

# Planning Commission

## Staff Report

January 29, 2015



<b>Case No:</b>	14zone1048
<b>Request:</b>	<b>Change in zoning from C-3 to EZ-1</b>
<b>Project Name:</b>	<b>Market Street Mini-Warehouse</b>
<b>Location:</b>	<b>201 East market Street</b>
<b>Owner:</b>	<b>ADS Holdings LLC</b>
<b>Applicant:</b>	<b>Column Group</b>
<b>Representative:</b>	<b>Land Design and Development; Bardenwerper Talbott &amp; Roberts PLLC</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>4- David Tandy</b>
<b>Case Manager:</b>	<b>Julia Williams, AICP, Planner II</b>

### REQUEST

- Change in zoning from C-3 to EZ-1
- District Development plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-3  
 Proposed Zoning District: EZ-1  
 Existing Form District: DT  
 Existing Use: Vacant Warehouse  
 Proposed Use: Commercial/Mini-Warehouse  
 Minimum Parking Spaces Required: 0  
 Maximum Parking Spaces Allowed: 0  
 Parking Spaces Proposed: 0

The proposal is for a change in zoning from C-3 to EZ-1 to permit the existing National Register Kurfees building to be renovated into a mixed use structure for commercial and mini-warehouse. No new construction is proposed.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant Industrial	C-3	DT
<b>Proposed</b>	Commercial/Industrial	EZ-1	DT
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Parking Lot/Warehouse	C-3	DT
<b>South</b>	Retail	C-3	DT
<b>East</b>	Parking Lot	C-3	DT
<b>West</b>	Parking Lot	C-3	DT

## PREVIOUS CASES ON SITE

None.

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW FOR REZONING

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

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

## STAFF ANALYSIS FOR REZONING

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

### The site is located in the Downtown Form District

This form is characterized by its location near the center of the population it serves. The Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses. It has a grid pattern of streets designed to accommodate a large volume of vehicular traffic and public transportation. There are provisions for on-street and long-term parking of vehicles and for substantial pedestrian and non-vehicular movement within the district. Buildings are generally the greatest in volume and height in the metropolitan area, and there is public open space including plazas and squares. The Downtown Form should give identity to the whole community and should provide for a mixture of high density and intensity uses. Unlike the other community forms, the Downtown is already a geographically defined area that is described by Louisville Codified Ordinance and in the Louisville Downtown Development Plan. The Downtown Development Plan also recognizes that Downtown consists of seven sub-districts and describes those sub-districts. The Downtown Development Plan and its successors are to be used as official planning evidence guiding land use decisions in the Downtown.

The proposal is similar to the pattern of development in the downtown because the proposal is for a mixed use zoning district that includes commercial and industrial. The historic structure will be retained and renovated to accommodate new uses. No new construction is proposed. The proposal is part of an existing center in the downtown form. The historic structure will be retained and renovated to accommodate commercial and storage. The retail is located in the downtown which is a regional center for Louisville. The city has enough population to support downtown retail. The development is compact as everything is enclosed inside the existing historic structure. The proposal is part of an existing center. The commercial and storage components

enclosed in the existing structure and the preservation of the existing structure encourages the sense of place that has already been created in the downtown form.

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 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 DDDP

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

STAFF: There are no natural features evident on the site. The proposal is for the renovation of a historic structure.

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

STAFF: Existing on street parking and sidewalks will be used for the proposal.

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

STAFF: Open space will be provided in the public areas of the plan in the form of the sidewalk.

- 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 preliminarily approved the proposal.

- 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 building is existing and no new construction is proposed.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan.

### TECHNICAL REVIEW

- All agency review comments have been addressed.

## STAFF CONCLUSIONS

The proposal is similar to the pattern of development in the downtown because the proposal is for a mixed use zoning district that includes commercial and industrial. The historic structure will be retained and renovated to accommodate new uses. No new construction is proposed. The proposal is part of an existing center in the downtown form. The historic structure will be retained and renovated to accommodate commercial and storage. The retail is located in the downtown which is a regional center for Louisville. The city has enough population to support downtown retail. The development is compact as everything is enclosed inside the existing historic structure. The proposal is part of an existing center. The commercial and storage components enclosed in the existing structure and the preservation of the existing structure encourages the sense of place that has already been created in the downtown form.

The proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan.

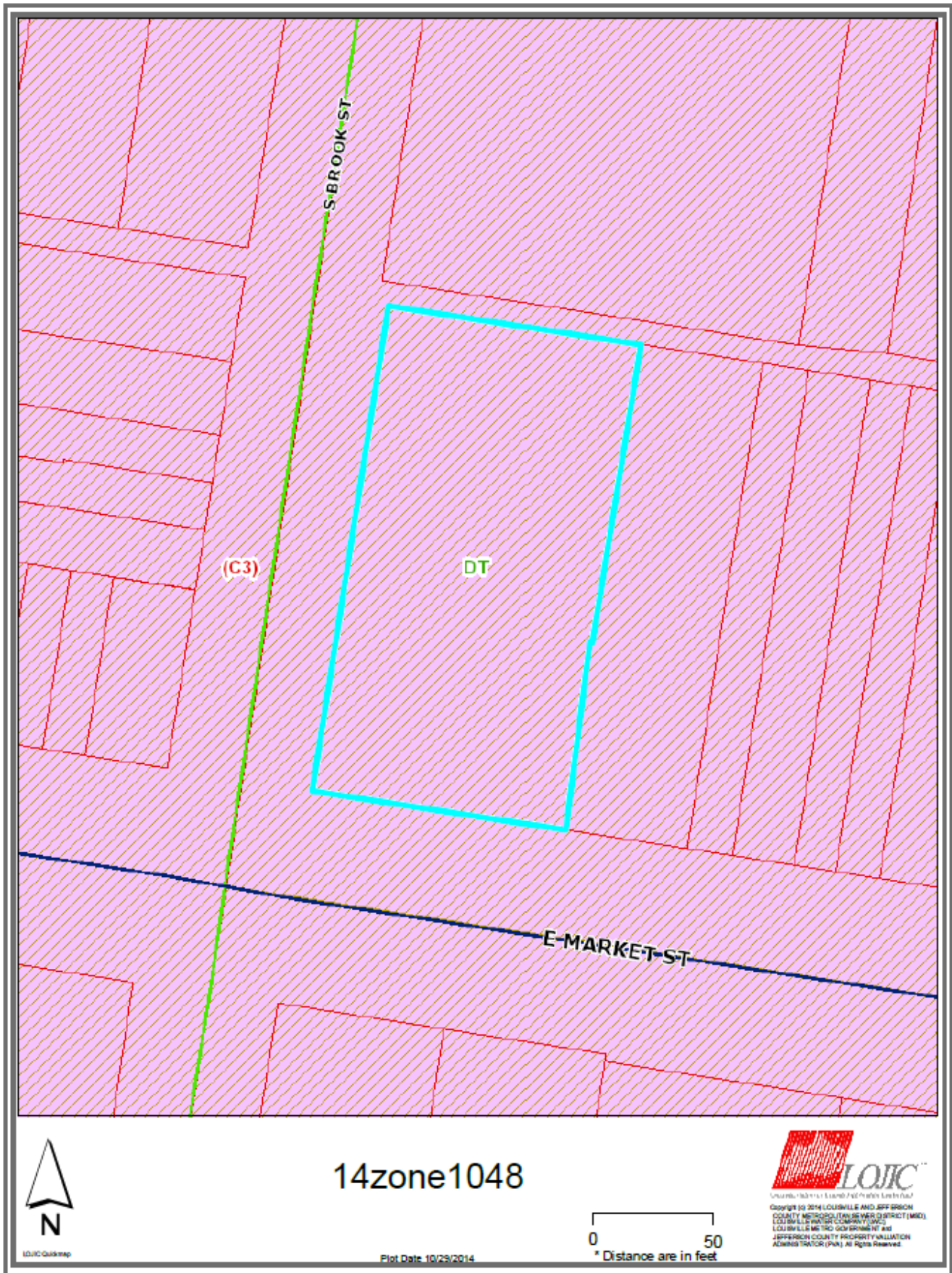
## NOTIFICATION

Date	Purpose of Notice	Recipients
11/24/14	Hearing before LD&T on 12/11/14	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
1/14/15	Hearing before PC on 1/29/15	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
1/14/15	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Downtown: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.1: The proposal is similar to the pattern of development in the Downtown, which includes predominately office, commercial, civic, medical, high-density residential and cultural land uses.	✓	The proposal is similar to the pattern of development in the downtown because the proposal is for a mixed use zoning district that includes commercial and industrial.
2	Community Form/Land Use Guideline 1: Community Form	B.1: The proposal includes and respects the grid pattern of streets in the downtown area and includes provisions for on-street and long-term parking of vehicles and supports substantial non-vehicular transportation options.	✓	The proposal does not change the street pattern. On street parking is provided and transit is available along Market.
3	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The historic structure will be retained and renovated to accommodate new uses. No new construction is proposed.
4	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Downtown Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal is part of an existing center in the downtown form. The historic structure will be retained and renovated to accommodate commercial and storage.
5	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The retail is located in the downtown which is a regional center for Louisville. The city has enough population to support downtown retail.
6	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The development is compact as everything is enclosed inside the existing historic structure.
7	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal is part of an existing center. The commercial and storage components enclosed in the existing structure and the preservation of the existing structure encourages the sense of place that has already been created in the downtown form.
8	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal incorporates mini-storage over retail within the 4 story structure.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The proposal is compact and all within the existing historic structure. The proposal is for a multi-use building within a multi-use zone.
10	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	Parking is provided on street. Transit is available along Market. Existing sidewalks are available along Market and Brook.
11	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities are existing and located underground.
12	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal is easily accessed by all forms of transportation.
13	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	No new construction is proposed.
14	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 not a non-residential expansion into an existing residential area.
15	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	No new construction is proposed that would affect air pollution.
16	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic will not be adversely impacted by the proposed zoning.
17	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will meet LDC requirements.
18	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 higher intensity zoning and is located along both a transit corridor and activity center.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The adjacent uses are similar in scale and intensity to the existing building.
20	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is not located in an area where the adjacent developments are incompatible.
21	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.	NA	No new construction is proposed.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking is provided on street.
23	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Parking is provided on street.
24	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	A parking garage is not proposed.
25	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will be attached and meet form district requirements.
26	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 provided nor is it required by the LDC.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
27	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 provided nor is it required by the LDC.
28	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	No natural features are evident on the site.
29	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.	✓	No natural features are evident on the site.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal is for the preservation and adaptive reuse of an existing historic structure.
31	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.	✓	Soils are not an issue for the site.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	✓	Access to and from and around the site is existing and will not be changed.
33	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.	✓	The proposal is for the reinvestment and rehabilitation of an existing historic structure located in the downtown.
34	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.	✓	The proposal includes an industrial component that is located in the interior of the building. The existing building has an industrial past as a paint manufacturing company.
35	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 proposed retail is located in an existing activity center that is located at the intersection of a major and minor arterial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	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.	✓	The proposal is located at the intersection of a major and minor arterial.
37	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.	NA	Road improvements are not required with the proposal.
38	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 provides for all types of transportation.
39	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal is not proposing any new roads or access points.
40	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	NA	No additional ROW is required to be dedicated.
41	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is provided on street.
42	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.	✓	All access to and from the site is existing with no new access points proposed.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	No new roadways are being created with the proposal.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the development is along public roads with similar intensity uses around.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
45	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.	✓	No new roadways are being created with the proposal.
46	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.	✓	All types of transportation is being provided for on the site.
47	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 no issues with the proposal.
48	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has no issues with the proposal.
49	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing utilities will serve the site.
50	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	An adequate water supply is available to the site.
51	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The health department has no issues with the proposal.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 87,500 square feet of gross floor area.
3. 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.
4. 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.