

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
<i>Subject Property</i>			
Existing	Vacant residential	R-7	TN
Proposed	Office	OR	TN
<i>Surrounding Properties</i>			
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 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 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 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.

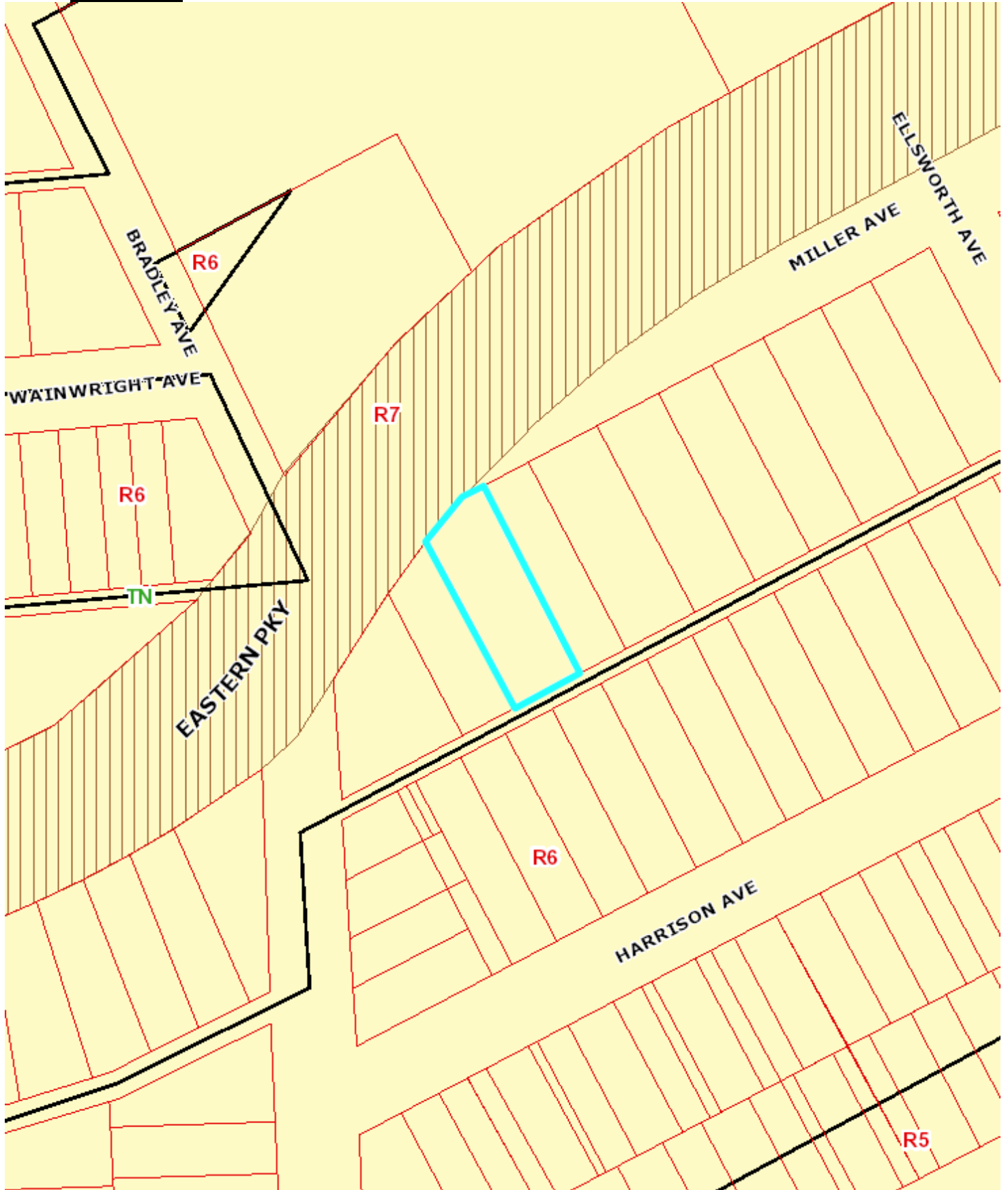
NOTIFICATION

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

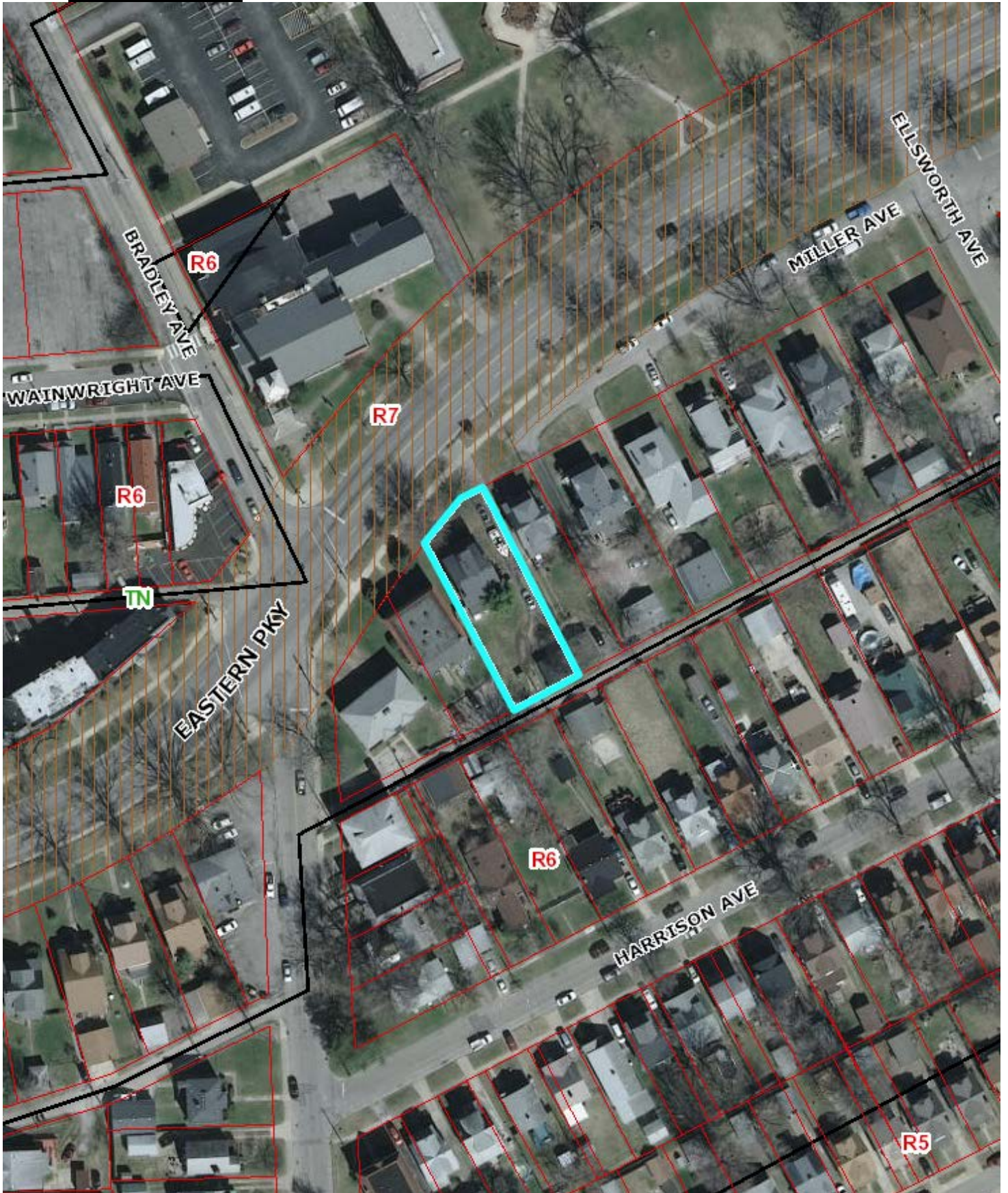
ATTACHMENTS

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.

#	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 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.
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.

#	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 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.

#	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 requires access through a residential area, but the intensity of the office traffic should not create a significant nuisance.
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.

#	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 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:
 - a. The applicant shall remove the full curb cut and driveway adjacent to 606 and 604 Eastern Parkway.
 - b. The applicant shall 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 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.
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.

