

Planning Commission

Staff Report

October 16, 2014



Case No:	14zone1031
Request:	Change in zoning from R-5 to R-7
Project Name:	Jacob School Senior Apartments
Location:	3670 and 3670 R Wheeler Avenue
Owner:	LEED Properties LLC
Applicant:	Bywater Development Group
Representative:	Mindel Scott and Assoc. & Wyatt Tarrant and Combs PLLC.
Jurisdiction:	Louisville Metro
Council District:	15-Marianne Butler
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Change in zoning from R-5 to R-7
- Waivers:
 1. Waiver from Chapter 5.4.1.D.1 to permit off street parking in the private yard area
 2. Waiver from 5.4.1.E.3 to permit parking outside the accessory structure area
- District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-5
Proposed Zoning District: R-7
Existing Form District: TN
Existing Use: Vacant School
Proposed Use: Senior Apartments
Minimum Parking Spaces Required: 34
Maximum Parking Spaces Allowed: 98
Parking Spaces Proposed: 57

The applicant proposes to rezone an entire city block from R-5 to R-7 to allow the conversion of the vacant Jacob School Building into 61 senior apartment units. Little if any new exterior construction is proposed and 53 off-street parking spaces will be provided for the residents. The site currently consists of 28 small parcels that will need to be consolidated as a result of rezoning approval. These 28 parcels total 3.48 acres in size and the building square footage is listed as 69,798 on the development plan. The 20' alley shown on the development plan must be officially closed (see 14streets1010).

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant School	R-5	TN
Proposed	Senior Apartments	R-7	TN
<i>Surrounding Properties</i>			
North	Single Family Residential	R-5	TN
South	Single Family Residential	R-5	TN
East	Single Family Residential	R-5	TN
West	Single Family Residential	R-5/OR-2	TN

PREVIOUS CASES ON SITE

None.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

North Iroquois Community Plan (1983) – The North Iroquois Community Plan of 1983 suggests if the school is ever closed that the building would be a prime candidate for an adaptive reuse project.

STANDARD OF REVIEW FOR REZONING

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

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

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District 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.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

Staff finds that the proposal does not preserve the pattern of the alleys that exists throughout the neighborhood but the existing alley was unimproved and provided access to a parking lot. The alley did not serve as an alley but as a driveway to the existing school. The lot pattern is not reflective of the pattern in the area but there has been an existing school on the site. The existing school disrupted the lot pattern when it was constructed. The proposal is for the renovation of an existing school building for an apartment use. The proposal is compatible with the scale and site design of the form district as the building is located to the street with parking behind the structure. Parking that will face the other existing roads will be screened. The proposal introduces a new density within an existing structure. The parking areas will be screened from the existing roadways but the site is otherwise not directly adjacent to the existing residential homes. The proposal does not include new construction for a structure and the use will be housed in a building that has been on the site for some time.

Staff also finds that the high density proposal is not located in the proximity to other public open space. The proposal is for high density that is not located along a transit corridor or near an activity center. The proposal is for housing for the elderly but is not located along a transit route or near shopping and other facilities.

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 are no significant natural features evident on the site with the exception of some existing street trees and two trees located at the front entrance of the site. These trees have the potential for preservation due to the lack of construction occurring in the area.

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

STAFF: Pedestrians are provided for with the existing sidewalks along the existing roadways. Off street parking is provided behind the building.

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

STAFF: Open space is provided on the site in front of the building and at the rear of the building between the parking lot and Craig Avenue. The open space can be used actively and passively.

- 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: MSD has preliminarily approved the proposal.

- 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 site design is consistent with the existing conditions with the parking being located behind the existing structure.

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

STAFF: With the exception of the waivers, the proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS 1 and 2

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

STAFF: The waiver will not adversely affect adjacent property owners because a 3' screen will be provided in the VUA LBA along the parking lot adjacent to Craig Avenue.

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

STAFF: The proposal meets the guidelines of the Comprehensive Plan as the screening of the parking lot will still be met.

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

STAFF: The waiver is the minimum necessary to afford relief to the applicant because the site is surrounded on all sides by public ROW. The re-use of the structure and parking requirements do not allow for the site to comply with the four areas of residential development.

- (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 to provide the 4 areas for residential design would deprive the applicant of reasonable use of the land because the site is surrounded on 4 sides by public ROW making the site not able to comply with the 4 areas. This is not a typical situation in the area but because of the existing structure and re-use of that structure the waiver was necessary.

TECHNICAL REVIEW

- All agency review comments have been addressed for the proposal.

STAFF CONCLUSIONS

Staff finds that the proposal does not preserve the pattern of the alleys that exists throughout the neighborhood but the existing alley was unimproved and provided access to a parking lot. The alley did not serve as an alley but as a driveway to the existing school. The lot pattern is not reflective of the pattern in the area but there has been an existing school on the site. The existing school disrupted the lot pattern when it was constructed. The proposal is for the renovation of an existing school building for an apartment use. The proposal is compatible with the scale and site design of the form district as the building is located to the street with parking behind the structure. Parking that will face the other existing roads will be screened. The proposal introduces a new density within an existing structure. The parking areas will be screened from the existing roadways but the site is otherwise not directly adjacent to the existing residential homes. The proposal does not include new construction for a structure and the use will be housed in a building that has been on the site for some time.

Staff also finds that the high density proposal is not located in the proximity to other public open space. The proposal is for high density that is not located along a transit corridor or near an activity center. The proposal is for housing for the elderly but is not located along a transit route or near shopping and other facilities.

The proposal generally meets the guidelines and policies of the Comprehensive Plan and requirements of the Land Development Code.

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
9/11/14	Hearing before LD&T on 9/25/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
10/1/14	Hearing before PC on 10/16/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
10/1/14	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 preserve the pattern of the alleys that exists throughout the neighborhood but the existing alley was unimproved and provided access to a parking lot. The alley did not serve as an alley but as a driveway to the existing school.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 lot pattern is not reflective of the pattern in the area but there has been an existing school on the site. The existing school disrupted the lot pattern when it was constructed.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 affect public open spaces. The high density proposal is not located in the proximity to other public open space.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	√	The proposal is for the renovation of an existing school building for an apartment use.
5	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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	The proposal is not for an activity center.

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6	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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.
7	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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 for the conversion of an existing building into apartments which indicates that the site is cost effective for infrastructure and is an efficient repurposing of an existing building.
8	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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 a residential use consistent with the adjacent existing residential uses.
9	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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 for a residential use within an existing non-residential structure that will be repurposed for the proposed use.
10	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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 the rehabilitation of an existing building for residential use only.
11	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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	The proposal is for residential.

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12	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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.	NA	The proposal is for residential.
13	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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	The proposal is not a large development.
14	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	√	The proposal takes up a block and will have two curb cuts. The proposal adds parking but no additional curb cuts.
15	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	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.	√	No new utility easements are proposed.
16	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	√	The proposed parking is located behind the building which follows the traditional pattern. The proposal is surrounded on all sides by public roads. The parking is located closest to the existing building and away from the roadways. Buffers are provided.
17	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	√	The proposal can be accessed by all forms of transportation. Transit is not available but sidewalks exist for pedestrians.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 is compatible with the scale and site design of the form district as the building is located to the street with parking behind the structure. Parking that will face the other existing roads will be screened.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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.)	NA	The building is existing.

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20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 introduces a new density within an existing structure. The parking areas will be screened from the existing roadways but the site is otherwise not directly adjacent to the existing residential homes. The proposal does not include new construction for a structure and the use will be housed in a building that has been on the site for some time.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 adverse issues with traffic on the existing roadways.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 is for one housing type within an existing building that is compatible with the form district pattern of site design.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 high density that is not located along a transit corridor or near an activity center.
25	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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).	-	The proposal is for housing for the elderly but is not located along a transit route or near shopping and other facilities.
26	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 proposal creates appropriate housing within an existing structure that is compatible with the form district site design.

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27	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 located on a site with public roads on all sides. The VUA LBAs will screen the sites parking from the residential located across the roadways.
28	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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.	√	Mitigation is not necessary because the site is located with public roads on all sides. Parking will be buffered from the residences across the roads.
29	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	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 LDC requirements for setbacks. No new construction is proposed that would affect the existing building height.
30	Livability Goals H3 and H5, all related objectives	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.	√	The proposal provides open space that meets the LDC requirements.
31	Livability Goals H3 and H5, all related objectives	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.	√	The open space provided maintains the sites existing open space in the area at the corner of Strader and Craig.
32	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The proposal indicates the preservation of existing trees which is the only identified resource on the site.
33	Livability Goals E1-E4, all related Objectives	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.	√	The proposal indicates the preservation of existing trees which is the only identified resource on the site.
34	Livability Goals E1-E4, G1, all related Objectives	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 is for the repurposing of a school into apartments. This is a potential National Register eligible site.

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35	Livability Goals E1-E4, all related Objectives	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.	√	Soils are not an issue with the proposal.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Roadway improvements are not required for this application.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 will be created with the proposal.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 is not requiring dedication of ROW.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No new roadways are proposed.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 development is through existing public roads.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 proposed.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal provides for all types of movement. The sidewalks are existing. Bicycles will use the existing roadways.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	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 preliminarily approved the proposal.
44	Livability, Goals F1 and F2, all related objectives	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.	√	The proposal is providing open space and is preserving trees as a means of habitat and migration.
45	Quality of Life Goal J1, Objectives J1.1-1.2	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.
46	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	An adequate water supply exists for the site.
47	Quality of Life Goal J1, Objectives J1.1-1.2	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. The development shall not exceed 69,798 square feet of gross floor area.
3. No 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 obtaining any permits. 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. An alley closure approval for the interior unnamed alley shall be approved prior to requesting a building permit.
 - e. 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.