

Planning Commission
Staff Report
February 1, 2018



Case No:	17zone1050
Project Name:	Louisville City FC
Location:	237-243, 249-251, 255-257, 261, 267-275, & 270 N. Campbell St., 250, 350, 375, & 1080 Adams St., 214, 225-229, 249-257, 261-265, & 271 Mill St., 200, 203/203R Cabel St., 275 N Shelby St.
Owner(s):	Louisville Metro Government, Outdoor Systems Inc., Waterfront Development Corp., & LG&E
Applicant:	Louisville City FC
Jurisdiction:	Louisville Metro
Council District:	4-Barbara Sexton Smith
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Change in Form District from Traditional Neighborhood to Downtown
- Change in zoning from M-3 to EZ-1
- Variance from 5.2.1.C.3-6 to allow for the proposed buildings to be setback from the property lines at variable distances as shown on the development plan.
- Waivers:
 1. Waiver from 5.5.1.B.1.a.ii to permit parking in front of primary structures as shown on the development plan.
 2. Waiver from 5.8.1.B to not provide a sidewalk on the east side of Campbell Street adjacent to the CSX Railroad.
 3. Waiver from 5.2.1.C.2 and 5.2.1.C.5 to not provide a 3 story street wall for the length of the lot frontage.
- Approval of an overhead walkway/pedway over Campbell Street per 5.8.1.C.1.e.
- General Plan/Detailed District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

The development site encompasses 44 lots that are either zoned M-3 or EZ-1. The existing land uses include salvage yards, mini-storage, and an automotive lift company. The proposal is for several office buildings, hotels, an athletic facility, and retail. A street (Mill Street) and several public alley ways will need to be closed in order to accomplish the proposal.

STAFF FINDING

The applicant's requests generally meet the requirements of the Land Development Code and guidelines of the Comprehensive Plan. The intent of the Butchertown Neighborhood Plan is being met by eliminating solely industrial zoned properties and permitting mixed commercial/industrial zoning.

TECHNICAL REVIEW

- Butchertown Neighborhood Plan (2008)

- The Butchertown Neighborhood Plan recommends:
 - LU2 After final determination of Bridges Project impacts, evaluate the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning. This evaluation shall include consideration of existing land use and zoning of properties. Rezone properties in accordance with recommendations of evaluation. (Existing M-3 properties, with a use that requires a Conditional Use Permit not allowed in the proposed EZ-1 district, should not be rezoned without agreement from property owner.)
 - LU14 Partner with Metro agencies and affected industries to reduce the secondary (nuisance) impacts of existing industrial operations on residents and retail businesses.
 - LU16 Redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable.

- Cornerstone 2020
- Land Development Code

INTERESTED PARTY COMMENTS

Written to Councilwoman Julie Denton: “As someone who has recently moved into your district, I implore you to vote yes for the proposed stadium district. Having been to numerous cities where a culture of positivity and growth are not only possible, but prevalent, please allow Louisville to grow. This proposal will serve upon multiple purposes, creating a positive and commercial area where businesses and people can gather. Create an environment where Louisville can improve its vibrant culture. And remove an eyesore brownfield from downtown. I appreciate your desire to make sure this deal is in our best interest financially, but I also ask you to consider the cultural and societal impacts in the long term.”–Neil Javins

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 CHANGE IN ZONING / FORM DISTRICT

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 site is proposed to be located in the Downtown Form District

This form is characterized by its location near the center of the population it serves. The Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses. It has a grid pattern of streets designed to accommodate a large volume of vehicular traffic and public transportation. There are provisions for on-street and long-term parking of vehicles and for substantial pedestrian and non-vehicular movement within the district. Buildings are generally the greatest in volume and height in the metropolitan area, and there is public open space including plazas and squares. The Downtown Form should give identity to the whole community and should provide for a mixture of high density and intensity uses. Unlike the other community forms, the Downtown is already a geographically defined area that is described by Louisville Codified Ordinance and in the Louisville Downtown Development Plan. The Downtown Development Plan also recognizes that Downtown consists of seven sub-districts and describes those sub-districts. The Downtown Development Plan and its successors are to be used as official planning evidence guiding land use decisions in the Downtown.

The proposal is more in keeping with the Downtown Form than the existing Traditional Neighborhood because EZ-1 allows for many different land uses that are more regionally focused rather than ones that are more neighborhood focused. The proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded to encourage pedestrian activity from the nearby area as well as the transit that is available along Story Ave. and Main Street which are in the area. On and off street parking is available while transit is not directly available to the area. The proposal will create a new center in the DFD that includes new construction. EZ-1 zoning allows for commercial, office, and residential. The Butchertown Neighborhood Plan calls for the evaluation of the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning, to reduce the secondary (nuisance) impacts of existing industrial operations on residents and retail businesses and to redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable. The proposed EZ-1 zoning is located in a former industrial area with other EZ-1 property included in the overall development. The proposal is for more regional uses that will draw most of its population from outside the neighborhood. The Butchertown Neighborhood does not have the density itself to solely support the development. The proposed EZ-1 zoning would result in an efficient land use pattern as the Butchertown neighborhood in this area already has existing EZ-1 zoning. The infrastructure needs for this mixed use zoning would be met with the existing roads and utilities. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from 5.2.1.C.3-6 to allow for the proposed buildings to be setback from the property lines at variable distances as shown on the development plan

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since the area is now a mix of industrial type uses, vacant land, or existing vacant buildings which are inconsistently located and not providing a consistent character.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The site is surrounded by multiple roadways with surrounding development that has been under developed which is an unusual circumstance.

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

STAFF: Setting the buildings to the property lines could create an unnecessary hardship since several of the existing roadways will now have to accommodate pedestrian infrastructure. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 5.5.1.B.1.a.ii to permit parking in front of primary structures as shown on the development plan.

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

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

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

STAFF: Guideline 2, Policy 15 encourages the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 ensures compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is compatible with the pattern of development within the form district. Pedestrians are provided for in and around the site with new sidewalks proposed where they are not currently. Building expansion after initial development could be placed to replace the parking.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded.

- (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 since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 5.8.1.B to not provide a sidewalk on the east side of Campbell Street adjacent to the CSX Railroad

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

STAFF: The waiver will not adversely affect adjacent property owners since a sidewalk will be provided along the west side of Campbell where one does not currently exist. A sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. A sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since a sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 5.2.1.C.2 and 5.2.1.C.5 to not provide a 3 story street wall for the length of the lot frontage.

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

STAFF: The waiver will not adversely affect adjacent property owners since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands.

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

STAFF: Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. There are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands.

- (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 since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands.

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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject 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 has approved the preliminary development plan.

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

STAFF: The open space requirements are provided in the form of common areas and plazas.

- 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 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.

- 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. 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.

STAFF: The development plan generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Form District** from Traditional Neighborhood to Downtown
- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-zoning** from M-3 to EZ-1
- **APPROVE** or **DENY** the **Variance** from 5.2.1.C.3-6 to allow for the proposed buildings to be setback from the property lines at variable distances as shown on the development plan.
- **APPROVE** or **DENY** the **Waiver** from 5.5.1.B.1.a.ii to permit parking in front of primary structures as shown on the development plan.
- **APPROVE** or **DENY** the **Waiver** from 5.8.1.B to not provide a sidewalk on the east side of Campbell Street adjacent to the CSX Railroad.
- **APPROVE** or **DENY** the **Waiver** from 5.2.1.C.2 and 5.2.1.C.5 to not provide a 3 story street wall for the length of the lot frontage.
- **APPROVE** or **DENY** the overhead walkway/pedway over Campbell Street per 5.8.1.C.1.e.
- **APPROVE** or **DENY** the **General Plan/Detailed District Development Plan with Binding Elements**

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.

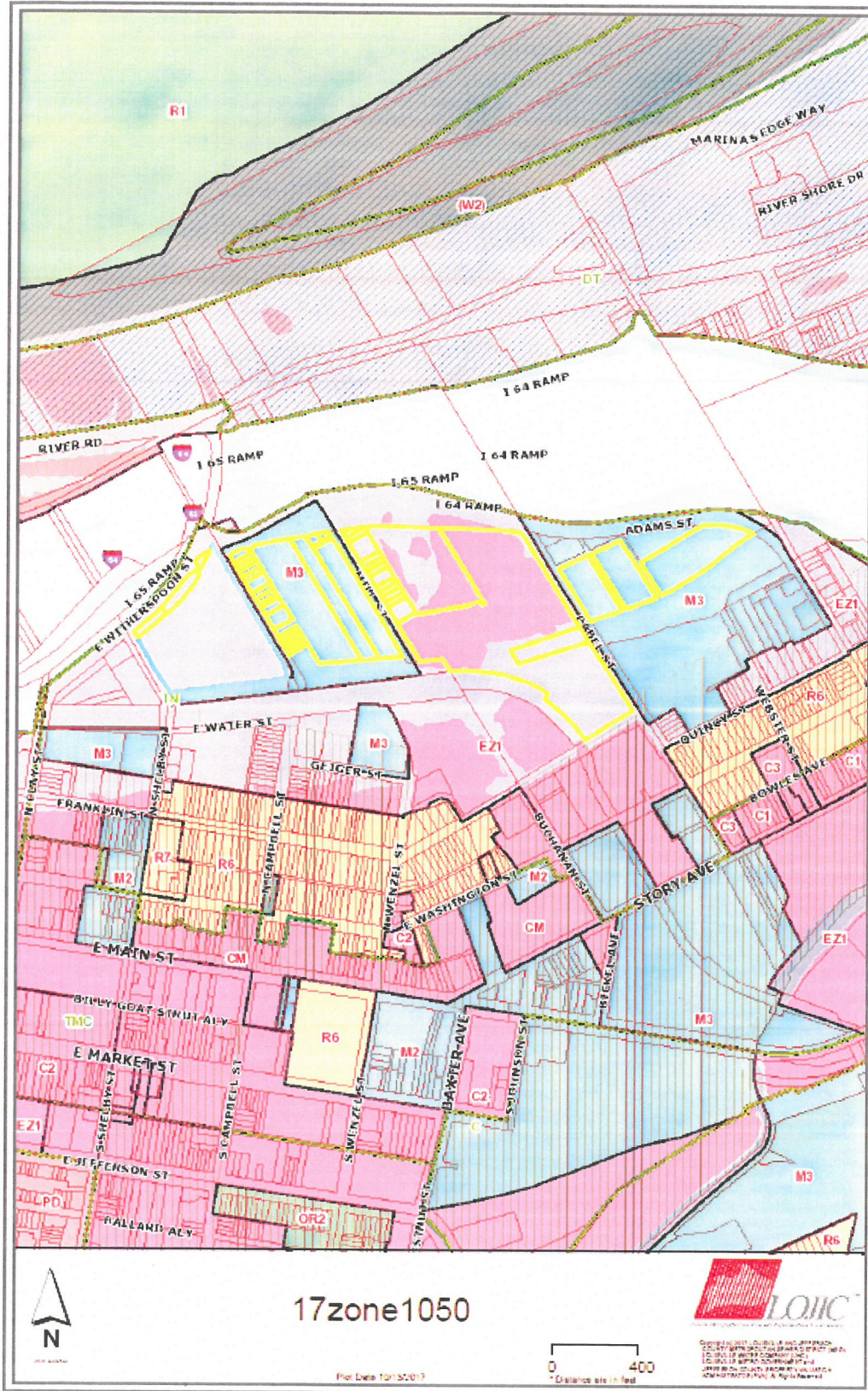
NOTIFICATION

Date	Purpose of Notice	Recipients
12/28/17	Hearing before LD&T on 1/11/18	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4.
1/18/18	Hearing before PC on 2/1/18	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
1/1718	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Cornerstone 2020 Checklist
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Staff Cornerstone 2020 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 involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded.
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.	-	EZ-1 permits more regional land uses. The proposal is not for a neighborhood center. The proposal is more appropriately located within a Downtown Form which is being requested.
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 proposal is not located adjacent to public open spaces but is located in close proximity to Waterfront Park.
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 existing buildings on the site are not historic and are not consistent with the neighborhood.

Downtown: 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.1: The proposal is similar to the pattern of development in the Downtown, which includes predominately office, commercial, civic, medical, high-density residential and cultural land uses.	✓	The proposal is more in keeping with the Downtown Form than the existing Traditional Neighborhood because EZ-1 allows for many different land uses that are more regionally focused rather than ones that are more neighborhood focused.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
2	Community Form/Land Use Guideline 1: Community Form	B.1: The proposal includes and respects the grid pattern of streets in the downtown area and includes provisions for on-street and long-term parking of vehicles and supports substantial non-vehicular transportation options.	✓	The proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded to encourage pedestrian activity from the nearby area as well as the transit that is available along Story Ave. and Main Street which are in the area. On and off street parking is available while transit is not directly available to the area.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Downtown Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal will create a new center in the DFD that includes new construction. EZ-1 zoning allows for commercial, office, and residential. The Butchertown Neighborhood Plan calls for the evaluation of the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning, to reduce the secondary (nuisance) impacts of existing industrial operations on residents and retail businesses and to redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable.
4	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.	✓	The proposed EZ-1 zoning is located in a former industrial area with other EZ-1 property included in the overall development. The proposal is for more regional uses that will draw most of its population from outside the neighborhood. The Butchertown Neighborhood does not have the density itself to solely support the development.
5	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 EZ-1 zoning would result in an efficient land use pattern as the Butchertown neighborhood in this area already has existing EZ-1 zoning. The infrastructure needs for this mixed use zoning would be met with the existing roads and utilities.
6	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 proposed EZ-1 zoning permits a mix of uses that could be compatible and reduce trips. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street.
7	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 is for multi-story and some multi-use buildings.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
8	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 development is designed to be multi-purpose which is consistent with the proposed EZ-1 zoning. There are proposed "common" areas and public plazas.
9	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 areas are located outside the central activity area and away from the pedestrian oriented plazas.
10	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.	✓	Utilities will be shared and coordinated with all the proposed uses within the development.
11	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.	✓	Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. Vehicles have easy access to the site.
12	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	Due to the sites location bound by a railroad and an expressway there is no clear scale or site design to compare it with. Most of the buildings are oriented toward the street and are multi-story which is consistent with the Downtown Form.
13	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Buildings will meet the requirements of the LDC.
14	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal is not a non-residential expansion into a residential area.
15	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD has no issues with the proposal.
16	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Planning has not indicated any issues with traffic for the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
17	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will meet LDC requirements.
18	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	-	The proposal is for a high intensity industrial/commercial zoning district that will create an activity center that is not located on a transit corridor. The closest available transit is located along Main Street south of the site.
19	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal is not located adjacent to incompatible developments or zoning.
20	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 proposal is not located adjacent to incompatible developments or zoning.
21	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.	✓	There are no nearby developments to compare the site in order to determine compliance. The development site is establishing its own pattern of development that is mainly consistent with the Downtown Form.
22	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.	NA	There are no residential areas directly adjacent to the site.
23	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.	✓	All VUA LBA buffers are in compliance with the LDC.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	+/-	More information is necessary to determine compliance.
25	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will meet form district requirements.
26	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 provided as common areas and plazas within the development site.
27	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	The proposal will not be in the Neighborhood Form.
28	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no existing natural features on the development site.
29	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 existing natural features on the development site.
30	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 does not have structures or land that is recognized as being historic.
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The development is located in an area with highly erodible soils but is also in an area where there is existing development on all the lots.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	✓	The development site has easy access to multiple levels of roadways.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	✓	The proposal is for the creation of the downtown form in this area but the proposal is consistent with the downtown forms pattern of development. The lots involved in the development site are being redeveloped for a greater use than the existing development on the sites.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The site is in an existing industrial subdivision and the proposal is for mixed use, commercial/industrial which is consistent with the existing zoning on several parts of the site.
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposal for EZ-1 zoning will be for the development of a new activity center that would generate large amounts of traffic. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The proposal for EZ-1 zoning will be for a development that would have more than 100 employees. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south.
37	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.	✓	New Sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Transportation planning has not indicated any necessary roadway improvements.
38	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.	✓	New Sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Bike lanes are existing along Adams Street. Transit is available along main Street (south of the site) where existing sidewalks connect to that roadway.

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39	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.	✓	No new roadways are being created with this proposal.
40	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Transportation Planning has not indicated a need for additional ROW.
41	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	NA	Parking is not required in the Downtown Form.
42	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.	✓	There are 3 lots involved in the overall development after consolidation. These lots are bound by ROW so cross access is provided through existing ROWs.
43	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 new roadways are being created with the development.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the site will be from public ROWs.
45	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.	✓	No new roadways are being created with the development.
46	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.	✓	New Sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Bike lanes are existing along Adams Street. Transit is available along main Street (south of the site) where existing sidewalks connect to that roadway.

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47	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has no issues with the proposal.
48	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has no issues with the proposal.
49	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing utilities will serve the site.
50	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	There is an adequate water supply to accommodate the site.
51	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The Health Department has no issues with the proposal.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. A road closure approval for Mill Street on Tract 2 and several unnamed alleys on Tract 1 shall be approved prior to requesting a building permit.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
8. Amenity areas per LDC Chapter 5.12.2 shall be submitted and approved by a committee of the Planning Commission prior to obtaining a building permit.

