

**Change in Zoning Pre-Application
Staff Report**
TBD



Case No:	17ZONE1051
Project Name:	Architype Gallery
Location:	1764 Frankfort Avenue
Owner(s):	1764 Frankfort, LLC - Brad Stengel
Applicant:	1764 Frankfort, LLC - Brad Stengel
Representative(s):	Middleton Reutlinger – Kenneth Handmaker
Project Area/Size:	0.1868 acres
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Joel P. Dock, Planner II

REQUEST

- **Change-in-Zoning** from C-1 to C-2, Commercial
- **Detailed District Development Plan**

CASE SUMMARY

The applicant requests a change-in-zoning from C-1 to C-2, commercial to allow for an existing art gallery to serve alcoholic beverages. The site is located at the intersection of Frankfort Avenue and Pope Street in the Clifton neighborhood. No exterior changes or expansion to the existing footprint are proposed at this time, with the exception of a small area along the sidewalk to serve beverages. The corridor contains an eclectic mixture of uses often found along similar commercial ribbons extending from the urban core.

STAFF FINDING

The proposed district incorporates into the existing pattern of development as it surrounded by similar intensities and uses that serve local residents and tourists. Additionally, no changes to the exterior are proposed at this time. The building is an original structure and incorporates into the historic context of the area and commercial corridor.

Technical review items should be addressed. With those items addressed a formal application should be submitted.

TECHNICAL REVIEW

- A detailed development plan meeting the minimum requirements for plan submittal should be submitted with the formal application, unless other arrangements have been made with the case manager and agency reviewers.
- A full listing of all uses on-site, total square footage, and square footage by use is needed to determine required parking and fully assess conformity to comprehensive plan
- At a minimum, a licensed surveyor will be required to provide a legal description and metes and bounds survey for the area to be rezoned. Many local surveying companies can also provide sufficient site plans.
- Bicycle parking recommended.

All agency comments will need to be addressed before the case proceeds to a public meeting. Sites rezoned after the middle of 1975 are subject to specific development provisions known as "Plan Certain." These regulations require the owner/developer to agree to a specific development plan and development conditions as part of the rezoning process, known as binding elements. This plan and binding elements will run with the property and may limit what can be developed on the property.

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 PROPOSED REZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Traditional Marketplace Corridor Form District

The Traditional Marketplace Corridor is a form found along a major roadway where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants, and services. These uses frequently have apartments or offices on the second story. Buildings generally have little or no setback, roughly uniform heights and a compatible building style. Buildings are oriented toward the street. Buildings typically have 2-4 stories. New development and redevelopment should respect the predominant rhythm, massing and spacing of existing buildings.

There should be a connected street and alley system. New development should maintain the grid pattern and typical block size. Parking is provided either on-street or in lots at the rear of buildings. New development should respect this pattern. Flexible and shared parking arrangements are encouraged. A street capable of permitting on-street parking is usually necessary. Wide sidewalks, street furniture and shade trees should make a pedestrian friendly environment that invites shoppers to make multiple shopping stops without moving their vehicle. The area should also be easily accessible by pedestrians, transit and bicycle users.

Attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of the scale and architectural style and building materials of any proposed new development with nearby existing development within the corridor.

On-street parking is restricted immediately abutting the subject site. Tenant parking is provided at the rear of the lot. The site is located along a transit corridor and commercial ribbon where uses support each other and the neighborhood, and the corridor is the destination. Sidewalks with shade trees and street furniture exist along the corridor. The applicant also proposes additional street furniture for customers.

There is sufficient population created by surrounding neighborhoods, commercial establishments, and traffic to support the use.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. 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.

All agency comments should be addressed to demonstrate compliance with the Guidelines and Policies of Cornerstone 2020. Any additional material needed to satisfy these guidelines shall also be submitted for review.

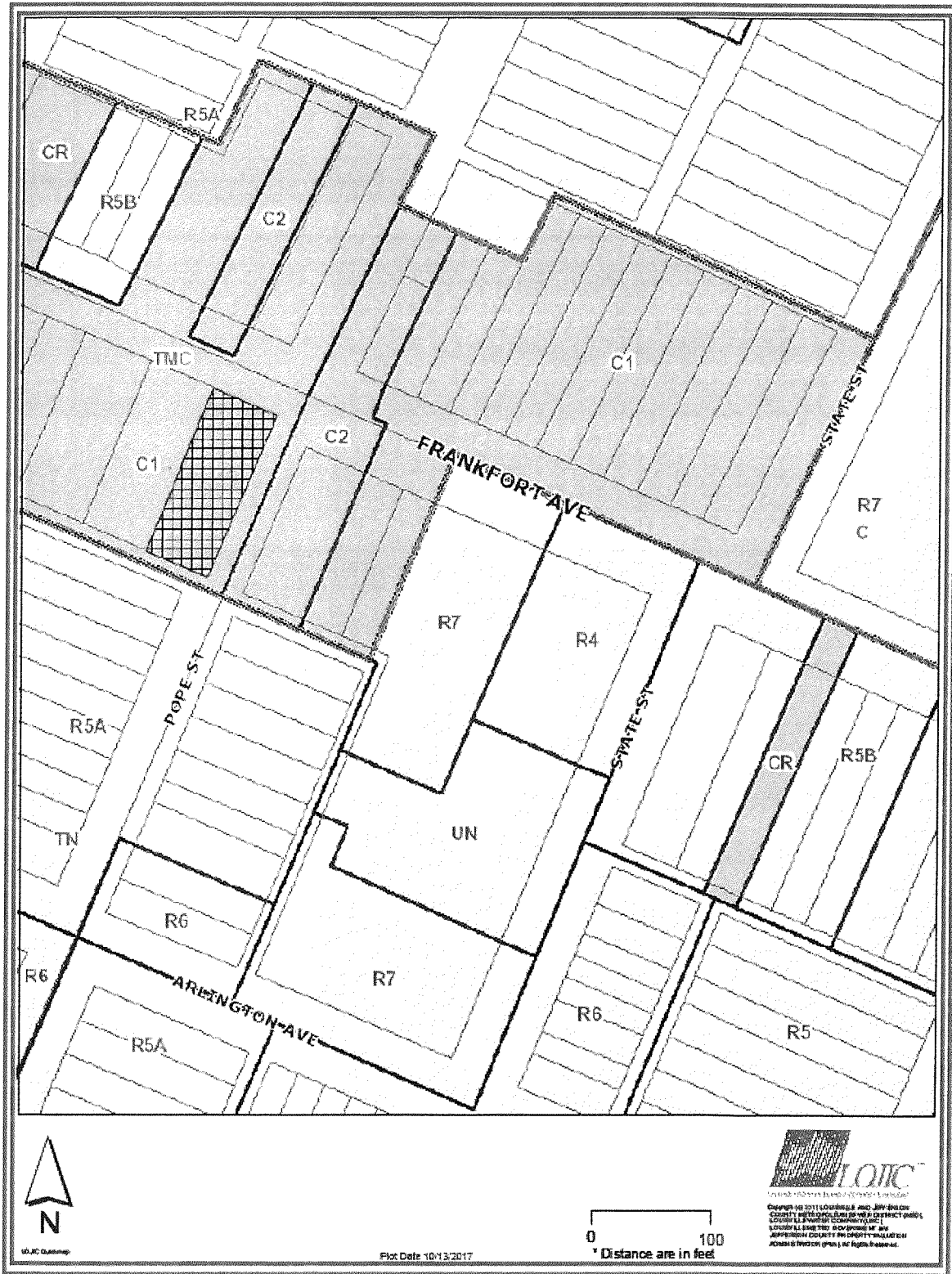
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Cornerstone 2020 Checklist

1. Zoning Map



2. Aerial Photograph



4. Cornerstone 2020 Staff Checklist

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

Traditional Marketplace Corridor: 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.7: The proposal incorporates itself into the pattern of development, which includes a mixture of low to medium intensity uses such as neighborhood-serving and specialty shops, restaurants and services. Often, these uses include apartments or offices on upper floors.	✓	The proposed district incorporates into the existing pattern of development as it surrounding by similar intensities and uses that serve local residents and tourists.
2	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	✓	No changes to the exterior are proposed at this time. The building is an original structure and incorporates into the historic context of the area.
3	Community Form/Land Use Guideline 1: Community Form	B.7: New development maintains the existing grid pattern of streets and alleys and typical block size.	NA	The proposal does not involve the creation of streets or parcel which affect the grid.
4	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees.	✓	On-street parking is restricted immediately abutting the subject site. Tenant parking is provided at the rear of the lot. The site is located along a transit corridor and commercial ribbon where uses support each other and the neighborhood, and the corridor is the destination. Sidewalks with shade trees and street furniture exist along the corridor. The applicant also proposes additional street furniture for customers.
5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor.	✓	No changes to the exterior are proposed at this time. The building is an original structure and incorporates into the historic context of the area.
6	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development.	✓	No changes to the exterior are proposed at this time. The building is an original structure and incorporates into the historic context of the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The site is located along an existing commercial corridor. No changes to the exterior are proposed at this time. The building is an original structure and incorporates into the historic context of the area.
8	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.	✓	There is sufficient population created by surrounding neighborhoods, commercial establishments, and traffic to support the use.
9	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.	✓	Similar to the majority of the surrounding uses and historic patterns the majority of the lot is utilized for non-residential purposes on the first floor specifically.
10	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.	+/-	A listing of all proposed uses is needed. It appears from the indicated tenant parking that there are dwellings on the 2 nd floor.
11	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.	+/-	A listing of all proposed uses is needed. It appears from the indicated tenant parking that there are dwellings on the 2 nd floor.
12	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.	✓	Proposal is for a single use at a small scale along a commercial corridor.
13	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.	✓	No exterior changes will be made. Pedestrian facilities exist. Parking will be provided in the neighborhood and throughout the corridor.
14	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 available as the site is existing and the area surrounding is fully developed.

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15	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.	✓	Tenant parking is provided at the rear of the lot. The site is located along a major transit corridor with sufficient pedestrian infrastructure to promote the movement of users. Vehicular parking is available on-street throughout the neighborhood.
16	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	No changes to the exterior are proposed at this time. The building is an original structure and incorporates into the historic context of the area.
17	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 site is located in an existing commercial area and is zoned C-1. The request will facilitate an incorporation of a new supportive use to those existing on-site in a manner compatible with the area.
18	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal will have no net change in odor or emission.
19	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Tenant parking is provided at the rear of the lot. The site is located along a major transit corridor with sufficient pedestrian infrastructure to promote the movement of users. Vehicular parking is available on-street throughout the neighborhood. The surrounding streets provide for appropriate movement of vehicle and bikes.
20	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.	✓	No changes to the exterior are proposed at this time.
21	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is located along a major transit corridor and commercial ribbon.
22	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 applicant should indicate whether outdoor areas at the rear will be provided. If they are too be provided they should be appropriately screened.

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23	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 applicant should indicate whether outdoor areas at the rear will be provided. If they are too be provided they should be appropriately screened.
24	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.	✓	Structure is existing and compatible with the area.
25	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.	+/-	No additional parking appears to be proposed. The applicant should indicate if any additional parking is to be provided on-site or an nearby lots.
26	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.	+/-	No additional parking appears to be proposed. The applicant should indicate if any additional parking is to be provided on-site or an nearby lots.
27	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	No parking garages are proposed.
28	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 should me Clifton neighborhood historic guidelines. No free standing signage is permitted.
29	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 or tree canopy is not required for the request
31	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features to be incorporated into the proposal

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32	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.	✓	There are no natural features to be incorporated into the proposal
33	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.	✓	No changes to the exterior are proposed at this time. The building is an original structure and incorporates into the historic context of the area. Interior space will be improved for users.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does not appear to contain any of these features
36	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.	NA	Not an industrial development
37	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 use is appropriately located for vehicular, pedestrian, and transit access
38	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.	NA	Not an industrial development
39	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	No roadway improvements would appear to be needed

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40	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.	+/-	Bike parking should be provided for customers, tenants, and residents.
41	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 roadway improvements would appear to be needed. Facilities are existing and support the use.
42	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.	✓	Right-of-way meets minimum standards and pedestrian facilities are existing directly abutting the site and within the area
43	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	+/-	A determination will be made upon further review of uses and scale of uses.
44	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.	NA	No improvements to the land for parking or roadway connections are practical. The site is located in a fully built-out urban neighborhood.
45	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 improvements to the land for parking or roadway connections are practical. The site is located in a fully built-out urban neighborhood.
46	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.	✓	Frankfort Avenue is an arterial level roadway providing primary access to the site.
47	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.	✓	Access to roadways is provided form existing points. No additional streets or access is being requested

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48	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.	+/-	Pedestrian facilities exist in the area and provide for the safe movement. Bike facilities should be provided on site to accommodate these users.
49	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 comments should be addressed to handle drainage from impervious parking and display areas.
50	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 concerns
51	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.	✓	Natural corridors are not impacted by this proposal due to existing conditions and surrounding corridor
52	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	It would appear based on existing infrastructure that utilities are available
53	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC has no concerns
54	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.	✓	It would appear based on existing infrastructure that sewers are adequate to serve the development