

# Planning Commission

## Staff Report

February 6, 2014



<b>Case No:</b>	17611
<b>Project Name:</b>	Baxter Tracts
<b>Location:</b>	611-617 Baxter Ave.
<b>Owner(s):</b>	Glenmary Investment Group, LLC
<b>Applicant:</b>	Same as owner
<b>Representative(s):</b>	Deborah Bilitski Miller/Wihry
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Joseph Reverman, AICP, Planning Supervisor

### REQUEST

- Change in zoning from R-6, Multi-Family Residential, to C-1, Commercial, of 4 properties known as 611, 613, 615 and 617 Baxter Ave, containing 0.389 acres
- Detailed District Development plan
  - Variance of table 5.2.2 of the Land Development Code (LDC) to reduce the 5 ft rear yard setback along Bishop to St to 3 ft.
  - Landscape Waiver of section 10.2.10 of the Land Development Code (LDC) to reduce the 5 ft Vehicular Use Area (VUA) Landscape Buffer Area (LBA) along Bishop St to 3 ft.
  - Landscape Waiver of section 10.2.4 of the Land Development Code (LDC) to reduce the 15 ft Landscape Buffer Area (LBA) along the northwest property line to 0 ft; the 8 ft screen would still be provided.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-6, Multi-Family Residential

Proposed Zoning District: C-1, Commercial

Form District: TN, Traditional Neighborhood

Existing Use: Retail Commercial, Office

Proposed Use: Retail Commercial, Office, Residential

The proposal is to rezone four lots, each with an existing building from R-6 to C-1.

611 Baxter Ave.

- Existing 2 ½ -story building; 1,870 sf; Proposed residential use

613 Baxter Ave.

- Existing building to be demolished
- Proposed 3-story; 3,111 sf
  - 1st floor – Office/Retail (1,037)
  - 2<sup>nd</sup> and 3<sup>rd</sup> floors – 1 dwelling unit each

615 Baxter Ave.

- Existing 1,790 sf building; Proposed office and retail
- 263 sf first floor area to be removed, 585 sf second floor addition proposed

617 Baxter Ave.

- Existing 1,888 sf, 2-story building; Proposed office use

**Parking Calculations (total site)**

Minimum required:

Retail (2,093 sf), 1 space / 500 sf = 4

Office (4,264 sf), 1 space / 500 sf = 9

Residential (3 d/u's), 1.5 spaces per d/u = 5

Total minimum required = 18

Minus 20% reduction = 14

(10% transit route reduction + 10% mixed use reduction)

Maximum allowed:

Retail (2,093 sf), 1 space / 150 sf = 14

Office (4,264 sf), 1 space / 200 sf = 21

Residential (3 d/u's), 2.5 spaces per d/u = 8

Total minimum required = 43

Proposed Parking:

On site = 17

On street = 5

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Retail and Office	R-6	TN
<b>Proposed</b>	Retail and Office	C-1	TN
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-6	TN
<b>South</b>	Commercial	C-1	TN
<b>East</b>	Residential	R-6	TN
<b>West</b>	Commercial	C-1	TN

**PREVIOUS CASES ON SITE**

No previous cases were found on the subject site.

**INTERESTED PARTY COMMENTS**

A representative from the Irish Hill Neighborhood Association was present at the January 9, 2014 Land Development & Transportation Committee meeting and spoke with concerns of retention of stormwater, heavy truck parking on the site, equipment storage, and requested the opportunity to work with the owner of the property with landscaping materials.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

The site is located in the Irish Hill Neighborhood

- **Irish Hill Neighborhood Plan:** Adopted October 2002.
  - "...while generally supportive of neighborhood-compatible commercial activities along Baxter Avenue, the task force cautioned against the proliferation of non-conforming business uses in residentially-zoned cottages along Baxter, particularly in the 600 block."
  - The task force identified an issue with insufficient parking at peak business hours in commercial areas, such as Baxter Avenue.
  - GOALS and OBJECTIVES and STRATEGIES
    - GOAL: Increase the availability and convenience of residential parking, and reduce commercial parking and parking encroachments within residential areas.
    - GOAL: Increase neighborhood-serving commercial development within established commercial districts and nodes.
    - GOAL: Preserve the neighborhood's unique historical features, homes, architecture, and individual landmarks (e.g. "The Cave," Distillery Commons, Baxter Avenue Station, Valentine & Finzer Houses, Liebert House, public works and quarry).
  - TRANSPORTATION PLAN
    - GOAL: Make streets and sidewalks safer and more accessible to residents. Improve traffic safety within the neighborhood, and significantly reduce speeding on neighborhood streets. Enhance the neighborhood's stature as a convenient urban neighborhood by increasing the utility and accessibility of alternative transportation modes (e.g. bus, bicycle, light rail).
      - Improvements to existing sidewalks were identified as a need.

The Phoenix Hill Neighborhood is located on the west side of Baxter Ave.

- **Phoenix Hill Neighborhood Plan:** Adopted February 28, 2008.
  - The following recommendations were not adopted for the subject site, but are close enough that they should be considered with any relevant improvements made to the subject site or adjacent Baxter Ave right-of-way.
  - Mobility Recommendations:
    - **M19:** Implement streetscape improvements along Baxter Avenue to highlight its role as a neighborhood gateway corridor and view shed of the existing and future I-65 bridges over the Ohio River.
    - **M20:** Implement streetscape, lighting, and/or gateway features under the elevated railroad crossings at Broadway and Baxter Street to improve pedestrian safety.
    - **M22:** Develop and implement neighborhood gateway features along Broadway at I-65, Clay Street and Baxter Avenue.

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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

### The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multifamily dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

The subject site consists of four properties on the west side of Bardstown Rd, Between Payne St and Rogers St. The site is adjacent to C-1 zoned property to the south and R-6 properties to the north and east. The area is densely developed and there are many non-residential uses along Bardstown Rd to the north and south of the subject site.

The proposed rezoning from R-6, multi-family residential, to C-1, Commercial, complies with **Guideline 1, Community Form** and **Guideline 2, Centers**. The subject site is located on a corridor with existing commercial zoning districts and uses. The proposal would introduce a mix of neighborhood serving uses in an appropriate location. The proposal preserves the existing grid pattern of streets, alleys and sidewalks. The proposal preserves some existing buildings on the site. The proposed building will be compatible with the predominate design in the area.

The proposal complies with **Guideline 3, Compatibility**. The proposal constitutes a non-residential expansion into an existing residential area. Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater have been appropriately mitigated through the use of screening adjacent to residential uses, screening of the parking area adjacent to Bishop St, and sidewalks along Bishop St. The site is located in an urban neighborhood with an existing network of streets, alleys and sidewalks. There do not appear to be any adverse traffic impacts to the neighborhood. The proposal is for a higher density and intensity use and is located along a transit corridor and along a corridor with existing commercial zoning districts and uses.

The proposal complies with **Guideline 5, Natural Areas and Scenic and Historic Resources**. The site is located in the Highlands National Register District. The building proposed for demolition has since been damaged by fire and will be demolished. The other buildings are proposed to remain.

The proposal complies with **Guideline 7, Circulation** and **Guideline 8, Transportation Facility Design**. The proposal contributes is proportional share of the cost of improvements to the right-of-way. Metro Public Works and the Metropolitan Sewer District have approved the proposed development plan. The proposal preserves the existing grid pattern of streets, which provides for the appropriate movement of pedestrians, bicyclists and transit users through and around the development. The subject site is located on a major arterial corridor with existing commercial zoning districts and uses. Retail development at this location will not adversely affect adjacent areas.

The proposal appears to comply with all other Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a 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 DDDP

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

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

STAFF: There are no open space requirements with the current proposal. Future multi-family developments proposed on the subject site will be required to meet Land Development Code requirements.

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

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE of table  
5.2.2 of the Land Development Code (LDC) to reduce the 5 ft rear yard  
setback along Bishop to St to 3 ft.:**

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since safe vehicular and pedestrian access is being provided along Bishop St.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since the area is densely developed, since this area of the property is already used for parking, and since the parking area will be screened from the right-of-way.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since safe vehicular and pedestrian access is being provided along Bishop St.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulation since this area of the property is already used for parking, and since the parking area will be screened from the right-of-way.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances that do not generally apply to land in the general vicinity or the same zone since this area of the property is already used for parking, and since the parking area will be screened from the right-of-way.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since this area of the property is already used for parking, and since the parking area will be screened from the right-of-way.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of section 10.2.10 of the Land Development Code (LDC) to reduce the 5 ft Vehicular Use Area (VUA) Landscape Buffer Area (LBA) along Bishop St to 3 ft:**

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

STAFF: The waiver will not adversely affect adjacent property owners since safe vehicular and pedestrian access is being provided along Bishop St, and since the parking area will be screened from the right-of-way.

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

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The waiver will not violate specific guidelines of Cornerstone 2020 since the proposed curb cuts and landscape screening will improve the appearance of the existing parking lot on the site.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the landscape screening is being provided to screen the parking lot from Bishop St, and since there is an existing parking lot on the site, and since the proposed curb cuts and landscape screening will improve the appearance of the existing parking lot on the site.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant since the proposed curb cuts and landscape screening will improve the appearance of the existing parking lot on the site.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of section 10.2.4 of the Land Development Code (LDC) to reduce the 15 ft Landscape Buffer Area (LBA) along the northwest property line to 0 ft; the 8 ft screen would still be provided adjacent to the parking lot:**

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

STAFF: The waiver will not adversely affect adjacent property owners since the building on the site is existing and the site is located in a densely developed area, since this area of the property is already used for parking, and since the parking area will be screened from the adjacent property to the north.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since the proposed fence will minimize the potential impacts of the parking lot to the adjacent lot to the north.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the building on the site is existing and the site is located in a densely developed area, since this area of the property is already used for parking, and since the parking area will be screened from the adjacent property to the north.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant since the building on the site is existing and the site is located in a densely developed area, since this area of the property is already used for parking, and since the parking area will be screened from the adjacent property to the north.

## TECHNICAL REVIEW

The development plan has received preliminary approval from Metro Transportation Planning and the Metropolitan Sewer District.

The site is not located in the Bardstown Road/Baxter Avenue Corridor Review Overlay District, which is just to the north of the subject site.



**Property Perimeter Landscape Buffer Areas – Chapter 10.2.4 of the LDC**

- C-2 (Class 4) to R-6 (Class 2)

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
C.4	15 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	25 ft	1.5	
	35 ft	1	

<sup>1</sup> This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.

<sup>2</sup> The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A “2” multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

**VUA LBA along Bishop St.**

A 3 ft continuous screen is required between the VUA and Bishop St right-of-way. The screen can be met using shrubs, evergreen trees, berms, or fencing individually or in combination.

**STAFF CONCLUSIONS**

**Rezoning**

Staff analysis shows that proposed rezoning from R-6 to C-1 complies with the applicable guidelines and policies Cornerstone 2020.

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 Cornerstone 2020; 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.

**Variance**

Staff analysis shows that the proposed variance to reduce the 5 ft rear yard setback along Bishop to St to 3 ft. meets the standards for granting a variance established in Kentucky Revised Statutes and the Land Development Code.

**Landscape Waivers**

Staff analysis shows that the proposed landscape waiver to reduce the 5 ft Vehicular Use Area (VUA) Landscape Buffer Area (LBA) along Bishop St to 3 ft, and to reduce the 15 ft Landscape Buffer Area (LBA) along the northwest property line to 0 ft meets the standards for granting a waiver established in the Land Development Code.

**Development Plan**

Staff analysis shows that the proposed Detailed District Development Plan (DDDP) complies with the standards established in the Land Development Code.

## Required Actions

- **RECOMMEND** to the legislative council of Louisville Metro government that the change in zoning from R-6, Multi-Family Residential, to C-1, Commercial, on property described in the attached legal description, be **APPROVED** or **DENIED**.
- **GRANT** or **DENY** the **VARIANCE** of table 5.2.2 of the Land Development Code (LDC) to reduce the 5 ft rear yard setback along Bishop to St to 3 ft.
- **GRANT** or **DENY** the **LANDSCAPE WAIVER** of section 10.2.10 of the Land Development Code (LDC) to reduce the 5 ft Vehicular Use Area (VUA) Landscape Buffer Area (LBA) along Bishop St to 3 ft
- **GRANT** or **DENY** the **LANDSCAPE WAIVER** of section 10.2.4 of the Land Development Code (LDC) to reduce the 15 ft Landscape Buffer Area (LBA) along the northwest property line to 0 ft; the 8 ft screen would still be provided.
- **APPROVE** or **DENY** the **Detailed District Development Plan** and adopt the binding elements listed in the staff report and proposed by the applicant.

## NOTIFICATION

Date	Purpose of Notice	Recipients
12/19/13	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
1/22/14	Hearing before PC	1st and 2nd tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
1/22/14	Hearing before PC	Sign Posting on Property
1/24/14	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

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

Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal preserves the existing grid pattern of streets, alleys and sidewalks.
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 subject site is located on a corridor with existing commercial zoning districts and uses. The proposal would introduce a mix of neighborhood serving uses in an appropriate location.
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.	√	There is no existing public open space on the subject site. Proposed multi-family residential developments on the site will be required to provide open space in accordance with Land Development Code requirements.
Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	√	The proposal preserves some existing buildings on the site. The proposed building will be compatible with the predominate design in the area.
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 subject site is located on a corridor with existing commercial zoning districts and uses. The rezoning will encourage new developments and rehabilitation of buildings to provide commercial, office and/or residential uses.
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 for a commercial zoning district and the site is located in an area that has sufficient population to support it.
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 proposal preserves the existing streets, alleys and sidewalks which is a compact and efficient use of land.
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 subject site is located on a corridor with an existing mix of compatible land uses. The proposed zoning district will be compatible with existing land uses on the corridor and will support the use of alternative forms of transportation and encourage vitality and sense of place.
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 proposed commercial zoning district would allow residential, office and commercial uses in multi-story buildings.
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.	NA	Not a large development.

Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
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 preserves the existing pattern of streets, alleys and sidewalks. Proposed modifications to the parking lot will balance safety, pedestrian and aesthetic concerns. And sidewalks are proposed to be provided along Bishop St.
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 site is located in an area served by existing utilities.
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 in the public right-of-way promote transit and pedestrian use.
Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposal preserves some existing buildings on the site. The proposed building will be compatible with the predominate design in the area.
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 constitutes a non-residential expansion into an existing residential area. Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater have been appropriately mitigated through the use of screening adjacent to residential uses, screening of the parking area adjacent to Bishop St, and sidewalks along Bishop St.
Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The Air Pollution Control District has approved the preliminary development plan indicating the proposal mitigates any potential odor or emissions associated with the development.
Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The site is located in an urban neighborhood with an existing network of streets, alleys and sidewalks. There do not appear to be any adverse traffic impacts to the neighborhood.
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.	√	The proposal will be required to comply with lighting requirements of the Land Development Code.
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 a higher density and intensity use and is located along a transit corridor and along a corridor with existing commercial zoning districts and uses.
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.	√	Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater have been appropriately mitigated through the use of screening adjacent to residential uses, screening of the parking area adjacent to Bishop St, and sidewalks along Bishop St.

Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
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.	√	Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater have been appropriately mitigated through the use of screening adjacent to residential uses, screening of the parking area adjacent to Bishop St, and sidewalks along Bishop St.
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 proposal preserves the existing streets, alleys and sidewalks, which is compatible with surrounding areas.
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.	√	Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater have been appropriately mitigated through the use of screening adjacent to residential uses, screening of the parking area adjacent to Bishop St, and sidewalks along Bishop St.
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.	√	Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater have been appropriately mitigated through the use of screening adjacent to residential uses, screening of the parking area adjacent to Bishop St, and sidewalks along Bishop St.
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 proposed.
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 required to meet requirements of the Land Development Code and Metro Code of Ordinances.
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 requirements of the Land Development Code will be required for multi-family residential proposals on the site.
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.	√	Open space requirements of the Land Development Code will be required for multi-family residential proposals on the site.
Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There do not appear to be any natural features evident on the site.
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	There are no apparent natural features or environment constraints on the site.

Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	√	The site is located in the Highlands National Register District. The building proposed for demolition has since been damaged by fire and will be demolished. The other buildings are proposed to remain.
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 Metropolitan Sewer has approved the proposed development plan, indicating that the development avoids steep or unstable slopes or soils with the potential for severe erosion.
Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	√	The subject site is located on a corridor with existing commercial and residential land uses. The proposal preserves the existing pattern of streets, alleys and sidewalks which provides adequate access between employment centers and population centers.
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.	NA	The site is not located in the downtown form district.
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	The proposal is not for an industrial zoning district.
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 subject site is located on a major arterial corridor with existing commercial zoning districts and uses. Retail development at this location will not adversely affect adjacent areas.
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	The proposal is not for an industrial zoning district.
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 contributes is proportional share of the cost of improvements to the right-of-way. Metro Public Works and the Metropolitan Sewer District have approved the proposed development plan.
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 preserves the existing grid pattern of streets, which provides for the appropriate movement of pedestrians, bicyclists and transit users through and around the development.



Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
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 preserves the existing pattern of streets, alleys and sidewalks, which is compatible with and support access to surrounding land uses, and contributes to the appropriate development of adjacent lands.
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 contributes is proportional share of the cost of improvements to the right-of-way. Metro Public Works has approved the proposed development plan.
Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Development of the site will be required to meet minimum and maximum parking requirements of the Land Development Code.
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.	√	The proposal preserves the existing pattern of streets, alleys and sidewalks, which is compatible with and support access to surrounding land uses, and contributes to the appropriate development of adjacent lands.
Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	The proposal preserves the existing grid pattern of streets. Appropriate connections are made to support development of adjacent lands.
Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The subject site is located on a major arterial corridor with existing commercial zoning districts and uses. Retail development at this location will not adversely affect adjacent areas.
Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposal preserves the existing grid pattern of streets. Appropriate connections are made to support development of adjacent lands.
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 preserves the existing grid pattern of streets, which provides for the appropriate movement of pedestrians, bicyclists and transit users through and around the development.
Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	The Metropolitan Sewer District has approved the proposed development plan, indicating that the development will not have negative impacts to the floodplain, or have negative impacts to nearby properties.

Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	The Air Pollution Control District has approved the preliminary development plan indicating the proposal will not have a negative impact on air quality.
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.	√	There are no apparent natural corridors on the site providing habitat areas or migration routes.
Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.
Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal is located in an area that has an adequate supply of potable water and for fire-fighting purposes.
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 Metropolitan Sewer District has approved the preliminary development plan indicating the proposal provides for adequate means of sewage treatment and disposal to protect public health and water quality.

### 3. **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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. 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.
5. 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.

6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 6, 2014 Planning Commission meeting.

**Land Development & Transportation Committee**  
**Staff Report**  
January 9, 2014



<b>Case No:</b>	17611
<b>Project Name:</b>	Baxter Tracts
<b>Location:</b>	611-617 Baxter Ave.
<b>Owner(s):</b>	Glenmary Investment Group, LLC
<b>Applicant:</b>	Same as owner
<b>Representative(s):</b>	Deborah Bilitski Miller/Wihry
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Joseph Reverman, AICP, Planning Supervisor

**REQUEST**

- Change in zoning from R-6, Multi-Family Residential, to C-1, Commercial, of 4 properties known as 611, 613, 615 and 617 Baxter Ave, containing 0.389 acres
- Detailed District Development plan
  - Variance of table 5.2.2 of the Land Development Code (LDC) to reduce the 5 ft rear yard setback along Bishop to St to 3 ft.
  - Landscape Waiver of section 10.2.4 of the Land Development Code (LDC) to reduce the 15 ft Landscape Buffer Area (LBA) along the northwest property line to 0 ft; the 8 ft screen would still be provided.
  - Landscape Waiver of section 10.2.10 of the Land Development Code (LDC) to reduce the 5 ft Vehicular Use Area (VUA) Landscape Buffer Area (LBA) to 3 ft.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

Existing Zoning District: R-6, Multi-Family Residential  
Proposed Zoning District: C-1, Commercial  
Form District: TN, Traditional Neighborhood  
Existing Use: Retail Commercial, Office  
Proposed Use: Retail Commercial, Office

The proposal is to rezone four lots, each with an existing building from R-6 to C-1.

611 Baxter Ave.

- Existing 2 ½ -story building; 1,870 sf; Proposed residential use

613 Baxter Ave.

- Existing building to be demolished
- Proposed 3-story; 3,111 sf
  - 1st floor – Office/Retail (1,037)
  - 2<sup>nd</sup> and 3<sup>rd</sup> floors – 1 dwelling unit each

615 Baxter Ave.

- Existing 1,790 sf building; Proposed office and retail
- 263 sf first floor area to be removed, 585 sf second floor addition proposed

617 Baxter Ave.

- Existing 1,888 sf, 2-story building; Proposed office use

**Parking Calculations (total site)**

Minimum required:

Retail (2,093 sf), 1 space / 500 sf = 4

Office (4,264 sf), 1 space / 500 sf = 9

Residential (3 d/u's), 1.5 spaces per d/u = 5

Total minimum required = 18

Minus 20% reduction = 14

(10% transit route reduction + 10% mixed use reduction)

Maximum allowed:

Retail (2,093 sf), 1 space / 150 sf = 14

Office (4,264 sf), 1 space / 200 sf = 21

Residential (3 d/u's), 2.5 spaces per d/u = 8

Total minimum required = 43

Proposed Parking:

On site = 17

On street = 5

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Retail and Office	R-6	TN
<b>Proposed</b>	Retail and Office	C-1	TN
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Residential	R-6	TN
<b>South</b>	Commercial	C-1	TN
<b>East</b>	Residential	R-6	TN
<b>West</b>	Commercial	C-1	TN

**PREVIOUS CASES ON SITE**

No previous cases were found on the subject site.

**INTERESTED PARTY COMMENTS**

Staff has not received any comments from interested parties.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

The site is located in the Irish Hill Neighborhood

- **Irish Hill Neighborhood Plan:** Adopted October 2002.
  - "...while generally supportive of neighborhood-compatible commercial activities along Baxter Avenue, the task force cautioned against the proliferation of non-conforming business uses in residentially-zoned cottages along Baxter, particularly in the 600 block."
  - The task force identified an issue with insufficient parking at peak business hours in commercial areas, such as Baxter Avenue.
  - GOALS and OBJECTIVES and STRATEGIES
    - GOAL: Increase the availability and convenience of residential parking, and reduce commercial parking and parking encroachments within residential areas.
    - GOAL: Increase neighborhood-serving commercial development within established commercial districts and nodes.
    - GOAL: Preserve the neighborhood's unique historical features, homes, architecture, and individual landmarks (e.g. "The Cave," Distillery Commons, Baxter Avenue Station, Valentine & Finzer Houses, Liebert House, public works and quarry).
  - TRANSPORTATION PLAN
    - GOAL: Make streets and sidewalks safer and more accessible to residents. Improve traffic safety within the neighborhood, and significantly reduce speeding on neighborhood streets. Enhance the neighborhood's stature as a convenient urban neighborhood by increasing the utility and accessibility of alternative transportation modes (e.g. bus, bicycle, light rail).
      - Improvements to existing sidewalks were identified as a need.

The Phoenix Hill Neighborhood is located on the west side of Baxter Ave.

- **Phoenix Hill Neighborhood Plan:** Adopted February 28, 2008.
  - The following recommendations were not adopted for the subject site, but are close enough that they should be considered with any relevant improvements made to the subject site or adjacent Baxter Ave right-of-way.
  - Mobility Recommendations:
    - **M19:** Implement streetscape improvements along Baxter Avenue to highlight its role as a neighborhood gateway corridor and view shed of the existing and future I-65 bridges over the Ohio River.
    - **M20:** Implement streetscape, lighting, and/or gateway features under the elevated railroad crossings at Broadway and Baxter Street to improve pedestrian safety.
    - **M22:** Develop and implement neighborhood gateway features along Broadway at I-65, Clay Street and Baxter Avenue.

## TECHNICAL REVIEW

The development plan has received preliminary approval from Metro Transportation Planning and the Metropolitan Sewer District.

The site is not located in the Bardstown Road/Baxter Avenue Corridor Review Overlay District.

**Property Perimeter Landscape Buffer Areas – Chapter 10.2.4 of the LDC**

- C-2 (Class 4) to R-6 (Class 2)

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
C.4	15' ft	1.5	3 Large or Medium trees Plus 8 foot screen
	25 ft	1.5	
	35 ft	1	

<sup>1</sup> This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.

<sup>2</sup> The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A "2" multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

**VUA LBA along Bishop St.**

A 3 ft continuous screen is required between the VUA and Bishop St right-of-way. The screen can be met using shrubs, evergreen trees, berms, or fencing individually or in combination.

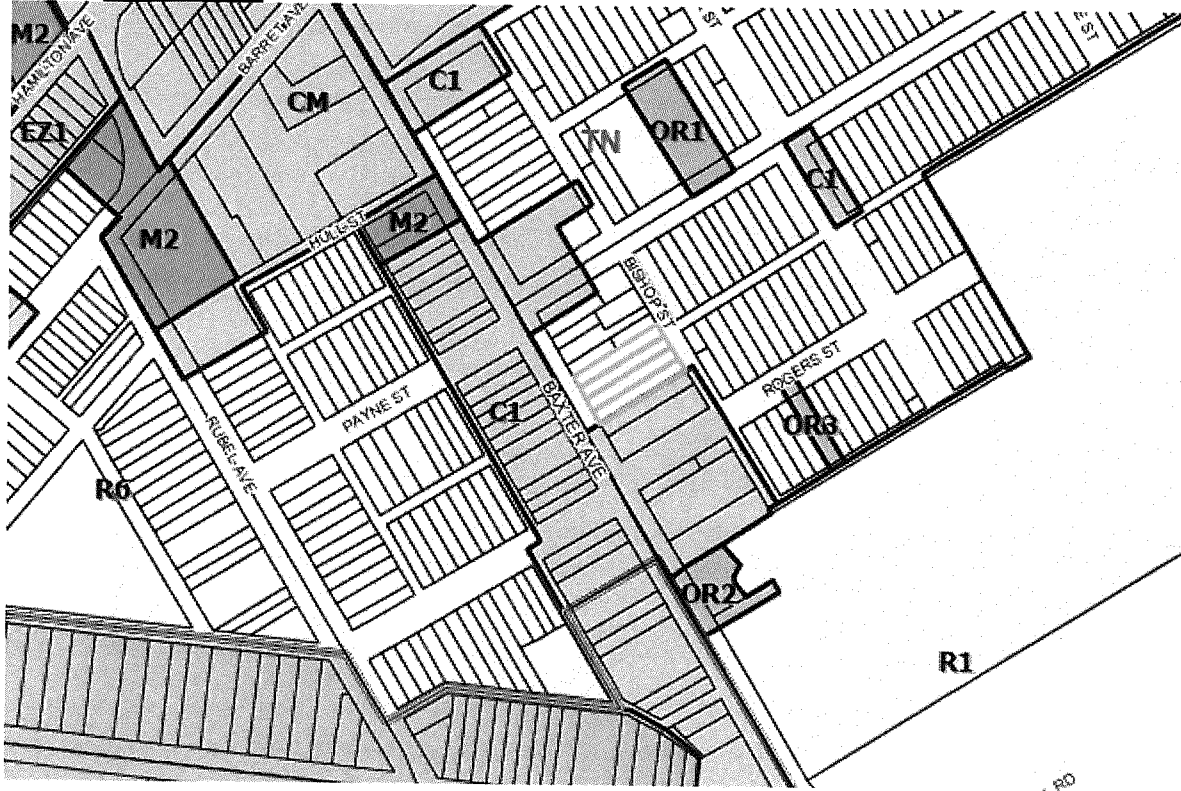
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12/19/13	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals

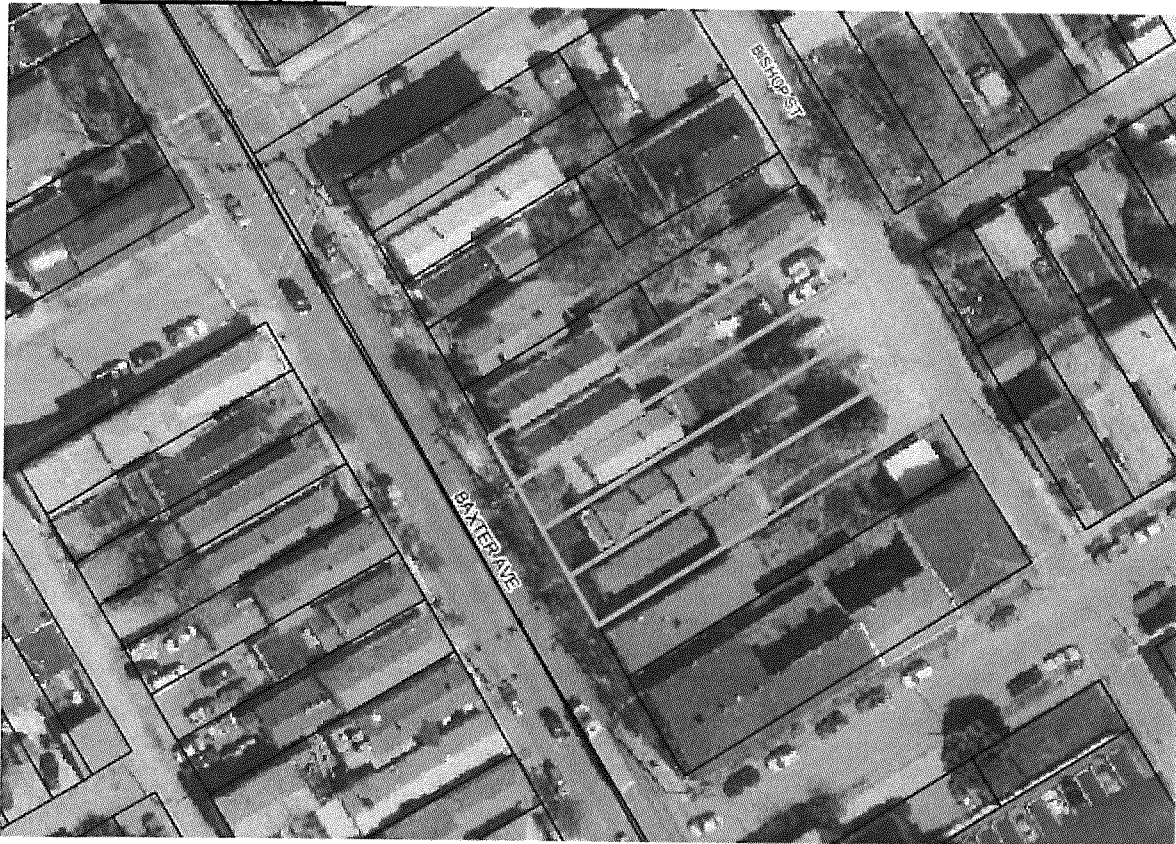
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. **Zoning Map**



2. **Aerial Photograph**





**3. 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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. 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.
5. 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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.

**Change in Zoning Pre-Application  
Staff Report**  
June 20, 2012



<b>Case No:</b>	17611
<b>Project Name:</b>	Baxter Tracts
<b>Location:</b>	611-617 Baxter Ave.
<b>Owner(s):</b>	Glenmary Investment Group, LLC Encino, LLC
<b>Applicant:</b>	Same as owner
<b>Representative(s):</b>	Meller/Wihry
<b>Project Area/Size:</b>	0.39 Acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Joseph Reverman, Planner II

**REQUEST**

- Change in zoning from R-6 to C-1
- Detailed District Development plan

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

Existing Zoning District: R-6, Multi-Family Residential  
 Proposed Zoning District: C-1, Commercial  
 Form District: TN, Traditional Neighborhood  
 Existing Use: Retail Commercial, Office  
 Proposed Use: Retail Commercial, Office  
 Minimum Parking Spaces Required: TBD  
 Maximum Parking Spaces Allowed: TBD  
 Parking Spaces Proposed: 17

The proposal is to rezone four lots, each with an existing building from R-6 to C-1.

The proposal would use the existing buildings on site for retail commercial and offices uses.

17 parking spaces are proposed at the rear of the lot, to be accessed from Bishop Street.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Retail and Office	R-6	TN
<b>Proposed</b>	Retail and Office	C-1	TN
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-6	TN
<b>South</b>	Commercial	C-1	TN
<b>East</b>	Residential	R-6	TN
<b>West</b>	Commercial	C-1	TN

## PREVIOUS CASES ON SITE

No previous cases were found on the subject site.

## INTERESTED PARTY COMMENTS

Reserved

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

The site is located in the Irish Hill Neighborhood

- Irish Hill Neighborhood Plan: Adopted October 2002.
  - "...while generally supportive of neighborhood-compatible commercial activities along Baxter Avenue, the task force cautioned against the proliferation of non-conforming business uses in residentially-zoned cottages along Baxter, particularly in the 600 block."
  - The task force identified an issue with insufficient parking at peak business hours in commercial areas, such as Baxter Avenue.
  - **GOALS and OBJECTIVES and STRATEGIES**
    - **GOAL:** Increase the availability and convenience of residential parking, and reduce commercial parking and parking encroachments within residential areas.
    - **GOAL:** Increase neighborhood-serving commercial development within established commercial districts and nodes.
    - **GOAL:** Preserve the neighborhood's unique historical features, homes, architecture, and individual landmarks (e.g. "The Cave," Distillery Commons, Baxter Avenue Station, Valentine & Finzer Houses, Liebert House, public works and quarry).
  - **TRANSPORTATION PLAN**
    - **GOAL:** Make streets and sidewalks safer and more accessible to residents. Improve traffic safety within the neighborhood, and significantly reduce speeding on neighborhood streets. Enhance the neighborhood's stature as a convenient urban neighborhood by increasing the utility and accessibility of alternative transportation modes (e.g. bus, bicycle, light rail).
      - Improvements to existing sidewalks were identified as a need.

The Phoenix Hill Neighborhood is located on the west side of Baxter Ave.

- Phoenix Hill Neighborhood Plan: Adopted February 28, 2008.
  - The following recommendations were not adopted for the subject site, but are close enough that they should be considered with any relevant improvements made to the subject site or adjacent Baxter Ave right-of-way.
  - **Mobility Recommendations:**
    - **M19:** Implement streetscape improvements along Baxter Avenue to highlight its role as a neighborhood gateway corridor and view shed of the existing and future I-65 bridges over the Ohio River.
    - **M20:** Implement streetscape, lighting, and/or gateway features under the elevated railroad crossings at Broadway and Baxter Street to improve pedestrian safety.
    - **M22:** Develop and implement neighborhood gateway features along Broadway at I-65, Clay Street and Baxter Avenue.

## STANDARD OF REVIEW FOR REZONINGS

Criteria for granting the proposed rezoning: KRS Chapter 100.213

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing 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 REZONINGS

### The intent of Guideline 1, Community Form is:

- To ensure that new development will be designed to be compatible with the scale, rhythm, form and function of existing development as well as with the pattern of uses.
- To ensure land use decisions that preserve and improve identified existing and emerging patterns of development.
- To use the patterns of development set forth below, identified as “community forms” as guides for land use decisions, and as the basis for community form districts, containing regulations to guide future developments.

### The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multifamily 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.

- **Staff Analysis**
  - The proposal preserves existing buildings. Building design for future buildings on site may need to be discussed.

### The intent of Guideline 2, Centers is:

- To promote efficient use of land and investment in existing infrastructure.
- To lower utility costs by reducing the need for extensions.
- To reduce commuting time and transportation-related air pollution.
- To provide an opportunity for a mixture of residential development that includes housing types and building styles that accommodates people of different ages and incomes and that are compatible with the existing development pattern of the Form District.
- To provide an opportunity for neighborhood centers and marketplaces that includes a diversity of goods and services and that are designed to be assets to the community.

- To encourage vitality and a sense of place in neighborhoods and the community
- To restrict individual or isolated commercial uses from developing along streets in non-commercial areas.
- To encourage commercial revitalization in redeveloping areas.
- **Staff Analysis**
  - The proposal preserves the existing pattern of streets, alleys and sidewalks. Parking areas should be approved by Metro Public Works.

**The intent of Guideline 3, Compatibility is:**

- To allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other.
- To prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors, or similar nuisances are violated or visual quality is significantly diminished (unless adequate abatement measures are provided).
- To preserve the character of existing neighborhoods.
- **Staff Analysis**
  - The proposal preserves existing buildings. Building design for future buildings on site may need to be discussed.
  - The proposal constitutes a non-residential expansion into an existing residential area. Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater need to be identified and appropriately mitigated.
  - The proposal will be required to meet Air Pollution Control District requirements for air pollution.
  - Metro Public Works comments will need to be addressed for mitigation of traffic impacts on nearby existing communities.
  - Appropriate transitions to adjacent residential properties and public rights-of-way should be provided. Setbacks, landscaping and fencing should be discussed with staff.

**The intent of Guideline 4, Open Space is:**

- To enhance the quality of life in Jefferson County through the provision of accessible and functional open space.
- **Staff Analysis**
  - Staff analysis indicates that the proposal complies with Guideline 4, Open Space.

**The intent of Guideline 5, Natural Areas Scenic and Historic Resources is:**

- To guide future public and private economic development, investment, and preservation within areas identified as an important resource by the community.
- **Staff Analysis**
  - See comments from staff of historic preservation regarding historic resources on the site.
  - Metropolitan Sewer District comments will need to be addressed regarding development on wet or highly permeable soils.

**The intent of Guideline 6, Economic Growth and Sustainability is:**

- To ensure the availability of necessary usable land to facilitate commercial, industrial and residential development.
- To reduce public and private costs for land development.
- To reduce the time involved in the review of land development proposals.
- To ensure an adequate level of staffing for the efficient and expeditious review of development proposals.

- To ensure that regional scale workplaces and industrial land uses have access to people, goods, services and appropriate locations needed for them to conduct business.
- **Staff Analysis**
  - Staff analysis indicates that the proposal complies with Guideline 6, Economic Growth and Sustainability.

**The intent of Guideline 7, Circulation is:**

- To provide for safe and proper functioning of the street network with a coordinated hierarchy of arterial, collector and local roads.
- To ensure that new developments do not exceed the carrying capacity of streets.
- To ensure that internal and external circulation of all new development provides safe and efficient travel movement by all types of transportation.
- To provide improved public transportation facilities.
- To address congestion and air quality issues.
- To ensure that transportation facilities are compatible with form district goals and objectives.
- **Staff Analysis**
  - Metro Public Works, MSD and TARC comments will need to be addressed for contributions towards improvements in the right-of-way.
  - Metro Public Works and KYTC comments will need to be addressed dedication of rights-of-way.

**The intent of Guideline 8, Transportation Facility Design is:**

- To provide for the safe and convenient accommodation of the special mobility requirements of the County's elderly and physically challenged population.
- To protect and enhance public enjoyment of such facilities as scenic roadways, parkways streetscapes, and transit corridors.
- To provide an efficient, safe and attractive system of roadways, transit routes, sidewalks and other pathways for the timely movement of people and goods.
- **Staff Analysis**
  - Staff analysis indicates that the proposal complies with Guideline 8, Transportation Facility Design.

**The intent of Guideline 9, Bicycle, Pedestrian and Transit is:**

- To increase energy efficiency, as well as to promote improved air quality and recreational opportunities.
- To manage the demand for travel and improve the efficiency of the transportation system.
- To improve pedestrian access to public transportation routes from places of residence and employment
- To reduce major conflicts between vehicular, bicycle and pedestrian movements for improved safety.
- **Staff Analysis**
  - Staff analysis indicates that the proposal complies with Guideline 9, Bicycle, Pedestrian and Transit.

**The intent of Guideline 10, Flooding and Stormwater is:**

- To protect the conveyance zone and maintain the hydraulic capacity of natural drainage systems and ensure that drainage designs minimize damage to streams and property from flooding and stormwater runoff.
- **Staff Analysis**
  - MSD comments should be addressed for appropriate mitigation of negative impacts to the floodplain and to streams.

**The intent of Guideline 11, Water Quality is:**

- To prevent the degradation of water quality due to water pollution and erosion.
- **Staff Analysis**
  - Staff analysis indicates that the proposal complies with Guideline 11, Water Quality.

**The intent of Guideline 12, Air Quality is:**

- Support an efficient land use pattern that reduces trip distances between work, shopping, and home.
- Encourage development with densities and mixtures of land uses that encourage mass transit.
- Reduce the impacts of pollution caused by vehicular traffic and land uses.
- Reduce the health and nuisance impacts of particulates, to the extent possible, in the ambient air.
- **Staff Analysis**
  - Air Pollution Control District comments need to be addressed for potential negative impacts on air quality.

**The intent of Guideline 13, Landscape Character is:**

- To protect and link urban woodland fragments in conjunction with greenways planning, promote tree canopy as a resource, enhance visual quality and buffer incompatible land uses
- **Staff Analysis**
  - Staff analysis indicates that the proposal complies with Guideline 13, Landscape Character.

**The intent of Guideline 14, Infrastructure is:**

- To develop effective connections between land use patterns and supporting infrastructure such as transportation, sewer, water and stormwater management systems.
- To ensure that the carrying capacity of the land and infrastructure is not exceeded.
- To ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. When existing essential services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.
- **Staff Analysis**
  - MSD comments should be addressed for adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS**

- 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:

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

STAFF:

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

STAFF:

- 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:

- 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:

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF:

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES**

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

STAFF:

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF:

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF:

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF:

#### **ADDITIONAL CONSIDERATIONS:**

- 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF:

- 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF:

- 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF:



**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS**

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

STAFF:

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

STAFF:

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

STAFF:

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF:

**TECHNICAL REVIEW**

- See agency comments for development plan review comments.

**STAFF CONCLUSIONS**

Reserved

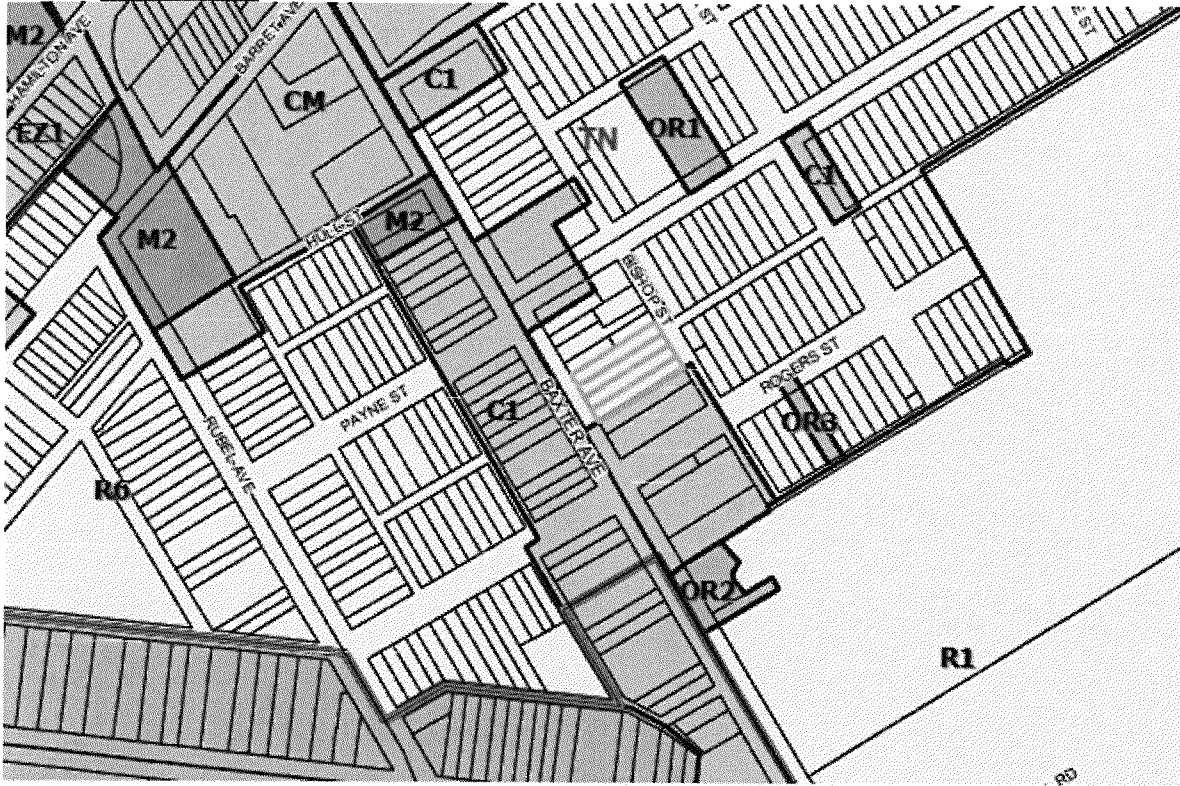
**NOTIFICATION**

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Inspection Report
5. Proposed Binding Elements/Conditions of Approval (for CUP)
6. Applicant's Justification Statement and Proposed Findings of Fact

1. **Zoning Map**



2. **Aerial Photograph**



### 3. Cornerstone 2020 Staff Checklist

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

Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal preserves the existing grid pattern of streets, alleys and sidewalks.
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 subject site is located on a corridor with existing commercial zoning districts and uses. The proposal would introduce a mix of neighborhood serving uses in an appropriate location.
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.	√	There is no existing public open spaces on the subject site. Proposed multi-family residential developments on the site will be required to provide open space in accordance with Land Development Code requirements.
Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	+/-	The proposal preserves existing buildings. Building design for future buildings on site may need to be discussed.
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 subject site is located on a corridor with existing commercial zoning districts and uses. The rezoning will encourage new developments and rehabilitation of buildings to provide commercial, office and/or residential uses.
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 for a commercial zoning district and the site is located in an area that has sufficient population to support it.
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 proposal preserves the existing streets, alleys and sidewalks which is a compact and efficient use of land.
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 subject site is located on a corridor with an existing mix of compatible land uses. The proposed zoning district will be compatible with existing land uses on the corridor and will support the use of alternative forms of transportation and encourage vitality and sense of place.
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 proposed commercial zoning district would allow residential, office and commercial uses in multi-story buildings.
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.	NA	Not a large development.

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 preserves the existing pattern of streets, alleys and sidewalks. Parking areas should be approved by Metro Public Works.
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 site is located in an area served by existing utilities.
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 in the public right-of-way promote transit and pedestrian use.
Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	The proposal preserves existing buildings. Building design for future buildings on site may need to be discussed.
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 constitutes a non-residential expansion into an existing residential area. Potential nuisances to nearby properties, including traffic, parking, signs, lighting, noise, odor and stormwater need to be identified and appropriately mitigated.
Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	The proposal will be required to meet Air Pollution Control District requirements for air pollution.
Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Metro Public Works comments will need to be addressed for mitigation of traffic impacts on nearby existing communities.
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.	√	The proposal will be required to comply with lighting requirements of the Land Development Code.
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 a higher density and intensity use and is located along a transit corridor and along a corridor with existing commercial zoning districts and uses.
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.	+/-	Appropriate transitions to adjacent residential properties and public rights-of-way should be provided. Setbacks, landscaping and fencing should be discussed with staff.
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.	+/-	Appropriate transitions to adjacent residential properties and public rights-of-way should be provided. Setbacks, landscaping and fencing should be discussed with staff.
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 proposal preserves the existing streets, alleys and sidewalks, which is compatible with surrounding areas.

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.	+/-	Appropriate transitions to adjacent residential properties and public rights-of-way should be provided. Setbacks, landscaping and fencing should be discussed with staff.
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.	+/-	Appropriate transitions to adjacent residential properties and public rights-of-way should be provided. Setbacks, landscaping and fencing should be discussed with staff.
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 proposed.
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 required to meet requirements of the Land Development Code and Metro Code of Ordinances.
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 requirements of the Land Development Code will be required for multi-family residential proposals on the site.
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.	√	Open space requirements of the Land Development Code will be required for multi-family residential proposals on the site.
Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There do not appear to be any natural features evident on the site.
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	There are no apparent natural features or environment constraints on the site.
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.	+/-	See comments from staff of historic preservation regarding historic resources on the site.
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.	+/-	Metropolitan Sewer District comments will need to be addressed regarding development on wet or highly permeable soils.
Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	√	The subject site is located on a corridor with existing commercial and residential land uses. The proposal preserves the existing pattern of streets, alleys and sidewalks which provides adequate access between employment centers and population centers.
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.	NA	The site is not located in the downtown form district.

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	The proposal is not for an industrial zoning district.
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 subject site is located on a major arterial corridor with existing commercial zoning districts and uses. Retail development at this location will not adversely affect adjacent areas.
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	The proposal is not for an industrial zoning district.
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.	+/-	Metro Public Works, MSD and TARC comments will need to be addressed for contributions towards improvements in the right-of-way.
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 preserves the existing grid pattern of streets, which provides for the appropriate movement of pedestrians, bicyclists and transit users through and around the development.
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 preserves the existing pattern of streets, alleys and sidewalks, which is compatible with and support access to surrounding land uses, and contributes to the appropriate development of adjacent lands.
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.	+/-	Metro Public Works and KYTC comments will need to be addressed dedication of rights-of-way.
Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Development of the site will be required to meet minimum and maximum parking requirements of the Land Development Code.
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.	√	The proposal preserves the existing pattern of streets, alleys and sidewalks, which is compatible with and support access to surrounding land uses, and contributes to the appropriate development of adjacent lands.
Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	The proposal preserves the existing grid pattern of streets. Appropriate connections are made to support development of adjacent lands.
Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The subject site is located on a major arterial corridor with existing commercial zoning districts and uses. Retail development at this location will not adversely affect adjacent areas.

Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposal preserves the existing grid pattern of streets. Appropriate connections are made to support development of adjacent lands.
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 preserves the existing grid pattern of streets, which provides for the appropriate movement of pedestrians, bicyclists and transit users through and around the development.
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 for appropriate mitigation of negative impacts to the floodplain and to streams.
Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	+/-	Air Pollution Control District comments need to be addressed for potential negative impacts on air quality.
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.	√	There are no apparent natural corridors on the site providing habitat areas or migration routes.
Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.
Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal is located in an area that has an adequate supply of potable water and for fire-fighting purposes.
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.	+/-	MSD comments should be addressed for adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**4. Site Inspection Report**

Reserved

**5. Proposed Binding Elements**

Reserved

**6. Applicant's Justification Statement and Proposed Findings of Fact**

Reserved