

Planning Commission

Staff Report

March 5th, 2015



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|--------------------------|---|
| Case No: | 14ZONE1050 |
| Request: | Change in zoning from C-3 to EZ-1 |
| Project Name: | Old Forester |
| Location: | 117-119 West Main Street |
| Owner: | Main Street Revitalization, LLC |
| Applicant: | Brown-Forman Corporation |
| Representative: | EHI Consultants; T. Bruce Simpson, Stoll Keenon Ogden PLLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 4- David Tandy |
| Case Manager: | Christopher Brown, Planner II |

REQUEST

- Change in zoning from C-3 to EZ-1
- Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-3
 Proposed Zoning District: EZ-1
 Existing Form District: DT
 Existing Use: Vacant Lot w/ Facades
 Proposed Use: Mixed Use Distillery
 Minimum Parking Spaces Required: 0
 Maximum Parking Spaces Allowed: 0
 Parking Spaces Proposed: 0
 Plan Certain Docket #: None

The proposal is for a change in zoning from C-3 to EZ-1 to permit two parcels along the historically significant Whiskey Row on West Main Street to be used as a mixed use distillery. There are four story facades existing along West Main Street that will be incorporated into the project. New construction is proposed on both lots. The new construction will be incorporated into the historic and architectural fabric of the existing block face along West Main Street.

LAND USE/ZONING DISTRICT/Form DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|--------------------------------|--------|---------------|
| Subject Property | | | |
| Existing | Vacant Lot w/ Facades | C-3 | DT |
| Proposed | Mixed Use Distillery | EZ-1 | DT |
| Surrounding Properties | | | |
| North | Office | C-3 | DT |
| South | Parking Lot | C-3 | DT |
| East | Vacant Warehouse | C-3 | DT |
| West | Vacant Warehouse Restaurant | C-3 | DT |

PREVIOUS CASES ON SITE

No previous cases on the site.

INTERESTED PARTY COMMENTS

None received.

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 Downtown Form District

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

The proposal to rezone the subject site from C-3, Commercial, to EZ-1, Enterprise Zone,, will allow the two current vacant lots with existing historic facades to be built as mixed use distilleries. The Downtown form district encourages a mixture of high density and intensity uses. The proposed mixed commercial and distillery structure utilizes the existing facades to connect the new construction with the existing historic Whiskey Row along West Main Street.

The applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 1, Community Form** since the proposal is for a mixed use zoning district that includes commercial and industrial uses in a similar pattern as development in the surrounding downtown. The proposal does not change the street pattern. On street parking is available along Washington Street to the rear of the buildings. The existing and future expansion of the sidewalks provides complete pedestrian connectivity with transit routes running along West Main Street.

The applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 3, Compatibility** with The existing building facades will be incorporated into the new construction. Zero lot line setbacks will be followed with the proposal similar to the existing buildings in the area. The building height proposed will be compatible to the existing structures in the area.

The proposal complies with the natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources** since the proposal is for the preservation of the existing facades and construction of new structures that will incorporate into the historic structures along West Main Street.

The proposal complies with the guidelines of the Comprehensive Plan under **Guideline 6, Economic Growth and Sustainability** since it is for the reinvestment and rehabilitation of an existing historic façade with new construction located in downtown. The proposal includes both commercial retail and industrial components within the mixed use structure in a population center.

The proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with full pedestrian connectivity, and access for bicycle and transit users to the site.

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.

TECHNICAL REVIEW

- Proposal requires review and approval by the Waterfront Development Review Overlay Committee.

STAFF CONCLUSIONS

The proposal is similar to the pattern of development in the downtown because the proposal is for a mixed use zoning district that includes commercial and industrial within the proposed distillery. The historic facades will be retained and incorporated into the new construction on the site. The proposal is part of an existing center in the downtown form along Whiskey Row. The development is compact within the row of existing historic structures along West Main Street. The proposal is part of an existing center and the incorporation of the existing facades encourages the sense of place that has already been created in the downtown form. The proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan. 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. Based upon the information

in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for granting a Detailed District Development Plan as established in the Land Development Code.

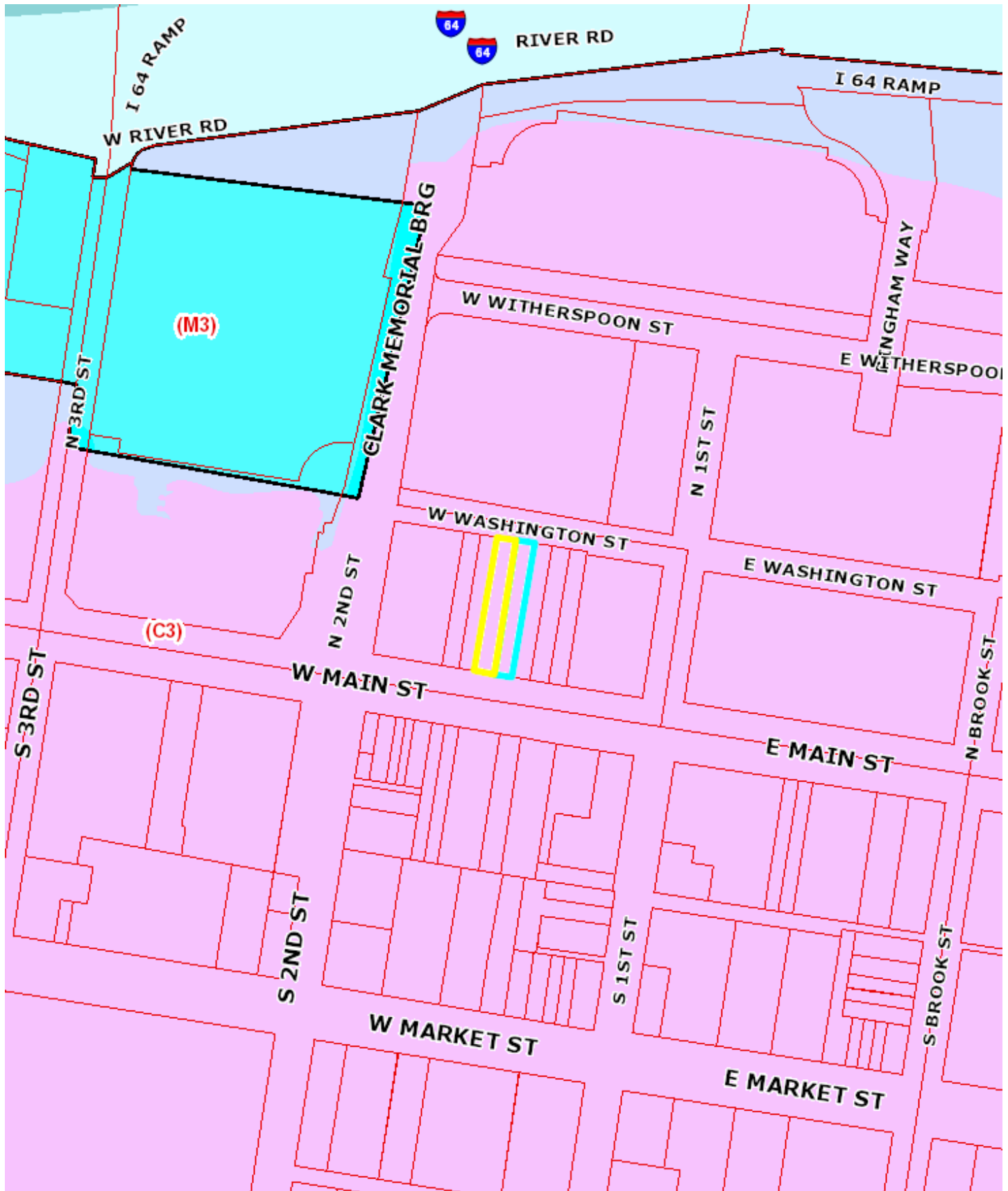
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|---------------------|---|
| 1/30/15 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 4 Notification of Development Proposals |
| 2/19/15 | Hearing before PC | 1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 4 Notification of Development Proposals |
| 2/19/15 | Hearing before PC | Sign Posting on property |
| 2/26/15 | Hearing before PC | Legal Advertisement in the Courier-Journal |

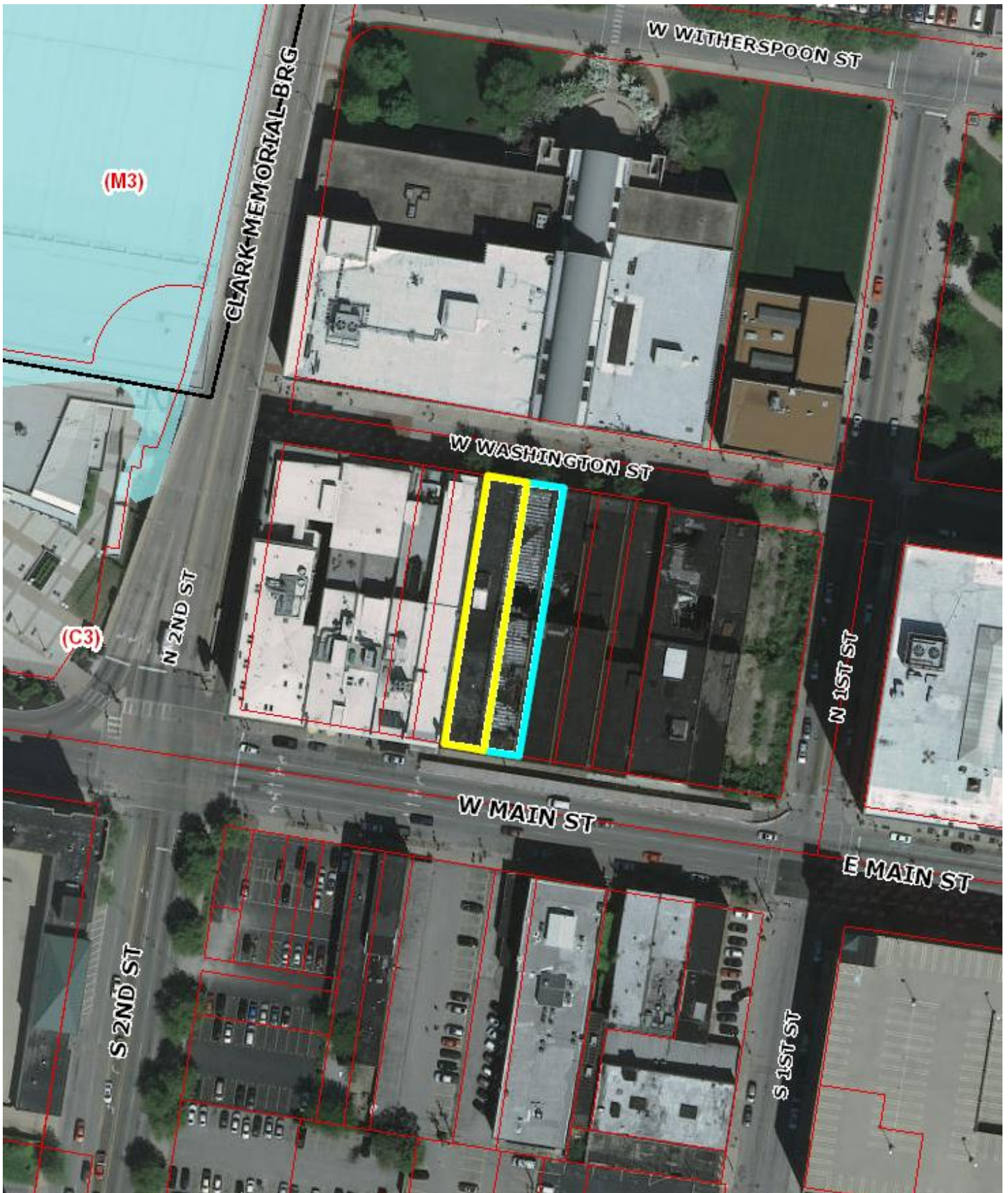
ATTACHMENTS

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 | Final Finding | Final Comments |
|---|--|---|---|---------------|--|
| 1 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 1: Community Form | B.1: The proposal is similar to the pattern of development in the Downtown, which includes predominately office, commercial, civic, medical, high-density residential and cultural land uses. | √ | The proposal is similar to the pattern of development in the downtown because the proposal is for a mixed use zoning district that includes commercial and industrial uses. |
| 2 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 1: Community Form | B.1: The proposal includes and respects the grid pattern of streets in the downtown area and includes provisions for on-street and long-term parking of vehicles and supports substantial non-vehicular transportation options. | √ | The proposal does not change the street pattern. On street parking is available along Washington Street to the rear of the buildings. The existing and future expansion of the sidewalks provides complete pedestrian connectivity with transit routes running along West Main Street. |
| 3 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 historic façade existing on the site will be retained and renovated as part of the new construction on the site. The new construction will be at a similar scale and design as the existing Whiskey Row buildings. |
| 4 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 2: Centers | A.1/7: The proposal, which will create a new center, is located in the Downtown Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use. | √ | The proposal is part of an existing center in the downtown form. The historic facade will be retained and new construction will incorporate a mix of commercial and industrial uses on the site. |
| 5 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 retail is located in the downtown which is a regional center for Louisville. The city has enough population to support downtown retail. |
| 6 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 development is compact as everything is enclosed inside the existing historic structure. |
| 7 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 proposal is part of an existing center. The commercial and industrial components incorporated as part of the new construction and the preservation of the existing facade encourages the sense of place that has already been created in the downtown form and along this corridor of West Main Street known as Whiskey Row. |
| 8 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 2: Centers | A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings. | √ | The proposal incorporates a mix of various commercial functions such as retail and restaurant with the proposed industrial distillery into the multi-story structure. |

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| 9 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 incorporates a historic façade into the project. The proposal is for a multi-use building within a multi-use zone. It is designed to be compact. |
| 10 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 2: Centers | A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns. | √ | Parking is available on street along Washington Street. Transit is available along West Main and surrounding streets on South First and Second. Existing sidewalks are available along both street frontages along West Main and Washington. |
| 11 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 2: Centers | A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements. | √ | Utilities are existing and located underground. |
| 12 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 2: Centers | A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. | √ | The proposal is easily accessed by all forms of transportation. |
| 13 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. | √ | The existing building facades will be incorporated into the new construction. |
| 14 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 an existing residential area. |
| 15 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 3: Compatibility | A.5: The proposal mitigates any potential odor or emissions associated with the development. | √ | Air pollution control has preliminarily approved the proposal. |
| 16 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | √ | Traffic will not be adversely impacted by the proposed zoning. |
| 17 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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. |

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| 18 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 a higher intensity zoning and is located along both a circulator transit route and within an activity center. |
| 19 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 adjacent uses are similar in intensity to the proposed use. |
| 20 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 3: Compatibility | A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. | √ | The proposal is not located in an area where the adjacent developments are incompatible. |
| 21 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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. | √ | Zero lot line setbacks will be followed with the proposal similar to the existing buildings in the area. The building height proposed will be compatible to the existing structures in the area. |
| 22 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 is available on street within the area. The loading areas will be located along the frontage of both West Main and Washington. |
| 23 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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 is available on street within the area. No off street parking areas will be incorporated into the design. |
| 24 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | 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. |
| 25 | Form Districts Goals B1, B2, B3, B4, Objectives B1.1, B2.1-2.9, B3.1-3.2, B4.1-4.3 | Community Form/Land Use Guideline 3: Compatibility | A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings. | √ | Signage will meet the LDC and overlay requirements. |

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| 26 | 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. | NA | Open space is not provided nor is it required by the LDC. |
| 27 | 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 Neighborhood Form District. | NA | Open space is not provided nor is it required by the LDC. |
| 28 | 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. | √ | No natural features are evident on the site. |
| 29 | Livability Goals H3 and H5, 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. | √ | No natural features are evident on the site. |
| 30 | Livability Goals H3 and H5, 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 preservation of the existing facades and construction of new structures that will incorporate into the historic structures along West Main Street. |
| 31 | Livability Goals H3 and H5, 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 for the site. |
| 32 | Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3 | Marketplace Guideline 6: Economic Growth and Sustainability | A.2: Ensure adequate access between employment centers and population centers. | √ | Access to and from and around the site is existing and will not be changed. |
| 33 | People, Jobs and Housing Goal K4, Objective K4.1 | Marketplace Guideline 6: Economic Growth and Sustainability | A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern. | √ | The proposal is for the reinvestment and rehabilitation of an existing historic structure located in the downtown. |
| 34 | Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5 | 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 proposal includes an industrial component that is located in the interior of the building. |
| 35 | Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3 | 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 proposed retail is located in an existing activity center that is located near the intersection of a major and minor arterial with surrounding collector roads to the north. |

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| 36 | Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3 | Marketplace Guideline 6: Economic Growth and Sustainability | A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street. | √ | The proposal is located near the intersection of a major and minor arterial. |
| 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.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. | √ | The proposal will meet all roadway improvement requirements along both street frontages. |
| 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.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation. | √ | The proposal provides for all types of transportation. |
| 39 | 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. | √ | The proposal is not proposing any new roads or access points. |
| 40 | 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. | √ | The proposal meets all ROW requirements. |
| 41 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | Mobility/Transportation Guideline 7: Circulation | A.10: The proposal includes adequate parking spaces to support the use. | √ | There is on street parking located within the area along both surrounding street frontages. |
| 42 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | 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. | √ | No new access points are proposed for the new use. |
| 43 | 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. | √ | No new roadways are being created with the proposal. |

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| 44 | 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 along public roads with similar intensity uses around. |
| 45 | 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 being created with the proposal. |
| 46 | 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 transportation. |
| 47 | 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 no issues with the proposal. |
| 48 | Livability Goals C1, C2, C3, C4, all related Objectives | Livability/Environment Guideline 12: Air Quality | The proposal has been reviewed by APCD and found to not have a negative impact on air quality. | √ | APCD has no issues with the proposal. |
| 49 | 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. |
| 50 | 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 is available to the site. |
| 51 | Livability Goal B1, Objective B1.3 | 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. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - d. The appropriate overlay permit shall be obtained to allow the development as shown on the approved district development plan.
 - e. 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.
 - f. A 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.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.