

# Planning Commission Staff Report

September 20, 2018



<b>Case No:</b>	18ZONE1038
<b>Project Name:</b>	1749 Frankfort Avenue
<b>Location:</b>	1749 Frankfort Avenue
<b>Owner:</b>	Land Barker & Emily King
<b>Applicant:</b>	Alexa Properties
<b>Representative:</b>	Dinsmore & Shohl, LLP – Clifford Ashburner
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Joel Dock, AICP, Planner II

## REQUEST

- **Change in zoning** from R-5B, Two-family Residential to C-1, Commercial
- **Waiver** of Land Development Code, section 10.2 to eliminate the required 15' LBA along the west property line
- **Detailed District Development Plan**

## CASE SUMMARY

The applicant has requested a change in zoning to C-1, Commercial to allow for an existing residential structure to be repurposed for non-residential activities. The subject site abuts commercial along its eastern boundary and residential abuts to the west. A mixture of similar and higher intensity commercial districts adjoin and make-up the immediate vicinity. Vehicular access to a small off-street parking area will be made possible through shared access from Frankfort Avenue with abutting users.

## STAFF FINDING

The proposed change in zoning is in conformance with the Comprehensive Plan. The proposal introduces an appropriately-located commercial zoning district within the existing boundaries of the Traditional Marketplace Corridor form district. The subject site is located along Frankfort Avenue, an arterial roadway having an established multi-modal network containing a wide variety of commercial, office, and residential uses.

The landscape waiver and detailed district development plan appear to be adequately justified based on the standard of review contained in staff's analysis.

## TECHNICAL REVIEW

- Preliminary approvals have been received from MSD and Transportation Planning staff

### 2000-2010 Clifton Neighborhood Plan

The subject site is located within the area of the 2000-2010 Clifton Neighborhood Plan. This plan is meant to serve as an update to the Clifton Neighborhood Plan adopted October, 1989. Land use and transportation goals applicable to the subject site are as follows:

- Retain the current mix of single and multiple family housing to assure a variety of affordable housing options that maintains the diversity of the neighborhood, and affordable residential and commercial building types. Retain current density at existing levels.
- Locate programs to assist in historic restoration of exterior facades, and nominate historic structures to the National Register.
- Enhance Frankfort Ave streetscape by replanting street trees with species that do not produce fruit/berries or require suckering, encouraging recycling, discouraging littering, vandalism and graffiti, preserving the street's historic character and resources consistent with the Clifton Historic District, incorporating public art, improving public landscaping projects, improving facades, removing billboards and chain link fences, and discouraging drive-through establishments.
- Improve sidewalks, curbs, intersections, cross walks and signaling to assure safety for all modes of transportation and to comply with ADA guidelines
- Inventory and map the neighborhood identifying areas where public or shared parking might be created or parking stalls marked, and construct or pave and improve unbuilt/unpaved alleys to relieve parking in residential areas. Require adequate parking for new developments.

Development on the subject site does not impact current density levels as the subject property is currently zoned R-5B and a C-1 commercial zoning district does not allow any more units on the subject property than the current zoning. The structure is subject to a design review under the Clifton Historic Preservation Guidelines for any exterior changes. Street trees are present along Frankfort Avenue and significant changes to the public realm are not proposed. Bike parking is provided on the subject site and shared access with an adjacent user is provided.

**STANDARD OF REVIEW FOR REZONING**

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

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

**STAFF ANALYSIS FOR REZONING**

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

The site is located in the Traditional 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.

The proposal introduces an appropriately-located commercial zoning district as Frankfort Avenue is an arterial roadway having an established multi-modal network containing a wide variety of commercial, office, and residential uses. A C-1 commercial zoning district is supported by the surrounding mixture and close proximity of similar and higher intensity districts. Additionally, the proposal does not constitute a non-residential expansion into an existing residential area as the subject site adjoins and is located in an area having similar or higher intensity commercial districts.

Exterior changes to the property are minimal and have a limited impact on abutting residential uses. Parking has been provided to meet the demand for general commercial or office tenants. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as changes to the subject site are minimal and are consistent with traditional neighborhood design standards. The proposal provides for shared access from Frankfort Avenue to serve multiple uses and continue to a rear alley.

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

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

STAFF: The waiver will not adversely affect adjacent property owners as conditions currently present have created the encroachments and a 6' wood fence is present in the area of off-street parking improvements.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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 encroachments are a result of existing conditions and minimal off-street parking facilities. No additional mitigation appears to be necessary as a 6' wood fence is present in the area of parking improvements.

- (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 as existing conditions and parking demand have created the need for a reduction in the LBA.

- (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 as existing conditions and parking demand have created the need for a reduction in the LBA.

## **STANDARD OF REVIEW AND STAFF ANALYSIS 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: The proposed development plan entails the revitalization of an existing structure which is an established component of the character in the area. The public realm is being preserved along Frankfort Avenue and the site does not appear to contain any natural features.

- 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 are provided as the subject property is served by an existing multi-modal network that is highly connected. Bike parking is provided on site as well.

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

STAFF: Open space is not a required component of the proposal. The public realm is being preserved.

- 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: Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided as existing conditions limit the ability to observe required landscape buffer area dimensions and minimal parking improvements appear to be mitigated by an existing 6' wood privacy fence.

- 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 is in conformance with the Comprehensive Plan as minimal changes to the property have been proposed and impact abutting residential uses is limited. Parking has been provided to meet the demand for general commercial or office tenants on site. Any future changes to the exterior or expansion to the building will require the review of a revised plan subject to Cornerstone 2020, as well as a review of the Clifton Historic Preservation Guidelines.

## REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from **Change in zoning** from R-5B, Two-family Residential to C-1, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Waiver** of Land Development Code, section 10.2 to eliminate the required 15' LBA along the west property line
- **APPROVE** or **DENY** the **Detailed District Development Plan**

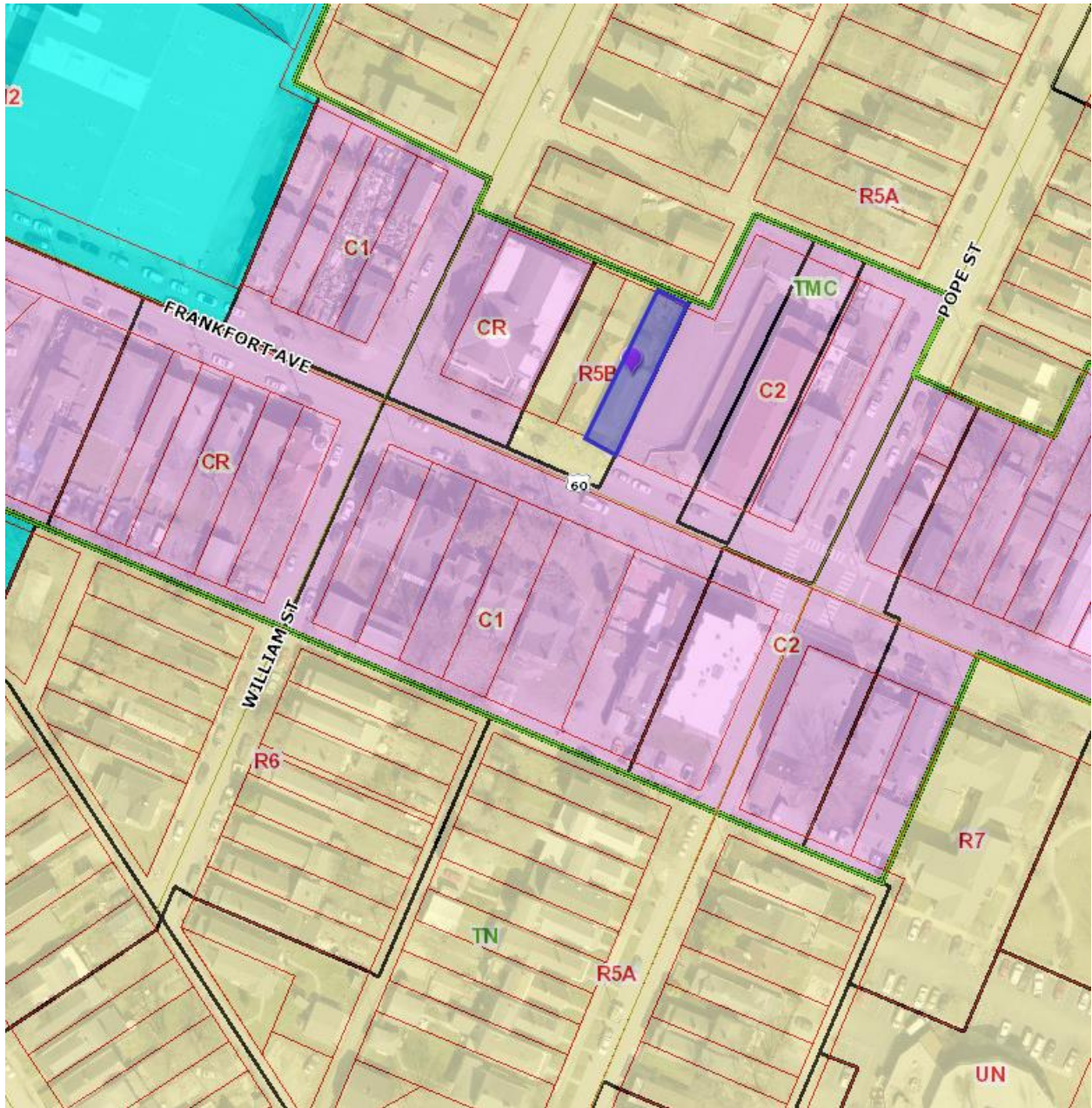
## NOTIFICATION

Date	Purpose of Notice	Recipients
8/9/18	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
8/31/18	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
8/24/18	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

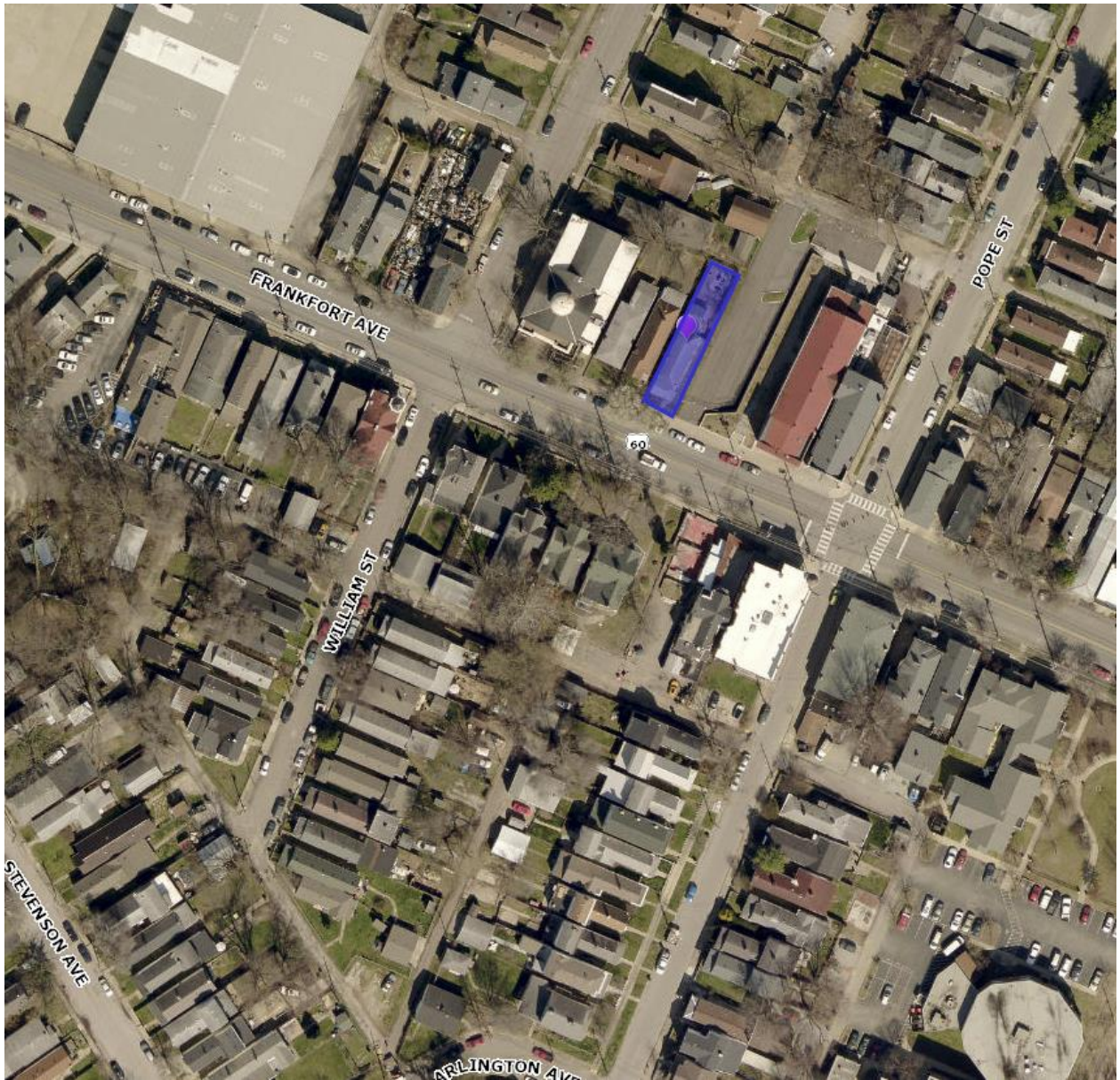
1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Analysis
4. Proposed Binding Elements

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

#	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 proposal incorporates an appropriately-located commercial district as Frankfort Avenue contains a wide variety of commercial, office, and residential uses located along an arterial roadway with an established pedestrian network. A medium intensity commercial zoning district will allow for further incorporation of neighborhood services.
2	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	✓	No changes have been proposed that impact the existing setback pattern or scale of development in 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.	✓	The proposal preserves the existing grid pattern of streets, sidewalks and alleys as the existing patterns of streets, sidewalks, and alleys are not impacted.
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.	✓	Parking areas are located to the rear of the property away from public streets which is consistent with a traditional pattern of design. Street parking is available.
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. Any change in building materials on the subject property will require review and approval by Planning and Design Services, Urban Design staff as the site is located in the Clifton Historic Preservation District. No changes have been indicated at this time



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 the proposal renovates an existing structure. Any change in building materials on the subject property will require review and approval by Planning and Design Services, Urban Design staff as the site is located in the Clifton Historic Preservation District. No changes have been indicated at this time.
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 proposal will not create a new center and is located in the Traditional Marketplace Corridor Form District
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.	✓	Activities on the subject site are located in an area that has a sufficient population to support a wide range of non-residential/commercial activities.
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.	✓	The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as minimal changes are being made on the property and these changes are to accommodate ADA access and meet parking demand.
10	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	A C-1 commercial zoning district is supported by the surrounding mixture and close proximity of similar districts.
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.	✓	Commercial zoning districts allow for the incorporation of residential, office, and commercial activities in the same property.
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 not a large development an entails the reuse of an existing single-family home. It is located in the Traditional Neighborhood Form District, utilizes existing structures, and is supported by existing transportation networks

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Parking facilities will provided on-site and access is shared with adjacent users having a similar zoning district.
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.	✓	The subject site is located in the urban services district and utility connections are available.
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 bicycle facilities have been provided and the proposed district is supported by an existing grid containing pedestrian, transit, and bike networks.
16	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Any change in building materials on the subject property will require review and approval by Planning and Design Services, Urban Design staff as the site is located in the Clifton Historic Preservation District. No changes have been indicated at this time.
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 subject site adjoins and is located in an area having similar or higher intensity commercial districts.
18	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Uses permitted in the C-1, Commercial zoning district are non-industrial uses with limited emissions or odors.
19	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Frankfort Avenue is an arterial roadway. An arterial roadway is intended to serve as high capacity roadway and carry continuous travel to serve collector and local roadways.
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.	✓	Lighting will be in compliance with LDC 4.1.3

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
21	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is located along a major transit corridor
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.	✓	Appropriate transitions are provided as the majority of the site containing future commercial activities is within an existing structure. A minimal number of off-street spaces are provided and a 6' privacy fence is present in this area.
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 zoning district is compatible in scale and intensity with the area and abutting properties.
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 changes to the subject site are minimal and are consistent with traditional neighborhood design standards.
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.	✓	Parking areas are being provided to the rear of the structure and the impact upon an abutting residential zone is mitigated by an existing 6' wood privacy fence which provided needed screening.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Parking areas are located to the rear of the property away from public streets which is consistent with a traditional pattern of design.
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.	✓	Signage will be in compliance with Ch. 8 of the Land Development Code.
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 is not a required component of the proposed zoning district. The public realm is being retained along Frankfort Avenue.
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
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There are no natural features to be incorporated into the proposal
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal includes the preservation and adaptive reuse of buildings, sites, and districts that are recognized as having historical or architectural value. It is compatible in height, bulk, scale, architecture and placement with the surrounding area.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Not an industrial development
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The subject site is located along a mixed use corridor serving a wide range of intensities and densities. This corridor contains an arterial level roadway with a high level of pedestrian and transit connectivity.
38	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	Not an industrial development
39	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	No contributions to the existing roadway network are being required at this time.
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 the subject site is located along a multi-modal corridor with a high level of connectivity to the proposed district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 as shared access is provided to serve multiple uses.
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.	✓	No additional right-of-way is required to be dedicated
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 the minimum number of spaces has been provided based on the gross floor area contained in structures on site.
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.	✓	The proposal provides for joint and cross access through the development and to connect to adjacent development sites as shared access from Frankfort Avenue is being provided to serve multiple uses and continue to a rear alley.
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.	✓	No stub streets are required or needed
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 a mixed-use corridor containing a wide variety of intensities and densities. The subject site abuts the corridor which provides direct access to this mixture of intensities and densities.
47	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Access to roadways is provided from existing points and being retained in an easement for shared access.

#	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 as the existing roadway network accommodates these users in accessing the subject site.
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.	✓	The proposal's drainage plans have been approved by MSD,
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.	✓	The proposal is located in an area served by existing utilities.
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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy or building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
  - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded to secure access from the existing access drive indicated on the approved development plan. A copy of the recorded instrument shall be submitted to the Division 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.