

# Planning Commission Staff Report

February 16, 2017



<b>Case No.</b>	16ZONE1067
<b>Request</b>	Zone change from R-5 to C-1
<b>Project Name</b>	Chiropractic Office
<b>Location</b>	1100 & 1102 Milton Street
<b>Owner(s)</b>	Joseph T. Murrow, Jr.
<b>Applicant</b>	Joseph T. Murrow, Jr.
<b>Representative(s)</b>	Bardenwerper Talbott & Roberts PLLC
<b>Project Area/Size</b>	0.16 acres/7,206.5 square feet
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	10 – Pat Mulvihill
<b>Case Manager</b>	Beth Jones, AICP, Planner II

## REQUEST

- Change in zoning from R-5 Single-Family Residential to C-1 Commercial
- Detailed District Development Plan

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a change in zoning from R-5 single-family to C-1 Commercial to expand existing commercial and residential uses on the site, which consists of two platted parcels. The parcel at 1100 Milton Street is currently in use as a residence and chiropractor's office, a non-conforming use. It is a corner parcel located in the southern quadrant of the intersection of Milton and Hickory Streets. The parcel at 1102 Milton Street is currently in use as a single-family residence. The site is located within a Traditional Neighborhood form district.

The applicant proposes to demolish both existing structures to build one new two-story structure which will house the chiropractor's office and retail space on the first floor and three dwelling units on the second floor. The two subject parcels will be consolidated prior to development.

Both Milton and Hickory Streets are classified as local streets. Six parking spaces are to be located at the rear of the site, accessible from the existing 15' alley at the rear. Six on-street parking spaces, including one ADA space, also exist within the property lines of the consolidated parcel.

A parcel currently in use as a single-family residence adjoins 1102 Milton Street to the south; the home on that parcel is located at the property line nearest the proposed structure. The parcel across the alley at the rear is a bar/restaurant in business for many years; it is located at the intersection of Hickory and E. Burnett Avenue, a secondary collector street. All four quadrants of that intersection are zoned C-1 or C-2.

**LAND USE / ZONING DISTRICT / FORM DISTRICT**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Professional Office, Residential	R-5	Traditional Neighborhood
<b>Proposed</b>	Professional Office, Retail, Multi-Family Residential	C-1	
<b>Surrounding Properties</b>			
<b>North</b>	Single-Family Residential	R-5	Traditional Neighborhood
<b>South</b>	Bar/Restaurant	C-1	
<b>East</b>	Single-Family Residential	R-5	
<b>West</b>	Single-Family Residential	R-5	

**PREVIOUS CASES ON SITE**

There are no related zoning cases or enforcement action associated with the subject property. The chiropractor's office currently in operation on the site is an existing non-conforming use.

**INTERESTED PARTY COMMENTS**

Multiple comments have been received regarding the design of the proposed structure, parking for the proposed residential and commercial uses and the condition of the alley at the rear of the site.

**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

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

**STAFF ANALYSIS FOR REZONING**

The site is located within a Traditional Neighborhood form district. This form is characterized by predominantly residential uses and 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 and (c) preservation of public open spaces.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP**

- 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: LOJIC shows that these conditions do not currently exist on the site.

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

STAFF: The development plan has been reviewed by and received preliminary approval from Public Works.

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

STAFF: There are no open space requirements applicable to the proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The development plan has been reviewed by and received preliminary approval from MSD.

- e. Compatibility of the land uses and overall site design including location of buildings, parking lots, screening and landscaping, with existing and projected future development of the area;

STAFF: The site design is compatible with the surrounding area. The residential aspects of the land use are compatible and the chiropractor's office is a continuation of a long-standing non-conforming use. The proposed retail use is an expansion of existing commercial uses located at the intersection of Hickory Street and E. Burnett Avenue directly southwest of the site.

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

STAFF: The development plan conforms to applicable requirements of the Land Development Code. The design of the structure conflicts with Comprehensive Plan regarding consistency of design within the Traditional Neighborhood form district.

## TECHNICAL REVIEW

All agency comments have been addressed.

## STAFF CONCLUSIONS

The proposed zone is an extension of similar zoning at a neighboring intersection. The site design meets all requirements. The design of the structure is consistent in massing and height with neighboring residences, but is not consistent in style.

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.

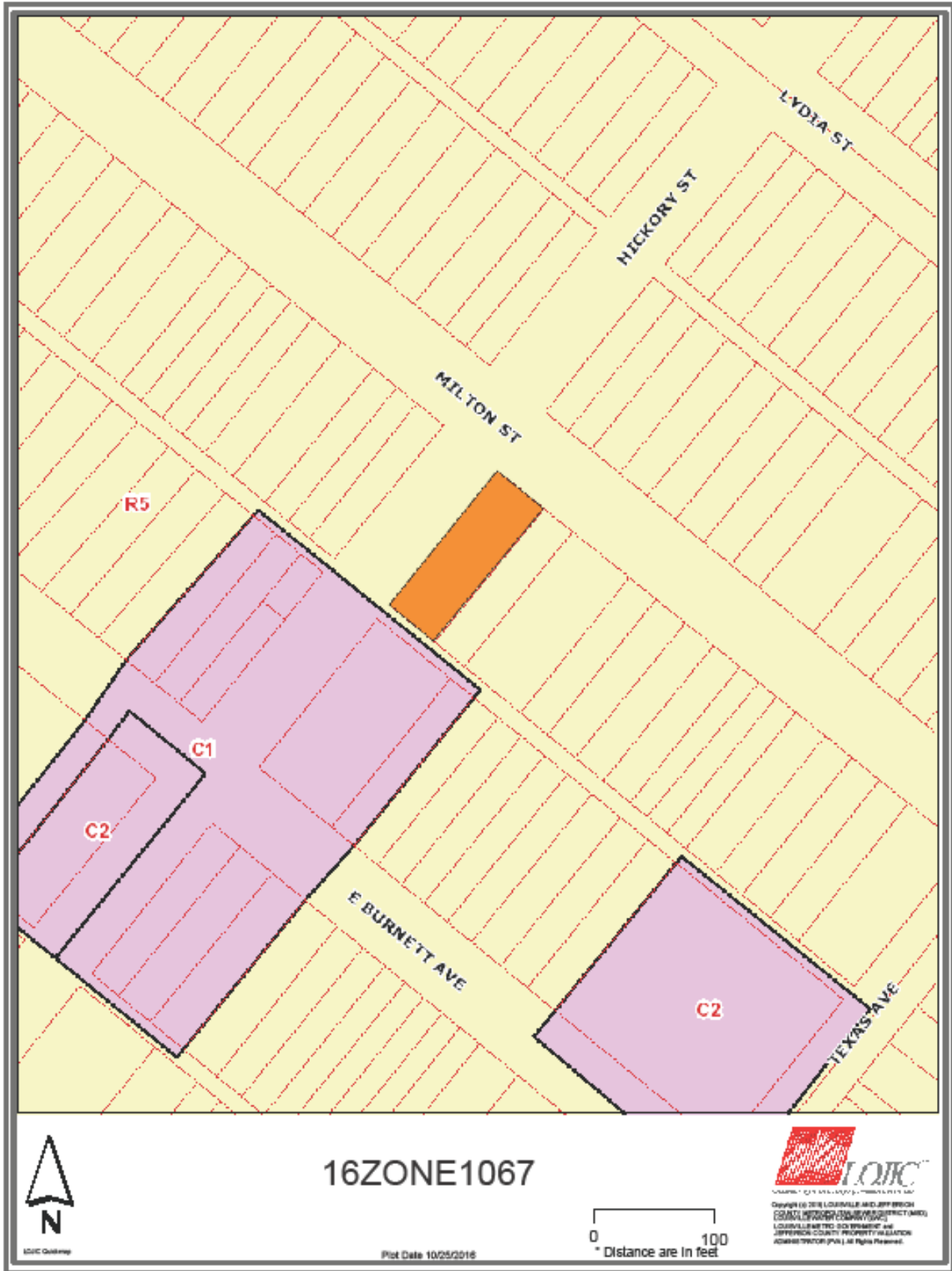
## NOTIFICATION

Date	Purpose of Notice	Recipients
10/3/17	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for District 10
1/12/17	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for District 10
2/2/17	Hearing before PC	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for District 10
2/1/17	Hearing before PC	Sign posting
2/4/17	Hearing before PC	Advertisement

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements/Conditions of Approval (for CUP)

1. Zoning Map



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Traditional Neighborhood: Non-Residential

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal preserves the existing grid pattern of streets, sidewalks and alleys.
2	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	✓	The proposal includes residential, professional office and commercial uses and is located adjacent to an existing neighborhood center.
3	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	NA	These conditions do not apply to the site.
4	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominant neighborhood building design.	-	The proposal demolishes existing structures consistent with the neighborhood design.
Community Form/Land Use Guideline 2: Centers			
5	A.1/7: The proposal, which will create a new center, includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	The proposal does not create a new center.
6	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The proposal is appropriately located.
7	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposal is compact and efficient.
8	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 includes residential, professional office and commercial uses and is located adjacent to an existing neighborhood center.
9	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal includes residential, professional office and commercial uses and is located adjacent to an existing neighborhood center.
10	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.	NA	The proposal is not a large development.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
11	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.	✓	The proposal shares parking with surrounding residential uses and provides parking exclusive to its use.
12	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.	NA	These conditions do not apply to this proposal.
13	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The site has multi-modal access.
Community Form/Land Use Guideline 3: Compatibility			
14	A.2: The proposed building materials increase the new development's compatibility.	–	Proposed structure design does not increase the site's compatibility with its surroundings.
15	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.	✓	Parking has been reviewed and approved by Public Works.
16	A.5: The proposal mitigates any potential odor or emissions associated with the development.	NA	No additional odor or emissions are expected.
17	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal has been reviewed and approved by Public works.
18	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal will meet LDC lighting standards.
19	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 accessible to transit and near an activity center.
20	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 proposal meets all requirements except compatible building design and materials.
21	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 meets all site design standards.
22	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposed structure meets these form district standards.



#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	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 meets standards for location and screening.
24	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 meets standards for location and screening.
25	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	Proposal does not include a parking garage.
26	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will conform with LDC standards.
Community Form/Land Use Guideline 4: Open Space			
27	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	There are no open space standards associated with the proposal.
28	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood form district.	NA	There are no open space standards associated with the proposal.
29	A.5: The proposal integrates natural features into the pattern of development.	NA	These features are not present on the site.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
30	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	These features are not present on the site.
31	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	These features are not present on the site.
32	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	These features are not present on the site.
Marketplace Guideline 6: Economic Growth and Sustainability			
33	A.2: Ensure adequate access between employment centers and population centers.	NA	This requirement does not apply to this site.
34	A.3: Encourage redevelopment, reinvestment and rehabilitation in downtown, older and declining areas that is consistent with the form district pattern.	–	The proposed structure is not consistent with form district patterns.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
35	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	No industrial development is associated with this proposal.
36	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.	✓	Site is located adjacent to existing activity center.
37	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	No industrial development is associated with this proposal.
Mobility/Transportation Guideline 7: Circulation			
39	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal is fully accessible and multi-modal.
40	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 fully accessible and multi-modal.
41	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	The proposal requires no new transportation facilities.
42	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal has been approved by Public Works.
43	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	These conditions do not apply to the proposal.
Mobility/Transportation Guideline 8: Transportation Facility Design			
44	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	These conditions do not apply to the proposal.
45	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	NA	These conditions do not apply to the proposal.
46	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.	NA	These conditions do not apply to the proposal.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
47	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 fully accessible and multi-modal.
Livability/Environment Guideline 10: Flooding and Stormwater			
48	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.	✓	The proposal has been approved by MSD.
Livability/Environment Guideline 12: Air Quality			
49	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been approved by APCD.
Livability/Environment Guideline 13: Landscape Character			
50	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	These features are not present on the site.
Community Facilities Guideline 14: Infrastructure			
51	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal has been approved by all appropriate utility providers.
52	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has been approved by Louisville Water Co.
53	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 proposal has been approved by MSD.

#### **4. Proposed Binding Elements/Conditions of Approval**

1. Site 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 LDC. 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. Use of the subject site shall be limited to uses permitted in the C-1 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons or banners shall be permitted on the site.
4. Before any permit, including but not limited to building, parking lot, change of use and/or 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 LDC Chapter 10. 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. There shall be no outdoor music, outdoor entertainment or outdoor PA system (live, piped, radio or amplified) permitted on the site.
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 them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for compliance with these binding elements.
7. No idling of trucks shall take place within 200 feet of single-family residences.
8. Lighting on the property shall be installed and maintained in accordance with LDC 4.1.3.
9. The exterior design style and building materials of the proposed residences shall be compatible with single-family residential and commercial development in the area of the development. The materials and design of proposed structures shall be substantially the same as depicted in rendering(s) as presented at the February 23, 2017 Planning Commission public hearing.