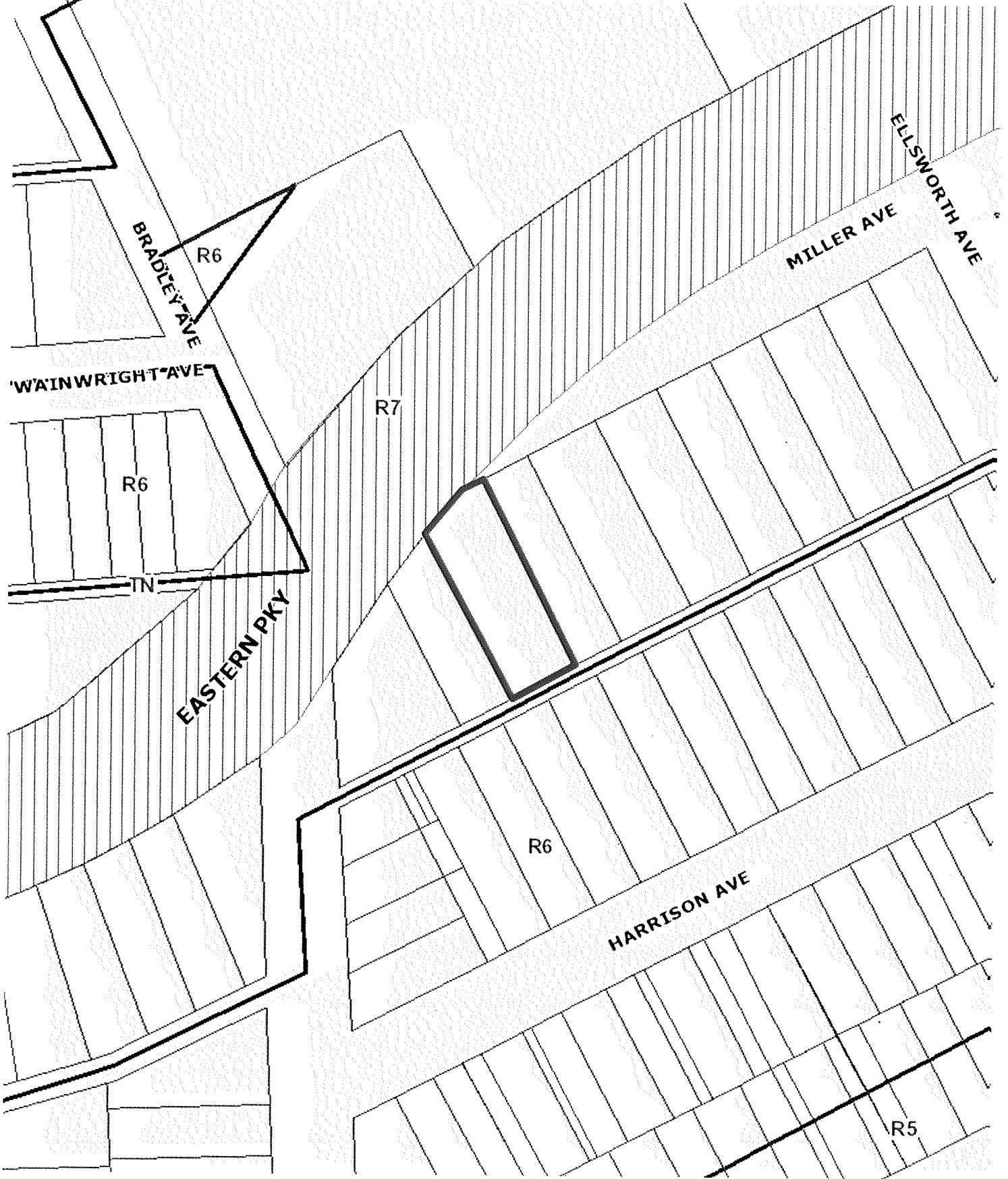
Date	Purpose of Notice	Recipients
11/23/16	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
12/21/16	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
12/21/16	Hearing before PC	Sign Posting on property
12/24/16	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map

2. Aerial Photograph
3. Interested Party Comments
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Interested Party Comments

From: Thomas Woodcock
To: [Mabry, Brian K.](#)
Subject: Rezoning 604 Eastern Parkway comment
Date: Sunday, December 25, 2016 9:45:28 AM

Good morning Mr. Mabry,

My name is Thomas Woodcock and I am neighbor living in the 500 block of Eastern Parkway. Recently, I saw a sign for a spot zoning change at 604 Eastern Parkway and online documents listed you as the case manager.

My belief is that the city long ago began to oppose the conversion of purpose built residential housing, surrounded by residential housing from being rezoned into commercial properties.

This project- which was purchased at the commissioner's sale, has stop work orders posted, and has sat empty and as an eye sore for over a year is to be converted into a law office?

The driveway with it's close proximity to the intersection of Eastern Parkway and Bradley Ave. This intersection has been known for high speed accidents. An additional commercial enterprise with a curb cutout approximately 30-40 feet from the intersection will only compound this problem.

This is Olmsted Parkway is meant as a primarily residential corridor with trees and lawns- Not paving over of the rear yards entirely for parking and additions on the rear of single family homes for commercial enterprises.

Lastly, the owner of this building should look into purchasing or leasing office space in a commercial building. Time and time again we have seen rezoning of single family homes into commercial spaces throughout Louisville to our city's detriment. Drive along Preston Highway and Dixie Highway. Most of these rezoned single family homes are deliaptated and many are vacant.

We have a great neighborhood here in Saint Joseph. Things are getting better and improving. Allowing this rezone will only lead to decreased property prices and ultimately lead more owners to attempt to convert single family homes into commercial enterprises.

I believe my neighbors would not want the houses next door to them converted into offices, retail (check cashing, pawn, pay day lenders, etc).

I hope that a recommendation has not been made. Please, do not support this rezone.

Thomas Woodcock

--
Thomas C Woodcock
(502) 649-3283

4. 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 street grid pattern as vehicular traffic will be required to access the site from the extension of Miller Avenue. The sidewalks will be maintained as they currently exist.
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 proposal does not introduce a neighborhood center but it does include a neighborhood serving use. The site is surrounded by residentially zoned property and, although there is a church directly across the street, the lots to the east, south, and west are all residential uses.
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.	NA	There are no public open spaces on this lot or adjoining it so no preservation may take place.
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.	✓	The proposal preserves and renovates the existing building which is consistent with the neighborhood building design. The applicant proposes only a modest expansion and to renovate the interior of the structure.
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.	✓	The proposal does not create a new center, is located in the Traditional Neighborhood Form District, and includes the reuse of an existing building to provide an office use.
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.	NA	The proposal is not a retail commercial development.
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 development is compact and results in an efficient land use pattern as the existing infrastructure on the site will be utilized, making the proposal a cost-effective infrastructure investment.
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 proposal does not include a mix of compatible land uses that will reduce trips (unless the applicant lives nearby). However, with OR zoning, the property retains the ability to be used as a residential or office and residential use in the future.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 does not incorporate mixed uses in the existing multi-story building as the single use would be for an office.
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.	NA	The proposal is not a large development in a center.
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.	✓	The proposal shows unshared access at the request of Staff from the previous submittal. The proposal will support easy access by bicycle, car and transit and by pedestrians and persons with disabilities via Miller Avenue.
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.	✓	The proposal will continue to utilize existing infrastructure on site or share with adjoining property owners.
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 proposal will support easy access by bicycle, car and transit and by pedestrians and persons with disabilities via Miller Avenue.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposal will maintain the existing building materials which are compatible with nearby building design.
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 proposed office is a non-residential expansion into an existing residential area, even though OR is a residential zoning district. However, the maximum density of the proposed OR is less than the maximum density of the existing R-7.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal has been approved by APCD.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal has received preliminary approval from Transportation Planning.
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.	✓	The proposal must comply with all lighting regulations.
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 proposed office is not a higher intensity use. It is surrounded by residential uses. However, it is located along a transit route that allows for easy access by transit patrons.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The applicant proposes LBAs on the east and west sides of the property. As an existing residential structure, the building design and materials, height and setback are compatible with its surroundings.
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 applicant proposes LBAs on the east and west sides of the property.
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 since the existing conditions on site should remain mostly the same as they are now.
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.	✓	The applicant proposes LBAs on the east and west sides of the property. Noise and lighting should not be a concern associated with the proposed office.
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.	✓	The proposal includes screening and buffering of parking. Parking areas are oriented to the rear of the building.
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	The proposal does not include any commercial parking garages.
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 signs must comply with all sign regulations. Signs along parkways must comply with 8.3.3.B.9 and Table 8.3.3.
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.	NA	Open space is not required for the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
28	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 the proposal.
29	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 to incorporate into the pattern of development.
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.	NA	There are no natural features to incorporate into the pattern of development.
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.	NA	There are no historical features on the site.
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.	NA	There are no natural features to incorporate into the pattern of development.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	NA	The proposal is not for an employment center.
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.	NA	The site is not 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.	NA	The proposal is not an industrial use.
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.	NA	The proposal is not a retail commercial development and will not generate large amounts of traffic.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	The proposal is not an industrial use.
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.	✓	The applicant will contribute its proportional share of the cost of roadway improvements as required by Transportation Review.
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 proposal site is located along a transit route, provides rear alley access, and will maintain existing sidewalks to provide amenities for multiple modes of transportation.
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 proposal has received preliminary approval from Transportation Planning.
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.	✓	The applicant will dedicate any ROW required by Transportation Review.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The plan shows adequate angled parking.
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.	✓	The proposal shows unshared access at the request of Staff from the previous submittal.
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	Adjoining lots are residential and do not require cross-connectivity.
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 proposal requires access through a residential area, but the intensity of the office traffic should not create a significant nuisance.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 functional hierarchy of streets and alleys in the area will not be greatly altered by the proposal.
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 site is located along a transit route, provides rear alley access, and will maintain existing sidewalks to provide amenities for multiple modes of transportation.
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 proposal has received preliminary approval by MSD.
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 received preliminary approval by APCD.
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.	NA	There are no natural features to incorporate into the pattern of development.
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.
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 received preliminary approval by MSD.
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 received preliminary approval by MSD.

5. Proposed Binding Elements

1. The development shall be in accordance with the approved detailed development plan, all applicable sections of the Land Development Code 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 3,174 square feet of gross floor area.
3. No outdoor advertising 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The applicant shall extend the paved surface of Miller Avenue as shown on the development plan. Approval of construction plans and permits is required. The applicant shall post a bond instrument with Louisville Metro Public Works to insure proper installation of the road.
6. As part of the extension of the paved surface of Miller Avenue, the applicant shall:
 - a. Remove the full curb cut and driveway apron within the public right-of-way adjacent to 606 and 604 Eastern Parkway.
 - b. Construct a new curb and sidewalk (as may be disturbed during driveway demolition) on the Parkway adjoining both properties.
 - c. Rehabilitate greenspace to include complete removal of driveway apron pavement and sub-base, back-fill to existing grade with topsoil, application of seed / straw, and maintenance as needed to establish turf.
 - d. Preserve a 10-foot wide tree planting strip between the existing sidewalk and Miller Ave.
 - e. Submit a 'Parkway Restoration Plan' for Metro Parks approval before construction on Parkway property.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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.

1/5/17

**Land Development & Transportation Committee
Staff Report**
December 8, 2016



Case No:	16ZONE1058
Request:	Change in zoning from R-7 to OR
Project Name:	Eastern Parkway Law Office
Location:	604 Eastern Parkway
Owner:	Venture 604, LLC
Applicant:	C.R.P and Associates, LLC
Representative:	Randall L. Wright
Jurisdiction:	Louisville Metro
Council District:	15 - Butler
Case Manager:	Brian Mabry, AICP, Planning & Design Supervisor

REQUEST

- Change in zoning from R-7 to OR for .211 acres
 - Detailed District Development plan
- Variance from Chapter 5, Part 2, Table 5.2.2 of the LDC to allow an existing accessory structure to encroach .5 feet into the three-foot required side yard and to encroach 3.10 feet into the required five-foot required rear yard
- Waiver from Chapter 10, Part 2, Table 10.2.3 of the LDC to allow the proposed parking lot along the east property line to encroach 3.21 feet into the five-foot landscape buffer area and to allow an existing accessory structure to encroach 2.5 feet into the five-foot landscape buffer area

1 notification problem

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is near the southeast corner of Eastern Parkway and Bradley Avenue. Miller Avenue, the frontage road for Eastern Parkway, stops just northeast of the subject property. The applicant proposes to extend Miller Avenue, within the existing public right-of-way, to connect to his property if the requested rezoning is approved.

The subject property is rectangular in shape and varies from 60 to 63 feet in width. A vacant 2,420 square-foot, single-story residence currently exists on the site. The applicant requests the rezoning in order to establish a law office with no residential component. This use is allowed in the requested OR, but not allowed in the existing R-7. The applicant proposes a 410 square-foot expansion of the structure and to retain an existing detached garage.

The applicant proposes five off-street parking spaces, which meets the parking requirements of the LDC. Tree canopy requirements are not triggered; however, landscape buffer requirements (LBA) apply. The applicant requests a variance and waiver related to the encroachment of the existing accessory structure into the required side and rear setback and into the west side LBA and the encroachment of proposed off-street parking into the east side LBA.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant residential	R-7	TN
Proposed	Office	OR	TN

Surrounding Properties			
Northwest (across Eastern Parkway)	Religious building	R-7	TN
Southeast (across alley)	Single-family residence	R-6	TN
Northeast	Single-family residence	R-7	TN
Southwest	Multi-family residence	R-7	TN

PREVIOUS CASES ON SITE

None. The applicant had an initial attempt to rezone the property as case 14ZONE1042 but never got to the LD&T stage of review.

INTERESTED PARTY COMMENTS

None received at this time except that an adjacent property owner at 606 Eastern Parkway called the Planning and Design office to ask why he did not receive a notification post card for the LD&T meeting, while his neighbor did. Staff researched the question and found that the post card for the caller was incorrectly addressed. This issue will be corrected for Planning Commission notification.

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 proposed to be 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 proposal to rezone the property from R-7, Multi-family residential, to OR, Office Residential, is only an incremental intensification of the site. In fact, the current zoning allows 34.8 dwelling units per acre, while the requested zoning allows only 12.05 per acre. In addition, the rezoning would put into use the structure which appears to have been vacant for some time.

TECHNICAL REVIEW

- All agency comments have been addressed.

STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

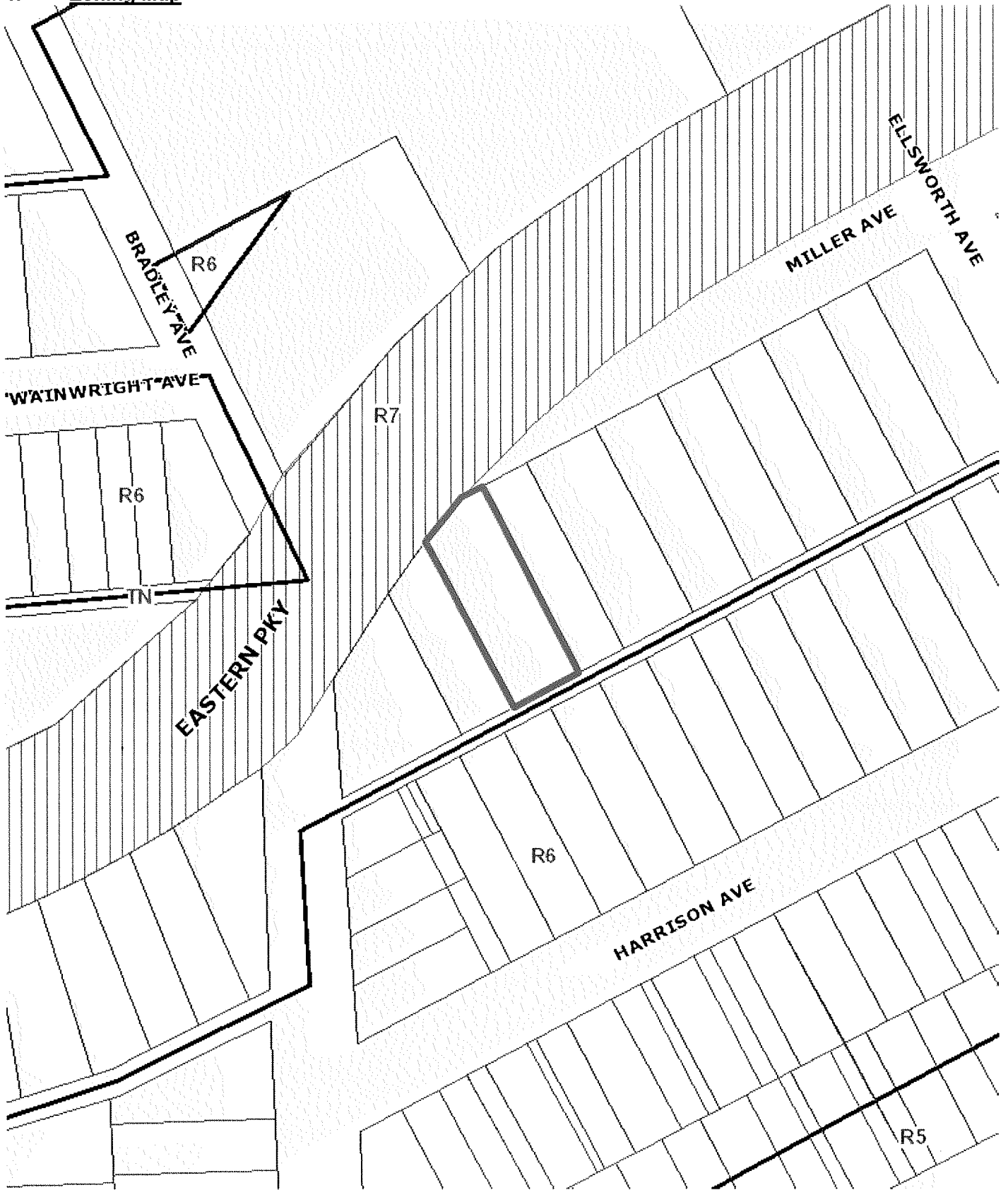
NOTIFICATION

Date	Purpose of Notice	Recipients
11/23/16	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved detailed development plan, all applicable sections of the Land Development Code 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 3,174 square feet of gross floor area.
3. No outdoor advertising 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The applicant shall extend the paved surface of Miller Avenue as shown on the development plan. Approval of construction plans and permits is required. The applicant shall post a bond instrument with Louisville Metro Public Works to insure proper installation of the road.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.

**Pre-Application
Staff Report**
October 10, 2016



Case No:	16ZONE1058
Request:	Change in zoning from R-7 to OR
Project Name:	Eastern Parkway Law Office
Location:	604 Eastern Parkway
Owner:	Venture 604, LLC
Applicant:	C.R.P and Associates, LLC
Representative:	Randall L. Wright
Jurisdiction:	Louisville Metro
Council District:	15 - Butler
Case Manager:	Brian Mabry, AICP, Planning & Design Supervisor

REQUEST

- Change in zoning
- Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-7
 Proposed Zoning District: OR
 Existing Form District: TN
 Existing Use: Vacant Residential
 Proposed Use: Office
 Minimum Parking Spaces Required: 6
 Maximum Parking Spaces Allowed: 16
 Parking Spaces Proposed: 6

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to convert a vacant residential building on the property into an office.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant residential	R-7	TN
Proposed	Office	OR	TN
Surrounding Properties			
North	Grocery store	C-1	SW
South (across Taylor Ave)	Bank, single-family residential, off-street parking	C-N, R-5, C-1	SW
East (across Illinois Ave)	Tile sales	C-M	SW
West (across Poplar Level Rd)	Multi-family, banks, restaurant	R-6, OR-1, C-1	SW, N

PREVIOUS CASES ON SITE

None. The applicant had an initial attempt to rezone the property as case 14ZONE1042.

INTERESTED PARTY COMMENTS

None received at this time.

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 proposed to be 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.

All agency comments should be addressed to demonstrate compliance with the 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 Metro Council regarding

the appropriateness of this zoning map amendment. The Metro Council has zoning authority over the property in question.

TECHNICAL REVIEW

See Attachment 4 and the following comment from KYTC:

Recommendation:

Approve as submitted:

Approve on Condition: X

Deny:

Comments/Conditions:

1. Additional right of way may be required across the frontage of this tract to meet the current Metro Land Development Code. The requirements are determined by Louisville Metro Transportation Planning and Public Works departments.
2. Calculations will be required for any runoff deemed necessary to be taken to the state right of way. Proposals to alter or significantly increase a drainage area or runoff factors or to change in any way the performance of an existing drainage structure shall be accompanied by a complete drainage survey and hydrologic analysis (upstream and downstream) based on 25-year and 100-year storms. This analysis shall include a comparison of existing and proposed conditions. Requests to alter drainage on a right of way shall result in conditions that are equal to or better than the existing facilities.
3. There should be no commercial signs on the right of way.
4. There should be no landscaping in the right of way without an encroachment permit. Landscaping on plans will need to be reviewed for site distance.
5. Site lighting should not shine in the eyes of drivers. If it does, it should be re-aimed, shielded or turned off.
6. Radiuses for new commercial entrances shall be 35ft. minimum within state right of way.
7. All drainage structures within state right of way shall be state design.
8. All new and existing sidewalks shall be either brought up to or built to ADA current standards.
9. KYTC is okay with the concept on the Development plan except for comments in this review. This is just a preliminary approval. KYTC will review again if or when construction plans are submitted, and reserve the right to change or qualify the approval when construction plans are submitted for review

An encroachment permit and bond will be required for all work done in the right of way.

Encroachment permit and bond forms are available at

<https://intranet.kytc.ky.gov/apps/forms/layouts/KYTC.SP.Forms/DepartmentForms.aspx?Department=Permits>

If you have any questions, please call.

Robert L. Rogers

Robert L. Rogers
Engineer Tech. III
8310 Westport Rd.
Louisville, Ky, 40242
Off. 502-210-5462

STAFF CONCLUSIONS

The proposal is ready to be formally filed.

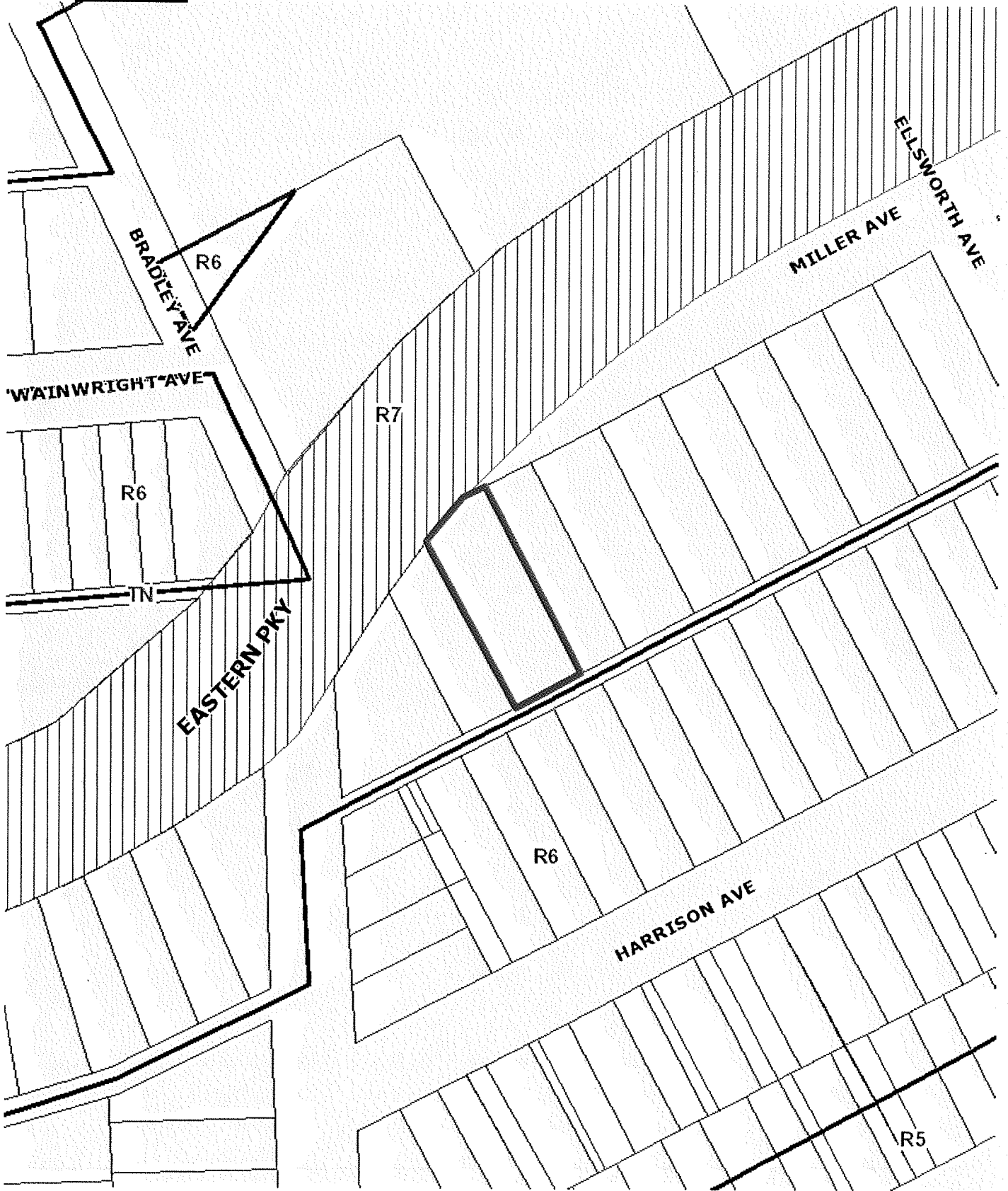
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 12 Notification of Development Proposals
	Hearing before PC / BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 12 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Interagency Comments

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 street grid pattern as vehicular traffic will be required to access the site from the rear alley or the extension of Miller Avenue. The sidewalks will be maintained as they currently exist.
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 proposal does not introduce neighborhood center but it does include a neighborhood serving use. The site is surrounded by residentially zoned property and, although there is a church directly across the street, the lots to the east, south, and west are all residential uses. Offices are typically more appropriate at a mixed use street corner.
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.	NA	There are no public open spaces on this lot or adjoining it so no preservation may take place.
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.	✓	The proposal preserves and renovates the existing building which is consistent with the neighborhood building design. The applicant proposes only a modest expansion and to renovate the interior of the structure.
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.	✓	The proposal does not create a new center, is located in the Traditional Neighborhood Form District, and includes the reuse of an existing building to provide an office use.
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.	NA	The proposal is not a retail commercial development.
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 development is compact and results in an efficient land use pattern as the existing infrastructure on the site will be utilized, making the proposal a cost-effective infrastructure investment.
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 proposal does not include a mix of compatible land uses that will reduce trips (unless the applicant lives nearby). The proposed office is surrounded by residential uses and is not located at the street corner which is typically a more appropriate location. The proposal does not make significant changes on the site that would create a sense of place.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 does not incorporate mixed uses in the existing multi-story building as the single use would be for an office.
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.	NA	The proposal is not a large development in a center.
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.	✓	The proposal shows unshared access at the request of Staff from the previous submittal. The proposal will support easy access by bicycle, car and transit and by pedestrians and persons with disabilities via the rear alley access and/or Miller Avenue.
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.	✓	The proposal will continue to utilize existing infrastructure on site or share with adjoining property owners.
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 proposal will support easy access by bicycle, car and transit and by pedestrians and persons with disabilities via the rear alley access and/or Miller Avenue.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposal will maintain the existing building materials which are compatible with nearby building design.
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 proposed office is a non-residential expansion into an existing residential area, even though OR is a residential zoning district. It is surrounded by residential uses and is not located at the street corner which is typically a more appropriate location for a center. The applicant should demonstrate how negative impacts on nearby residences will be appropriately mitigated in regards to traffic.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal has been approved by APCD.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	-	The applicant should demonstrate how negative impacts on nearby residences will be appropriately mitigated in regards to 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.	✓	The proposal must comply with all lighting regulations.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposed office is a higher intensity use. It is surrounded by residential uses and is not located at the street corner which is typically a more appropriate location. However, it is located along a transit route that allows for easy access by transit patrons.
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.	+/-	The applicant should demonstrate how appropriate transitions between uses that have different intensity uses will be provided, especially in regards to landscaping, screening, and buffer yards.
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 applicant should demonstrate how appropriate transitions between uses that have different intensity uses will be provided, especially in regards to landscaping, screening, and buffer yards.
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 since the existing conditions on site should remain mostly the same as they are now.
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.	+/-	The applicant should demonstrate how parking areas adjacent to residential uses will be designed to mitigate any adverse impacts to residents and motorists.
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.	+/-	The applicant should demonstrate how parking areas adjacent to residential uses will be designed to mitigate any adverse impacts to residents and motorists. Parking areas are, however, oriented to the rear of the building.
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	The proposal does not include any commercial parking garages.
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 signs must comply with all sign regulations. Signs along parkways must comply with 8.3.3.B.9 and Table 8.3.3.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	Open space is not required for the proposal.
28	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 the proposal.
29	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 to incorporate into the pattern of development.
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.	NA	There are no natural features to incorporate into the pattern of development.
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.	NA	There are no historical features on the site.
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.	NA	There are no natural features to incorporate into the pattern of development.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	NA	The proposal is not for an employment center.
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.	NA	The site is not 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.	NA	The proposal is not an industrial use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	The proposal is not a retail commercial development and will not generate large amounts of traffic.
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.	NA	The proposal is not an industrial use.
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.	✓	The applicant will contribute its proportional share of the cost of roadway improvements as required by Transportation Review.
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 proposal site is located along a transit route, provides rear alley access, and will maintain existing sidewalks to provide amenities for multiple modes of transportation.
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 proposal shows unshared access at the request of Staff from the previous submittal. The proposal will require non-residential traffic to traverse the surrounding residential area.
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.	✓	The applicant will dedicate any ROW required by Transportation Review.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The plan shows adequate parking, but it will need to be angled.
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.	✓	The proposal shows unshared access at the request of Staff from the previous submittal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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	Adjoining lots are residential and do not require cross-connectivity.
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 proposal will require non-residential traffic to traverse the surrounding residential area.
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 functional hierarchy of streets and alleys in the area will not be greatly altered by the proposal.
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 site is located along a transit route, provides rear alley access, and will maintain existing sidewalks to provide amenities for multiple modes of transportation. The site is surrounded by residentially zoned property and, although there is a church directly across the street, the lots to the east, south, and west are all residential uses. An office use more typically be located at a street corner.
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 proposal has been commented upon by MSD.
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 approved by APCD.
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.	NA	There are no natural features to incorporate into the pattern of development.
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 has been commented upon by MSD.
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 been commented upon by MSD.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 been commented upon by MSD.

4. Interagency Comments



Louisville-Jefferson County Metro Government
Louisville Forward Develop Louisville
Planning and Design Services
 444 S. 5th Street, Suite 300 - Louisville, KY 40202
 Phone: 502.574.6230 Web Site: louisvilleky.gov/planningdesign/

A g e n c y R e v i e w C o m m e n t s

Project Number: 16ZONE1058

Submittal Date: 09/07/2016

Address: 604 EASTERN PKY

Contact Phone: (502)423-8747x

Contact Name: CHARLES R PODGURSKY

Contact Email: cpodgursky@yahoo.com

Project Name: Eastern Parkway Law Office

Type of Work: ZONE

Project Description: A change in zoning from R-7 to OR for a proposed law office.

The following report represents a comprehensive set of agency comments for the above mentioned development proposal. Please review and address the comments provided in order to respond appropriately and move this case forward in this review process. Questions may be directed to your case manager

Case Manager	Phone	EMAIL
Brian Mabry	(502)574-5256	brian.mabry@louisvilleky.gov

Air Pollution (Pre-Application)			
COMPLETED	BCCOMES	Email: bradley.coomes@louisvilleky.gov	9/21/16 9:50 am
251067	TPKTC	1	

Metro DPW (Pre-Application)			
COMPLETED	TMARKERT	Email: tammy.markert@louisvilleky.gov	9/21/16 8:25 am
251067	TPKTC	1	

Kentucky Transportation Cabinet Review required. All KTC comments and recommendations must be incorporated into plans prior to approval by this office. See comment section of this review for KTC review comments and recommendations.

251068	TPOTHER	1	
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The plan lists case 14zone1042. Please update with the new case number assigned.

251069	TPOTHER	1	
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Since there will be work in the right-of-way, please add note: All work within the right of way will require construction plans bond and permit.

251070	TPOTHER	1	
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The 90 degree parking for the 5 spaces does not met Chapter 9 dimensions standards. The parking stalls would have to be angled and one way out to the alley. Please post a sign in the LBA for DO NOT ENTER (from the alley).

251072	TPOTHER	1	
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The extension of Miller Ave right-of-way can be by minor plat. The construction plans for the extension should be submitted when the plat is. We'll need to have approved construction plans on file before approving the plat.

251073	TPMEETING	1	
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If there are questions regarding Metro Public Works comments, please feel to meet with staff for clarification. We are located on the 2nd floor of the Metro Development Center. Appointments are not required but may reduce your wait time and are appreciated. If you would like to schedule a specific time please contact Tammy Markert at tammy.markert@louisvilleky.gov or at (502)574-3875.

MSD Preliminary (Pre-Application)			
COMPLETED	00885	Email: kelly@louisvillemsd.org	9/27/16 4:56 pm

Comments Generated on: 09/29/2016

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251597	PRINTAKE	1
Submit a downstream capacity facility request prior to preliminary plan approval.		
251598	PRNOTES	1
add note: No increase of run off will be permitted on to the adjacent property owners.		
251596	PRNOTES	1
List the total site disturbance, existing impervious, proposed impervious and the net impervious on the plan.		
251595	PRNOTES	1
WM#11493		
251599	PRNOTES	1
note 4 is not applicable please remove.		

PDS (Pre-Application)				
250821	COMPLETED	bmbry	Email: brian.mabry@louisvilleky.gov	9/26/16 1:06 pm
250821	TCOTHER			1

Please show the percentage increase in building square footage. It appears to be 15-17%. If so, Tree Canopy is not required, but may be provided at the applicant's option. Applicant could consider applying tree canopy provisions anyway, as a mitigation for the requested waivers and variances.

250654	DPOTHER	1
LWC has adequate infrastructure in place to supply the development as proposed. Nearest Water Main Location 604 Eastern Parkway Nearest Water Main Size: 12 inches Pressure Zone: 660 LWC has no objections to the document(s) as presented		

Metro Emergency Services: Metro emergency Services has reviewed the site plan for Docket# 16ZONE1058 located at 604 Eastern Pky. We have no concerns with the plan. Thank you.

250817	DPUTILNOTE	1
TARC: The nearest transit stop for Route 29 and high frequency route 18 is located on Eastern Pky nearside of the intersection with Bradley Ave.		

Add this note: Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.

250823	DPPARKING	1
Close proximity to the TARC line on Eastern Parkway results in an allowed reduction in mimum parking by 10% or 1 parking space.		

250818	DPMAP	1
On the formal filing submittal, please provide a more clear vicinity map on the plan.		

250820	DPOTHER	1
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Will there be a residential element to the structure or will it be purely office?

Justifications for each Waiver and Variance will be needed along with the formal filing. Waiver justification criteria are listed in LDC Section 11.8.5. Variance justification criteria are listed in LDC Section 11.5B.1B.

251443 LSOTHER 1

Will the 5' LBA along the east side be maintained except for the portion of the LBA adjacent to the parking spaces? If so, indicate the 5' LBA south of the parking area.

Will the 5' LBA along the west side be maintained except for the portion of the LBA adjacent to the existing accessory structure? If so, indicate the 5' LBA south of the accessory structure.

251442 DPZONE 1

On formal filing, correct requested zoning district on plan to OR rather than OR-1.

250822 DPSIGN 1

Note that no freestanding signs are allowed along Eastern Parkway.

250819 DPREVDATBOX 1

On the plan for the formal filing, please provide a revision date box on the plan.

UD Staff (Pre-Application)

COMPLETED

BGORMAN

Email: becky.gorman@louisvilleky.gov

9/28/16 11:42 am

1