

**Land Development and Transportation  
Committee  
Staff Report  
January 11, 2018**



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|--------------------------|--|
| <b>Case No:</b>          | 17zone1050   |
| <b>Project Name:</b>     | Louisville City FC   |
| <b>Location:</b>         | 237-243, 249-251, 255-257, 261, 267-275, & 270 N. Campbell St., 250, 350, 375, & 1080 Adams St., 214, 225-229, 249-257, 261-265, & 271 Mill St., 200, 203/203R Cabel St., 275 N Shelby St. |
| <b>Owner(s):</b>         | Louisville Metro Government, Outdoor Systems Inc., Waterfront Development Corp., & LG&E  |
| <b>Applicant:</b>        | Louisville City FC   |
| <b>Jurisdiction:</b>     | Louisville Metro   |
| <b>Council District:</b> | 4-Barbara Sexton Smith   |
| <b>Case Manager:</b>     | Julia Williams, RLA, AICP, Planning Supervisor   |

**REQUEST(S)**

*Form from TN to DT*

- Change in zoning from M-3 to EZ-1
- Variance from 5.2.1.C.3-6 to allow for the proposed buildings to be setback from the property lines at variable distances as shown on the development plan.
- Waivers:
  1. Waiver from 5.5.1.B.1.a.ii to permit parking in front of primary structures as shown on the development plan.
  2. Waiver from 5.8.1.B to not provide a sidewalk on the east side of Campbell Street adjacent to the CSX Railroad.
  3. Waiver from 5.2.1.C.2 and 5.2.1.C.5 to not provide a 3 story street wall for the length of the lot frontage.
- Approval of an overhead walkway/pedway over Campbell Street per 5.8.1.C.1.e.
- General Plan/Detailed District Development Plan with Binding Elements

**CASE SUMMARY/BACKGROUND**

The development site encompasses 44 lots that are either zoned M-3 or EZ-1. The existing land uses include salvage yards, mini-storage, and an automotive lift company. The proposal is for several office buildings, hotels, an athletic facility, and retail. A street (Mill Street) and several public alley ways will need to be closed in order to accomplish the proposal.

**STAFF FINDING**

The applicant should consider C-2 zoning for the sites instead of the requested EZ-1. C-2 permits all of the uses requested and would meet the intent of the Butchertown Neighborhood Plan by eliminating industrial zoned properties. It was also recommended to the applicant to keep Tract 1 in the existing Traditional Neighborhood Form District instead of the proposed Downtown Form due to the lot pattern, ownership, and existing Traditional Neighborhood Form that surrounds the site. Cabel Street in this

location forms an existing barrier between what would be "Downtown" and what is Traditional Neighborhood.

The proposal is otherwise ready for a public hearing date to be set.

### **TECHNICAL REVIEW**

1. Tree wells cannot be shown in the Cabel Street pedestrian zone on the exhibit. Tree wells are to be included in the streetscape zone.
  2. The streetscape zones are not indicated on the exhibits.
- Butchertown Neighborhood Plan (2008)
    - The Butchertown Neighborhood Plan recommends:
      - LU2 After final determination of Bridges Project impacts, evaluate the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning. This evaluation shall include consideration of existing land use and zoning of properties. Rezone properties in accordance with recommendations of evaluation. (Existing M-3 properties, with a use that requires a Conditional Use Permit not allowed in the proposed EZ-1 district, should not be rezoned without agreement from property owner.)
      - LU14 Partner with Metro agencies and affected industries to reduce the secondary (nuisance) impacts of existing industrial operations on residents and retail businesses.
      - LU16 Redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable.
  - Cornerstone 2020
  - Land Development Code

### **INTERESTED PARTY COMMENTS**

Written to Councilwoman Julie Denton: "As someone who has recently moved into your district, I implore you to vote yes for the proposed stadium district. Having been to numerous cities where a culture of positivity and growth are not only possible, but prevalent, please allow Louisville to grow. This proposal will serve upon multiple purposes, creating a positive and commercial area where businesses and people can gather. Create an environment where Louisville can improve its vibrant culture. And remove an eyesore brownfield from downtown. I appreciate your desire to make sure this deal is in our best interest financially, but I also ask you to consider the cultural and societal impacts in the long term."—Neil Javins

### **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 CHANGE IN ZONING / FORM DISTRICT**

### **The site is located in the Traditional Neighborhood Form District**

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

### **The site is proposed to be 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.

### **REQUIRED ACTIONS:**

- **SET** the public hearing date

### **NOTIFICATION**

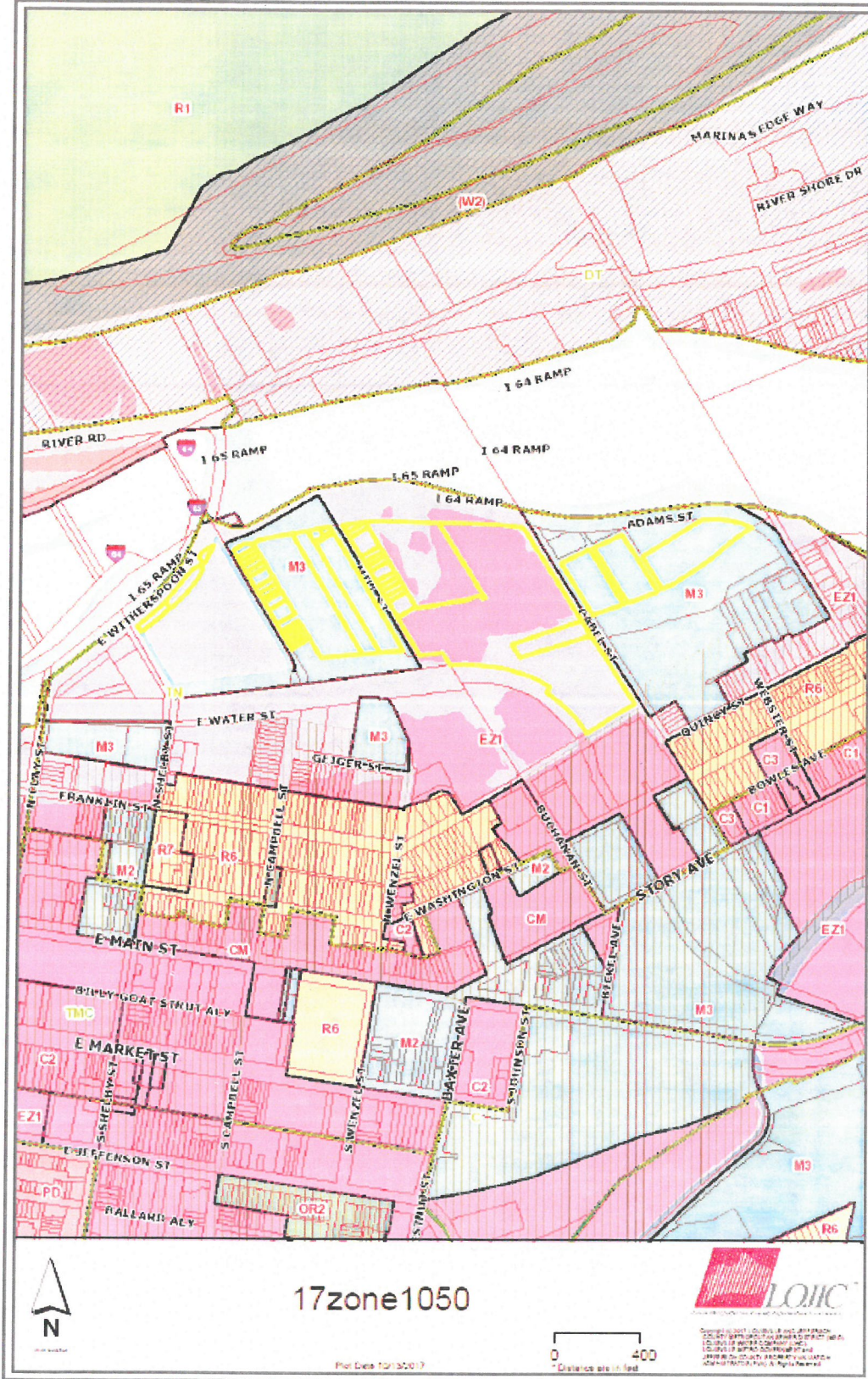
| <b>Date</b> | <b>Purpose of Notice</b>       | <b>Recipients</b>   |
|-------------|--------------------------------|---|
| 12/28/17    | Hearing before LD&T on 1/11/18 | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 4. |
|             | Hearing before ____            | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 4  |
|             | Hearing before PC              | Sign Posting on property  |
|             | Hearing before PC              | Legal Advertisement in the Courier-Journal  |

## **ATTACHMENTS**

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



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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - d. A road closure approval for Mill Street on Tract 2 and several unnamed alleys on Tract 1 shall be approved prior to requesting a building permit.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
8. Amenity areas per LDC Chapter 5.12.2 shall be submitted and approved by a committee of the Planning Commission prior to obtaining a building permit.

