

Planning Commission Staff Report

November 20, 2014



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| Case No: | 14ZONE1032 |
| Request: | Change in Zoning from M-2, Industrial to EZ-1, Enterprise Zone, Detailed District Development Plan and Binding Elements, and Waivers |
| Project Name: | Three Winks, LLC |
| Location: | 317-321 Winkler Ave. and 2621 S. 4 th St. |
| Owner: | The First Capital Bank of Kentucky |
| Applicant: | Three Winks, LLC |
| Representative: | Bardenwerper, Talbott & Roberts, PLLC Milestone Design Group, Inc. |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | David B. Wagner – Planner II |

REQUEST

- Re-Zoning from M-2 to EZ-1 for Retail and Multi-Family Residential
- Waiver #1 of 15' Landscape Buffer Area (LBA) and all planting/screening materials along the south lot line of Building A lot (Land Development Code [LDC] 10.2)
- Waiver #2 of 5' Vehicular Use Area (VUA) LBA and all planting/screening materials along the north & west lot lines of Building A lot (LDC 10.2)
- Waiver #3 of 5' VUA LBA and all planting/screening materials along the north, south, & west lot lines of Building B lot (LDC 10.2)
- Waiver #4 of all required Interior Landscape Area (ILA) and plantings on Building A & Building B lots
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits close to the northeast corner of Winkler Avenue and South 4th Street, which are major arterial and minor arterial level streets, respectively. The two existing buildings are used for retail (Building A and first floor of Building B) and multi-family residential uses (upper floors of Building B). An existing 5,743 SF one-story building faces South 4th Street while there is a partial 2.5-story and one-story building facing Winkler Avenue. This structure has an area of 4,880 SF. Both of these buildings are proposed to remain as they are and the re-zoning will bring the property into compliance with the proper zoning classification. Each property has rear and side alley access, including a 10' wide alley that separates the two buildings. Lots adjacent to the subject site have a mixture of uses including warehouse, manufacturing, retail, restaurant, and residential uses.

Existing Zoning District: M-2, Industrial

Proposed Zoning District: EZ-1, Enterprise Zone

Form District: Traditional Workplace

Existing Use: Multi-Family Residential & Retail

Proposed Use: Multi-Family Residential & Retail

Minimum Parking Spaces Required: 22 (with 20% reductions for Transit and 25% residential)

Maximum Parking Spaces Allowed: 65

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|--|----------|---------------|
| Subject Property | | | |
| Existing | Multi-Family Residential & Retail | M-2 | TW |
| Proposed | Multi-Family Residential & Retail | EZ-1 | TW |
| Surrounding Properties | | | |
| North | Multi-Family Residential & Restaurant | C-2/EZ-1 | TN, TW |
| South | Retail | C-1 | TN |
| East | Multi-Family Residential, Warehouse, Manufacturing | M-2 | TW |
| West | Retail, Restaurant | C-1 | TN |

PREVIOUS CASES ON SITE

- There are no previous cases on the subject site.

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Workplace Form District

A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off-street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The proposal maintains the existing grid street pattern with side and rear alley access which is consistent with development in the surrounding area and also has street frontage along two streets that have bus routes. There are two existing structures on the site which will continue to be utilized for the proposed retail and multi-family residential uses. Though this Form District encourages parking to be located behind buildings, parking spaces on the left side of both structures will mostly be maintained with the addition of Vehicular Use Area (VUA) Landscape Buffer Areas (LBA) to help screen the parking areas from adjacent rights-of-way. The site is almost completely surrounded by rights-of-way and is across the streets and alleys from compatible uses. Considering that there are adjoining compatible uses and the proposal will maintain the existing buildings and parking on site, very little buffering and setbacks will be required. The buildings are located on or close to the street frontage which matches the development pattern along both streets. The re-zoning of the site to EZ-1 better reflects the uses of the surrounding area which are more often commercial and higher density multi-family residential uses within commercial zoning districts. Although not precisely a corner lot, the subject site is close to the intersection of a major arterial and minor arterial level street with both streets being one of the site's street frontages. This intersection also is highly used activity center within the area.

Although the proposal meets the guidelines for compatibility and community form, the proposed uses for the site could be accomplished with a C-1 zoning designation. The applicant should detail why it is appropriate to allow a higher zoning intensity than is necessary for the proposed uses.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

The proposal complies with **Guideline 6 (Economic Growth and Sustainability)**. Retail and multi-family residential uses are requested on the subject site. The proposal for a mixed use development is compatible with the myriad mixed uses in this area. The retail use will provide employment opportunities for surrounding residents and the multi-family residential component will allow additional housing choices for both employees of local businesses and students who attend the university.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The site fronts on major arterial and minor arterial level streets that are transit routes for buses. The grid pattern of streets and alleys will be maintained to provide vehicular access. The development has sidewalks along the frontages of both streets for adequate pedestrian access and cyclists can utilize the abutting right-of-way to access the site as well. Adequate parking will be provided through a shared parking agreement between the two lots.

The site is compliant with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District and MSD have approved the proposal and no other utility has any issues. Existing utility infrastructure will be maintained for the development.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1
of 15' LBA and all planting/screening materials along the south lot line of Building A lot (LDC 10.2)**

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

STAFF: The waiver will not adversely affect adjacent property owners because the site is a mixed use location surrounded by a large apartment complex and a variety of existing commercial uses. Building A was built on the property line and there is no room for plantings or screenings along this lot line.

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

STAFF: The waiver will not violate **Guideline 4 (Open Space)**, **Guideline 5 (Natural Areas and Scenic and Historic Resources)**, and **Guideline 13 (Landscape Character)** of Cornerstone 2020. The abutting property to the south and Building A were developed properties before this request and did not provide areas for landscaping or open space. There is no room to provide landscaping or screening and the abutting sites have both been retail uses which would not normally require buffering.

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

STAFF: The extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because this is an already built location that the applicant is seeking to better utilize and improve, and this is the only way without making reuse impractical or impossible.

- (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 will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because there is no area available to provide the required buffering and plantings without demolishing the building or existing parking on the abutting site.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2
of 5' VUA LBA and all planting/screening materials along
the north & west lot lines of Building A lot (LDC 10.2)**

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

STAFF: The waiver will not adversely affect adjacent property owners because the site is a mixed use location surrounded by a large apartment complex and a variety of existing commercial uses. The

building and parking were built on the property line and due to the abutting alleys and streets there is no room for plantings or screenings along this lot line.

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

STAFF: The waiver will not violate **Guideline 4 (Open Space), Guideline 5 (Natural Areas and Scenic and Historic Resources), and Guideline 13 (Landscape Character)** of Cornerstone 2020. The building and parking were previously built on the lot lines and did not provide areas for landscaping or open space. There is no room to provide landscaping or screening due to the abutting alleys and streets along the lot lines.

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

STAFF: The extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because this is an already built location that the applicant is seeking to better utilize and improve, and this is the only way without making reuse impractical or impossible.

- (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 will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because there is no area available to provide the required buffering and plantings without demolishing the building or existing parking on the abutting site.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3
of 5' VUA LBA and all planting/screening materials along
the north, south, & west lot lines of Building B lot (LDC 10.2)**

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

STAFF: The waiver will not adversely affect adjacent property owners because the site is a mixed use location surrounded by a large apartment complex and a variety of existing commercial uses. The building and parking were built on the property line and due to the abutting alleys and streets there is no room for plantings or screenings along this lot line.

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

STAFF: The waiver will not violate **Guideline 4 (Open Space), Guideline 5 (Natural Areas and Scenic and Historic Resources), and Guideline 13 (Landscape Character)** of Cornerstone 2020. The building and parking were previously built on the lot lines and did not provide areas for landscaping or open space. There is no room to provide landscaping or screening due to the abutting alleys and streets along the lot lines.

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

STAFF: The extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because this is an already built location that the applicant is seeking to better utilize and improve, and this is the only way without making reuse impractical or impossible.

- (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 will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because there is no area available to provide the required buffering and plantings without demolishing the building or existing parking on the abutting site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #4 of all required ILA and plantings on Building A & Building B lots

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

STAFF: The waiver will not adversely affect adjacent property owners because the site is a mixed use location surrounded by a large apartment complex and a variety of existing commercial uses. The parking was previously built at its current location and no ILA was previously provided.

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

STAFF: The waiver will not violate **Guideline 4 (Open Space)**, **Guideline 5 (Natural Areas and Scenic and Historic Resources)**, and **Guideline 13 (Landscape Character)** of Cornerstone 2020. The parking was previously built at its current location without any ILA and no open space is required for this proposal.

- (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 because this is an already built location that the applicant is seeking to better utilize and improve, and this is the only way without making reuse impractical or impossible.

- (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 will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because there is no area available to provide the required ILA without demolishing the building or existing parking on the abutting site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND BINDING ELEMENTS

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

STAFF: The site is already built out and there are no natural resources on the site to conserve.

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

STAFF: Transportation Review has approved the proposal's transportation facilities.

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

STAFF: No open space is required on this site.

- 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: MSD has approved the drainage facilities for the site.

- 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 site design is compatible with existing commercial development in the area. The existing buildings will remain as is with cosmetic improvements. The required screening and landscaping cannot be provided do the existing built environment and parking will remain located along the sides of the buildings.

- 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 proposal complies with the guidelines of the Comprehensive Plan as explained in the review for the re-zoning request.

TECHNICAL REVIEW

- With the exception of the required Waivers, the plan meets the requirements of the LDC.
- The plan has received preliminary approval from MSD and Transportation Review.

STAFF CONCLUSIONS

Rezoning

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning complies with all Guidelines of the Comprehensive Plan. However, the Planning Commission should consider whether a higher intense zoning than is necessary is appropriate.

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.

Waivers, Detailed District Development Plan, and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed Waivers, DDDP, and Binding Elements are justified.

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 meets the standards for granting a Waiver, DDDP, and Binding Elements established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from M-2, Industrial, to EZ-1, Enterprise Zone, on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waiver #1, #2, #3, and #4 listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------|--------------------------|---|
| 10/9/14 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Subscribers to Council District 6 Notification of Development Proposals |
| 11/6/14 | Hearing before PC | 1 st and 2 nd tier adjoining property owners Subscribers to Council District 6 Notification of Development Proposals |
| 11/5/14 | Hearing before PC | Sign Posting on property |
| 11/7/14 | Hearing before PC | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee 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, alteration permit or demolition permit) 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A legal instrument shall be recorded consolidating the Building B lots into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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.
5. A legal instrument providing for the long-term use of the off-site parking spaces, as shown on the approved general district development plan and in accordance with Section 9.1.5 Off-Site Parking, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

4. Cornerstone 2020 Staff Checklist

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

| # | 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.9: The proposal respects the existing grid street pattern and provides for alley access if consistent with adjacent development. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 2 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal supports access to public transportation. | √ | The proposal supports access to public transportation as there are bus routes on both streets. |
| 3 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal includes on-street or rear parking areas. | - | The proposal includes existing parking areas that will be along the side of existing buildings. |
| 4 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal provides adequate buffering between potentially incompatible non-residential uses where necessary. | √ | Since the subject site abuts alleys or compatible non-residential uses, buffering would not be necessary nor would it be possible. |
| 5 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal includes buildings that have little or no setback from the street, and that are integrated with surrounding housing, if present. | √ | The proposal will utilize the existing buildings that have little or no setback from the streets and are integrated with surrounding housing. |
| 6 | Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. | NA | The proposal will utilize the existing buildings and no new building materials are necessary. |
| 7 | 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 is surrounded by properties with myriad uses including, retail, restaurant, multi-family residential, warehouse, and manufacturing and, therefore, does not constitute a non-residential expansion into an existing residential area. There will be little impact on the surrounding uses since they are similar or more intense uses. |
| 8 | Community Form/Land Use Guideline 3: Compatibility | A.5: The proposal mitigates any potential odor or emissions associated with the development. | √ | The APCD has approved the proposal. |
| 9 | Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | √ | The proposal mitigates adverse impacts of its associated traffic on nearby existing communities because it will continue to use the grid pattern of streets and alleys and parking will remain in the same locations. |
| 10 | 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 must meet all lighting regulations. |
| 11 | 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 similar density and intensity use to the surrounding development and is located along two transit corridors in an activity center. |
| 12 | 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. | √ | Since the subject site abuts alleys or compatible non-residential uses, buffering would not be necessary nor would it be possible. |
| 13 | 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. | √ | Since the subject site abuts alleys or compatible non-residential uses, buffering would not be necessary nor would it be possible. |
| 14 | Community Form/Land Use Guideline 3: Compatibility | A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. | √ | The proposal will utilize the existing buildings that have little or no setback from the streets and are integrated with surrounding housing. |
| 15 | 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 | √ | The proposal includes existing parking areas that will be along the side of existing buildings. Surrounding residential uses will be buffered from these parking areas by existing buildings or proposed VUA LBA. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|--|
| | | potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians. | | |
| 16 | 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. | √ | The proposal includes existing parking areas that will be along the side of existing buildings. Surrounding residential uses will be buffered from these parking areas by existing buildings or proposed VUA LBA. |
| 17 | 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 | There are no parking garages proposed for this development. |
| 18 | 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. | √ | The proposal must meet all sign regulations. |
| 19 | 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. | NA | Open space is not required for this proposal. |
| 20 | Community Form/Land Use Guideline 4: Open Space | A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District. | NA | Open space is not required for this proposal. |
| 21 | Community Form/Land Use Guideline 4: Open Space | A.5: The proposal integrates natural features into the pattern of development. | NA | There are no natural features on site to integrate into the pattern of development. |
| 22 | Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | NA | There are no natural features on site to integrate into the pattern of development. |
| 23 | 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. | NA | There are no historic structures on these parcels nor are they within a historic preservation district. |
| 24 | 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 development does not have any environmental constraints. |
| 25 | Marketplace Guideline 6: Economic Growth and Sustainability | A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees. | √ | The proposal is a mixed use development that allows for retail services to be provided in the area as well as providing housing for local employees of the surrounding uses. |
| 26 | Marketplace Guideline 6: Economic Growth and Sustainability | A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern. | NA | The proposal is not located downtown. |
| 27 | Marketplace Guideline 6: Economic Growth and Sustainability | A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs. | NA | The proposal is not for industrial use. |
| 28 | 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 | √ | The proposal is a mixed use development, including retail, is located along a major arterial and minor arterial level street, and will not adversely affect adjacent areas as it is consistent with the mixed use development pattern in the area. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|--|
| | | where the proposed use will not adversely affect adjacent areas. | | |
| 29 | Marketplace Guideline 6: Economic Growth and Sustainability | A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street. | NA | The proposal is not for industrial use. |
| 30 | Mobility/Transportation Guideline 7: Circulation | A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. | √ | The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities as required. |
| 31 | 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 multiple types of transportation through sidewalks, being adjacent to a bus route, and allowing for bicycle and vehicular traffic. |
| 32 | 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 maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 33 | 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. | √ | Transportation Review will likely pursue a staff waiver of the dedication of ROW as the existing buildings would encroach into any newly dedicated ROW. |
| 34 | Mobility/Transportation Guideline 7: Circulation | A.10: The proposal includes adequate parking spaces to support the use. | √ | Adequate parking will be provided through a shared parking agreement between the two parcels. |
| 35 | 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 maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 36 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 37 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 38 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 39 | 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 is a mixed use development, including retail, is located along a major arterial and minor arterial level street, and will not adversely affect adjacent areas as it is consistent with the mixed use development pattern in the area. The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 40 | 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 | √ | MSD has approved the proposal. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|---|
| | | area. Solid blueline 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. | | |
| 41 | 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 APCD has approved the proposal. |
| 42 | 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 | There are no natural features on site to integrate into the pattern of development. |
| 43 | 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 or planned for utilities. |
| 44 | Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | √ | The proposal is located in an area served by existing utilities or planned for utilities. |
| 45 | Community Facilities Guideline 14: Infrastructure | A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. | √ | MSD has approved the proposal. |

Land Development and Transportation Committee
Staff Report
October 23, 2014



| | |
|-------------------|--|
| Request: | Change in Zoning from M-2, Industrial to EZ-1, Enterprise Zone, Detailed District Development Plan and Binding Elements, and Waivers |
| Project Name: | Three Winks, LLC |
| Location: | 317-321 Winkler Ave. and 2621 S. 4 th St. |
| Owner: | The First Capital Bank of Kentucky |
| Applicant: | Three Winks, LLC |
| Representative: | Bardenwerper, Talbott & Roberts, PLLC Milestone Design Group, Inc. |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | David B. Wagner – Planner II |

REQUEST

- Re-Zoning from M-2 to EZ-1 for Retail and Multi-Family Residential
- Waiver #1 of 15' Landscape Buffer Area (LBA) and all planting/screening materials along the south lot line of Building A lot (Land Development Code [LDC] 10.2)
- Waiver #2 of 5' Vehicular Use Area (VUA) LBA and all planting/screening materials along the north & west lot lines of Building A lot (LDC 10.2)
- Waiver #3 of 5' VUA LBA and all planting/screening materials along the north, south, & west lot lines of Building B lot (LDC 10.2)
- Waiver #4 of all required Interior Landscape Area (ILA) and plantings on Building A & Building B lots
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits close to the northeast corner of Winkler Avenue and South 4th Street, which are major arterial and minor arterial level streets, respectively. The two existing buildings are used for retail (Building A and first floor of Building B) and multi-family residential uses (upper floors of Building B). An existing 5,743 SF one-story building faces South 4th Street while there is a partial 2.5-story and one-story building facing Winkler Avenue. This structure has an area of 4,880 SF. Both of these buildings are proposed to remain as they are and the re-zoning will bring the property into compliance with the proper zoning classification. Each property has rear and side alley access, including a 10' wide alley that separates the two buildings. Lots adjacent to the subject site have a mixture of uses including warehouse, manufacturing, retail, restaurant, and residential uses.

Existing Zoning District: M-2, Industrial
Proposed Zoning District: EZ-1, Enterprise Zone
Form District: Traditional Workplace
Existing Use: Multi-Family Residential & Retail
Proposed Use: Multi-Family Residential & Retail
Minimum Parking Spaces Required: 22 (with 20% reductions for Transit and 25% residential)
Maximum Parking Spaces Allowed: 65
Parking Spaces Proposed: 22

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|--|----------|---------------|
| Subject Property | | | |
| Existing | Multi-Family Residential & Retail | M-2 | TW |
| Proposed | Multi-Family Residential & Retail | EZ-1 | TW |
| Surrounding Properties | | | |
| North | Multi-Family Residential & Restaurant | C-2/EZ-1 | TN, TW |
| South | Retail | C-1 | TN |
| East | Multi-Family Residential, Warehouse, Manufacturing | M-2 | TW |
| West | Retail, Restaurant | C-1 | TN |

PREVIOUS CASES ON SITE

- There are no previous cases on the subject site.

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Workplace Form District

A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often

have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off-street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

A final analysis of the proposal against the Comprehensive Plan will be done prior to the public hearing.

TECHNICAL REVIEW

- With the exception of the required Waivers, the plan meets the requirements of the LDC.

STAFF CONCLUSIONS

A public hearing date is ready to be set.

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|---------------------|---|
| 10/9/14 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Subscribers to Council District 6 Notification of Development Proposals |

ATTACHMENTS

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

2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee 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, alteration permit or demolition permit) 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A legal instrument shall be recorded consolidating the Building B lots into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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.
5. A legal instrument providing for the long-term use of the off-site parking spaces, as shown on the approved general district development plan and in accordance with Section 9.1.5 Off-Site Parking, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

Pre-Application Staff Report

July 29, 2014



| | |
|--------------------------|--|
| Case No: | 14ZONE1032 |
| Request: | Re-zoning from M-2 to EZ-1 for Retail and Multi-Family Residential, Detailed District Development Plan, and Binding Elements |
| Project Name: | Three Winks, LLC |
| Location: | 317-321 Winkler Ave. & 2621 S. 4 th St. |
| Owner: | The First Capital Bank of Kentucky |
| Applicant: | Three Winks, LLC |
| Representative: | Bardenwerper, Talbott & Roberts, PLLC Milestone Design Group, Inc. |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | David B. Wagner – Planner II |

REQUEST

- Re-Zoning from M-2 to EZ-1 for Retail and Multi-Family Residential
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits close to the northeast corner of Winkler Avenue and South 4th Street, which are major arterial and minor arterial level streets, respectively. The two existing buildings are used for retail and multi-family residential uses. An existing 5,743 SF one-story building faces South 4th Street while there is a partial 2.5-story and one-story building facing Winkler Avenue. This structure has an area of 4,880 SF. Both of these buildings are proposed to remain as they are and the re-zoning will bring the property into compliance with the proper zoning classification. Each property has rear and side alley access, including a 10' wide alley that separates the two buildings. Lots adjacent to the subject site have a mixture of uses including warehouse, manufacturing, retail, restaurant, and residential uses.

Existing Zoning District: M-2, Industrial
Proposed Zoning District: EZ-1, Enterprise Zone
Form District: Traditional Workplace
Existing Use: Multi-Family Residential & Retail
Proposed Use: Multi-Family Residential & Retail
Minimum Parking Spaces Required: 17 (with 10% TARC reduction)
Maximum Parking Spaces Allowed: 47
Parking Spaces Proposed: TBD

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|--|----------|---------------|
| Subject Property | | | |
| Existing | Multi-Family Residential & Retail | M-2 | TW |
| Proposed | Multi-Family Residential & Retail | EZ-1 | TW |
| Surrounding Properties | | | |
| North | Multi-Family Residential & Restaurant | C-2/EZ-1 | TN, TW |
| South | Retail | C-1 | TN |
| East | Multi-Family Residential, Warehouse, Manufacturing | M-2 | TW |
| West | Retail, Restaurant | C-1 | TN |

PREVIOUS CASES ON SITE

- There are no previous cases on the subject site.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Traditional Workplace Form District

A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off-street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The proposal maintains the existing grid street pattern with side and rear alley access which is consistent with development in the surrounding area and also has street frontage along two streets that have bus routes. There are two existing structures on the site which will continue to be utilized for the proposed retail and multi-family residential uses. Though this Form District encourages parking to be located behind buildings, parking spaces on the left side of both structures will mostly be maintained with the addition of Vehicular Use Area (VUA) Landscape Buffer Areas (LBA) to help screen the parking areas from adjacent rights-of-way. The site is almost completely surrounded by rights-of-way and is across the streets and alleys from compatible uses. Considering that there are adjoining compatible uses and the proposal will maintain the existing buildings and parking on site, very little buffering and setbacks will be required. The buildings are located on or close to the street frontage which matches the development pattern along both streets. The re-zoning of the site to EZ-1 better reflects the uses of the surrounding area which are more often commercial and higher density multi-family residential uses within commercial zoning districts. Although not precisely a corner lot, the subject site is close to the intersection of a major arterial and minor arterial level street with both streets being one of the site's street frontages. This intersection also is highly used activity center within the area.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

The proposal complies with **Guideline 6 (Economic Growth and Sustainability)**. Retail and multi-family residential uses are requested on the subject site. The proposal for a mixed use development is compatible with the myriad mixed uses in this area. The retail use will provide employment opportunities for surrounding residents and the multi-family residential component will allow additional housing choices for both employees of local businesses and students who attend the university.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The site fronts on major arterial and minor arterial level streets that are transit routes for buses. The grid pattern of streets and alleys will be maintained to provide vehicular access. The development has sidewalks along the frontages of both streets for adequate pedestrian access and cyclists can utilize the abutting right-of-way to access the site as well. The applicant should provide more detail on the location of each use within the structures and update the resultant parking spaces after the removal of some spaces for the VUA LBA.

The site is compliant with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District and MSD have approved the proposal and no other utility has any issues. Existing utility infrastructure will be maintained for the development.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the City of Lyndon regarding the appropriateness of this zoning map amendment. The City of Lyndon has zoning authority over the property in question.

TECHNICAL REVIEW

- The applicant will need to address the technical comments from each agency.

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



Aerial Photo



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0 50
* Distance are in feet

Plot Date 7/28/2014

3. Cornerstone 2020 Staff Checklist

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

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Pre-App Finding | Pre-App Comments |
|----|---|--|-----------------|---|
| 1 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal respects the existing grid street pattern and provides for alley access if consistent with adjacent development. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 2 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal supports access to public transportation. | √ | The proposal supports access to public transportation as there are bus routes on both streets. |
| 3 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal includes on-street or rear parking areas. | - | The proposal includes existing parking areas that will be along the side of existing buildings. |
| 4 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal provides adequate buffering between potentially incompatible non-residential uses where necessary. | √ | Since the subject site abuts alleys or compatible non-residential uses, buffering would not be necessary nor would it be possible. |
| 5 | Community Form/Land Use Guideline 1: Community Form | B.9: The proposal includes buildings that have little or no setback from the street, and that are integrated with surrounding housing, if present. | √ | The proposal will utilize the existing buildings that have little or no setback from the streets and are integrated with surrounding housing. |
| 6 | Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. | NA | The proposal will utilize the existing buildings and no new building materials are necessary. |
| 7 | 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 is surrounded by properties with myriad uses including, retail, restaurant, multi-family residential, warehouse, and manufacturing and, therefore, does not constitute a non-residential expansion into an existing residential area. There will be little impact on the surrounding uses since they are similar or more intense uses. |
| 8 | Community Form/Land Use Guideline 3: Compatibility | A.5: The proposal mitigates any potential odor or emissions associated with the development. | √ | The APCD has approved the proposal. |
| 9 | Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | √ | The proposal mitigates adverse impacts of its associated traffic on nearby existing communities because it will continue to use the grid pattern of streets and alleys and parking will remain in the same locations. |
| 10 | 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 must meet all lighting regulations. |
| 11 | 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 similar density and intensity use to the surrounding development and is located along two transit corridors in an activity center. |
| 12 | 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. | √ | Since the subject site abuts alleys or compatible non-residential uses, buffering would not be necessary nor would it be possible. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Pre-App Finding | Pre-App Comments |
|----|--|---|-----------------|---|
| 13 | 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. | √ | Since the subject site abuts alleys or compatible non-residential uses, buffering would not be necessary nor would it be possible. |
| 14 | Community Form/Land Use Guideline 3: Compatibility | A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. | √ | The proposal will utilize the existing buildings that have little or no setback from the streets and are integrated with surrounding housing. |
| 15 | 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. | √ | The proposal includes existing parking areas that will be along the side of existing buildings. Surrounding residential uses will be buffered from these parking areas by existing buildings or proposed VUA LBA. |
| 16 | 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. | √ | The proposal includes existing parking areas that will be along the side of existing buildings. Surrounding residential uses will be buffered from these parking areas by existing buildings or proposed VUA LBA. |
| 17 | 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 | There are no parking garages proposed for this development. |
| 18 | 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. | √ | The proposal must meet all sign regulations. |
| 19 | 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. | NA | Open space is not required for this proposal. |
| 20 | Community Form/Land Use Guideline 4: Open Space | A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District. | NA | Open space is not required for this proposal. |
| 21 | Community Form/Land Use Guideline 4: Open Space | A.5: The proposal integrates natural features into the pattern of development. | NA | There are no natural features on site to integrate into the pattern of development. |
| 22 | Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | NA | There are no natural features on site to integrate into the pattern of development. |
| 23 | 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. | NA | There are no historic structures on these parcels nor are they within a historic preservation district. |
| 24 | 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 development does not have any environmental constraints. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Pre-App Finding | Pre-App Comments |
|----|---|--|-----------------|--|
| 25 | Marketplace Guideline 6: Economic Growth and Sustainability | A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees. | √ | The proposal is a mixed use development that allows for retail services to be provided in the area as well as providing housing for local employees of the surrounding uses. |
| 26 | Marketplace Guideline 6: Economic Growth and Sustainability | A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern. | NA | The proposal is not located downtown. |
| 27 | Marketplace Guideline 6: Economic Growth and Sustainability | A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs. | NA | The proposal is not for industrial use. |
| 28 | 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 proposal is a mixed use development, including retail, is located along a major arterial and minor arterial level street, and will not adversely affect adjacent areas as it is consistent with the mixed use development pattern in the area. |
| 29 | Marketplace Guideline 6: Economic Growth and Sustainability | A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street. | NA | The proposal is not for industrial use. |
| 30 | Mobility/Transportation Guideline 7: Circulation | A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. | √ | The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities as required. |
| 31 | 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 multiple types of transportation through sidewalks, being adjacent to a bus route, and allowing for bicycle and vehicular traffic. |
| 32 | 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 maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 33 | 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. | √ | Transportation Review will likely pursue a staff waiver of the dedication of ROW as the existing buildings would encroach into any newly dedicated ROW. |
| 34 | Mobility/Transportation Guideline 7: Circulation | A.10: The proposal includes adequate parking spaces to support the use. | +/- | More information is required to determine if there is adequate parking to support the uses. |
| 35 | 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 maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 36 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Pre-App Finding | Pre-App Comments |
|----|--|---|-----------------|--|
| 37 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 38 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. | √ | The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 39 | 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 is a mixed use development, including retail, is located along a major arterial and minor arterial level street, and will not adversely affect adjacent areas as it is consistent with the mixed use development pattern in the area. The proposal maintains the existing grid street pattern and alley access which is consistent with adjacent development. |
| 40 | 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 approved the proposal. |
| 41 | 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 APCD has approved the proposal. |
| 42 | 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 | There are no natural features on site to integrate into the pattern of development. |
| 43 | 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 or planned for utilities. |
| 44 | Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | √ | The proposal is located in an area served by existing utilities or planned for utilities. |
| 45 | Community Facilities Guideline 14: Infrastructure | A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. | √ | MSD has approved the proposal. |