

PLANNING COMMISSION MINUTES
January 19, 2017

PUBLIC HEARING

CASE NO. 16ZONE1057

Case No. 16ZONE1057
Project Name Tri-Village Storage
Location 1170 East Broadway
Owner(s) Eagle Properties, Inc.

Louisville Broadway Apartments LLC
Ryan Szymanski
495 South High Street, Suite 150
Columbus, Ohio 43215

Applicant Brexton LLC
Melanie Wollenberg, Executive Vice President, Development
815 Grandview Avenue, Suite 300
Columbus, Ohio 43215

Representative Bardenwerper Talbott & Roberts PLLC
William B. Bardenwerper
1000 North Hurstbourne, 2nd floor
Louisville, Ky. 40223

Project Area/Size 0.213 acres
Jurisdiction Louisville Metro
Council District 4 – Barbara Sexton Smith
Case Manager Beth Jones, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:10:12 Ms. Jones discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Second Floor, Louisville, Ky. 40223
Jon Henney, Gresham, Smith and Partners, 101 South Fifth Street, Suite 1400, Louisville, Ky. 40202

Summary of testimony of those in favor:

03:21:09 Mr. Bardenwerper gave a power point presentation. Some finding of facts were rewritten.

03:27:00 Mr. Henney stated very little has changed to what's currently existing. There will be an addition of a stair tower and canopy as well as minor repairs and 4 additional parking spaces. The applicant will provide as much screening as possible.

Deliberation

03:34:27 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

Zoning Change from OR-3 to C-2

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

WHEREAS, Cornerstone 2020 describes the Traditional Marketplace Corridor as a form found along a major roadway where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants and services. These uses frequently have apartments or offices on the second story. Buildings generally have little or no setback, roughly uniform heights and a compatible building style. They are generally two to four stories and are oriented toward the street. New development and redevelopment should respect the predominant rhythm, massing and spacing of existing buildings; and

WHEREAS, There should be a connected street and alley system. New development should maintain the street grid pattern and typical block size. Parking is provided on-street and in lots at the rear of buildings; new development should respect this pattern.

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A street capable of permitting on-street parking is usually necessary. Flexible and shared parking arrangements are encouraged; and

WHEREAS, the Louisville Metro Planning Commission finds, the area should be easily accessible to pedestrians, transit and bicycle users. Wide sidewalks, street furniture and shade trees should be used to create a pedestrian-friendly environment that invites shoppers to make multiple shopping stops without moving their vehicles; and

WHEREAS, the Louisville Metro Planning Commission further finds attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of scale, architectural style and building materials of any proposed new development with nearby existing development within the corridor.

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the subject property is located in the Traditional Neighborhood Form District, which is characterized by predominately residential uses but which may contain appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood – serving uses; what this infers is that a multi – level, climate controlled, self – storage unit building can be located in a form district such as this because, among other things, it serves the neighborhood, especially the two new Edwards apartment communities located next door at the old Mercy Academy site and a short distance away at the Broadway and Baxter site; and

GUIDELINE 2 – CENTERS

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2, 3, 4, 5, 7, 8, 10, 11, 13, 14, and 16 of Guideline 2 because this is an existing activity center; it includes an existing hospital, school, this old, under-utilized office building and a new approved apartment community; the hospital and apartment community in particular will be able to benefit from their utilization of the proposed new storage facility, because businesses and residents need storage, especially residents who live in places without storage, notably apartment buildings; by locating in an underutilized old office building, this facility promotes an efficient use of land and investment in existing infrastructure, utilizes existing utilities, keeps commuting time between these apartments and storage facilities short or nonexistent, brings a diversity of services to the area, revitalizes a downtrodden place because the building is old, barely occupied and attracts vagrants today, and the project does not create a new building on an empty parcel but rather involves reuse and renovation; and

WHEREAS, as this is a Traditional Neighborhood activity center where mixed activities already exist, and the nonresidential nature of this use adds to that mix in an already

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existing activity center where a sufficient support population clearly exists and where the overall development that exists in this activity center is and will remain compact, these Policies of this Guideline are also served; and

WHEREAS, Broadway is an arterial or major collector street, and the proposed storage facility is located right up on that street, where the old, underutilized existing office building currently exists; it will share access with the existing school, hospital and parking garage, will include only very few new parking spaces, which can be screened from the view of residents across Broadway, and, by changing from an office to storage facility use, this proposal frees up parking in the existing parking garage for apartment community residents, as parking in the area is always needed; and

GUIDELINE 3 – COMPATIBILITY

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 19, 20, 21, 22, 23, 24, and 28 of Guideline 3 because this new storage facility use adds to the mixture of land uses in the existing activity center and does not involve any known nuisances, while the renovation and reuse of the old office building helps to preserve the character of the existing Original Highlands neighborhood; further the proposed storage facility is located exactly next door to the recently approved apartment community, which underwent careful design consideration and review by the community; as such, the proposed reuse of the existing old, underutilized office building will take into account the design of the apartment building next-door, re-facing and or replacing some of the existing office building's exterior materials and employ suitable colors as well that reflect the look of the adjoining apartment building; while it is a non-residential use, it is not a non-residential expansion that is proposed here, because an office building already exists in the structure that will be we reutilized and renovated; as a storage facility use, it does not involve odors, create traffic or noise, involve unusual lighting or create unacceptable aesthetic impacts; instead, as to look, it will be improved from the old, bedraggled office building that currently exists at this location; it will be accessible by virtue of the existing driveway used by the garage, hospital and school; it will not involve the storage of hazardous materials; as explained, this is already part of an existing activity center; setbacks are already established, and landscape screens and buffers will be interposed where feasible and necessary to assure that the little parking and small loading areas proposed do not have adverse aesthetic impacts on the neighbors across Broadway; again, this will help free up parking in the garage for the residents who will live in the adjoining apartment community; and signage will be located as present, both building-mounted and reutilizing the existing freestanding sign and not lighted in a way so as to cause a glare on residents who enjoy their front porches across Broadway; and

GUIDELINE 6 – MARKETPLACE

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WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6 and 11 of Guideline 6 because the storage facility helps to ensure the availability of a commercial use where land to build same already exists, and renovating an old, underutilized office building reduces both public and private costs of land development, ensuring that people in the area have good access to needed services at appropriate locations; further, as noted above, this storage facility will utilize an existing access, it involves investment in an older neighborhood, and it serves as the redevelopment and reuse of a larger as mentioned "bedraggled" site and under-utilized old building in an existing activity center; and

GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN;
GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT;
GUIDELINE 12 – AIR QUALITY

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 4, 6, 10, 11, 13, 14, 15, and 18 of Guideline 7; Policies 7, 9, 10 and 11 of Guideline 8; Policies 1 and 2 of Guideline 9; and Policies 1, 2, 3, 4, 6, 7 and 8 of Guideline 12 because this project is situated on an arterial or collector street where sidewalks and public transit exist, even though they will not necessarily be utilized by patrons of the proposed storage facility; those are alternate means of transportation that are required, when possible, and so they are; further, this proposal has been reviewed by Metro Transportation Planning Services personnel, who gave its preliminary stamp of approval prior to its docketing for Planning Commission review; that assures that all applicable Public Works standards are complied with, including Policies of the Cornerstone 2020 Comprehensive Plan and regulatory requirements of the Land Development Code (LDC); and

WHEREAS, in that regard, the proposed project will assure that Broadway continues to operate safely and functions as at present, with no added traffic involved, because a lower traffic use is proposed here than presently exists here; thus, traffic impacts are avoided with this development; and, as noted, design of the site, which is mostly already as-built, will assure that corner clearances, driveway access, median openings, cross connections, etc. are provided as required; and the storage facility will have adequate parking, plus it actually frees up parking in the existing garage for apartment residents, as parking in this Traditional Neighborhood area is always in short supply; and

GUIDELINES 10 & 11 - STORMWATER AND WATER QUALITY

WHEREAS, the proposed project complies with all applicable Intents and Policies 1, 3, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because as this is an

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already as-built site, it does not create more impervious areas; consequently, MSD will determine whether new storm water facilities are required or not; but for sure the proposed project will not be allowed to have any new negative impact on existing storm water systems; also, MSD gave its preliminary approval the detailed development plan before it was set for Planning Commission review; and at time of construction, the proposed storage facility will need to include water quality devices to address the new MSD water quality standards; and any new construction will have to comply with MSD's soil erosion and sediment control standards; and

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GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed project complies with the Intent and Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses; accordingly, the LDC will be fully complied with except as respects the waiver request filed herewith; and screening of loading from residences across Broadway will be provided; and

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the zoning change from OR-3 to C-2 for Case No. 16ZONE1057 based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Gazaway, Howard, Kirchdorfer, Lewis and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Peterson, Smith and Tomes

CONDITIONAL USE PERMIT

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

WHEREAS, The proposal will provide a neighborhood-serving use, especially considering the construction of new apartments underway at the neighboring Mercy Academy site as well as at the corner of Broadway and Baxter, a short distance away; and

WHEREAS, The proposal is a re-use of an existing structure; the only exterior change will be the addition of an enclosed stairwell on its western façade. Loading and unloading will be accomplished via dedicated areas within the existing parking garage adjoining the structure to the south. The proposal is not expected to create significant traffic, noise or lighting nuisances; and

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WHEREAS, the Louisville Metro Planning Commission finds, the proposal is located within a well-established and highly developed area and will not require additional public services or facilities; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal does not fully comply with standards regarding landscaping and height, but these are due to existing conditions on the site. The proposal does comply with the remaining CUP standards.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for Case No. 16ZONE1057 based on the conditional use permit section of the staff report, applicant's statement of compliance/finding of facts and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Gazaway, Howard, Kirchdorfer, Lewis and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Peterson, Smith and Tomes

Waiver

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

WHEREAS, The owners of the site also own the properties directly adjacent to it on the east and south. Any potential adverse effects due to the exterior changes proposed will be mitigated by landscaping in excess of requirements where possible; and

WHEREAS, The waiver has been reviewed and found to be in compliance with Cornerstone 2020 guidelines; and

WHEREAS, the Louisville Metro Planning Commission finds, the waiver is made necessary as the result of previous variances granted that set the property lines of the subject site at the building lines on the north, south and east sides. LBAs were not required at that time since the site's zoning was consistent with adjoining properties. A zone change to C-2 brings these requirements into effect, but no space exists to establish LBAs; and

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WHEREAS, the Louisville Metro Planning Commission further finds the proposal includes landscaping in excess of requirements at the only place available for that purpose.

WHEREAS, the waiver will not adversely affect adjacent property because this site was purchased in conjunction with redevelopment of the adjoining Edwards apartment community and parking garage on and next to the old Mercy Academy site; the existing office building is old and in some disrepair compared to the rehabilitation that it will undergo as a part of this application; as a consequence of this and the fact that this project represents a built condition at a tight overall in-fill site, no purpose is served by the landscaping associated with what otherwise would be a perimeter LBA between this self-storage facility and the adjoining apartment and parking garage site; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Revised Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with this rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because in any amount of landscape buffer between this storage facility and the redeveloped apartment and office sites would prove unnecessary, accomplishing no valid purpose; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because this is an as-built site that can't accommodate the landscape buffer otherwise required;

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of the required landscape buffer area between OR-3 and C-2 properties based on the staff report, testimony heard today and the applicant's justification.

The vote was as follows:

YES: Commissioners Brown, Carlson, Gazaway, Howard, Kirchdorfer, Lewis and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Peterson, Smith and Tomes

Revised Detailed District Development Plan and Binding Elements

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On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

WHEREAS, The proposal adds landscaping within the small yard at the west side of the site. The other conditions do not currently exist on the site; and

WHEREAS, The site is located within an area fully developed for multi-modal transportation; and

WHEREAS, The proposal is preserving the majority of the existing open space and enhancing the remainder with additional landscaping; and

WHEREAS, The proposal has been reviewed and approved by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal is a re-use of an existing site and does not include significant new development; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal has been fully reviewed and approved by Louisville Metro Planning and Design Services and the appropriate public agencies and public service providers.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan and binding elements on page 14 of the staff report with the revision to binding element number 4 - to replace 18,760 square feet of gross floor area with 25,200 square feet of gross floor area based on the staff report, testimony heard today and the applicant's justification, **SUBJECT** to the following Binding Elements:

Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC.
2. Changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or to its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
3. Use of the subject site shall be limited to mini-warehouse and other uses permitted in the C-2 Commercial district. There shall be no other use of the property without prior approval of the Planning Commission. Notice of a request to amend these binding elements shall be provided in accordance with Planning

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Commission policies and procedures. The Planning Commission may require a public hearing on any request to amend these binding elements.

4. The development shall not exceed 25,200 square feet of gross floor area.
5. All signs shall be in accordance with LDC Chapter 8 sign regulations. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
6. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
7. All lighting shall comply with the requirements of LDC 4.1.3, including special requirements for the Traditional Marketplace Corridor form district.
8. The applicant, developer or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise them of the content of 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.
9. The site shall be subject to LDC 4.1.6.B standards regulating the idling of motor vehicles.

The vote was as follows:

YES: Commissioners Brown, Carlson, Gazaway, Howard, Kirchdorfer, Lewis and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Peterson, Smith and Tomes