

Planning Commission

Staff Report

December 6, 2018



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| Case No: | 18ZONE1035 |
| Project Name: | Butchertown Apartments |
| Location: | 1043, 1045, & 1051 E Washington & Parcel 019G02150000 |
| Owner: | Joseph Brown & Todd Roman |
| Applicant: | Joseph Brown & Todd Roman |
| Jurisdiction: | Louisville Metro |
| Council District: | 4- Barbara Sexton Smith |
| Case Manager: | Julia Williams, AICP, Planning Supervisor |

REQUEST(S)

- Change in zoning from R-6, R-7, & CM to R-8A
- Variances
 1. Variance from 5.4.1.D.2 to eliminate the 30% private yard area requirement
 2. Variance from 5.1.12.A.2 to permit the setback to be 7' instead of the required 14' (7' variance)
- Waiver from 5.11.9 to not provide open space
- District Development Plan with Binding Elements and removal of prior cases binding elements

CASE SUMMARY/BACKGROUND

The subject site is located in the Butchertown neighborhood at the corner of E. Washington St and N. Johnson Street. Two single family structures have been demolished on this site along E. Washington St. The proposal includes the construction of a 3-story apartment building with 15 dwelling units on approximately 0.49 acres for a density of 30.61 du/ac and a FAR of 0.91. R-8A permits a density of 58.08 du/ac and a FAR of 3.0. R-7 permits a density of 34.8 du/ac and a FAR of 1.0. 21 parking spaces will be provided on site and on-street spaces.

Previous Cases:

9884: Change in Zoning from R-6 to R-7 on 1043 E Washington Street for a 4-unit apartment building.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Butchertown Neighborhood Plan (2008)

The site is in the Industrial Character Area of the Butchertown Preservation District as well as within the boundaries of the Butchertown Neighborhood Plan. The neighborhood plan designates the site on the edge of the residential core and Main/Mellwood commercial corridor. No specific land use recommendation was indicated for this site but because the site is located in the residential core, the Plan suggests that residential is appropriate.

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

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 CHANGE IN ZONING

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 does not affect the existing grid pattern. The proposal will be consolidating four lots and an unimproved alley to create a large corner lot in order to add a higher density residential use. The proposal will not impact any existing public open space and the Big Four Bridge and Waterfront Park is an approximately 15 minute walk away. The proposed high density zoning on this site is not located in the vicinity of any public areas nor is it located near a commercial center. It is located near what could be considered an industrial center.

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 #1:Private Yard Elimination

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the elimination of the private yards is to accommodate a multi-family structure with no impact on the public as it is not adjacent to or related to any other residential in the area.

- (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 elimination of the private yards is to accommodate a multi-family structure with no impact on the public as it is not adjacent to or related to any other residential in the area.

- (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 the elimination of the private yards is to accommodate a multi-family structure with no impact on the public as it is not adjacent to or related to any other residential in the area.

- (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 zoning regulations since the elimination of the private yards is to accommodate a multi-family structure with no impact on the public as it is not adjacent to or related to any other residential in the area.

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 requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the elimination of the private yards is to accommodate a multi-family structure with no impact on the public as it is not adjacent to or related to any other residential in the area. The general vicinity is mainly industrial.

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: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the elimination of the private yards is to accommodate a multi-family structure with no impact on the public as it is not adjacent to or related to any other residential in the area.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible for the mixed residential/industrial development on this block face nor its location not near any other open space.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2: Setback Reduction

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed setback is set by the adjacent industrial structure and the proposed setback is more in keeping with the residential structures along the opposite block face on the other side of Johnson Street.

- (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 because the proposed setback is set by the adjacent industrial structure and the proposed setback is more in keeping with the residential structures along the opposite block face on the other side of Johnson Street.

- (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 because the proposed setback is set by the adjacent industrial structure and the proposed setback is more in keeping with the residential structures along the opposite block face on the other side of Johnson Street.

- (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 because the proposed setback is set by the adjacent industrial structure and the proposed setback is more in keeping with the residential structures along the opposite block face on the other side of Johnson Street.

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 requested variance arises from special circumstances because the proposed setback is set by the adjacent industrial structure and the proposed setback is more in keeping with the residential structures along the opposite block face on the other side of Johnson Street.

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: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed setback is set by the adjacent industrial structure and the proposed setback is more in keeping with the residential structures along the opposite block face on the other side of Johnson Street.

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 actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible for the existing location of the adjacent industrial building which sets the infill standards on the block face.

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 since the adjacent property also is not required to provide open space.

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

STAFF: The waiver will not violate Guideline 4, Community Form, of Cornerstone 2020, which calls for open space design to be consistent with the pattern of development in the Traditional Neighborhood Form District and that the proposal integrates natural features into the pattern of development. The proposal meets the comprehensive plan because the adjacent property also is not required to provide open space nor is the single family residential.

- (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 since the adjacent property also is not required to provide open space and open space is located a short walk to the Waterfront Park.

- (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 because the adjacent property also is not required to provide open space and open space is located a short walk to the Waterfront Park.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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 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 proposal meets the comprehensive plan because the adjacent property also is not required to provide open space nor is the single family residential. Waterfront Park is also located a short walking distance away from the proposal.

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

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the 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. Buildings and parking lots will generally meet all required setbacks.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan 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-Zoning** from R-6, R-7, & CM to R-8A
- **APPROVE** or **DENY** the **Variance** from 5.4.1.D.2 to eliminate the 30% private yard area requirement
- **APPROVE** or **DENY** the **Variance** from 5.1.12.A.2 to permit the setback to be 7' instead of the required 14' (7' variance)
- **APPROVED** or **DENY** the **Waiver**
- **APPROVED** or **DENY** the **Detailed District Development Plan with Binding Elements and the removal of the previous case 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.

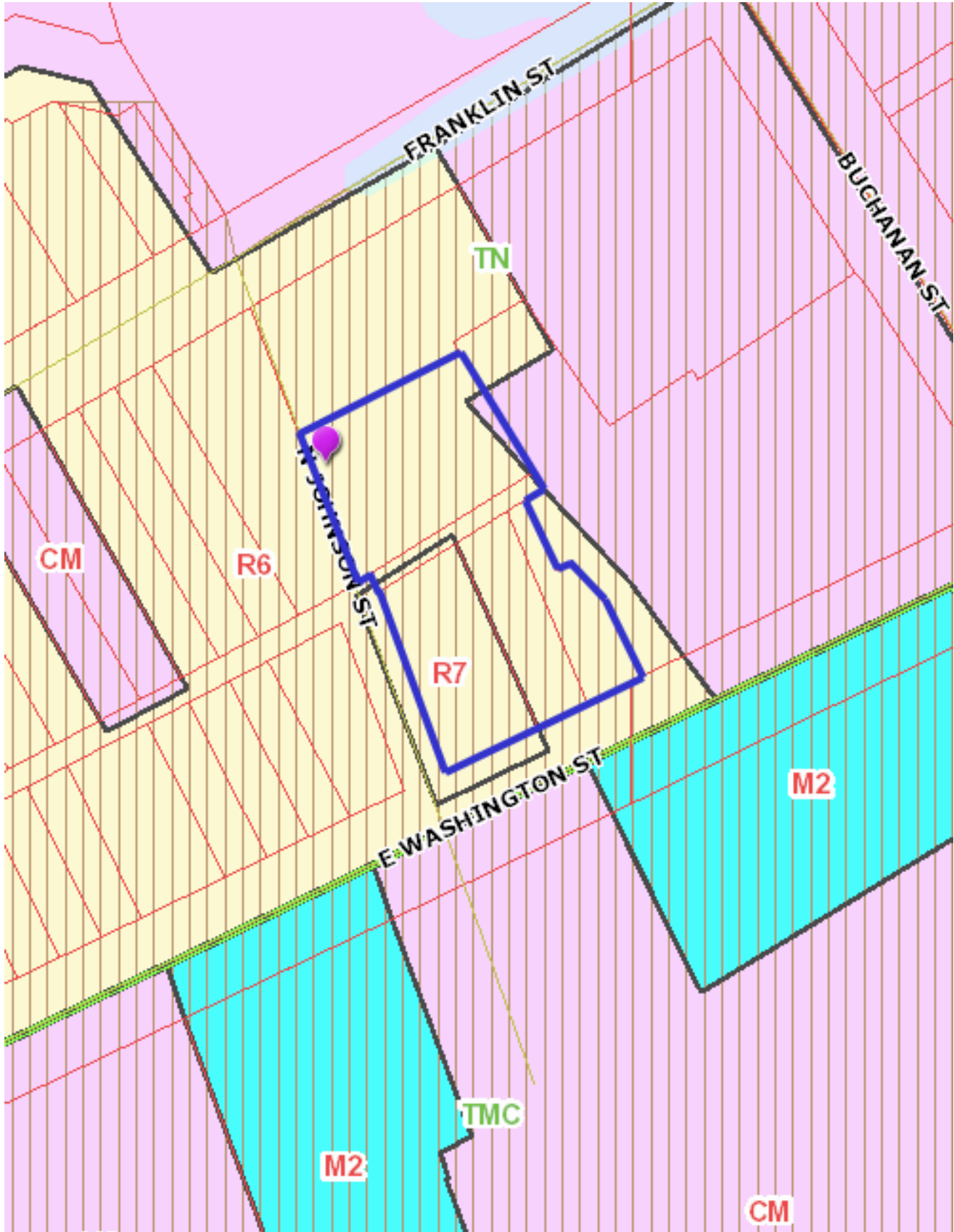
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------------|--------------------------------|--|
| 10/25/18 | Hearing before LD&T on 11/8/18 | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4 |
| 11/19/18 | Hearing before ____ | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4 |
| 11/19/18 | Hearing before PC | Sign Posting on property |
| 11/28/18 | Hearing before PC | Legal Advertisement in the Courier-Journal |

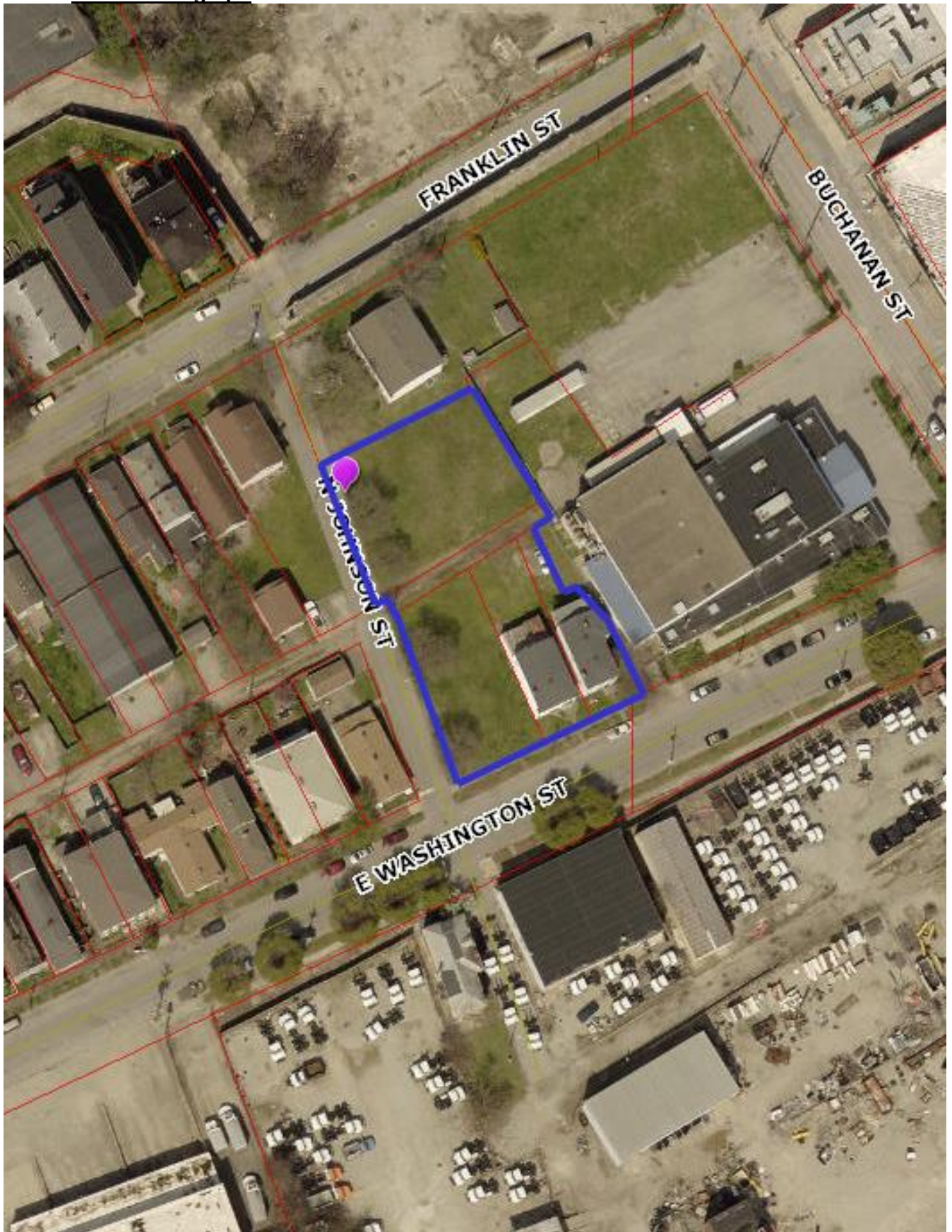
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Cornerstone 2020 Checklist
4. Existing Binding Elements (to be removed)
5. 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: 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 does not affect the existing grid pattern. |
| 2 | Community Form/Land Use Guideline 1: Community Form | B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses. | ✓ | The proposal will be consolidating four lots and an unimproved alley to create a large corner lot in order to add a higher density residential use. |
| 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 will not impact any existing public open space and the Big Four Bridge and Waterfront Park is an approximately 15 minute walk away. |
| 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 proposed high density zoning on this site is not located in the vicinity of any public areas nor is it located near a commercial center. It is located near what could be considered an industrial center. |
| 5 | Community Form/Land Use Guideline 2: Centers | A.1. Locate activity centers within the Traditional Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use. | NA | This is not a new activity center. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|--|
| 6 | Community Form/Land Use Guideline 2: Centers | A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance. | NA | The proposal is for residential only. |
| 7 | Community Form/Land Use Guideline 2: Centers | A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure. | ✓ | The proposal is efficient as it is providing higher density residential and utilizing the entire site. |
| 8 | Community Form/Land Use Guideline 2: Centers | A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place. | ✓ | The proposal is for multi-family where predominantly single family exists and is near a mix of uses including restaurants, retail and entertainment. |
| 9 | Community Form/Land Use Guideline 2: Centers | A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings. | ✓ | The proposal is not mixed use but is near commercial retail and other commercial uses. |
| 10 | Community Form/Land Use Guideline 2: Centers | A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses. | ✓ | The proposal is for higher density residential near a mix of commercial uses, as well as residential. |
| 11 | Community Form/Land Use Guideline 2: Centers | A.8/11: Allow centers in the Traditional Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design. | NA | This is not a new center. |
| 12 | Community Form/Land Use Guideline 2: Centers | A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above. | ✓ | Out lot development is not appropriate in this situation. |
| 13 | Community Form/Land Use Guideline 2: Centers | A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element. | NA | This is not a large development. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|--|
| 14 | Community Form/Land Use Guideline 2: Centers | A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking. | ✓ | The parking facilities are located behind the structure where there is one curb cut along a dead end road. |
| 15 | Community Form/Land Use Guideline 2: Centers | A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments. | ✓ | Utilities are existing for this site. |
| 16 | Community Form/Land Use Guideline 2: Centers | A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. | ✓ | Parking is appropriately located in the rear of the site behind the apartment building. |
| 17 | Community Form/Land Use Guideline 2: Centers | A.16: Encourage centers to be designed for easy access by alternative forms of transportation. | ✓ | This site is located near Transit and within a neighborhood with an existing sidewalk network. |
| 18 | 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. | ✓ | The proposal generally meets the infill standards within the LDC which makes the building scale and site design compatible with the adjacent residential structures and the ones across Johnson. |
| 19 | Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.) | ✓ | Building materials are similar to what is found in the area. The Butchertown ARC will have final approval of the building architecture. |
| 20 | Community Form/Land Use Guideline 3: Compatibility | A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. | ✓ | The proposal is compatible with the adjacent residential areas as the proposal is for a higher density residential structure. The density is higher than that of the adjacent residential properties but the structure complies with the infill standards that ensure compatibility with the surrounding properties. |
| 21 | Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | ✓ | This proposal doesn't appear to have high impact on traffic due to its location and the provision of on-site parking and proximity to transit. |
| 22 | 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. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|---|---------------|--|
| 23 | Community Form/Land Use Guideline 3: Compatibility | A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern. | ✓ | The proposal introduces a higher density to a predominately single family neighborhood. |
| 24 | 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 just north of E Main Street, a major transit corridors. |
| 25 | Community Form/Land Use Guideline 3: Compatibility | A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible). | ✓ | A specific user has not been identified for the site. |
| 26 | Community Form/Land Use Guideline 3: Compatibility | A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing. | ✓ | The proposals mass and scale is compatible with the site design of nearby housing. |
| 27 | 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 setbacks are generally being complied with within the proposal. The proposal is not substantially different in scale and density than the adjacent properties in the area. |
| 28 | 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 a compatible zoning district to the other zoning districts in the area. LBAs are not required between similar uses. |
| 29 | Community Form/Land Use Guideline 3: Compatibility | A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. | ✓ | The site complies with the infill standards and is compatible with the nearby properties. |
| 30 | 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 provided on the site however there is a pedestrian network that connects the site to Waterfront Park, which is a short walk away. |
| 31 | Community Form/Land Use Guideline 4: Open Space | A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District. | ✓ | Open space is not provided on the site however there is a pedestrian network that connects the site to Waterfront Park, which is a short walk away. |
| 32 | Community Form/Land Use Guideline 4: Open Space | A.5: The proposal integrates natural features into the pattern of development. | ✓ | There are no identifiable natural features on the site. Tree canopy requirements will be met. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|---|
| 33 | 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. | ✓ | LOJIC has not identified any streams, steep slopes or hydric soils on site. |
| 34 | 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 site is vacant with no historic value. |
| 35 | 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. | ✓ | LOJIC has not identified any hydric soils on site. |
| 36 | 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 roadway improvements are required with this development. |
| 37 | 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. | ✓ | Transportation facilities are existing and adequate, as this is a well-established urban neighborhood. |
| 38 | 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. | ✓ | Dedication of ROW will be provided. |
| 39 | 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. | ✓ | The existing streets are more than adequate and will be unaffected by this development. |
| 40 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance. | ✓ | The site is bounded by two local streets and will be accessed from N. Johnson Rd where an alley would traditionally have given access but the alley is proposed to be closed. |
| 41 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. | ✓ | The existing streets are more than adequate and will be unaffected by this development. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|---|---------------|---|
| 42 | 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 does not create any new areas for pedestrians, bicyclists or transit users because these facilities are existing with the exception of a new sidewalk along Johnson. The new sidewalk provides new movement for pedestrians. |
| 43 | Livability/Environment Guideline 10: Flooding and Stormwater | The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices. | ✓ | The proposal has received preliminary approval by MSD. |
| 44 | 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. | ✓ | This is within an urban area where no natural corridors currently exist. |
| 45 | Community Facilities Guideline 14: Infrastructure | A.2: The proposal is located in an area served by existing utilities or planned for utilities. | ✓ | Existing utility hookups will be used. |
| 46 | Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | ✓ | Louisville Water Company has adequate infrastructure in place for this site and has no issues with the proposal. |
| 47 | 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. Existing Binding Elements (to be removed)

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. The development shall not exceed 5,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The façade elevations shall be in accordance with applicable form district standards and shall be approved by the Butchertown ARC prior to construction permit approval.

5. **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 is requested:
 - a. The development plan must receive full construction approval from Construction Review, 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 and to dedicate additional ROW to N. Johnson Street. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. An alley closure approval for the unnamed alley 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 the Butchertown ARC prior to construction permit approval.