

Planning Commission Staff Report

July 20, 2017



Case No:	16ZONE1084
Project Name:	1073 Mary St Condos
Location:	1073 Mary Street
Owner(s):	Alma & Milenko Simic
Applicant:	Alma & Milenko Simic
Representative(s):	Accurus Engineering
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joel Dock, Planner II

REQUEST

- **Change in zoning** from R-6 to R-7
- **Variance** from Land Development Code (LDC), section 5.4.1.D to eliminate the private yard area
- **Detailed District Development Plan**

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant requests a change-in-zoning from R-6, multi-family residential to R-7, multi-family residential on 0.17 acres within the urban core of Louisville Metro. Located at the intersection of minor arterial roadways roughly one-third mile West of Barrett Avenue, the subject site is within a five minute TARC trip via bus route #25 or roughly a twenty minute walk to Bardstown Road where a variety of services, goods, and amenities may be obtained. A five-unit multi-family structure is being proposed with individual garage parking with access from the abutting alley along the West side property line. The structure will contain 7,410 square feet with a footprint of 3,847 square feet and contain two-stories. The immediately surrounding area is predominantly single-family, single-story “shotgun” or “camelback” style homes with a mixture of duplex and triplex residential units.

Due to the orientation of the structure, proposed density, and size of units on the lot, a variance has been requested to eliminate the required private yard area of 2,223 square feet which is to be located between the rear of the primary structure and the alley opposite Mary Street. The individual units will have private green space along the East property line.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single-family	R-6	TN
Proposed	Multi-Family	R-7	N
<i>Surrounding Properties</i>			
North	Single-family/Duplex	R-6	TN
South	Single-family/Triplex	R-6	TN
East	Single-family	R-6	TN
West	Single-family	R-6	TN

PREVIOUS CASES ON SITE

Staff found no previous case son site.

INTERESTED PARTY COMMENTS

Staff received the following comment(s):

"I am Paul Barker, owner of 1101 E Oak ST, which abuts 1073 Mary ST. I am inquiring as to whether there will be a public hearing for this zoning change request, or on the project as a whole. I must admit, I am less than thrilled with the proposed project for a multitude of reasons. Among them: the scale of the project; its fit with the neighborhood; its proximity to my property; and parking concerns. I would appreciate the opportunity to discuss this project with you. Cheers! Paul J Barker"

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR REZONING

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

The site is located in the Traditional Neighborhood Form District.

The Traditional Neighborhood Form District 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 multi-family 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 proposed change-in-zoning complies with the applicable guidelines and policies of Cornerstone 2020. The change to R-7, multi-family residential from R-6 allows for an additional two dwelling units on the subject site for a total of five dwellings. The slight increase in density is appropriately located along a public transportation corridor (TARC route #25) providing access to a nearby commercial corridor containing a variety of goods, services, and amenities. No new lots or streets are being proposed with this application; thus, preserving the hierarchy of the street grid pattern in traditional neighborhoods. The lot is a "double-lot" measuring 50' x 150' containing an existing single-family "camelback" style home. This structure will not be preserved. The new proposed structure is, however, compatible in both design and material to the immediately surrounding area and respects the traditional pattern of the neighborhood. A similar level of quality of design is present on all sides of the building. Setbacks, lot dimensions, and building heights are also compatible with those of nearby developments and meet form district standards with the exception of required the private yard (variance requested). While the multi-family structure is larger in bulk than surrounding properties, it puts to use the entirety of the site in an infill context and provides increased density in an appropriately located urban area.

There are no apparent natural systems or environmental degradation caused as a result of this development. Utilities are in place to accommodate the development.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)

Section 5.4.1.D to eliminate the private yard area

- (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 as the variance does not impact the safe movement of pedestrians or vehicular traffic and concerns related to fire safety access for the increased bulk along the alley have been addressed.

- (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 as appropriate transitions are present between the area of the variance and adjacent residential property. Transitions include private green space along the eastern property line, a 15' alley and walk along the western boundary, and a 10' alley at the North of the subject site. The structure is compatible in both design and material to the immediately surrounding area and respects the traditional pattern of the neighborhood.

- (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 as the variance does not impact the safe movement of pedestrians or vehicular traffic and concerns related to fire safety access for the increased bulk along the alley have been addressed. The bulk of the structure is mitigated by the selected materials and design as presented on the renderings of the building. The four units that do not face Mary Street have been designed using the alley side as the front facade which enhances the appearance facing residential properties.

- (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 regulations as the variance allows for the use of the entirety of the site in an infill context and provides increased density in an appropriately located urban area.

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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the multi-family development has been designed to utilize the alley as primary access to dwelling entrances (front) and the opposite side as the rear yard. Each unit has been provided with private access to over four hundred square feet of green space.

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 deprive the applicant of the reasonable use of the land as the applicant has designed the structure to be compatible and consistent with the surrounding area to the greatest extent possible while creating new housing at an increased density, utilizes this infill lot, and maintaining appropriate transitions.

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 not 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 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 are no apparent natural systems or environmental degradation caused as a result of this development. The property does not appear to exhibit any historical significance.

- 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. Sidewalks and a TARC stop are present on Mary Street. Vehicular access is provided from the alley.

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

STAFF: Sufficient open space to meet the needs of the development has been provided for each dwelling along the Eastern side of the property. Each unit is provided over four hundred square feet of private green space. Balconies have also been proposed to open the units to the outdoors and enhance the appearance of the structure.

- 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 design (materials and style) and orientation (first unit towards the public street) is consistent with the character of the area and abutting homes. Traditionally homes would have been brick or clapboard siding in the area. A combination of materials has been used that are compatible to surrounding property and mimic traditional design. The design of the front façade and public realm respects the pattern and character of the 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 Checklist* for the change in zoning request.

TECHNICAL REVIEW

Preliminary approval has been received from the Metropolitan Sewer District and Transportation Planning.

STAFF CONCLUSIONS

The proposal is in conformance with the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* provided in *Attachment 3*. The proposal is a slightly higher density than previously existed on the property. The requested change in zoning would allow an increase of two dwelling units; a total of five units in the urban core of Louisville Metro. The site is located within close walking, cycling, and public transportation distance to Tyler Park and Shelby Park, as well as a number of cemeteries which can provide an environment for walking and enjoyment. Bardstown Road, a major commercial corridor, is also nearby which provides a variety of services, goods, and amenities. Downtown Louisville is easily accessed via bicycle or public transportation routes. The area consist primarily of “shotgun” style homes in a traditional pattern; meaning that they exhibit the four areas of traditional neighborhood design. While the bulk of the structure covers a much larger percentage of the property than is common in the area, the structure is designed to respect the street wall and public realm, as well as building materials of the surrounding area. Private yard space for each dwelling unit provides adequate open space for residents and transitional space between the proposed use and an adjacent single-family use.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in *Cornerstone 2020* which have substantially altered the basic character of the area.

The Detailed District Development Plan and Variance appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for approving a Detailed District Development Plan and variance as established in the LDC.

REQUIRED ACTIONS

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-6, Multi-family Residential to R-7, Multi-family Residential
- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC), section 5.4.1.D to eliminate the private yard area opposite Mary Street
- **APPROVED** or **DENY** the **Detailed District Development Plan**

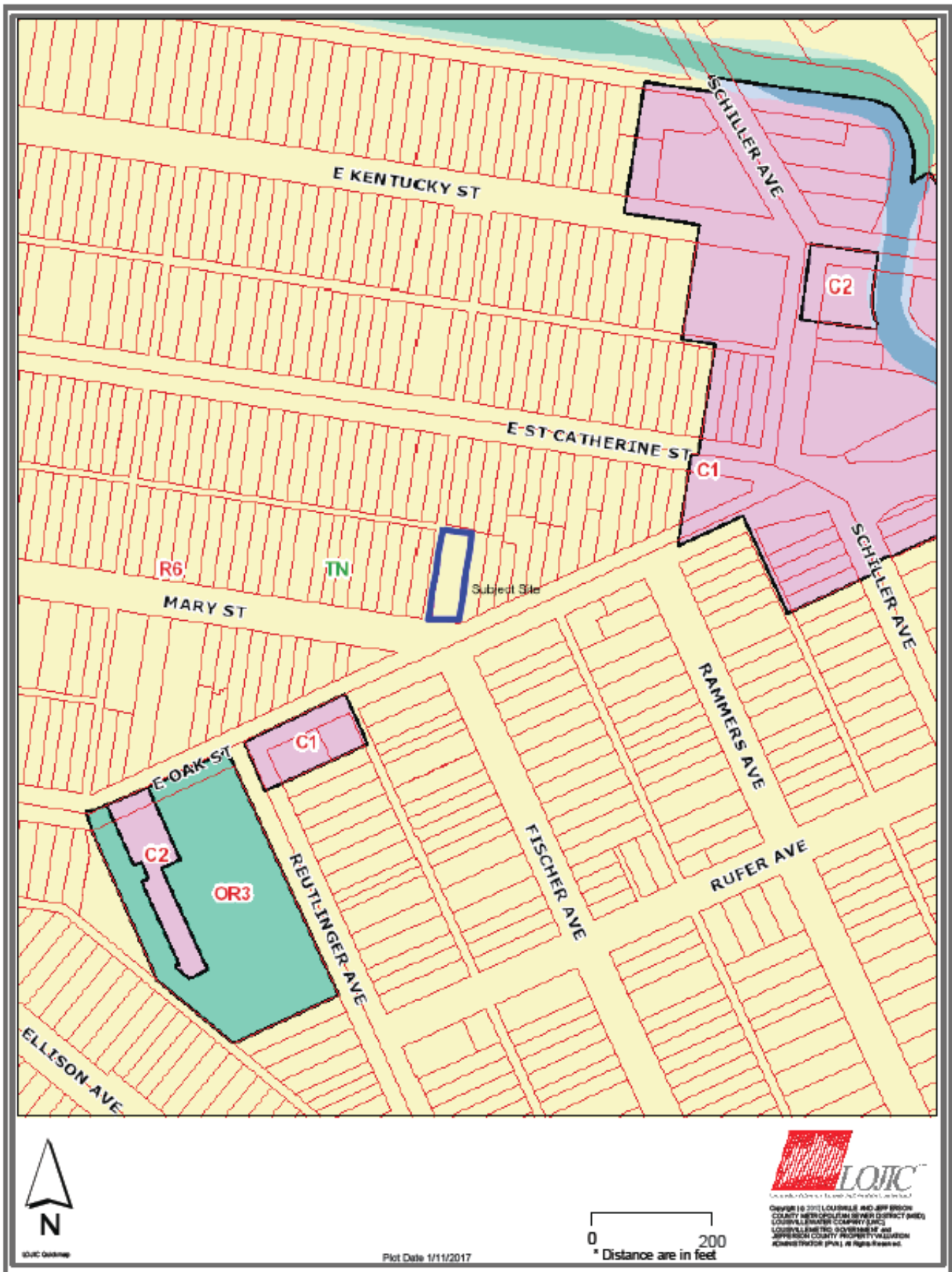
NOTIFICATION

Date	Purpose of Notice	Recipients
5/25/17	Hearing before LD&T on 6/08/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
6/20/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
6/14/17	Hearing before PC	Sign Posting on property
07/12/17	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 Neighborhood: 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.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal does not impact the existing grid pattern of streets and utilizes the alley for vehicular access.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses.	✓	No new lots are being proposed with this application. The existing lot is a double lot measuring 50' x 150'.
3	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.	✓	The proposal is a slightly higher density than previously existed on the property and would only allow an increase of two dwelling units. The site is located within close walking, cycling, or public transportation to Tyler Park and Shelby Park, as well as a number of cemeteries which can provide an environment for walking and enjoyment. Bardstown, a major commercial corridor, is also nearby which provides a variety of services, good, and amenities.
4	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 does not preserve existing structures. The proposed structure is, however, is consistent and compatible in both design and material to the immediately surrounding area and respects the traditional pattern of the neighborhood.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Traditional Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus. Multi-family development at this location would increase residents with easy access to a bus stop on the opposite side of Mary Street from the subject site.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Traditional Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such out lot development should provide street-level retail with residential units above.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposed development is for a multi-family residential development. The site is, however, within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The subject site is compatible with nearby surrounding development. The area consist primarily of "shotgun" style homes in a traditional pattern; meaning that they exhibit the four areas of traditional neighborhood design. While the bulk of the structure covers a much larger percentage of the property than is common in the area, the structure is designed to respect the street wall and public realm, as well as building materials of the surrounding area.
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	✓	Renderings display a similar level of quality of design on all sides of the building and respect the character of the area. Traditionally homes would have been brick or clapboard siding in the area. A combination of materials has been used that are compatible to surrounding property and mimic traditional design. The design of the front façade and public realm respects the pattern and character of the area
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The design (materials and style) and orientation (first unit towards the public street) is consistent with the character of the area and abutting homes. The density is only slightly higher than existing. The development is appropriately located along a multi-modal roadway providing access to goods and services. The development provides individual green space for each unit to serve as private yards and creates a buffer between the structure on site and abutting single-family residence to the East.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The development is appropriately located along a multi-modal roadway providing access to goods and services. The alley side of the property will be development to allow for the safe movement of vehicles from individual garages. The alley is one-way North from Mary Street.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	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 no more than what is necessary to provide safety and security for residents in compliance with applicable regulations.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	The proposal introduces a new housing style to the area by increasing the number of units typical on a single lot in the area. The units proposed are supported by adequate transportation infrastructure. The units allow for an increase in density within close proximity to commercial services and good.
24	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 slightly higher density that would allow for an increase in two units on the property. It is located along a minor arterial on TARC route #25 and within close walking, cycling, and bus transport to Bardstown Road.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	✓	It is unknown at this time if any of the units will have features specifically designed for elderly persons or persons with disabilities beyond what is required for compliance. The proposal is, however, located in an urban area along a public transportation route with access to goods and services which ease the burdens associated with vehicular travel costs.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	Development is appropriately located within the urban core of Louisville Metro within proximity to services, goods, and amenities and compatible with surrounding area.
27	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 have been provided between the proposed development and the single-family uses to the East by created private green space. Building materials are compatible with the character of traditional building design and the surrounding area. While the structure is much different in bulk than surrounding properties, it puts to use the entirety of the site and provides increased density in an urban area in an infill context.
28	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.	✓	While the structure is much different in bulk than surrounding properties, it puts to use the entirety of the site and provides increased density in an urban area in an infill context
29	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 and meet form district standards with the exception of required private yard which is mitigated by private green space along the East property line. The proposed height is within the range on the block face.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
30	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.	✓	Private green space along the East property line is provided
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	✓	Private yard area is provided as though the alley is functioning as a public street providing primary access and while this is not in compliance with the regulations, the design of the property respects to the greatest extent possible the intent of the traditional form district.
32	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 on site
33	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 systems or environmental degradation caused by the construction of this development.
34	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 does not preserve existing structures. The proposed structure is, however, is consistent and compatible in both design and material to the immediately surrounding area and respects the traditional pattern of the neighborhood.
35	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 possess any issues related to soil.
36	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 alley side of the property will be developed to allow for the safe movement of vehicles from individual garages. The alley is one-way North from Mary Street.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal is appropriately located within an area with accessible transportation facilities; including, sidewalks, bus stops, and major roadways.
38	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.	NA	It does not appear that right-of-way needs to be dedicated to meet the needs of users.
39	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 new streets or lots are being created for this residential development.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the site is from public roads and through areas of similar intensity and density.
41	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 is from the alley which is consistent and compatible with the area and traditional neighborhood where alley access is available and feasible.
42	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 subject site fronts a public road with sidewalks and TARC bust stop. The site is within close proximity to a major commercial corridor that provides a variety of services, goods, and amenities. The center/corridor can be easily accessed by foot, bicycle, or bus.
43	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.	✓	All MSD comments have addressed. There are no streams or waterways located on the site that require protection.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
44	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.	NA	The subject site is located an urban area without natural corridors as the site abuts on all sides residential development and transportation routes.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities are available.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Water service is available.

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. 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 Develop Louisville, 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.
5. 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.
6. 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.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 20, 2017 Planning Commission meeting.
8. The Owner / Developer will maintain the transit stop on an as needed basis.