

THE GLENMARY INVESTMENT GROUP, LLC

**CHANGE IN ZONING FROM R-6 TO C-1
VARIANCE AND LANDSCAPE WAIVERS
611 – 617 BAXTER AVENUE
Case No. 17611**

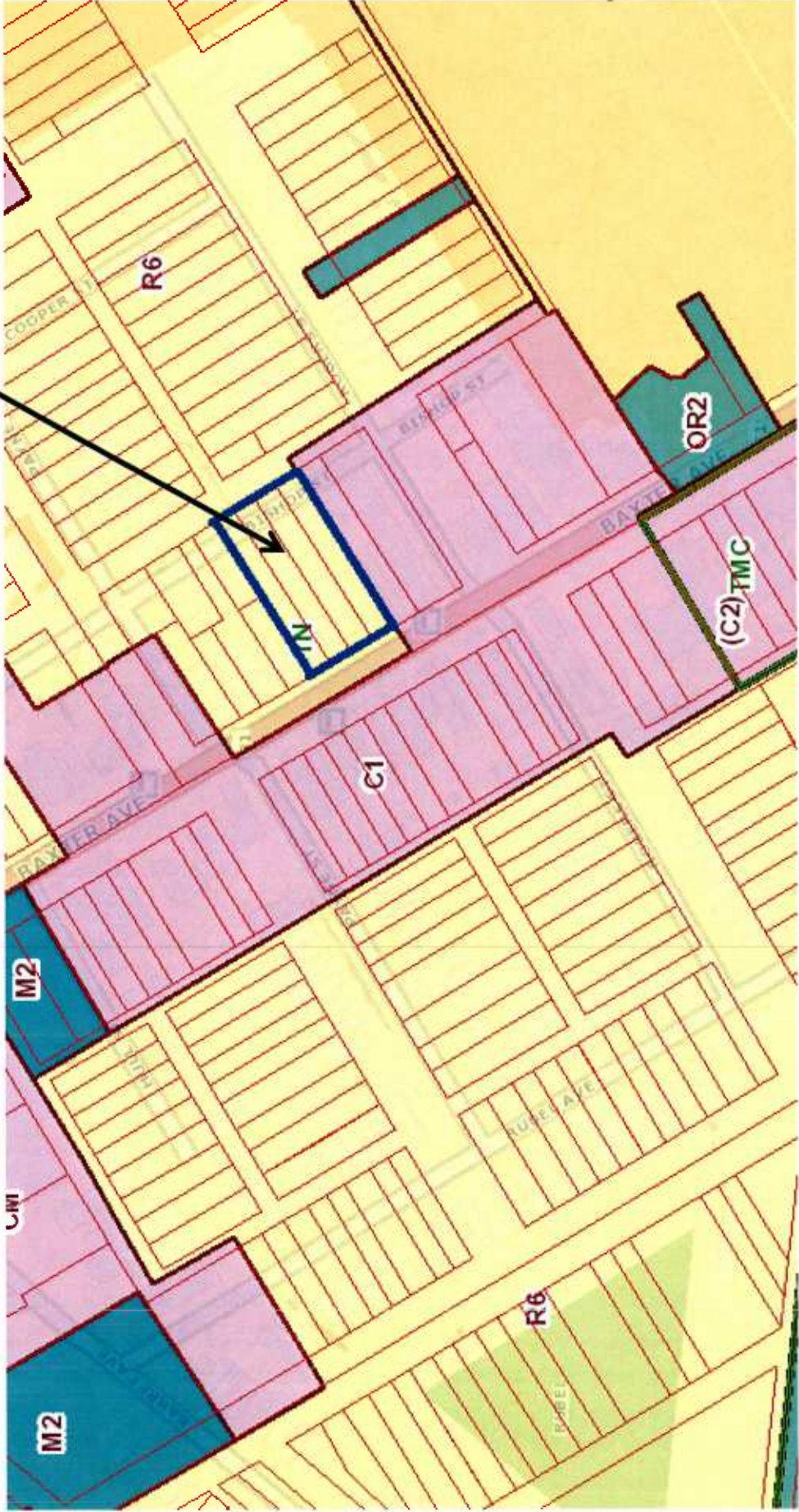
**APPLICANT'S PUBLIC HEARING EXHIBIT BOOKLET
FEBRUARY 6, 2014**

1. LOJIC Zoning Map
2. Aerial Photograph
3. Development Plan
4. Plan highlighting New Buildings, Variance and Waivers
5. Photographs of Subject Property and Surrounding Properties
6. Street View Rendering of Subject Property
7. Proposed Elevations of New Structures
8. Proposed Findings of Fact for Change in Zoning, Variance and Landscape Waivers

Deborah A. Bilitski
Wyatt, Tarrant & Combs LLP
500 W. Jefferson Street, Suite 2800
Louisville, KY 40202

John Miller
Miller Wihry
1387 S. Fourth Street
Louisville, KY 40208

Subject
Property



LOJIC Zoning Map



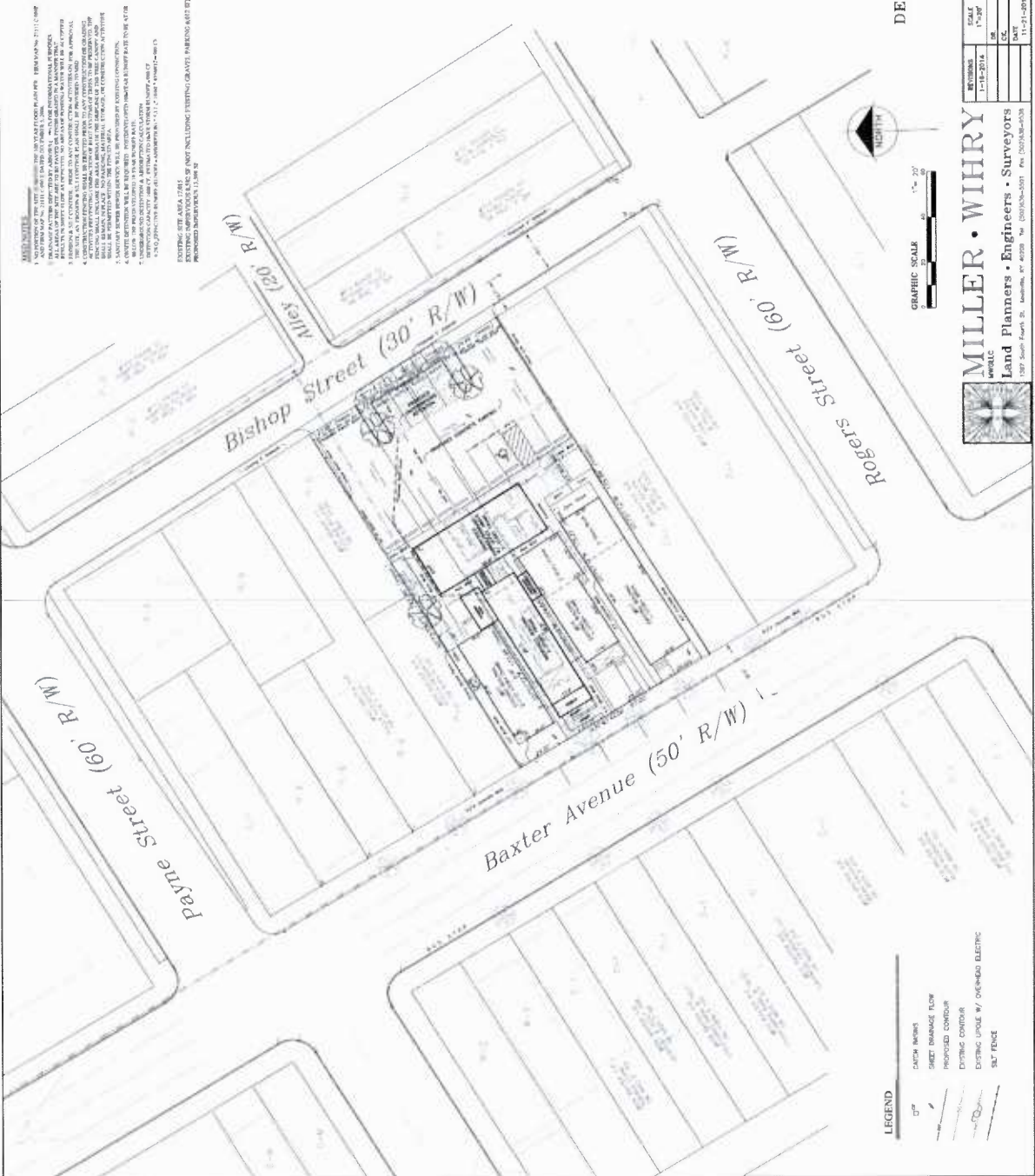
Google earth

Imagery Date: 11/6/2013 38°14'45.72" N 85°43'42.22" W elev 494 ft eye alt 1170 ft

1993

NOTES:

1. A PORTION OF THE 100' WIDE R/W OF PAYNE STREET IS TO BE REMOVED TO PROVIDE A 20' WIDE R/W FOR THE PROPOSED DEVELOPMENT.
2. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF LOUISVILLE.
3. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF LOUISVILLE.
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10. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF LOUISVILLE.



- LEGEND**
- 1" = 20'
 - CATCH BASINS
 - SHEET DRAINAGE FLOW
 - PROPOSED CONDUIT
 - EXISTING CONDUIT
 - EXISTING DUCTILE IRON OVERHEAD ELECTRIC
 - SILT FENCE

MILLER • WHIRY
 CIVIL ENGINEERS
 Land Planners • Engineers • Surveyors
 1037 South Fourth St., Louisville, KY 40203-0001 Ph: 502/583-0001

SCALE	1" = 20'
DATE	11-21-2013
BY	
CHECKED	
APPROVED	

DETAILED DISTRICT DEVELOPMENT PLAN
PDS #17811
Baxter Tracts
 611, 613, 615, & 617 BAXTER AVENUE
 Glenmany Investment Group, LLC
 615 Baxter Avenue, Louisville, KY 40204-1105
 FILE NO. **DDP**
 MAP 15000



PROJECT DATA

PROPOSED FINANCING: C-1
EXISTING ZONING DISTRICT: TRADITIONAL SUBURBHOOD
TOTAL SITE AREA: 0.369 ACRES 17,015.8 SQUARE FEET
 * Lots at 611, 613, & 615 Baxter Ave to be consolidated per this plan.
PROPOSED TOTAL BUILDING AREA: 9,977 SF
EXISTING TOTAL BUILDING AREA TO BE DIMENSIONED: 1,320 SF
PROPOSED TOTAL BUILDING AREA TO BE CONSTRUCTED: 4,235 SF
 Does not include two storage sheds to be removed or proposed 1,230 sf garage.

611 Baxter Avenue
SITE AREA: 0.09 ACRES
EXISTING BUILDING AREA: 1,470 SF 1ST FLOOR 644 SF 2ND FLOOR
EXISTING TOTAL BUILDING AREA: 1,470 SF
 Does not include 108 sf storage shed to be removed.

613 Baxter Avenue
SITE AREA: 0.09 ACRES
EXISTING BUILDING AREA: 1,420 SF 1ST FLOOR 645 SF 2ND FLOOR
EXISTING TOTAL BUILDING AREA: 4,235 SF
PROPOSED BUILDING AREA: 4,235 SF
PROPOSED USE: RESIDENTIAL (2-Dwelling Units)

615 Baxter Avenue
SITE AREA: 0.09 ACRES
EXISTING BUILDING AREA: 1,760 SF 1.518 SF 1ST FLOOR 472 SF 2ND FLOOR
EXISTING TOTAL BUILDING AREA: 1,760 SF
EXISTING AND PROPOSED USE: General Office

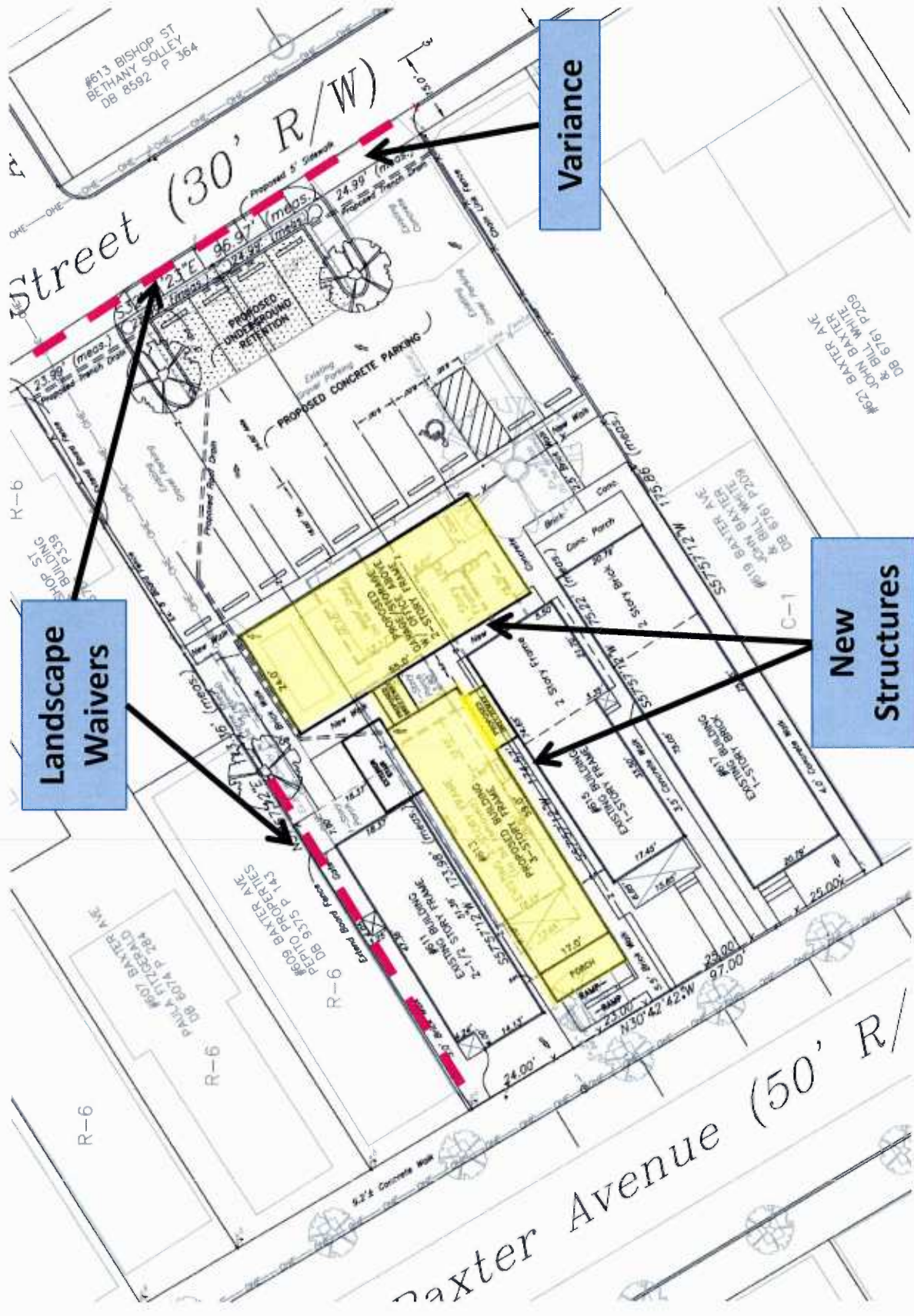
617 Baxter Avenue
SITE AREA: 0.09 ACRES
EXISTING BUILDING AREA: 1,888 SF 1,460 SF 1ST FLOOR 428 SF 2ND FLOOR
EXISTING AND PROPOSED USE: General Office

COMBINED PARKING CALCULATION:
REQUIRED OFFICE PARKING MAXIMUM: 2,004 SF 200
REQUIRED RESIDENTIAL PARKING MAXIMUM 210 @ 2.5 EA
MINIMUM 210 @ 1.5 EACH
TOTAL REQUIRED PARKING: 410 SPACES
TOTAL PROVIDED PARKING: 410 SPACES

** Includes 100 sf of existing parking spaces.
 ** Includes 4 new proposed parking spaces.

FORMING VIA: 6300 SF
PROPOSED VIA: 4120 SF
NOVA REQUIRED
TREE CANOPY CALCULATIONS:
EXISTING TREE CANOPY: 10,000 SF
PROPOSED TREE CANOPY: 10,000 SF
PROPOSED NET TREE CANOPY: 10,000 SF
PROPOSED NET TREE CANOPY: 10,000 SF

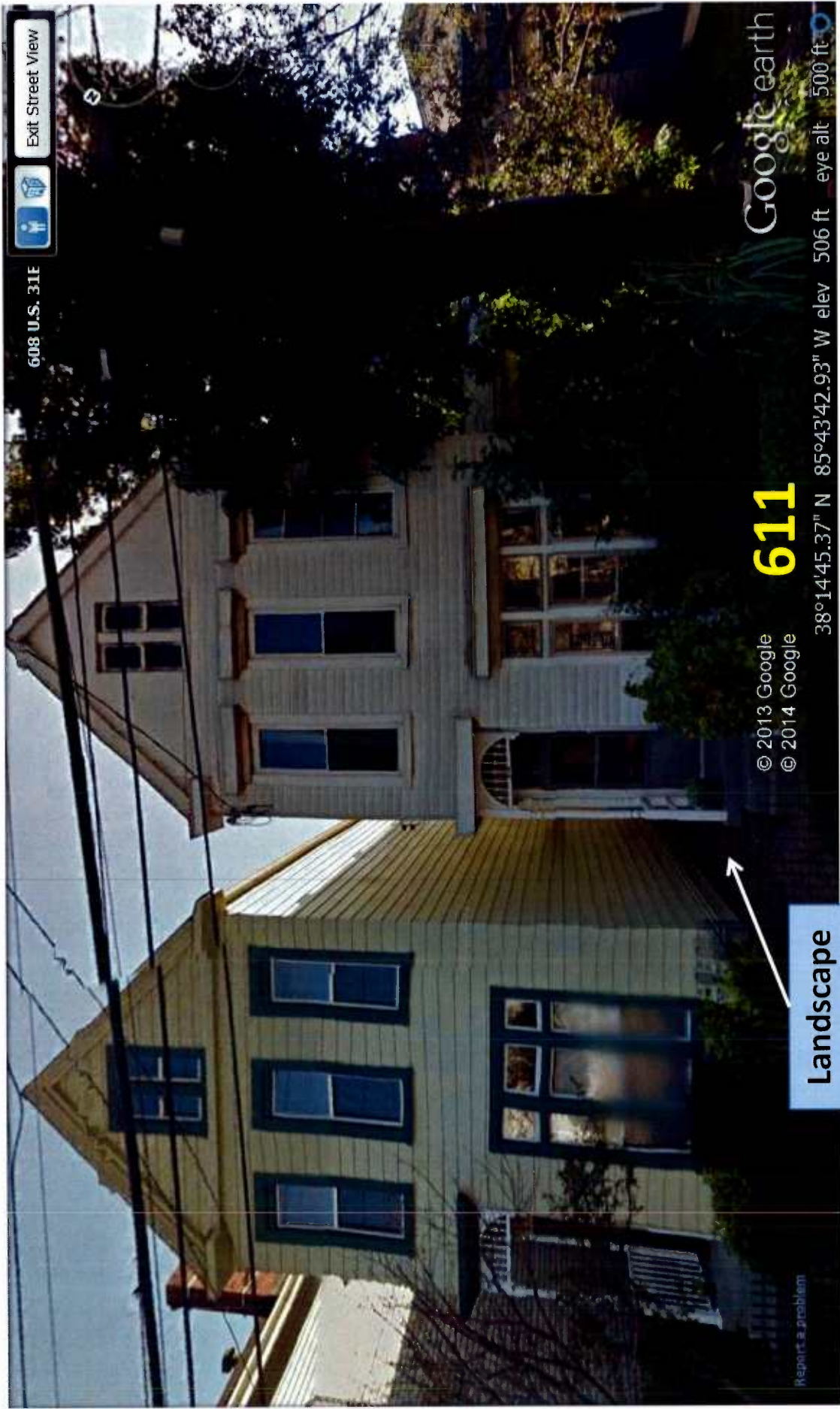
A WATER IS REQUIRED TO ALLOW FOR THE PROPOSED DEVELOPMENT TO BE CONSTRUCTED WITHIN THE DISTRICT. THE PROPOSED DEVELOPMENT IS TO BE PROVIDED BY AN F-PAVED TRACT TO THE REAR BUILDING CORNER INSTALLED AT THE END OF THE TRACT. THE PROPOSED DEVELOPMENT IS TO BE PROVIDED BY AN F-PAVED TRACT TO THE REAR BUILDING CORNER INSTALLED AT THE END OF THE TRACT. THE PROPOSED DEVELOPMENT IS TO BE PROVIDED BY AN F-PAVED TRACT TO THE REAR BUILDING CORNER INSTALLED AT THE END OF THE TRACT.



Landscape Waivers

Variance

New Structures



608 U.S. 31E



Exit Street View

Google earth

eye alt 500 ft

506 ft

38°14'45.37" N 85°43'42.93" W elev

611

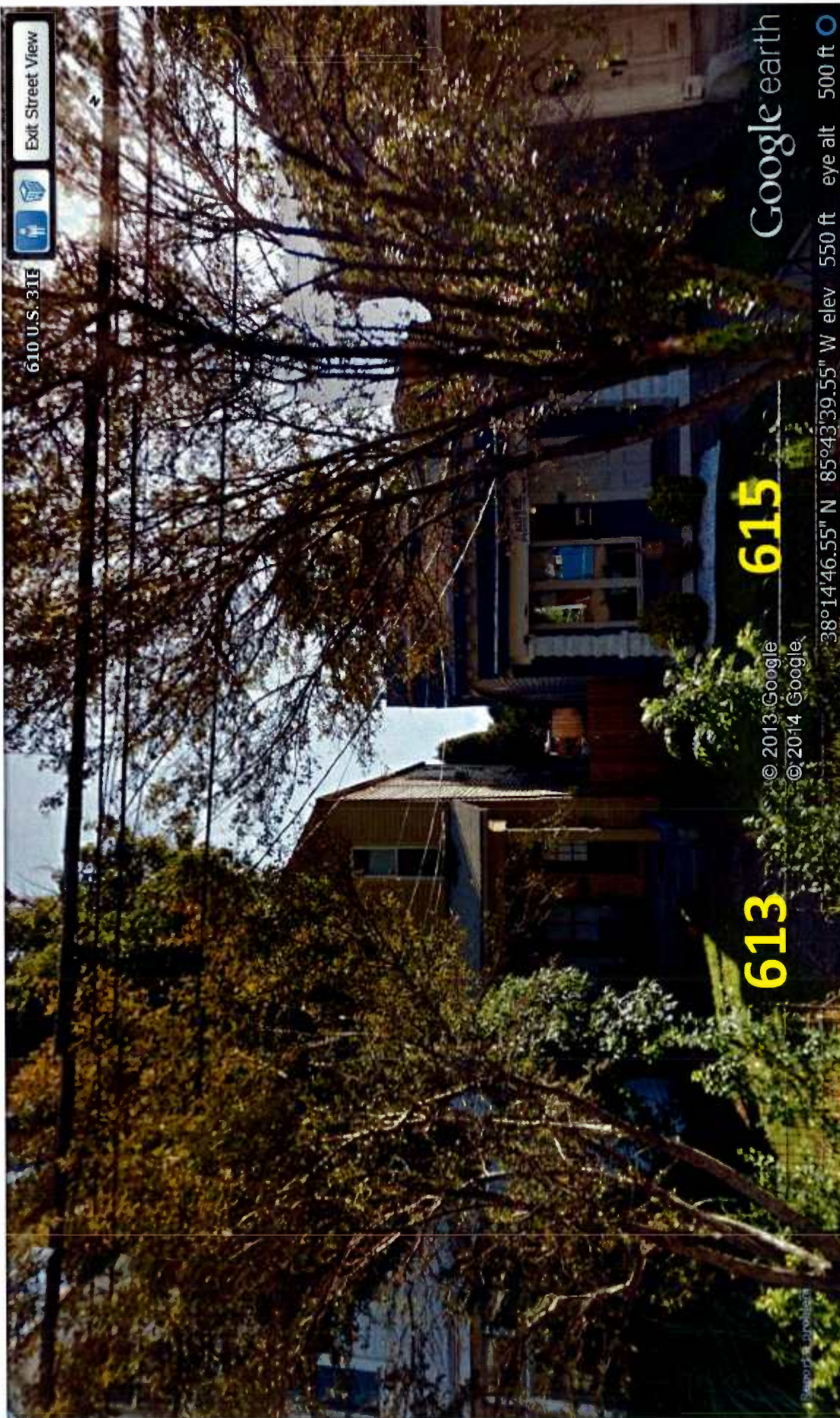
© 2013 Google

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Report a problem

Landscape Waiver

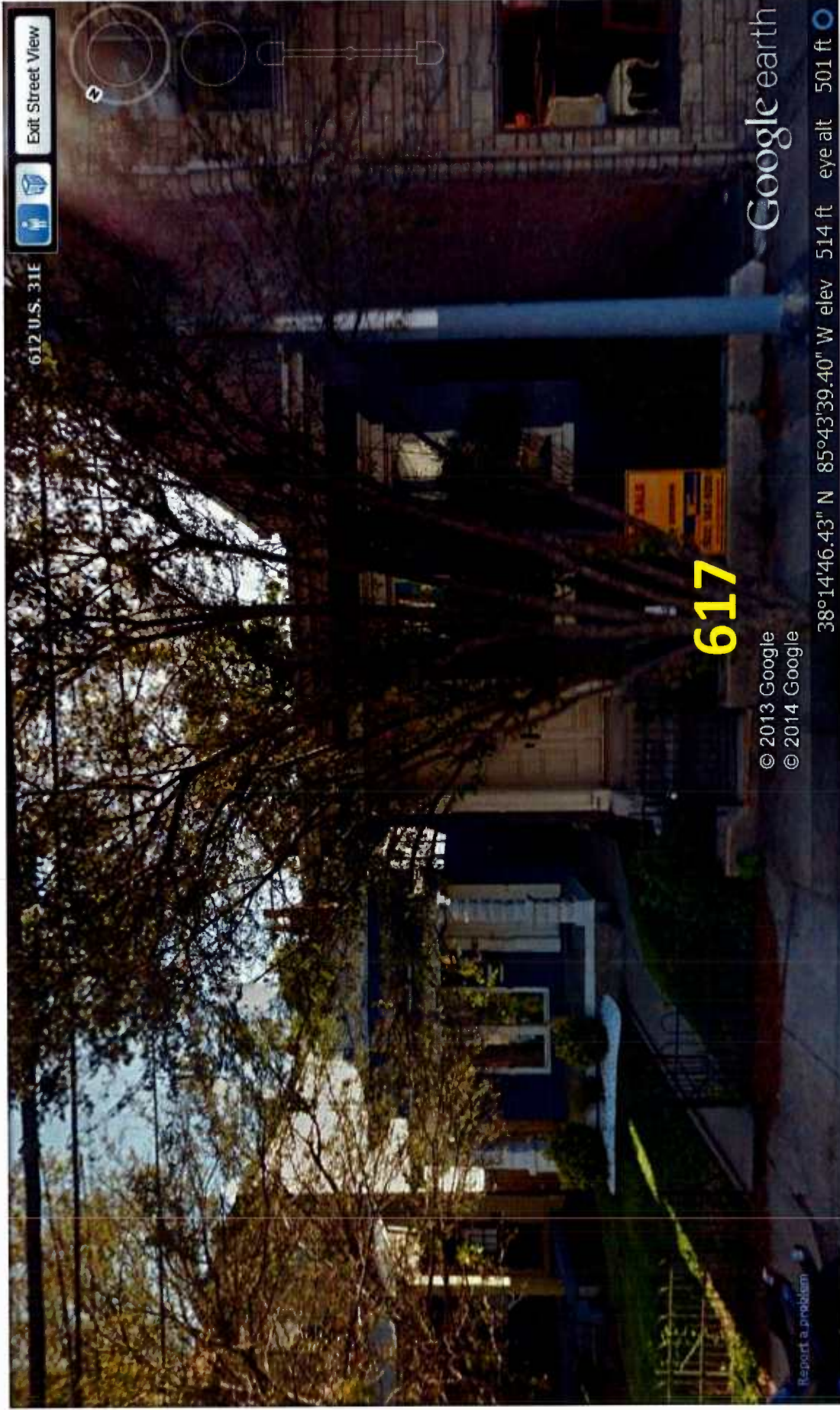
**Subject Property
611 Baxter Avenue**



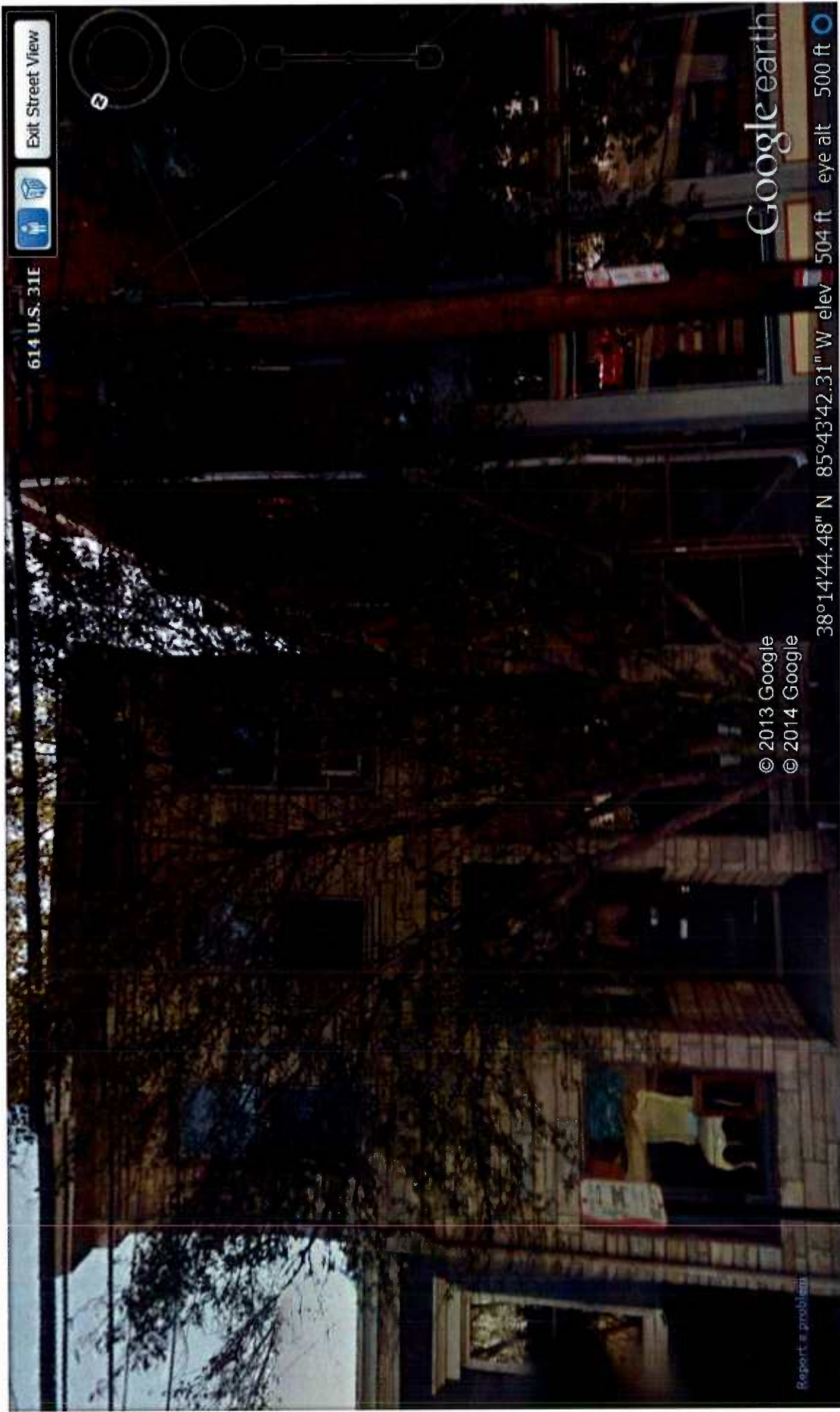
Subject Property
613 – 615 Baxter Avenue



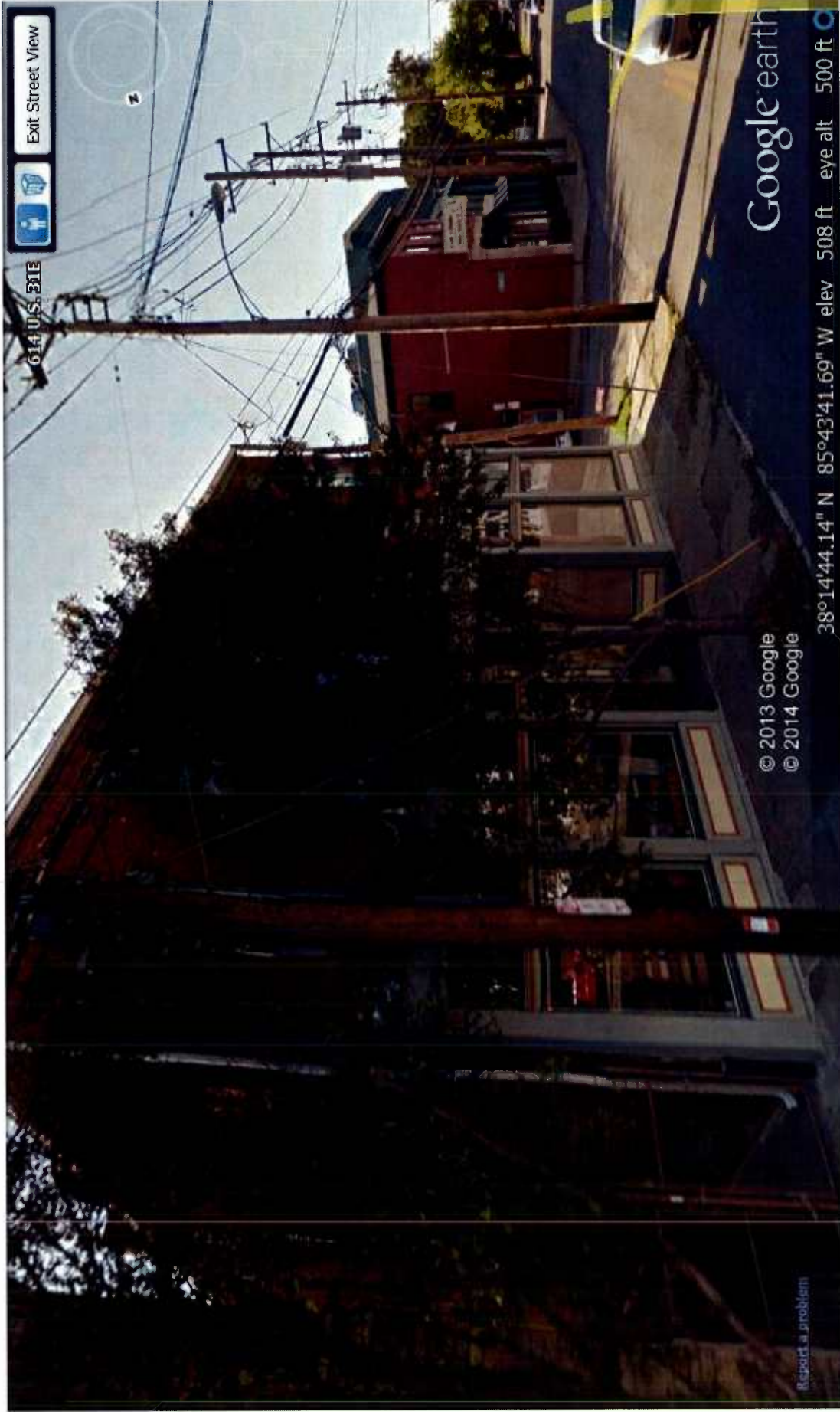
**Fire damage to 613 Baxter Avenue
(building to be removed and reconstructed)**



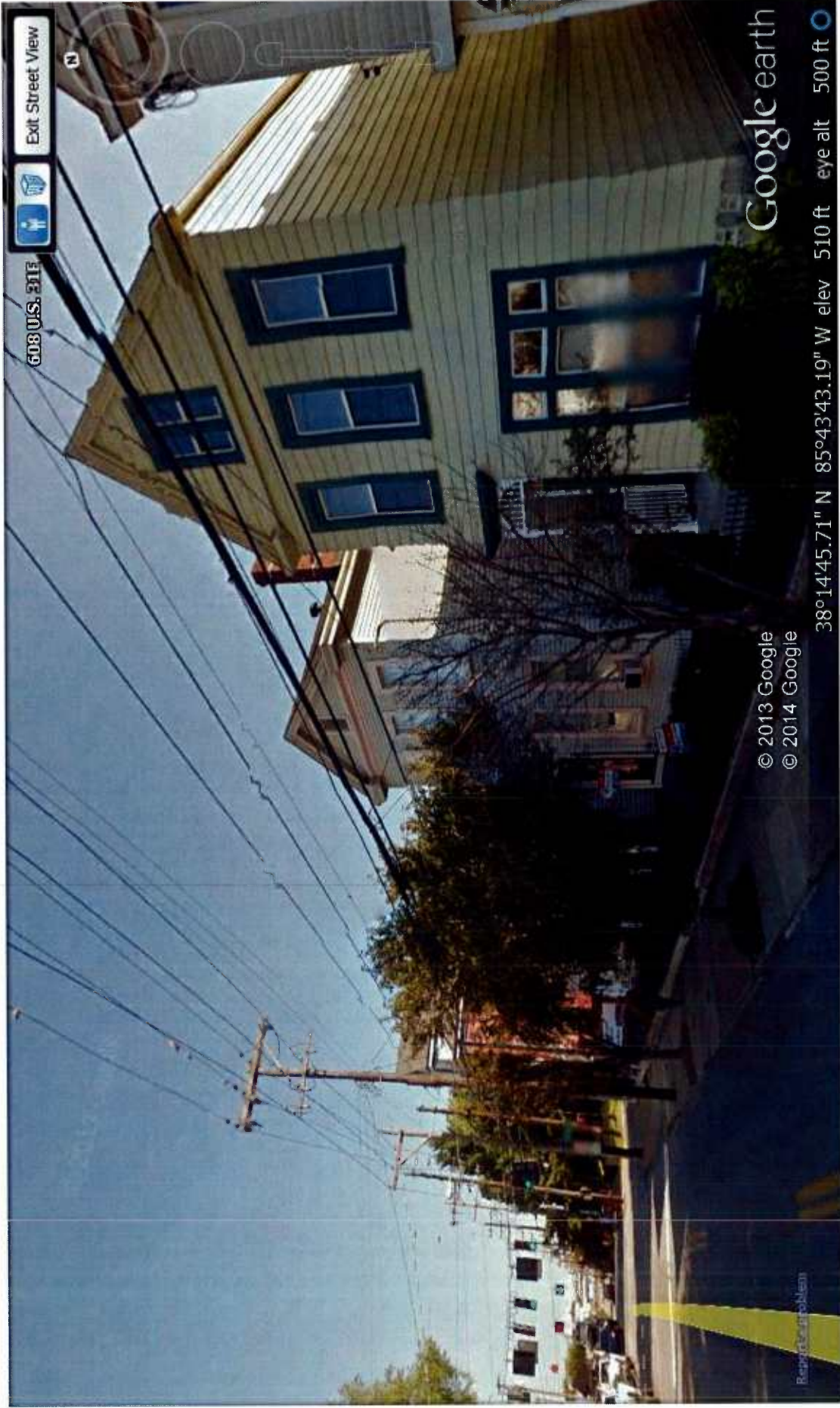
Subject Property
617 Baxter Avenue



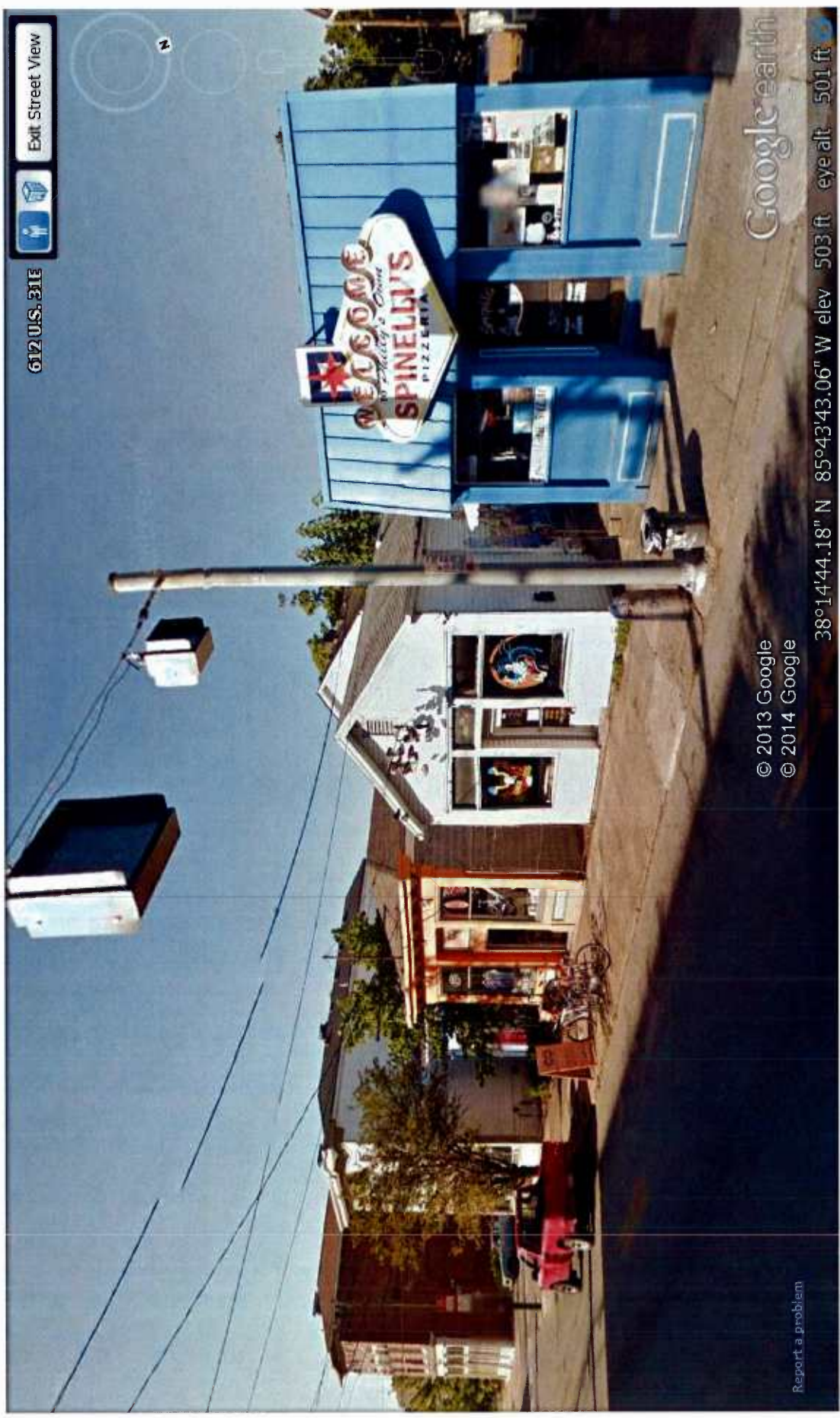
Commercial properties to the east on Baxter Avenue



**East along Baxter Avenue
(toward Rogers Street)**



**West along Baxter Avenue
(toward Payne Street)**



612 U.S. 31E

Exit Street View



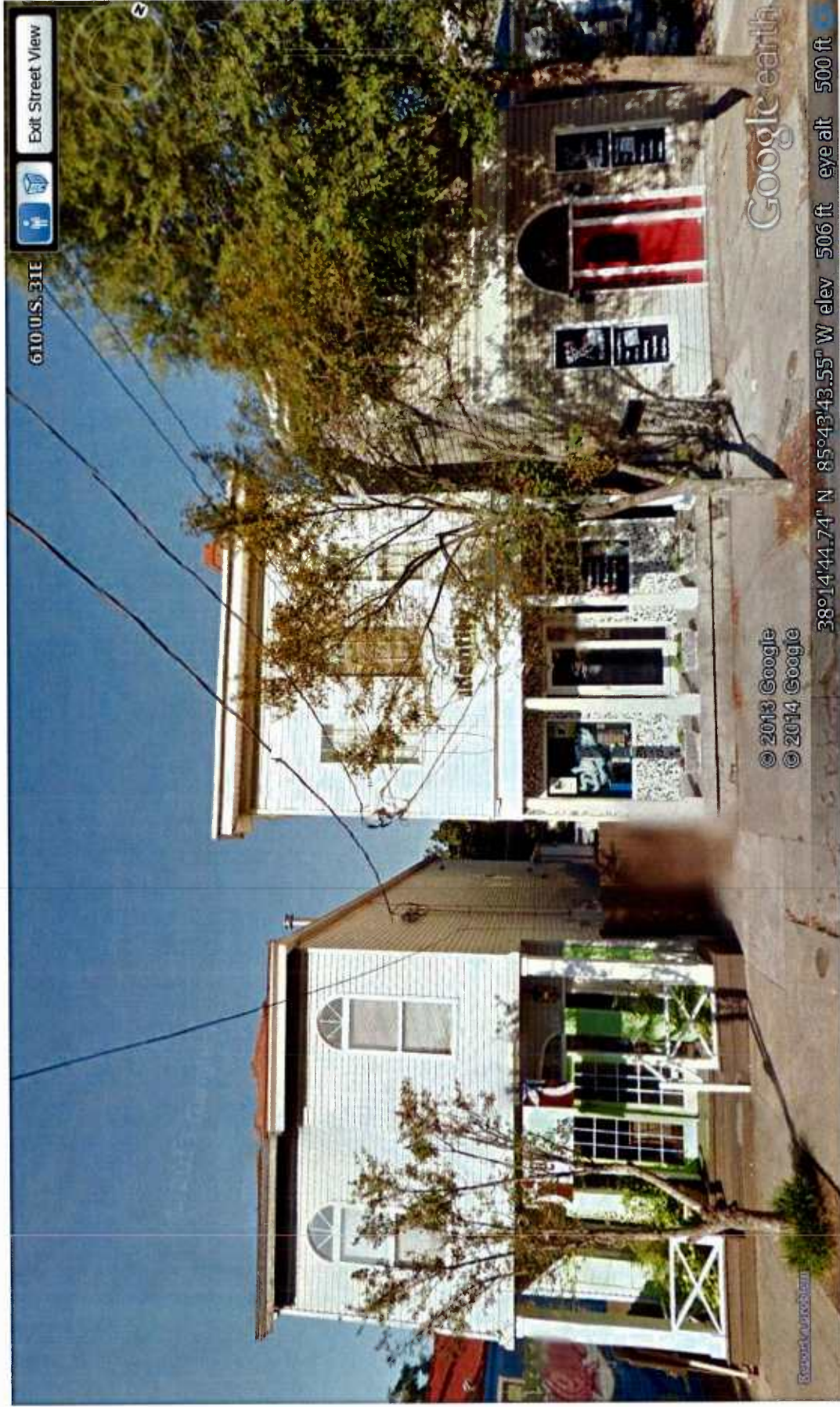
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Google earth

Report a problem

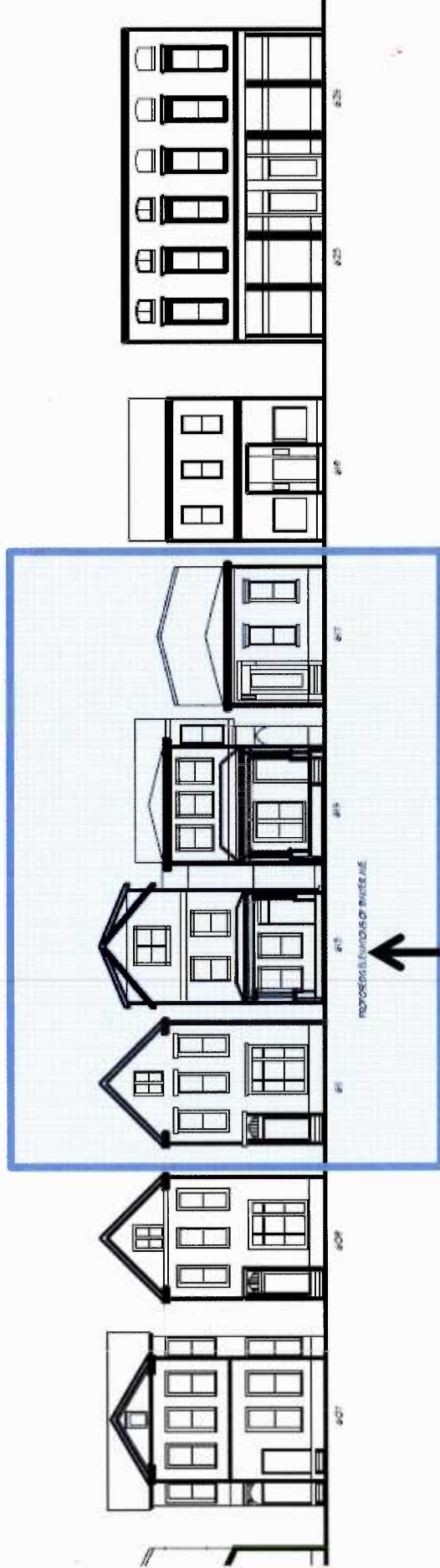
38°14'44.18" N 85°43'43.06" W elev 503 ft eye alt 501 ft

Commercial properties across Baxter Avenue

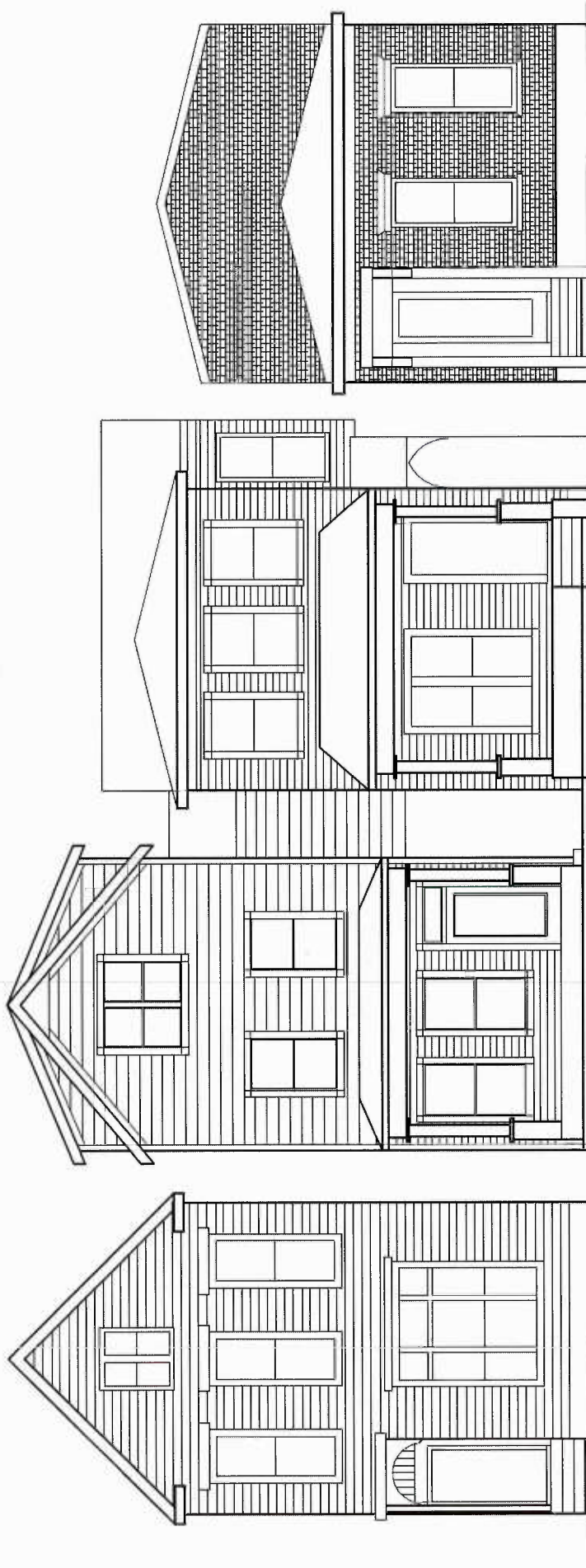


Commercial properties across Baxter Avenue

**SUBJECT PROPERTIES
611 – 617 Baxter Avenue**



**New Building
Proposed
(613 Baxter Ave)**



617

615

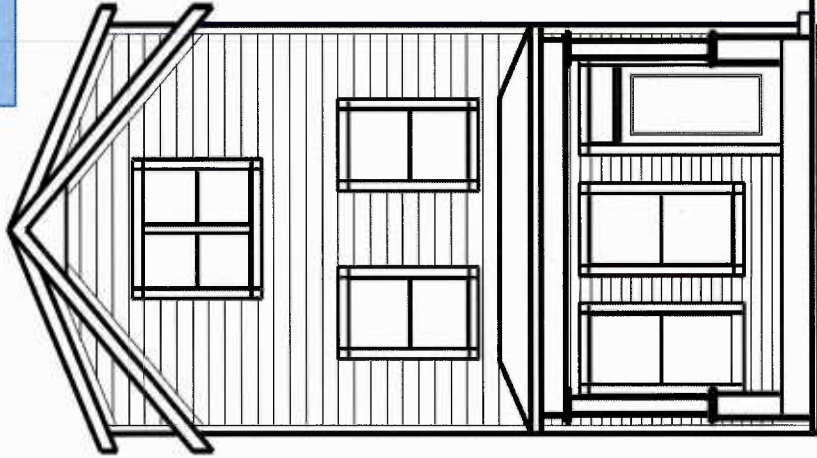
613

611

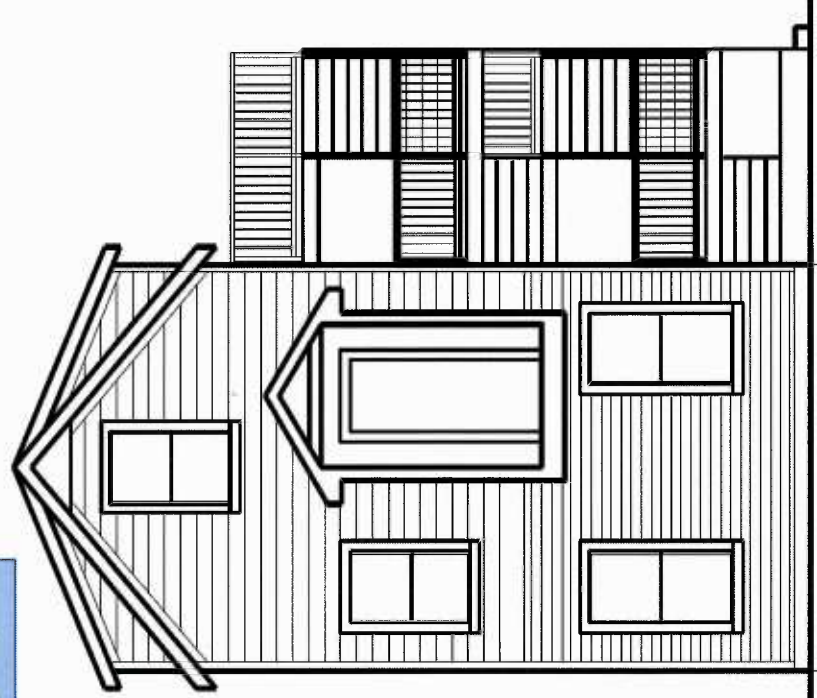
New Building



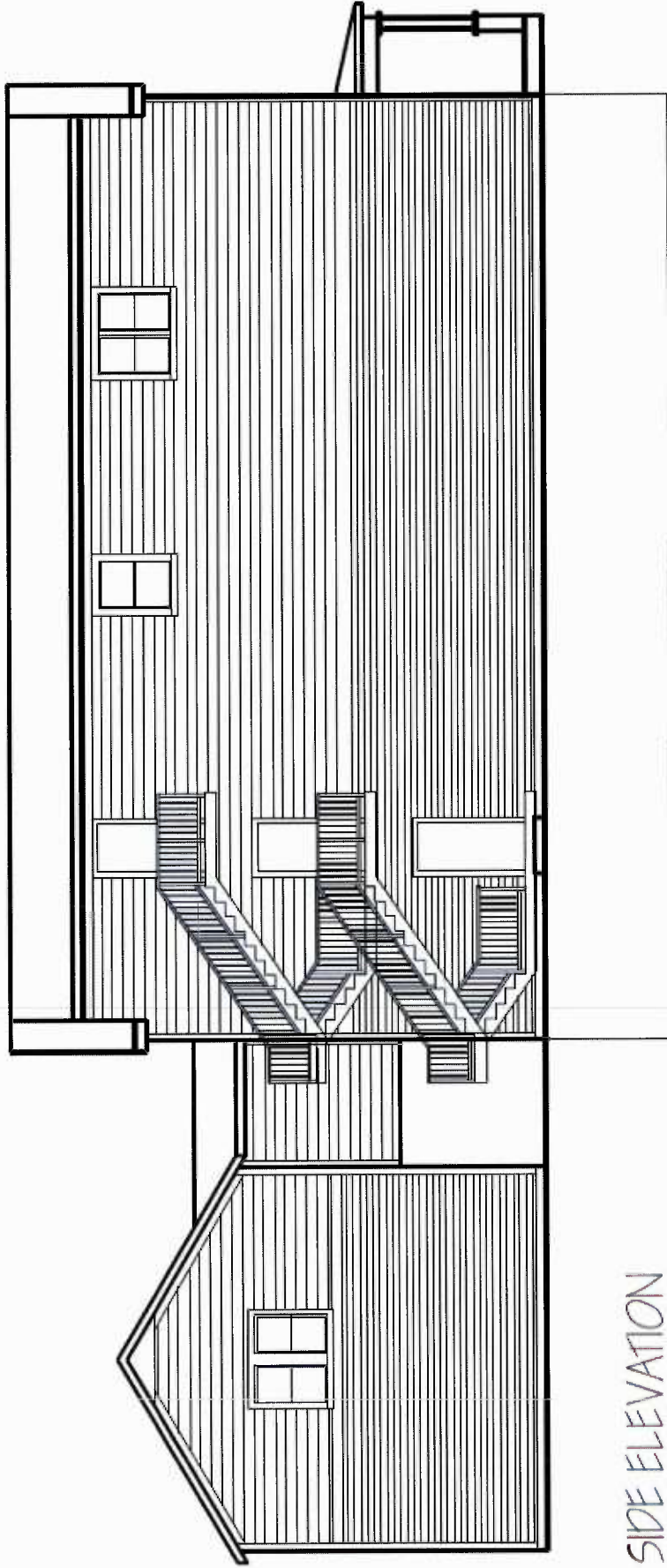
**613 Baxter Avenue
Proposed Building**



FRONT ELEVATION
613 BAXTER AVE

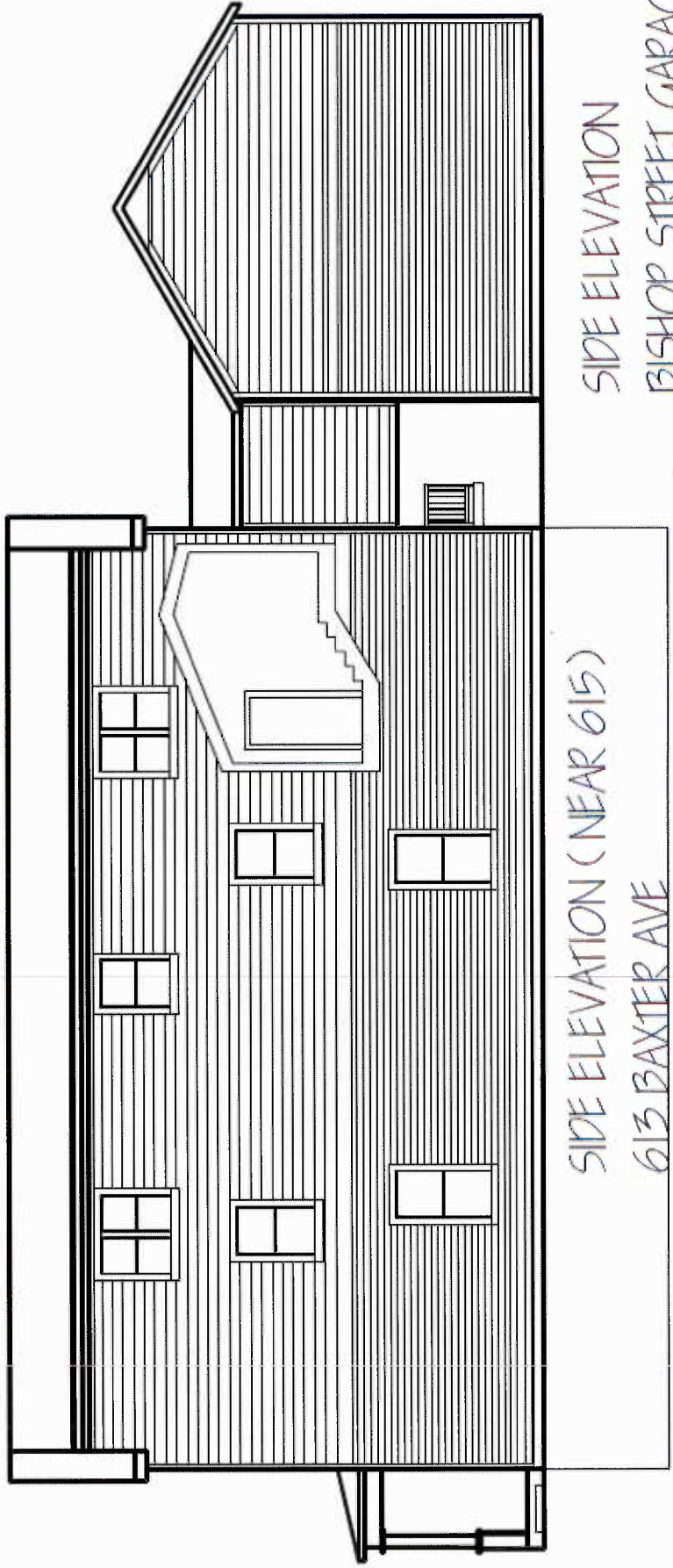


REAR ELEVATION
613 BAXTER AVE



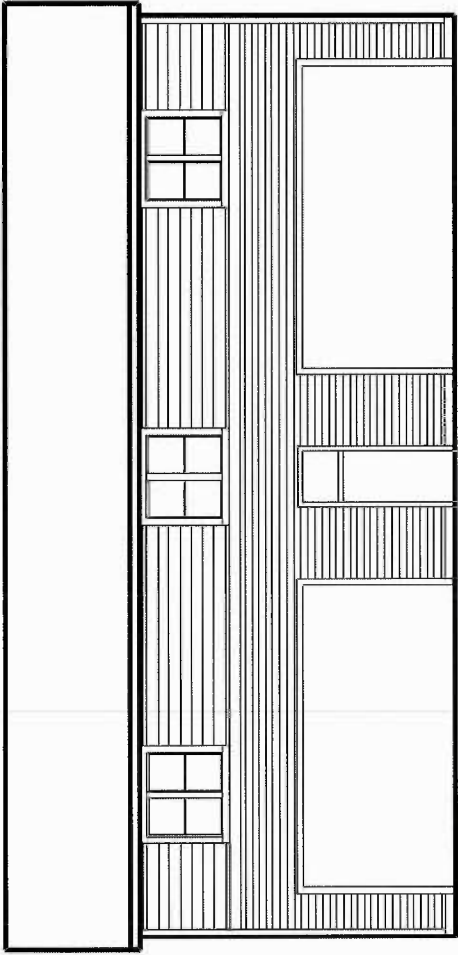
SIDE ELEVATION
BISHOP STREET GARAGE

SIDE ELEVATION (NEAR 611)
613 BAXTER AVE

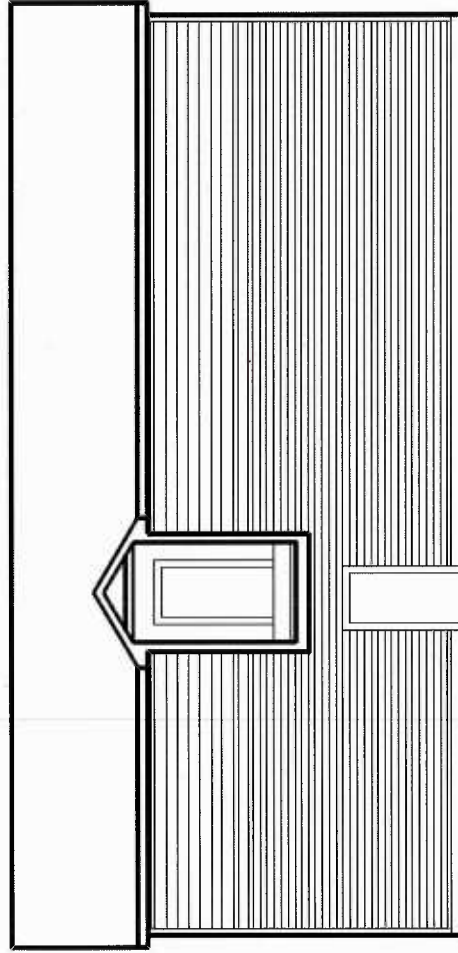


SIDE ELEVATION (NEAR 615)
613 BAXTER AVE

SIDE ELEVATION
BISHOP STREET GARAGE



FRONT ELEVATION
BISHOP STREET



REAR ELEVATION
BISHOP STREET

PROPOSED FINDINGS OF FACT
Change in Zoning
R-6 Multi-Family Residential to C-1 Commercial
611 - 617 Baxter Avenue
Louisville, Kentucky

CASE NO. 17611

WHEREAS, the Louisville Metro Planning Commission ("Planning Commission") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the proposed change in zoning from R-6 Multi-Family Residential to C-1 Commercial on the properties located at 611 - 617 Baxter Avenue complies with Guideline 1 of the Cornerstone 2020 Comprehensive Plan (the "Comprehensive Plan") because the subject property is located within an existing activity center along the Baxter Avenue commercial corridor in the Traditional Neighborhood Form District; the properties immediately to the south of the subject property as well as directly across Baxter Avenue are zoned C-1 Commercial; the proposed development will introduce a mixture of neighborhood-serving uses, including offices and shops, in an appropriate location and will preserve the existing grid pattern of streets, sidewalks, and alleys; adequate parking is provided on site and on the adjacent street to accommodate the needs of the proposed development; the parking area is located behind the buildings and will be accessed from the rear consistent with a traditional pattern of development; and the proposed new building construction incorporates materials and design features that are compatible with the character of the surrounding area and comply with the Traditional Neighborhood design standards set forth in the Land Development Code;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 2 of the Comprehensive Plan because it will encourage new development and rehabilitation of existing buildings to provide a mixture of commercial, office, and residential uses; the subject property is located in an existing commercial activity center along Baxter Avenue, with commercial uses immediately to the south and across Baxter Avenue to the west, and residential uses to the north and east; the proposed development will contribute to the overall mixture of uses in the area, is compatible with the existing development pattern, and consistent with the Traditional Neighborhood Form District; the subject property is currently served by all necessary utilities and infrastructure, and the proposed development will preserve existing buildings, streets, alleys, and sidewalks; the subject property is located along a busy commercial corridor that is served by public transit, public sidewalks exist along the frontage, and parking is located at the rear to balance safety, traffic, transit, pedestrian, and aesthetic concerns, therefore, the proposed development is compact and will result in the efficient use of land; and the proposed mixture of compatible uses will reduce vehicle trips, support the use of alternative forms of transportation, and encourage vitality and sense of place in this traditional neighborhood;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 3 of the Comprehensive Plan because the subject property is located in a mixed-use area along a busy commercial corridor that includes commercial, office, and residential uses; the proposed rezoning from R-6 to C-1 to allow a mixed use development is, therefore, compatible with existing zoning and will cause no adverse impacts to the surrounding area; three of the four existing buildings will be preserved, ensuring that the existing development pattern is maintained; the building located at 613 Baxter Avenue, which has been destroyed by fire damage, will be removed and replaced with a building that is consistent in design, materials, and character with the remaining buildings on site and the surrounding area; and outdoor lighting and signage will comply with Land Development Code requirements and will not negatively affect nearby residential properties;

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guideline 3 of the Comprehensive Plan because the subject property is appropriately located along a mass transit corridor and the existing sidewalks will be preserved along Baxter Avenue, ensuring that the proposed development is highly accessible by all modes of transportation, including pedestrian, bicycle, and transit; the subject property will contain sufficient parking on-site to serve the needs of the proposed development, including handicap-accessible spaces in accordance with local, state, and federal requirements; parking is located behind the buildings and accessed from the rear in conformance with a traditional neighborhood pattern of development; and the proposed setbacks, building heights, and architectural design preserve the character of the Baxter Avenue corridor and will ensure the development is compatible with the surrounding area;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 4 and 5 of the Comprehensive Plan because the subject property contains no environmental limitations and there are no natural, scenic, or historic resources that would inhibit the proposed development; due to the size of the subject property, no open space is required to be provided on site; three of the existing buildings are proposed to be preserved, and the fourth building will be replaced with one that is compatible in terms of height, bulk, scale, design, and placement, ensuring that the architectural integrity and character of the Baxter Avenue corridor is maintained;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 6 of the Comprehensive Plan because the subject property is located in an existing activity center along the Baxter Avenue commercial corridor; and the proposed development represents a significant investment in the redevelopment and rehabilitation of an older neighborhood in a manner that is consistent with the Traditional Neighborhood Form District;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 7, 8, and 9 of the Comprehensive Plan because it is located on Baxter Avenue, a major arterial roadway, which has adequate carrying capacity to handle traffic going to and from the development; the subject property is located on an existing transit route, and the existing sidewalks along Baxter Avenue will be preserved, ensuring that the proposed uses

are easily accessible by bicycles, pedestrians, and motor vehicles; the proposed development is designed to facilitate safe vehicular and pedestrian access to the property because parking is behind the buildings and accessed from Bishop Street, which functions like an alley; adequate parking spaces are provided on the subject property as required by the Land Development Code, including handicap accessible spaces as required by the ADA; therefore, the proposal accommodates all modes of transportation, provides bicycle and pedestrian connections to surrounding properties, and is appropriately located for the proposed density and intensity; by providing a mixture of compatible uses, the proposed development will enable area residents and future employees to minimize vehicular miles traveled, as well as total travel time, in order to minimize air pollution and to conserve fuel; and the development is located to take advantage of the existing transportation system to complement the overall development of the area without the need for additional roadway or utility construction;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 10 and 11 of the Comprehensive Plan because the subject site is not located in the 100-year flood plain, and there are no streams, wetlands, or waterways on the site; an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the Metropolitan Sewer District; and the stormwater detention design is required to receive approval from MSD prior to construction of the proposed development;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 12 of the Comprehensive Plan because the proposal represents an efficient land use pattern and utilizes current traffic patterns; the mixture of uses being proposed on the subject property will enable and promote a reduction in vehicle miles traveled and increased pedestrian travel, resulting in a reduction in commuting time and transportation-related air pollution; the subject site is located on a major arterial and the existing roadway infrastructure provides adequate capacity for the traffic going to and from the development; and the development plan has been reviewed by the Air Pollution and Control District, which provided no comment on adverse air quality impact;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 13 of the Comprehensive Plan, because it meets the landscape requirements of the Land Development Code; landscape buffer areas will be provided on the subject property to enhance the aesthetic quality of the site; and outdoor signage and lighting will comply with the Land Development Code and will be compatible with the surrounding area;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 14 and 15 of the Comprehensive Plan because the subject property is served by existing infrastructure and all necessary utilities, including water, electricity, telephone, and cable are available; and the development has an adequate supply of potable water and water for fire-fighting purposes and is served by the Louisville Fire Department;

PROPOSED FINDINGS OF FACT FOR VARIANCE
611 - 617 Baxter Avenue
Louisville, Kentucky

CASE NO. 17611

WHEREAS, the Louisville Metro Planning Commission (the "Planning Commission") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the requested variance of Section 5.2.2.C. (Table 5.2.2) of the Land Development Code to permit the parking lot to encroach 2 feet into the required 5-foot rear yard setback for a resultant setback of 3 feet is consistent with surrounding properties and the Traditional Neighborhood pattern of development with parking located to the rear of the principal structures; the proposed setback of 3 feet is consistent with the surrounding properties, the majority of which do not observe a 5-foot setback along Bishop Street; the proposed development will improve the existing condition by closing the open curb cut on Bishop Street and creating a defined access point to the parking lot; a sidewalk will be provided along the Bishop Street frontage to ensure adequate pedestrian connectivity; therefore, the granting of the requested variance will not adversely affect public health, safety or welfare, and will not alter the essential character of the area;

WHEREAS, the Planning Commission finds the requested variance will not cause a hazard or nuisance to the public or allow an unreasonable circumvention of the requirements of the zoning regulations because proposed setback along Bishop Street is consistent with setbacks in the immediately surrounding area; the proposed development will continue the traditional pattern of development of the area and the variance does not directly or negatively affect the adjacent properties along Bishop Street; in addition to improving safety, the proposed improvements to the parking lot will include a 3-foot landscape buffer with plantings, which will improve the overall aesthetic appearance of the site; pervious pavement will be used on a portion of the parking lot to reduce stormwater runoff; and the proposed development represents a significant investment in the redevelopment and rehabilitation of an older neighborhood in a manner that is consistent with the Traditional Neighborhood Form District;

WHEREAS, the Planning Commission finds that special circumstances exist in that the subject property is an infill site which will utilize existing buildings, leaving a limited area to provide on-site parking; the Baxter Avenue corridor has transitioned from what was originally a residential area to a busy commercial corridor, which has created a high demand for parking in the area to serve the commercial uses; the requested variance will enable the applicant to provide adequate parking on site for the proposed uses on the subject property without negatively impacting the surrounding area; the above-referenced circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is granted; and the proposed variance will allow the applicant to provide the required parking on the subject property, while also improving safety and enhancing the aesthetic character of the site; therefore, the strict

application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship;

61116761.1

PROPOSED FINDINGS OF FACT FOR LANDSCAPE WAIVERS
611 - 617 Baxter Avenue
Louisville, Kentucky

CASE NO. 17611

WHEREAS, the Louisville Metro Planning Commission (the "Planning Commission") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the requested waivers of Section 10, Part 2 of the Land Development Code to allow the existing building and parking area to encroach into the required 15-foot landscape buffer area along the northwest property line, to omit the required landscape plantings along the northwest property line, and to allow the existing parking lot to encroach into the required 5-foot landscape buffer area along the rear property line will not adversely affect adjacent property owners because the encroachments represent existing conditions; the proposed development is consistent with surrounding properties and the Traditional Neighborhood pattern of development with parking located to the rear of the principal structures; the proposed landscape buffer areas are consistent with the surrounding properties, and the proposed development will improve the existing condition by closing the open curb cut on Bishop Street and providing a landscape buffer area along the rear property line where one does not currently exist; and in lieu of providing landscape plantings, the applicant will extend the existing 8-foot privacy fence along the northwest property line from the rear corner of the existing structure to the rear property line, which will ensure that the adjacent property is adequately screened from the proposed development;

WHEREAS, the Planning Commission finds the proposed development complies with the Cornerstone 2020 Comprehensive Plan because the development complies with the Traditional Marketplace Corridor Form District standards and is compatible with the development pattern in the area; the site design respects the predominant rhythm, massing and spacing of the existing development in the immediate area; the proposed development represents a significant investment in the redevelopment and rehabilitation of an older neighborhood in a manner that is consistent with the Traditional Neighborhood Form District; the proposed development further improves the streetscape by providing a sidewalk and landscape buffer area along Bishop Avenue; and the proposed development encourages multi-modal transportation by improving pedestrian and vehicular access;

WHEREAS, the Planning Commission finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the location of the buildings and parking lot represent existing conditions which cannot be changed; the proposed development will significantly improve the overall aesthetics of the site, as well as pedestrian and vehicular access; the development will provide a landscape buffer area along the rear property line and extend an existing 8-foot privacy fence adjacent to the residential property to the northwest; and the proposed development will also significantly improve on-site stormwater detention capacity of the subject property; therefore, the

applicant has incorporated other design measures that exceed the minimums of the district and compensate for noncompliance with the regulations;

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the buildings and parking lot are an existing condition; the subject property is an infill site which will utilize existing buildings, leaving a limited area to provide on-site parking; the Baxter Avenue corridor has transitioned from what was originally a residential area to a busy commercial corridor, which has created a high demand for parking in the area to serve the commercial uses; the requested waiver will enable the applicant to provide adequate parking on site for the proposed uses on the subject property without negatively impacting the surrounding area; and if the waivers are not granted, the applicant will be unable to improve and utilize the property as proposed;

61116759.1