

# Planning Commission

## Staff Report

February 5, 2015



<b>Case No:</b>	14zone1044
<b>Request:</b>	<b>Change in Zoning from OR-2 to CM</b>
<b>Project Name:</b>	<b>Life Safety Warehouse</b>
<b>Location:</b>	<b>701-713 Garland Avenue</b>
<b>Owner:</b>	<b>Dover Resources Inc.</b>
<b>Applicant:</b>	<b>Lichtefeld Development Trust</b>
<b>Representative:</b>	<b>Alex Rosenberg; Norman Graham</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>6-David James</b>
<b>Case Manager:</b>	<b>Julia Williams, AICP, Planner II</b>

### REQUEST

- Change in zoning from OR-2 to CM
- District Development plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: OR-2  
 Proposed Zoning District: CM  
 Existing Form District: TN  
 Existing Use: Vacant  
 Proposed Use: Warehouse  
 Minimum Parking Spaces Required: 12  
 Maximum Parking Spaces Allowed: 18  
 Parking Spaces Proposed: 17

The property is currently vacant. The proposal is for a warehouse structure to be located at the corner of Garland Avenue and S. 7<sup>th</sup> Street.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	OR-2	TN
<b>Proposed</b>	Warehouse	CM	TN
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Industrial	CM	TN
<b>South</b>	Multi-Family	R-7	TN
<b>East</b>	Industrial/Office	PD	DT
<b>West</b>	Industrial	CM	TN

## PREVIOUS CASES ON SITE

None Found.

## INTERESTED PARTY COMMENTS

I, Stephen Peterson, a resident of the Limerick neighborhood for some 5 years now, having read the staff report for today's hearing regarding the cases **14STREETS1024** & **14ZONE1044** do have the following opinions and statements.

In the staff reports prepared in advance of today's LD&T meeting, there are fields indicating that no, in fact "none," interested party comments had been received. As such I would like for this letter, and its attachments to be provided this very morning, to the committee members at the LD&T committee meeting for their review prior to any ruling on the aforementioned staff reports, and development party proposals.

I have voiced my opposition to the closing of this alleyway, to both the office of my elected Metro Council representative, as well as by way of telephone conversation with yourself, Ms. Williams, some 6 or 8 Wednesday's ago.

As a resident of the 900 block of S 6th St, a mere stones throw from this site, and an active member of the Limerick community as a whole -- I **strongly** oppose the closure of the north-south alleyway, spanning the distance between W Breckinridge Streets and Garland Avenue.

Further, this development proposal is precariously close to residential housing stock (r-7) College Court Condominiums, and residential (TNZD) housing too.

As it happens, the exact site requested for zoning adjustment was historically residential, please see attached PDF.

In fact the College Court Condominiums are one of but 8 such developments to have occurred in the entire Ohio Valley, by way of Federal housing monies made available during the housing "crisis" our nation experienced in the 1920s & 1930s. Louisville Mayor Neville Miller, petitioned for and received funding to construct College Court and LaSalle in the mid-1930s.

College Court was before its development, by some of the finest architect and landscape architects of its day, was the site of Eclipse Park baseball field (which is why Baseball Alley, adjacent to **Louisville Municipal War Memorial Auditorium**, 3 blocks east, gets its name. Eclipse Park is where Hall of Fame baseball player Honus Wagner made his major league debut, and Eclipse Park even saw the likes of Babe Ruth run its bases.

In the staff report the case for closing said alleyway is supported by the notion that the streets are one way (Breckenridge headed West, and S 7th and S 8th Streets South and Northbound respectively).

Indeed this is the case, TODAY; however, this is a shortsighted view.

In fact S 7th and S 8th Streets are slated to be made two-way streets, an effort that is oft used to improve residential neighborhoods no less.

As I recall, the Federal Section 106 Consulting Party Opt-in has already taken place for these street change endeavors.

Further it is noted that no utilities are in the area either, I urge you to see the attached MSD PDF which clearly shows a veritable "nest" of sanitary sewer lines surrounding this site. In fact these lines are part of MSDs Capital Project "*Central Relief Drain CSO In-line Storage, Green Infrastructure & Distributed Storage.*" A capital project already in its 'design' phase.

This closure also does not take into account the 7+ acre site just west of the College Court Condominiums that was acquired for the eventual placement of Spalding University's athletic facilities. No doubt, these facilities will necessitate, and obviate further traffic adjustments and entail the Limerick neighborhood being host a significant increase in motor vehicle, pedestrian, and bicycle traffic volume.

I would urge the good members of the LD&T to not grant closure of the north-south alleyway spanning the distance between W Breckinridge Street and Garland Avenue. There is no need, were any development proposal to be approved as offensive to the adjacent residential stock it may be, it could easily conduct operations without the alleyway being closed as it is proposed to have a curb cut entrance on S 7th Street.

One last thing, the professional engineer having prepared the site plan for the alley closure proposal, has apparently confused the north-south and east-west alleyways. Kindly look at the site plan title block and you will find this error in fact.

Respectfully  
Stephen Peterson  
Resident  
900 Block S 6th St  
Louisville, KY 40203

### **APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

### **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.

The proposal will not change the grid pattern of the existing roadways. The proposal does not introduce a mix of uses for a neighborhood center. The proposal is for an industrial use which would be consistent with the other CM zoning located along the block face. The proposal is not for residential where open space is required. Open spaces in the area will not be altered by the proposal. The proposal will be a part of an existing industrial activity center that has been created along the block. The proposal is for new construction. The proposal is not for retail but the CM zoning allows for retail uses. The proposal's location adjacent to other industrial and CM zoning results in an efficient land use pattern. The land use proposed is not for a mix of land uses but the zoning supports a mix of land uses between commercial and industrial.

Residential is not a component of the proposal. The proposal is not for a multi-story mixed use structure.

The proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan.

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 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: New trees will be planted in the ROW and LBA to add a natural resource to the vacant site.

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

STAFF: Pedestrians are provided for with sidewalks and vehicles will use the existing roadway.

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

STAFF: Open space is provided in the form of a LBA along 7<sup>th</sup> Street and with the addition of street trees along Garland Avenue.

- 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 proposal is compatible with the existing industrial development in the area and within the form district standards.

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

STAFF: The proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan.

### TECHNICAL REVIEW

- All agency comments have been addressed.

### STAFF CONCLUSIONS

The proposal will not change the grid pattern of the existing roadways. The proposal does not introduce a mix of uses for a neighborhood center. The proposal is for an industrial use which would be consistent with the other CM zoning located along the block face. The proposal is not for residential where open space is required. Open spaces in the area will not be altered by the proposal. The proposal will be a part of an existing industrial activity center that has been created along the block. The proposal is for new construction. The proposal is not for retail but the CM zoning allows for retail uses. The proposal's location adjacent to other industrial and CM zoning results in an efficient land use pattern. The land use proposed is not for a mix of land uses but the zoning supports a mix of land uses between commercial and industrial.

Residential is not a component of the proposal. The proposal is not for a multi-story mixed use structure.

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.

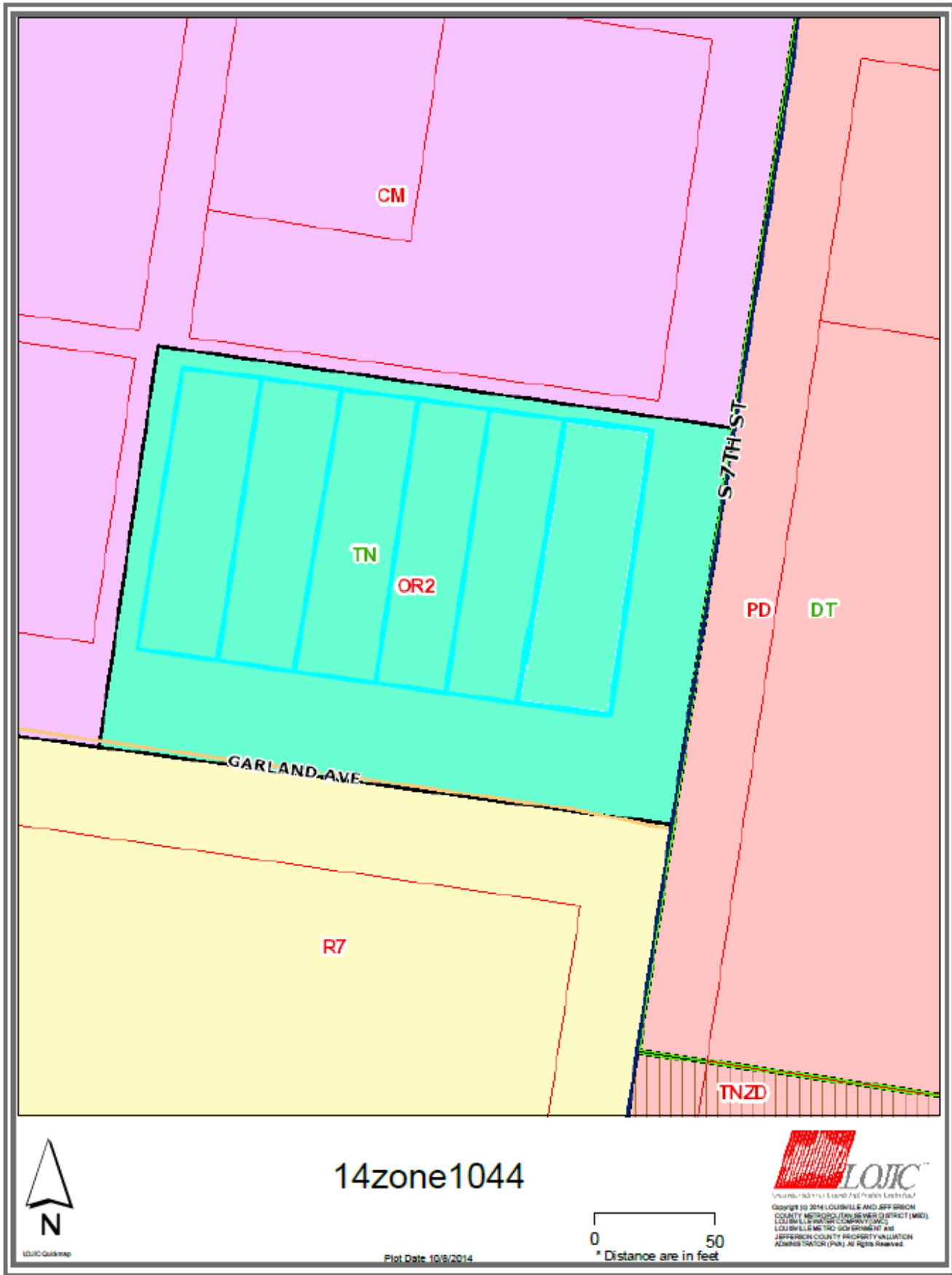
### NOTIFICATION

Date	Purpose of Notice	Recipients
12/24/14	Hearing before LD&T on 1/8/15	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 6 Notification of Development Proposals
1/21/15	Hearing before PC on 2/5/15	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 6 Notification of Development Proposals
1/21/15	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

#### 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 will not change the grid pattern of the existing roadways.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	✓	The proposal does not introduce a mix of uses for a neighborhood center. The proposal is for an industrial use which would be consistent with the other CM zoning located along the block face.
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 for residential where open space is required. Open spaces in the area will be not be altered by the proposal.
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.	NA	The proposal is for new construction.
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal will be a part of an existing industrial activity center that has been created along the block. The proposal is for new construction.
6	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The proposal is not for retail but the CM zoning allows for retail uses.
7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposals location adjacent to other industrial and CM zoning results in an efficient land use pattern.
8	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The land use proposed is not for a mix of land uses but the zoning supports a mix of land uses between commercial and industrial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	Residential is not a component of the proposal. The proposal is not for a multi-story mixed use structure.
10	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The proposal is not a large development but is located in an existing industrial activity center.
11	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The proposal will connect to the vacant site to the west.
12	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	The proposal will connect to the vacant site to the west. Utilities could be shared with other development in the area.
13	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Sidewalks surround the site along the public ROWs to support transit and pedestrians. Bicycles and other vehicles will use the roadway.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposed building materials are similar to the other industrial buildings in the area.
15	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal is not a non-residential expansion into a residential area.
16	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.
17	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 the proposal.
18	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will meet LDC requirements.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is for higher intensity commercial and industrial zoning that is not directly located along a transit corridor but is located in an existing industrial activity center created between the block of W. Breckinridge, Garland, S. 7th and S. 8th Streets.
20	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The building facades along Garland and S. 7th Street are compatible with the adjacent residential and street corner at 7 <sup>th</sup> as street trees are going to be provided along Garland and windows and a door is provided along 7 <sup>th</sup> .
21	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is not incompatible with the adjacent developments. There are not buffers required between the existing CM zoned sites.
22	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposed building mass and location is compatible with adjacent industrial development.
23	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking and loading is located to the side of structure where it will not affect adjacent lower intensity properties.
24	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Parking will be screened and is located along the side of the building.
25	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed.
26	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will be attached to the building and will meet LDC requirements.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
27	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space is provided as the VUA LBA along 7 <sup>th</sup> and within the public sidewalk where street trees will be placed.
28	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	The proposal is not located in the NFD.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	No existing natural features are evident on the site.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	No existing natural features are evident on the site.
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The site has no historical value but is located in a historical area where the proposal will fit into the pattern of development within the traditional form.
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	Soils are not an issue with the site.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	✓	The expansion of CM zoning in this area completes the CM already existing in the block.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	✓	The proposal is located near the downtown form and is reinvestment in an existing industrial area.
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The proposed CM zoning is located in a CM area with other industrial uses.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposal is not for retail but the CM zoning allows for retail uses. The proposal is in an activity center along a major arterial.
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The proposed industrial is located along a major arterial.
38	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Roadway improvements are not required with the proposal.
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Mass transit and pedestrians are supported by the existing sidewalks.
40	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	No new roadways are being created.
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Additional ROW is not necessary with this proposal.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is provided.
43	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Cross access to the site to the west is being provided.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	No new roadways are being created.
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the development is by major arterial.
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	No new roadways are being created.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Sidewalks within the ROW are provided.
48	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has no issues with the proposal.
49	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	NA	There are not natural corridors evident in this area.
50	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The site will be served by existing utilities.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	An adequate water supply exists for this site.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Water is available to the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
53	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The 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 11,970 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - c. An alley closure approval for the alleys between 7<sup>th</sup> and 8<sup>th</sup> Streets and Garland Ave. and Breckinridge Street shall be approved prior to obtaining a building permit.
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.