

Land Development & Transportation Committee Staff Report

June 5, 2017



Case No.	17DEVPLAN1060
Project Name	Four-Story Hotel
Location	810 Phillips Lane
Owners	Emerald Hospitality/Garnet Hospitality/ Diamond Hospitality
Applicants	Emerald Hospitality/Garnet Hospitality/ Diamond Hospitality
Representative	BTM Engineering Inc.
Project Area	.86 acres/37,274 sq ft
Existing Zoning District	C-2 Commercial
Existing Form District	Campus
Jurisdiction	Louisville Metro
Council District	21 – Don Johnson
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- **Revised Detailed District Development Plan**
 - **Waiver 1:** To permit encroachment into the required 35' LBA (LDC10.2.4)
 - **Waiver 2:** To permit encroachment of parking into the required 10' VUA LBA (LDC 10.2.10)

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The site is zoned C-2 Commercial within a Campus Form District. It is located on Phillips Lane north of I-64 between the Kentucky Fair and Exposition Center and Louisville International Airport. It is the final remaining undeveloped parcel in this location. The proposal is part of a larger development that includes one existing hotel to the south and two more to the west of the subject site. Phillips Lane provides the only access, at two points, to both the subject site and the surrounding existing hotels.

The proposed development consists of a four-story, 98-room hotel totaling 42,811 sq ft. Parking specific to the proposal does not meet minimum requirements. The overall parking of 492 spaces for the larger four-hotel development, however, does meet standards, and existing crossover access agreements provide access and connectivity to ensure adequate parking is available. The proposal meets requirements for ADA spaces and bicycle parking and provides a connection to the existing sidewalk along Phillips Lane.

The requested waivers are related to buffering requirements based on the R-5 zoning of three parcels adjoining the site to the east. These parcels are currently in use as off-street parking. The entire vicinity is highly developed in relatively intense non-residential uses and it is unlikely that these parcels will be re-developed for residential use in the future.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-2	Campus
Proposed	Hotel		
Surrounding Properties			
North	Hotel	C-2	Campus
South	Hotel	C-2	
East	Surface Parking	R-5	
West	Hotel	C-2	

PREVIOUS CASES ON SITE

09-075-94: A development plan showing a proposal to develop the parcel which includes the existing hotel at 820 Phillips Lane and the new hotel shown in this development proposal at 810 Phillips Lane.

INTERESTED PARTY COMMENTS

No comments have been received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

Waiver 1: To permit encroachment into the required 35' LBA (LDC10.2.4)

Waiver 2: To permit encroachment of parking into the required 10' VUA LB (LDC 10.2.10)

- (a) The waivers will not adversely affect adjacent property owners; and

STAFF: The LBA requirements associated with the waiver requests are intended to mitigate negative impacts of parking areas on adjacent residential areas. Although adjoining properties to the north are zoned for residential use, they are currently developed as parking areas and, considering the general character of the area, are unlikely to be used for residential purposes in the future.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Cornerstone 2020 Compatibility Guidelines 3 and 13 call for screening and buffering of parking, loading and delivery areas, with the intent to create suitable transitions between varying forms of development and minimize negative impacts on lower-intensity uses. Due to the existing use of the adjoining properties, these transitions are not now necessary or expected to be so in the future.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The waivers are made necessary due to the shape of the parcel, which limits the applicant's ability to meet building and parking requirements for the site while meeting the buffering requirements.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant is providing the required landscaping along the internal access drive and at the entrance to the new hotel structure.

STANDARD OF REVIEW FOR RDDDP AND AMENDMENT TO BINDING ELEMENTS

- 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: None of these conditions currently exist on the site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided, including connection to public roads and sidewalks.

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

STAFF: 10% of the total square footage of the site will be preserved as open space. Proposal exceeds VUA landscape and tree canopy requirements.

- 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 proposal has been reviewed by and received preliminary approval from the Metropolitan Sewer District.

- 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: Overall site design and land uses are compatible with the existing and future development of the area. The proposed structure and use expands and complements existing surroundings.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan. Waivers are requested for specific LDC requirements regarding landscaping and buffering due to specific site conditions.

TECHNICAL REVIEW

There are no remaining technical issues to be resolved.

STAFF CONCLUSIONS

The proposal appears to be adequately justified and meet standards of review.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development & Transportation Committee must determine if the proposal meets standards established in the LDC for approving a Revised Detailed District Development Plan and Waivers.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan
- **APPROVE** or **DENY**:
 - **Waiver 1:** To permit encroachment into the required LBA (LDC10.2.4)
 - **Waiver 2:** To permit encroachment of parking into the required VUA LBA (LDC 10.2.10)

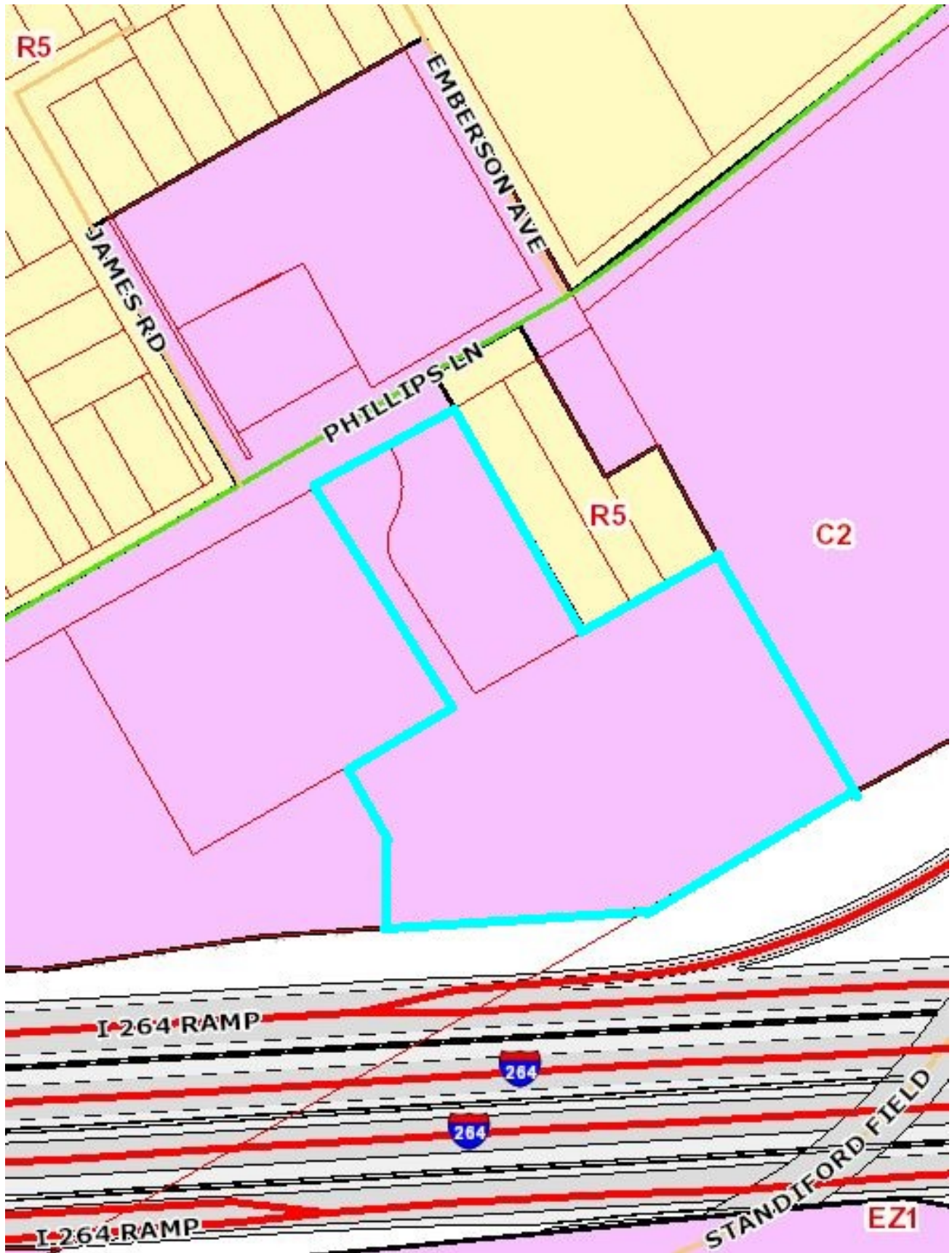
NOTIFICATION

Date	Purpose of Notice	Recipients
5/31/2017	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 21
	Hearing before PC	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 21

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

- ~~1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for permitted land uses for the established zoning district.~~
- ~~2. The development shall not exceed 85,296 square feet of gross floor area for the motel (192 rooms) and 7,700 square feet of gross floor area for the restaurant.~~
- ~~3. The developer shall abide by the proposed overlay district noise guidelines (i.e., Airport Environs Land Use Compatibility Plan) requiring a demonstration of compliance with the Land Compatibility Guidelines of the 14 CFR Part 150 Appendix A.~~
- ~~4. The only permitted freestanding signs shall be located as shown on the approved district development plan. The signs shall not exceed 40 square feet in area, 12 feet in height. Both signs shall be no closer than 5 feet to the Phillips Lane right-of-way.~~
- ~~5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.~~
- ~~6. There shall be no outdoor storage on the site.~~
- ~~7. Outdoor lighting shall be directed down and away from surrounding residential Properties.~~
- ~~8. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - ~~a) The development plan must be re-approved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.~~
 - ~~b) A minor subdivision plat shall be recorded dedicating 20 feet of additional right-of-way to Phillips Lane. A copy of the recorded instrument shall be submitted to the Planning Commission.~~
 - ~~c) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~
 - ~~d) A subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.~~
 - ~~e) An access and crossover easement agreement shall be secured with the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Planning Commission counsel.~~
 - ~~f) Construction features must be incorporated in the development plan to achieve the necessary noise level reduction based on a study of a noise consultant and architect.~~
 - ~~g) Noise level reduction features shall be incorporated in the construction plans for the structure.~~
 - ~~h) An aviation easement must be granted to the Louisville and Jefferson County Regional Airport Authority permitting the right of flight in air space above the subject property and prohibiting structures from intruding into the control surfaces established by Federal Aviation Regulation 77 or the Kentucky Airport Zoning Commission.~~~~
- ~~7. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~8. A certificate of occupancy must be received from the appropriate code enforcement office 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.~~

4. Recommended Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
3. All lighting shall comply with the requirements of LDC 4.1.3.
4. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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 a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and other parties engaged in development of the site shall be responsible for compliance with these binding elements. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.