

Planning Commission Staff Report

September 20, 2018



Case No:	18ZONE1039
Project Name:	1860 Frankfort Avenue
Location:	1860 Frankfort Avenue & 145 Stoll Avenue
Owner:	Ally Properties
Applicant:	Ally Properties
Representative:	Dinsmore & Shohl, LLP – Clifford Ashburner
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Joel Dock, AICP, Planner II

REQUEST

- **Change in zoning** from R-7, multi-family Residential to C-1, Commercial
- **Conditional Use Permit** for off-street parking (LDC 4.2.39)
- **Waiver** of Land Development Code, section 10.2 to eliminate required 15' LBA at east and west property lines
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning has been requested to allow for existing religious grounds and facilities to be repurposed for commercial activities. No exterior changes have been proposed at this time. Parking facilities will be retained at the rear of the religious grounds. An additional parking area opposite the southern alley will also be retained and a conditional use permit has been requested in-lieu-of a zoning change to allow for the use of these spaces in conjunction with commercial activities.

STAFF FINDING

The proposed change in zoning is in conformance with the Comprehensive Plan. The subject site is located along Frankfort Avenue, an arterial roadway containing a wide range of intensities and densities. Frankfort Avenue maintains a highly connected multi-modal network serving the site. The proposal entails the revitalization of a vacant religious institution for commercial activities. For these reasons, and those more explicitly outlined in the *Staff Analysis for Rezoning and Attachment 3*, a commercial zoning district is appropriate at this location.

The conditional use permit, landscape waiver, and detailed district development plan appear to be adequately justified based on the standard of review contained in staff's analysis.

TECHNICAL REVIEW

- Preliminary approvals have been received from MSD and Transportation Planning staff
- Considerable discussion concerning the differences between the CR, Commercial-Residential district and the requested C-1, Commercial district have taken place between staff, the applicant, and interested parties. The most noticeable difference between the two districts is that C-R is primarily intended for the revitalization of structures originally built for mixed-use purposes in urban neighborhoods ("the corner store") and the C-1 district contains a wider variety of uses that can be found in most neighborhoods and activity centers. Another distinction is that within a C-1 district a conditional use permit for outdoor alcohol sales may be requested in association with a bona-fide

restaurant. While a restaurant in CR may serve food outdoors, a conditional use permit cannot be requested for alcohol service. The regulations for each zoning district discussed above have been included in *Attachment 5 & 6* of this *Staff Report*.

- Any change to the exterior of the property, including expansion to the floor area, modifications to outdoor areas, or façade renovations will require either the approval of a revised detailed district development plan or certificate of appropriateness from Planning and Design Services, Urban Design staff or both.

2000-2010 Clifton Neighborhood Plan

The subject site is located within the area of the 2000-2010 Clifton Neighborhood Plan. This plan is meant to serve as an update to the Clifton Neighborhood Plan adopted October, 1989. Land use and transportation goals applicable to the subject site are as follows:

- Retain the current mix of single and multiple family housing to assure a variety of affordable housing options that maintains the diversity of the neighborhood, and affordable residential and commercial building types. Retain current density at existing levels.
- Locate programs to assist in historic restoration of exterior facades, and nominate historic structures to the National Register.
- Enhance Frankfort Ave streetscape by replanting street trees with species that do not produce fruit/berries or require suckering, encouraging recycling, discouraging littering, vandalism and graffiti, preserving the street's historic character and resources consistent with the Clifton Historic District, incorporating public art, improving public landscaping projects, improving facades, removing billboards and chain link fences, and discouraging drive-through establishments.
- Improve sidewalks, curbs, intersections, cross walks and signaling to assure safety for all modes of transportation and to comply with ADA guidelines
- Inventory and map the neighborhood identifying areas where public or shared parking might be created or parking stalls marked, and construct or pave and improve unbuilt/unpaved alleys to relieve parking in residential areas. Require adequate parking for new developments.

Development on the subject site does not impact current density levels as the subject property is currently zoned R-7 and a C-1 commercial zoning district maintains the allowable density permitted under the R-7 regulations. The structure is subject to a design review under the Clifton Historic Preservation Guidelines for any exterior changes and the structure is an integral component to the character of the area. No changes have been proposed at this time which might impact the physical character of the property. Street trees are present along Frankfort Avenue and no changes to the public realm have been proposed. Bike parking and ADA parking is provided on the subject site. The subject site retains the existing parking facilities on site and opposite the southern alley to meet the parking demand for general commercial and office activities.

INTERESTED PARTY COMMENTS

Comments received by email or letter have been included in the public record for this Public Hearing before the Planning Commission. In brief, support for a change in zoning from R-7 to CR has been received by several interested parties and the Clifton Community Council.

STANDARD OF REVIEW FOR REZONING

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR

3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

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

The site is located in the Traditional Neighborhood Form District

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

The proposal introduces an appropriately-located neighborhood center as Frankfort Avenue is an arterial roadway having an established multi-modal network containing a wide variety of commercial, office, and residential uses. A Low- to medium intensity commercial zoning district on the subject site will allow for the further incorporation of neighborhood goods and services on this corridor through the revitalization of a vacant religious institution.

No exterior changes to the property have been proposed at this time that might impact abutting residential uses. Parking has been provided to meet the demand for general commercial or office tenants on site. Any future changes to the exterior or expansion of outdoor areas will require the review of a revised plan subject to Cornerstone 2020, as well as a review of the Clifton Historic Preservation Guidelines. A change in zoning to allow for commercial activities allows for the revitalization of an existing structure which is an established component of the character in the area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the Comprehensive Plan as Guideline 3, Policy 24 provides that 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. It further provides that these areas are to be screened or buffered and surface parking lot gaps are minimized. The proposal will retain the existing parking for commercial activities and no changes are being made which create a negative impact on nearby residents or motorists. The parking area will incorporate an ILA to break-up the existing surface and a 6' wood privacy fence is being provided abutting the residence to the south. Retaining this parking area to serve commercial activities helps meet the parking demand for potential commercial or office tenants and reduces the likelihood of parking overflow onto residential streets.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with surrounding uses and 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 as the parking area will incorporate an ILA to break-up the existing surface and a 6' wood privacy fence is being provided abutting the residence to the south

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary public facilities are available or being provided by the proposal as demonstrated on the detailed district development plan.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.

STAFF: The requested conditional use permit meets each of these guidelines as the parking facilities are present and previously served a religious institution. An interior landscape area is being provided to break-up surface pavement and a 6' wood fence is provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as no exterior changes are being proposed on the subject site and the conditions currently present have created the encroachments. A 6'

wood fence is present on a portion of the west side property line at the rear of the facility and the east property line is adjacent to the rear/side walls of a residential use with a concrete walk present.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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 proposed encroachments are a result of existing conditions. No additional mitigation appears to be necessary as a 6' wood fence is present on a portion of the west side property line at the rear of the facility and the east property line is adjacent to the rear/side walls of a residential use with a concrete walk present. Further, no exterior changes or outdoor areas for public use are proposed at this time.

- (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 as existing conditions present the need for relief.

- (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 as existing conditions present the need for relief.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposed development plan entails the revitalization of an existing structure which is an established component of the character in the area. The public realm is being preserved along Frankfort Avenue and the site does not appear to contain any natural features.

- 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 are provided as the subject property is served by an existing multi-modal network that is highly connected. Bike parking is provided on site as well.

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

STAFF: Open space is not a required component of the proposal. However, no exterior changes have been proposed and the public realm is being preserved.

- 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: Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided as existing conditions limit the ability to observe required landscape buffer area dimensions. No exterior changes have been proposed at this time. Any future changes to the exterior or expansion of outdoor areas requires review of a revised plan subject to Cornerstone 2020.

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

STAFF: The development plan is in conformance with the Comprehensive Plan as no exterior changes to the property have been proposed at this time that might impact abutting residential uses. Parking has been provided to meet the demand for general commercial or office tenants on site. Any future changes to the exterior or expansion of outdoor areas will require the review of a revised plan subject to Cornerstone 2020, as well as a review of the Clifton Historic Preservation Guidelines.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-7, Multi-Family Residential to C-1, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Conditional Use Permit** for off-street parking (LDC 4.2.39)
- **APPROVE** or **DENY** the **Waiver** of Land Development Code, section 10.2 to eliminate required 15' LBA at east and west property lines
- **APPROVE** or **DENY** the **Detailed District Development Plan**

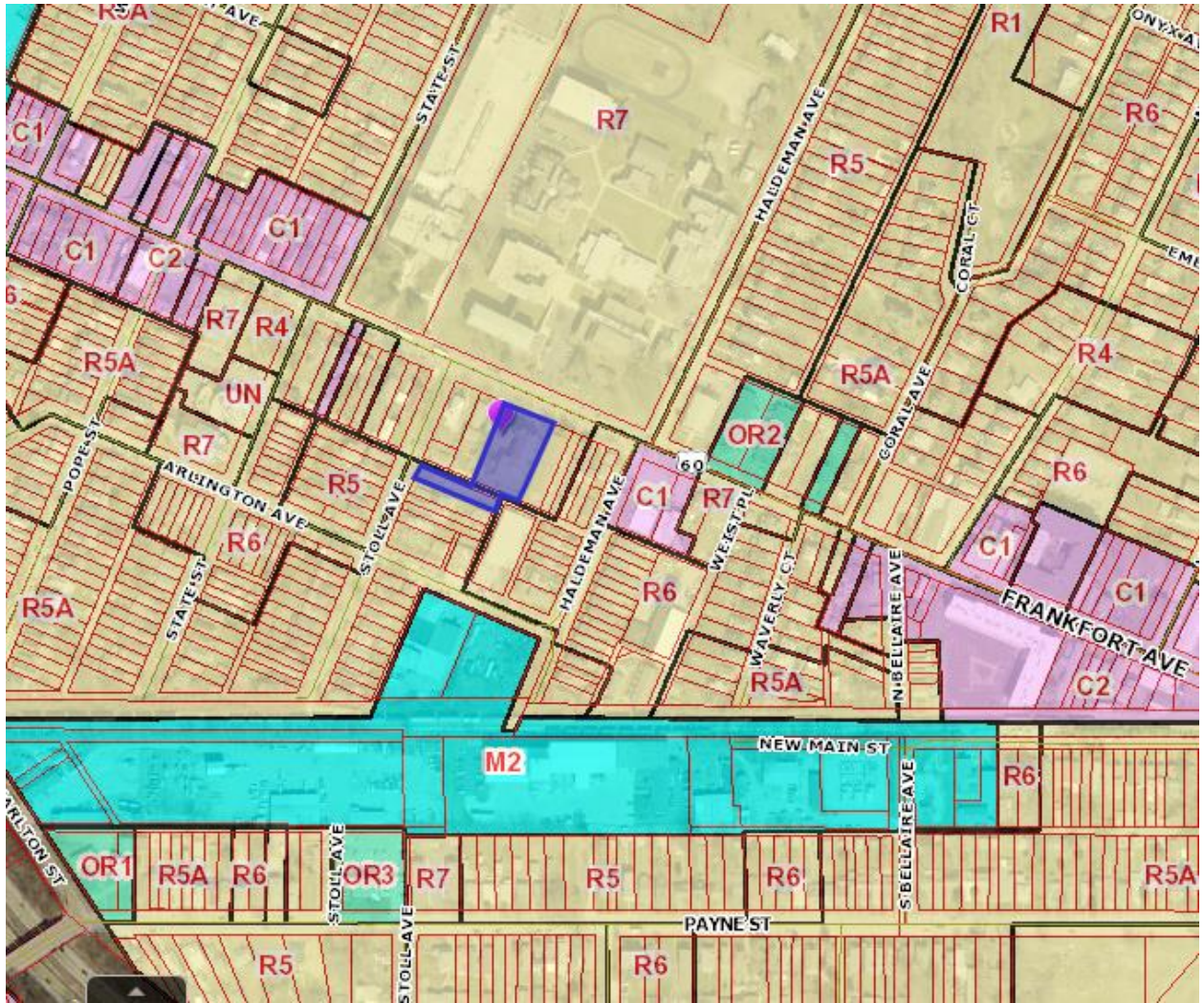
NOTIFICATION

Date	Purpose of Notice	Recipients
8/9/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
8/31/18	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
8/24/18	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Analysis
4. Proposed Binding Elements
5. C-R, Commercial Residential District Regulations
6. C-1, Commercial District Regulations

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 Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal preserves the existing grid pattern of streets, sidewalks and alleys as the existing patterns of streets, sidewalks, and alleys are not impacted.
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 introduces an appropriately-located neighborhood center as Frankfort Avenue contains a wide variety of commercial, office, and residential uses located along an arterial roadway with an established pedestrian network. A low- to medium intensity commercial zoning district will allow for further incorporation of neighborhood services through the revitalization of a vacant religious institution.
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.	✓	The subject site does not contain public open spaces and no changes to the exterior of the property are proposed at this time which impacts the public realm along Frankfort Avenue.
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 a vacant religious institution in a manner consistent with predominate neighborhood building design as no exterior changes are proposed at this time. All exterior changes must be reviewed and approved in accordance with the Preservation District guidelines as the site is located within the Clifton Historic Preservation District.
7	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, which will create a new center, is located in the Traditional Neighborhood Form District, and includes the reuse of existing buildings to provide commercial, office and/or residential uses as permitted in the low- to medium-intensity commercial zoning districts.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
8	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.	✓	Activities on the subject site are located in an area that has a sufficient population to support a wide range of non-residential/commercial activities.
9	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.	✓	No changes to the existing structure have been proposed. Any changes to the footprint or floor area of the site, including outdoor dining requires additional review subject to the Cornerstone 2020 and the Clifton Preservation District guidelines.
10	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.	✓	Low- to medium-intensity commercial zoning districts allow a wide range of uses that are supported by existing multi-modal networks in the area.
11	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.	✓	Commercial zoning districts allow for the incorporation of residential, office, and commercial activities in the same or adjacent buildings on the property.
12	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The proposal is not a large development within an existing center. It is located in the Traditional Neighborhood Form District, utilizes existing structures, and is supported by existing transportation networks.
13	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	Parking facilities previously used for the religious grounds will be retained for commercial activities.
14	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 subject site is located in the urban services district and utility connections are available.
15	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 is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as bicycle facilities have been provided and the proposed district is supported by an existing grid containing pedestrian, transit, and bike networks.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
16	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Any change in building materials on the subject property will require review and approval by Planning and Design Services, Urban Design staff as the site is located in the Clifton Historic Preservation District. No changes have been indicated at this time.
17	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.	✓	Frankfort Avenue is a mixed-use corridor containing a wide variety of intensities and densities. The subject site abuts the corridor which provides direct access to this mixture of intensities and densities. No exterior changes have been proposed that might impact abutting residential uses and parking has been provided to meet the demand for commercial or office users of the property.
18	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Uses permitted in the low- to medium-intensity commercial zoning districts are non-industrial uses with limited emissions or odors.
19	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Frankfort Avenue is an arterial roadway. An arterial roadway is intended to serve as high capacity roadway and carry continuous travel to serve collector and local roadways.
20	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will be in compliance with LDC 4.1.3
21	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is located along a major transit corridor
22	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.	✓	Existing conditions limit the ability to observe required landscape buffer area dimensions. No exterior changes have been proposed at this time. Any future changes to the exterior or expansion of outdoor areas requires review of a revised plan subject to Cornerstone 2020.
23	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.	✓	A proposed change to a commercial zoning district will allow for the redevelopment of a vacant religious institution, including its grounds and structures. All structures are existing and no changes have been proposed. Any future changes to the exterior or expansion of outdoor areas requires review of a revised plan subject to Cornerstone 2020.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
24	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 as the no changes have been proposed at this time and the existing structure is an established component of the character of the area.
25	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking areas are being retained for commercial activities and no changes are being made which create greater encroachments into residential areas. The parking areas opposite the alley are proposed with an ILA and 6' wood privacy fence.
26	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.	✓	Parking areas are being retained for commercial activities and no changes are being made which create greater encroachments into residential areas. The parking areas opposite the alley are proposed with an ILA and 6' wood privacy fence.
27	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.
28	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will be in compliance with Ch. 8 of the Land Development Code.
29	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space is not a required component of the proposed zoning district. The public realm is being retained along Frankfort Avenue.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
31	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features to be incorporated into the proposal
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There are no natural features to be incorporated into the proposal
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal includes the preservation and adaptive reuse of buildings, sites, and districts that are recognized as having historical or architectural value. It is compatible in height, bulk, scale, architecture and placement with the surrounding area.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion
36	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	Not an industrial development
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The subject site is located along a mixed use corridor serving a wide range of intensities and densities. This corridor contains an arterial level roadway with a high level of pedestrian and transit connectivity.

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38	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	Not an industrial development
39	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.	✓	No contributions to the existing roadway network are being required at this time.
40	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as the subject site is located along a multi-modal corridor with a high level of connectivity to the proposed district.
41	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal's transportation facilities are compatible with and support access to surrounding land uses.
42	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	No additional right-of-way is required to be dedicated
43	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use as the minimum number of spaces has been provided based on the gross floor area contained in structures on site.

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44	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.	✓	Joint and cross access are not necessary due to existing conditions and adjacent uses.
45	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.	✓	No stub streets are required or needed
46	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.	✓	Frankfort Avenue is a mixed-use corridor containing a wide variety of intensities and densities. The subject site abuts the corridor which provides direct access to this mixture of intensities and densities.
47	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.	✓	Access to roadways is provided from existing points. No additional streets or access is being requested or required.
48	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users as the existing roadway network accommodates these users in accessing the subject site.
49	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's drainage plans have been approved by MSD,
50	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
51	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.	✓	Natural corridors are not impacted by this proposal due to existing conditions and surrounding corridor
52	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.
53	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
54	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy or building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. 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.

2.4.2 C-R Commercial Residential District

The C-R Commercial Residential District is primarily intended as a specialized district to promote the reuse of structures located in urban areas of Jefferson County that had been constructed for mixed commercial and residential use, which may be currently under used or vacant, and which are located at street corners or on blocks with a significant number of retail business uses. C-R zoning may also be appropriate for new construction where a mixture of business and residential use is found to conform with the Comprehensive Plan and with any neighborhood plan covering the site.

A Permitted Uses:

All uses permitted in the R-7 Residential Multi Family District

B Special Permitted Uses

The following uses, subject to the special requirements set forth in Paragraph D. 1, below are permitted:

Antique shops and interior decorating shops

Artist studios

Art galleries

Bakeries, retail sales on premises only

Barber shops and beauty shops

Bed and Breakfasts

Book stores and stationery stores

Candy stores, retail sales on premises only

Clothing, dry good and notions stores

Community Service Facility

Computer programming services and software sales

Day care centers, day nurseries, nursery schools and kindergartens

Dressmaking

Drug stores or sundries stores

Florist shops

Grocery stores, where all merchandise is displayed and sold within an enclosed building

Hardware stores

Jewelry stores

Laundering and dry cleaning pick-up shops and self-service (only)

Laundries

Offices, professional or business

Photocopying, word processing and similar office-support activities

Photographic shops

Photography studios

Picture framing

Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center

Restaurants and delicatessens excluding drive-in facilities, and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license)

Saddle and harness shops

Shoe stores

Shoe repair shops

Stationery stores

Tailors

Tanning salons

Wearing apparel shops

C. Permitted Uses With Special Standards*

Certain uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

D. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

E. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

F. Maximum Density And Far

Maximum Floor Area Ratio: 3.0

Maximum Density:34.8 dwellings per acre

6. **C-1, Commercial District**



Chapter 2 Part 4
Commercial Zoning Districts

2.4.3 C-1 Commercial District

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory buildings or uses: those uses which are subordinate, customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use

Agricultural uses

Antique shops

Art galleries

Athletic facilities

Audio/video recording studios, providing the building is sound proof

Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

Automobile parking areas, public and private

Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)

Bakeries, retail (all products produced to be sold on the premises only)

Banks, credit unions, savings and loans, check cashing services and similar financial institutions

Barber shops

Beauty shops

Bed and Breakfasts

Bicycle sales and service

Boarding and lodging houses

Bookstores

Bowling alleys, provided the building is sound proof

Car washes having prior approval by the agency responsible for transportation planning

Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere

Clothing, dry goods and notions stores

Clubs, private, non-profit or proprietary

Colleges, schools and institutions of learning

Community residences

Community Service Facility

Computer sales (hardware and software) and programming services

Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for

production of food items for off premises sale

Convenience groceries

Convents and monasteries

Country clubs

Dance instruction (excludes adult entertainment uses as defined within LMCO Chapter 11)

Day care centers, day nurseries, nursery schools and kindergartens

Department stores

Dressmaking or millinery shops

Drug stores

Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments

Dwelling, Multiple family

Dwelling, Single-family

Dwelling, Two-family

Electric appliance stores

Extended stay lodging

Family care home (mini-home)

Florist shops

Funeral homes

Furniture stores

Grocery stores, including fruit, meat, fish, and vegetable

Hardware and paint stores

Health spas

Home occupations

Hotels and motels, including ancillary restaurants and lounges, enclosed in a structure, in which dancing and other entertainment (not including adult entertainment activities as defined in Section 4.4.1) may be provided. (not permitted within the City of Prospect)

Ice storage houses of not more than five (5) ton capacity

Interior decorating shops

Jewelry stores

Laundries or laundrettes, self-service

Laundering and dry cleaning pick-up shops and self-service laundries

Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

Medical laboratories

Music stores

Nurseries, retail

Office, business, professional and governmental

Parks, playgrounds, and community centers

Package liquor stores (no on-site alcohol consumption allowed)

Pawn Shop

Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building

Pet shops

Photocopying, duplicating, paper folding, mail processing and related services

Photographic shops

Photography studios

Picture Framing

Radio and television stores

Religious buildings

Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center

Residential care facilities

Restaurants, tea rooms and cafes excluding dancing and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license)

Shoe repair shops

Shoe stores

Stationery stores

Tailor

Tanning salons

Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year.

Toy and hobby stores

Variety stores

Veterinary hospital, provided the operation is conducted within a sound- proofed building, no animals are

boarded, and there are no runs or pens outside of the building

Wearing apparel shops

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

Certain uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

E. Maximum Density And Far

1. Maximum Floor Area Ratio:1.0
2. Maximum Density:34.84 dwellings per acre
3. Use Mix - - Office and Residential Uses – W hen authorized by the form district regulations, a specified percentage of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. In addition, when authorized by the form district regulations, office and residential uses situated above ground level retail uses are permitted and shall be excluded from calculation of the site’s permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.