

# Palnning Commission

## Staff Report

January 4, 2018



<b>Case No:</b>	17ZONE1051
<b>Project Name:</b>	Architype Gallery
<b>Location:</b>	1764 Frankfort Avenue
<b>Owner(s):</b>	1764 Frankfort, LLC - Brad Stengel
<b>Applicant:</b>	1764 Frankfort, LLC - Brad Stengel
<b>Representative(s):</b>	1764 Frankfort, LLC - Brad Stengel
<b>Project Area/Size:</b>	0.19 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Joel P. Dock, Planner II

### REQUEST(S)

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

### CASE SUMMARY

The applicant requests a change-in-zoning from C-1 to C-2, Commercial to allow for an existing art gallery to become a champagne bar with gallery space. The subject property also contains a yoga studio, along with four residential dwelling units on the second floor. The site is located at the intersection of Frankfort Avenue and Pope Street in the Clifton neighborhood. No exterior changes or expansion to the existing footprint are proposed at this time, with the exception of a small area along the public sidewalk for outdoor seating. The corridor contains an eclectic mixture of uses often found along commercial ribbons extending from the urban core.

### STAFF FINDING

The proposed rezoning complies with the applicable guidelines and policies of Cornerstone 2020. The proposed zoning district incorporates into the pattern of development of the area as it surrounded by a mixture of compatible uses of similar intensity. With no changes to the exterior, the structure maintains consistency with the traditional form district and the detailed plan is adequately justified. Similar to many surrounding uses the first floor is utilized for non-residential purposes and the second floor is reserved for residential dwellings. Parking is adequately accounted for through a combination of on-site spaces for tenants and a joint parking agreement with a nearby business. The site is located along a major transit corridor that is readily accessible and easily traversed. Sufficient population is made available to support the change in use by surrounding neighborhoods and as generated by nearby commercial establishments.

### TECHNICAL REVIEW

- A Joint-use/off-site parking agreement has been drafted between the subject site and the property at 1752 Frankfort Avenue to secure the minimum parking requirements per Chapter 9 of the Land Development Code (proposed binding element 3.d).
- Right-of-way will be dedicated in consultation with transportation planning staff prior to construction plan approval to incorporate the majority of the public sidewalk into the rights-of-way of Pope Street and Frankfort Avenue (proposed binding element 3.c).

- Bike parking will be relocated prior to installation in consultation with transportation and planning staff
- MSD and Transportation Planning have provided preliminary approvals for the project.

## **STANDARD OF REVIEW FOR REZONING**

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

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

## **STAFF ANALYSIS FOR PROPOSED REZONING**

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

The site is located in the Traditional Marketplace Corridor Form District

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

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

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

Similar to surrounding uses and historic patterns, the majority of the lot is utilized for non-residential purposes. The second story contains four residential dwellings. The proposal includes buildings that have little or no setback, and are oriented to the street. No change to the exterior of the building is proposed at this time and the building contributes to the historic context of the area. 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 as the site contains residential dwelling along a transit corridor within close proximity to a mixture of consumer goods and services, as well as recreational opportunities. The requested change-in-zoning allows for an evolution in the current concept at the subject site to increase attractiveness along the corridor. Further, the area has sufficient population to support the use which is created by surrounding

neighborhoods and consumers of nearby commercial establishments, as well as local and non-local traffic along the corridor.

The use is appropriately and conveniently located for ease of vehicular, pedestrian, and transit access. The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees. On-street parking is restricted immediately abutting the subject site. Tenant parking is reserved at the rear of the lot. No additional parking facilities are proposed. Parking is being jointly used between the subject site and an adjacent property at 1752 Frankfort Avenue to meet the minimum needs for off-street parking. The site is located along a transit corridor and commercial ribbon where uses support each other and the neighborhood, and the corridor is the destination. Further, sidewalks with shade trees and street furniture exist along the corridor. The applicant also proposes an outdoor dining area along the sidewalk. Multiple TARC routes are available from the arterial level roadway, surrounding residential neighborhoods provided supportive population, and commercial establishments along the corridor generate consumers from near and beyond

### **STANDARD OF REVIEW FOR DETAILED DISTRICT DEVELOPMENT PLAN**

- 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 do not appear to be any significant natural features on site. No change to the exterior of the building is proposed at this time and the building contributes to the historic context of the area

- 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 have been provided as sidewalk are present along all public frontages, multiple TARC routes are readily accessible, and the site is located along an arterial level roadway.

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

STAFF: Open space is not required for this application, but the surrounding urban neighborhoods have ample space for recreation and outdoor engagement.

- 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 surrounding area as no changes to the exterior of the site are proposed, with the exception of an outdoor dining area.

- 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 as demonstrated in the *Cornerstone 2020 Staff Review Checklist* for the change in zoning request contained in *Attachment 3* of the staff report.

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from C-1, Commercial to C-2, Commercial on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVED or DENY** the **Detailed District Development Plan**

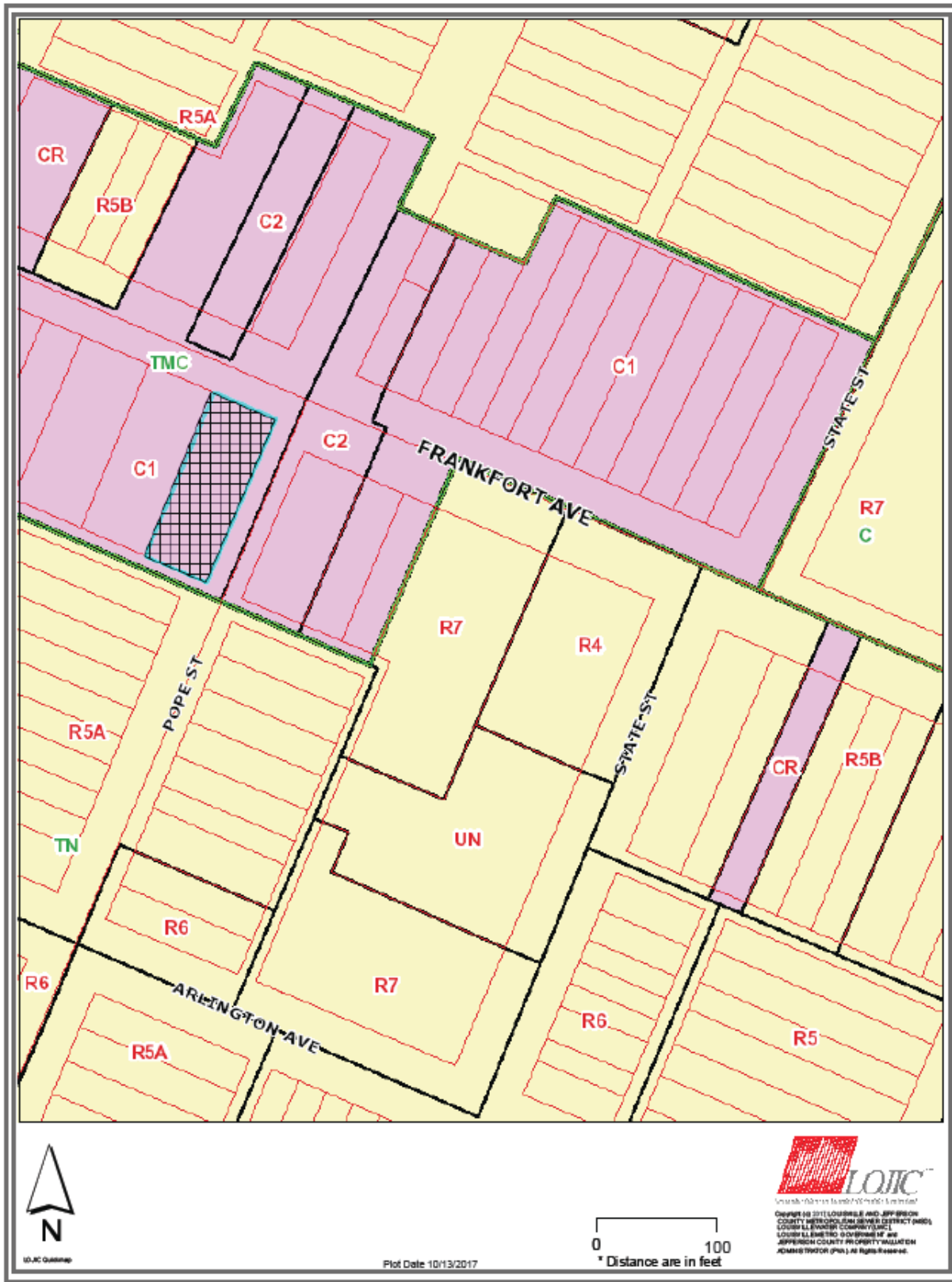
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12/18/17	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
12/19/17	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
12/21/17	Hearing before PC	Sign Posting on property
12/20/17	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

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

1. **Zoning Map**



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Traditional Marketplace Corridor: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal incorporates itself into the pattern of development, which includes a mixture of low to medium intensity uses such as neighborhood-serving and specialty shops, restaurants and services. Often, these uses include apartments or offices on upper floors.	✓	The proposed zoning district incorporates into the pattern of development as it surrounded by a mixture of uses of similar intensity
2	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	✓	The proposal includes buildings that have little or no setback, and are oriented to the street. No change to the exterior of the building is proposed at this time. The building contributes to the historic context of the area.
3	Community Form/Land Use Guideline 1: Community Form	B.7: New development maintains the existing grid pattern of streets and alleys and typical block size.	NA	The proposal does not involve the creation of streets or parcel which affect the grid.
4	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees.	✓	The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees On-street parking is restricted immediately abutting the subject site. Tenant parking is provided at the rear of the lot. The site is located along a transit corridor and commercial ribbon where uses support each other and the neighborhood, and the corridor is the destination. Further, sidewalks with shade trees and street furniture exist along the corridor. The applicant also proposes additional street furniture for customers.
5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor.	✓	The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor as no change to the exterior is proposed at this time.
6	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development.	✓	The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development as no change to the exterior is proposed at this time.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The subject site is located along an existing commercial corridor and contributes to the mixture of uses in the area.
8	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The area has sufficient population to support the use which is created by surrounding neighborhoods and consumers of nearby commercial establishments, as well as local and non-local traffic along the corridor.
9	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	Similar to the majority of the surrounding uses and historic patterns the majority of the lot is utilized for non-residential purposes on the first floor specifically.
10	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	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 as the site contains residential dwelling along a transit corridor within close proximity to a mixture of consumer goods and services, as well as recreational opportunities. The requested change-in-zoning allows for an evolution in the current concept at the subject site to increase attractiveness along the corridor.
11	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings as the second story contains four residential dwellings.
12	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The proposal is for a single use at a small scale along a commercial corridor at an intersection.
13	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	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 as parking facilities will be shared with a nearby law office at 1752 Frankfort Avenue to meet the minimum needs of parking for the subject site.
14	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities appear to be available as the site is currently in operation and the area surrounding is fully developed.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as tenant parking is provided at the rear of the lot and the site is located along a major transit corridor with sufficient pedestrian infrastructure to promote the movement of users. Further, vehicular parking is readily available on-street throughout the neighborhood.
16	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	There are no changes proposed to the exterior of the building, except an outdoor dining area along the front sidewalk. This is consistent with development in the area.
17	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal does not constitute a non-residential expansion into an existing residential area as the site is located in an existing commercial area and is zoned C-1. The requested change in zoning will facilitate the incorporation of a new supportive use in a manner compatible with the area.
18	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal will not appear to have any adverse impacts from odor or emissions in the area.
19	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Adverse impacts from traffic would not appear to be generated from the proposal as it is located along a major transportation corridor with sufficient pedestrian/vehicular/transit infrastructure supporting a wide array of users
20	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal would not appear to create any adverse impacts of its lighting on nearby properties, and on the night sky.
21	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is a slightly higher intensity than the current use and is located along a major transportation corridor and commercial ribbon.
22	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The use proposed will not substantially alter the existing character of the structure/subject site or necessitate greater transitions between adjacent users.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposed use is compatible with surrounding uses and does not create a conflict between itself and potential buffering between adjacent uses.
24	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as the structure exists and is compatible with the traditional form of the area.
25	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	No additional parking facilities are proposed. Parking is being jointly used between the subject site and an adjacent property at 1752 Frankfort Avenue to meet the minimum needs for off-street parking.
26	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	No screening or buffering is needed for existing parking facilities.
27	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.
28	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will meet Clifton Preservation District and form district guidelines, and no free standing signage is permitted.
29	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space or tree canopy is not required and the surrounding urban neighborhood has ample space for recreation.
31	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features to be incorporated into the proposal

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There are no environmentally sensitive features to be considered on-site.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as the current building is being utilized for modern services and goods.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The subject site does not contain wet or highly permeable soils, or contain any other environmentally sensitive features.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The subject site is not an industrial development
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The use is appropriately and conveniently located for ease of vehicular, pedestrian, and transit access.
38	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The subject site is not an industrial development
39	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The applicant will dedicate right-of-way as needed to place sidewalks in the public right-of-way.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
40	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as bike parking will provided in a convenient location, sidewalks are easily traversed, and TARC routes are available.
41	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as facilities exists and support the use.
42	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The applicant will dedicate right-of-way as needed to place sidewalks in the public right-of-way.
43	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use as parking is reserved on-site for residential tenants and parking facilities will be shared with a nearby user.
44	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	No improvements to the land for parking or roadway connections are needed. The site is located in a fully built-out urban neighborhood.
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No improvements to the land for parking or roadway connections are needed. The site is located in a fully built-out urban neighborhood.
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Frankfort Avenue is an arterial level roadway providing primary access to the site.
47	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as access to roadways is provided from existing points. No additional streets or access is requested.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	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 as the subject site abuts sidewalks on each public facing side, multiple TARC routes are available from the arterial level roadway, surrounding residential neighborhoods provided supportive population, and commercial establishments along the corridor generate consumers from near and beyond.
49	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has preliminarily approved the development plan with no site construction.
50	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality
51	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	Natural corridors are not impacted by this proposal due to existing conditions and surrounding corridor
52	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	It would appear based on existing infrastructure that utilities are available
53	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
54	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams

#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. Right-of-way dedication by deed or plat shall be recorded to incorporate the sidewalks along Frankfort Avenue and Pope Street. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services
  - d. A Joint-use/off-site parking agreement shall be recorded to secure the minimum parking requirements per Chapter 9 of the Land Development Code. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.