

**Planning Commission
Staff Report
January 19, 2017**



Case No.	16ZONE1057
Project Name	Tri-Village Storage
Location	1170 E. Broadway
Owner(s)	Eagle Properties, Inc. Louisville Broadway Apartments LLC
Applicant	Brexton LLC
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area/Size	0.213 acres
Jurisdiction	Louisville Metro
Council District	4 – Barbara Sexton Smith
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Zoning map amendment from OR-3 Office/Residential to C-2 Commercial with CUP for mini-warehouses
 - Waiver of the required Landscape Buffer Area (LBA) between OR-3 and C-2 properties
 - Waiver of height restrictions for structures within
- Approval of Revised Detailed District Development Plan

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting a zone change for a property at 1170 E. Broadway, located in a Traditional Marketplace Corridor form district. The site adjoins the recently approved Mercy Apartments development site on the east and is in close proximity to the Phoenix Hills Apartments, also recently approved. An existing 24,100 square foot, four-story structure on the site is currently in use as offices; the proposed use is multi-story climate-controlled self-storage.

The applicant is also requesting a waiver of LBA requirements for the south, east and west boundaries of the site that have been made necessary as a result of the zone change request.

The site is accessed via Broadway, a major arterial, and via an access easement adjoining the west property line and the parking garage at the southern property line. Loading/unloading of vehicles will take place in a dedicated area within the parking garage directly adjoining to the south.

The applicant will be constructing a fully enclosed stairwell tower in the yard area on the west side of the existing building to provide access to all floors of the existing building. This stairwell has a footprint of approximately 258 square feet, adding a total square footage of approximately 1,032 to the building. The applicant is also adding landscaping elements to the west side of the property at the northwest corner of the site to mitigate the visual impact of the addition on neighboring property owners.

The site is located within the Highlands National Register District; the existing structure is not of historic value.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Office	OR-3	Traditional Marketplace Corridor
Proposed	Self-Storage	C-2 w/CUP	
Surrounding Properties			
North	Single-family residential; social services organization	OR-3	Traditional Marketplace Corridor
South	Multi-family residential (under development)		
East			
West	JCPS		

PREVIOUS CASES ON SITE

15DEVPLAN1134: A Category 3 development plan at 1170 and 1172 East Broadway to:

- construct a 197,898 sf four-story apartment building containing 194 dwelling units
- request five variances to reduce yard requirements
- request a waiver for the four basic components of a lot or building site

16MINORPLAT1071: A minor plat that created the subject parcel from existing parcels at 1170 and 1172 East Broadway and dedicated private access easements to the subject parcel.

INTERESTED PARTY COMMENTS

No comments from the public have been received by the Case Manager.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Louisville Metro Land Development Code
- Original Highlands Neighborhood Plan (September 2006)

The site lies at the northernmost end of the study area, which includes properties on both sides of Broadway between Barret and Baxter Avenue. An overview of zoning within the study area (Table 4-1) shows the most intense zoning category as C-2.

The Plan’s Vision Statement expresses the desire of the neighborhood to ensure that “new development and redevelopment respects the mass, scale and architecture of the neighborhood. Existing institutional structures have been adaptively and creatively reused in ways that create new neighborhood assets and are neighborhood-compatible. All new neighborhood uses strive to maintain and enhance the valuable historic personality of the Original Highlands.”

The Plan identifies parking as a problem in the neighborhood, particularly in those areas adjacent to commercial uses. It cites a parking study conducted by the Parking Authority of River City (PARC) circa 2006 which indicated that the Original Highlands neighborhood had the most significant parking capacity problems in the entire Bardstown Road/Baxter Avenue corridor.

Planting and maintenance of trees and landscaping were specifically cited within the Plan (*Section 6 Neighborhood Improvement Resources*) as significant neighborhood issues to be addressed by individual property owners.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed 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

The site is located within a Traditional Marketplace Corridor form district.

Cornerstone 2020 describes the Traditional Marketplace Corridor as a form found along a major roadway where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants and services. These uses frequently have apartments or offices on the second story. Buildings generally have little or no setback, roughly uniform heights and a compatible building style. They are generally two to four stories and are oriented toward the street. New development and redevelopment should respect the predominant rhythm, massing and spacing of existing buildings.

There should be a connected street and alley system. New development should maintain the street grid pattern and typical block size. Parking is provided on-street and in lots at the rear of buildings; new development should respect this pattern. A street capable of permitting on-street parking is usually necessary. Flexible and shared parking arrangements are encouraged.

The area should be easily accessible to pedestrians, transit and bicycle users. Wide sidewalks, street furniture and shade trees should be used to create a pedestrian-friendly environment that invites shoppers to make multiple shopping stops without moving their vehicles.

Attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of scale, architectural style and building materials of any proposed new development with nearby existing development within the corridor.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal will provide a neighborhood-serving use, especially considering the construction of new apartments underway at the neighboring Mercy Academy site as well as at the corner of Broadway and Baxter, a short distance away.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is a re-use of an existing structure; the only exterior change will be the addition of an enclosed stairwell on its western façade. Loading and unloading will be accomplished via dedicated areas within the existing parking garage adjoining the structure to the south. The proposal is not expected to create significant traffic, noise or lighting nuisances.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage and emergency services adequate to serve the proposed use?

STAFF: The proposal is located within a well-established and highly developed area and will not require additional public services or facilities.

4. Does the proposal comply with the following specific standards required to obtain a Conditional Use Permit for mini-warehouses (LDC 4.2.35)?

- The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- No outside storage shall be allowed on the property.
- No storage of toxic or hazardous materials shall be allowed on the property.
- There shall be no retail or wholesale sales or distributing activities on site.
- No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed below).
- Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The proposal does not fully comply with standards regarding landscaping and height, but these are due to existing conditions on the site and not to conditions created by the applicant. The proposal does comply with the remaining CUP standards.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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: The proposal adds landscaping within the small yard at the west side of the site. The other conditions do not currently exist on the site.

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

STAFF: The site is located within an area fully developed for multi-modal transportation.

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

STAFF: The proposal is preserving the majority of the existing open space and enhancing the remainder with additional landscaping.

- 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 and approved by MSD.

- e. The compatibility of the land use and overall site design, including building location, parking lots, screening and landscaping, with existing and projected development within the area;

STAFF: The proposal is a re-use of an existing site and does not include significant new development.

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

STAFF: The proposal has been fully reviewed and approved by Louisville Metro Planning and Design Services and the appropriate public agencies and public service providers.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

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

STAFF: The owners of the site also own the properties directly adjacent to it on the east and south. Any potential adverse effects due to the exterior changes proposed will be mitigated by landscaping in excess of requirements where possible.

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

STAFF: The waiver has been reviewed and found to be in compliance with Cornerstone 2020 guidelines.

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

STAFF: The waiver is made necessary as the result of previous variances granted that set the property lines of the subject site at the building lines on the north, south and east sides. LBAs were not required at that time since the site's zoning was consistent with adjoining properties. A zone change to C-2 brings these requirements into effect, but no space exists to establish LBAs.

- (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 proposal includes landscaping meeting requirements within the only place available for that purpose.

TECHNICAL REVIEW

Staff finds that converting the building for use as mini-warehouses would not increase the site's incompatibility with the surrounding neighborhood:

- The building has direct access to each story of the adjoining existing garage and all loading/unloading could be accommodated using that access, eliminating the need for use of street parking on Broadway
- The new use will be governed by regulations regarding lighting, noise, landscaping and signage which are specifically included among the plan's General Notes

- The proposed mini-warehouses will provide a service to residents of the two apartment projects currently under construction as well as other nearby residents and businesses

In instances where a proposed use is located in an area of dense existing development that includes residential uses, Staff prefers to defer to the least intensive zone category possible that will permit the use.

As a site within 100 feet of any residential or mixed-use development, the use would be subject to LDC 4.1.6.B which prohibits “idling of any heavy or medium trucks...for the purpose of conducting loading or unloading operations” between 10:00pm and 7:00am. This regulation would allow the business to operate on a 24-hour basis but would mitigate potential negative effects of large trucks idling trucks on neighboring properties. This condition has been included in the proposed binding elements (Attachment 3).

STAFF CONCLUSIONS

Staff has concluded that the proposal is an appropriate re-use of an existing structure that will provide a neighborhood service.

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
9/7/16	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 4
12/7/16	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 4
1/5/17	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Recommended 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

Traditional Marketplace Corridor: Non-Residential

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.7: The proposal incorporates itself into the pattern of development, which includes a mixture of low to medium intensity uses such as neighborhood-serving and specialty shops, restaurants and services. Often, these uses include apartments or offices on upper floors.	✓	Proposal is a re-use of an existing structure for a neighborhood-serving business.
2	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	✓	Proposal includes existing structure which is oriented to the street with no setback from the sidewalk.
3	B.7: New development maintains the existing grid pattern of streets and alleys and typical block size.	✓	Proposal does not alter existing patterns.
4	B.7: The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees.	✓	Parking is on-street and within an existing parking garage at the rear of the existing structure. Sidewalks and vegetation are existing.
5	B.7: The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor.	✓	Proposal is a re-use of an existing structure.
6	B.7: The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development.	✓	Proposal is a re-use of an existing structure. New stairwell will be compatible with style and construction materials of existing structure.
Community Form/Land Use Guideline 2: Centers			
7	A.1/7: The proposal, which will create a new center, is located in the Traditional Marketplace Corridor form district, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	Proposal is not located within a center and will not create a new center.
8	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	Proposal is not located within a center and will not create a new center.
9	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	Proposal is not located within a center and will not create a new center.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
10	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.	NA	Proposal is not located within a center and will not create a new center.
11	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	Proposal is not located within a center and will not create a new center.
12	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	Proposal is not located within a center and will not create a new center.
13	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.	NA	Proposal is not located within a center and will not create a new center.
14	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	Proposal is not located within a center and will not create a new center.
15	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	NA	Proposal is not located within a center and will not create a new center.
Community Form/Land Use Guideline 3: Compatibility			
16	A.2: The proposed building materials increase the new development's compatibility.	✓	Alterations to existing structure will be compatible with the existing structure.
17	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.	✓	Site is already in non-residential use.
18	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Site operations will comply with no-idling requirements of LDC 4.1.6.B
19	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Loading/unloading will occur within existing garage structure and will not impact traffic.
20	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	No changes in existing lighting are proposed.
21	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.	✓	Use is higher intensity but is located near activity centers and along a transit corridor.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	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.	-	Proposal includes request for some landscape waivers due to existing site conditions. Remaining landscaping being provided is in excess of remaining requirements.
23	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.	-	Proposal includes request for some landscape waivers due to existing site conditions. Remaining landscaping being provided is in excess of remaining requirements.
24	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	-	Proposal uses existing structure which is incompatible in height.
25	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, loading and delivery will be accommodated through existing street parking and use of existing parking garage at rear of site.
26	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.	✓	Landscaping proposed for parking area near street is in excess of requirements.
27	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	✓	Proposal uses existing parking garage at rear of site.
28	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will conform to LDC requirements.
Community Form/Land Use Guideline 4: Open Space			
29	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.	✓	The majority of existing open space is being preserved.
30	A.4: Open space design is consistent with the pattern of development in the Traditional Marketplace Corridor form district.	✓	The majority of existing open space is being preserved.
31	A.5: The proposal integrates natural features into the pattern of development.	NA	Site does not include features of this type.

Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
32	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	Site does not include these characteristics.
33	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	Site does not include these characteristics.
34	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	Site does not include these characteristics.
Marketplace Guideline 6: Economic Growth and Sustainability			
35	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	✓	Proposal is re-use of an existing structure.
36	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Proposed use is not industrial in nature.
37	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.	NA	Proposed use is not retail in nature.
38	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	Proposed use is not industrial in nature.
Mobility/Transportation Guideline 7: Circulation			
39	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	Proposal is not expected to require improvements in existing facilities.
40	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Proposal maintains all existing facilities to support these transportation modes.

41	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.	NA	These conditions do not apply to this proposal.
42	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Proposal uses existing rights-of-way.
43	A.10: The proposal includes adequate parking spaces to support the use.	✓	Proposal includes adequate on street and off street parking.
44	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Proposal maintains existing access to adjacent development.
Mobility/Transportation Guideline 8: Transportation Facility Design			
45	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 this proposal.
46	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 this proposal.
47	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 this proposal.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
48	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.	✓	Proposal maintains all existing facilities to support these transportation modes.
Livability/Environment Guideline 10: Flooding and Stormwater			
49	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.	✓	Proposal has received MSD approval.
Livability/Environment Guideline 12: Air Quality			
50	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	Proposal has received APCD approval.

Livability/Environment Guideline 13: Landscape Character			
51	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 conditions do not apply to this proposal.
Community Facilities Guideline 14: Infrastructure			
52	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Proposal will not require changes in existing service.
53	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Proposal will not require changes in existing service.
54	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.	✓	Proposal will not require changes in existing service.

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.
2. Changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or to its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
3. Use of the subject site shall be limited to mini-warehouse and other uses permitted in the C-2 Commercial district. There shall be no other use of the property without prior approval of the Planning Commission. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any request to amend these binding elements.
4. The development shall not exceed 18,760 square feet of gross floor area.
5. All signs shall be in accordance with LDC Chapter 8 sign regulations. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
6. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
7. All lighting shall comply with the requirements of LDC 4.1.3, including special requirements for the Traditional Marketplace Corridor form district.
8. The applicant, developer or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise them of the content of 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. 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.
9. The site shall be subject to LDC 4.1.6.B standards regulating the idling of motor vehicles.

Land Development & Transportation Committee
Staff Report
December 20, 2016



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Applicant	Brexton LLC
Representative	Bardenwerper Talbott & Roberts PLLC
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Jurisdiction	Louisville Metro
Council District	4 – David Tandy
Case Manager	Beth Jones, AICP, Planner II

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- Zoning map amendment from OR-3 Office/Residential to C-M Commercial/Manufacturing
- Approval of Revised Detailed District Development Plan

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The applicant is requesting a zone change for a property at 1170 E. Broadway, located in a Traditional Marketplace Corridor form district. The site adjoins the recently approved Mercy Apartments development site on the east and is in close proximity to the Phoenix Hills Apartments, also recently approved. An existing 18,760 square foot structure on the site is currently in use as offices; the proposed use is multi-story climate-controlled self-storage.

The site is accessed via Broadway, a major arterial, and via an access easement adjoining the west property line and the parking garage at the southern property line. Loading/unloading of vehicles will take place in a dedicated area within the parking garage directly adjoining to the south.

The applicant will be constructing an exterior stairwell tower to provide access to all floors of the existing building in the small yard area on the west side of the existing building. The applicant is also adding landscaping elements to the west side of the property at the northwest corner of the site to mitigate the visual impact of the addition on neighboring property owners. This version of the plan documents was not available prior to completion of this staff report; it will be reviewed in full prior to the Planning Commission public hearing.

The site is located within the Highlands National Register District; the existing structure is not of historic value.

LAND USE / ZONING DISTRICT / FORM DISTRICT

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INTERESTED PARTY COMMENTS

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APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Louisville Metro Land Development Code
- Original Highlands Neighborhood Plan (September 2006)
The site lies at the northernmost end of the study area, which includes properties on both sides of Broadway between Barret and Baxter Avenue. An overview of zoning within the study area (Table 4-1) shows the most intense zoning category as C-2.

The Plan's Vision Statement expresses the desires of the neighborhood to ensure that "new development and redevelopment respects the mass, scale and architecture of the neighborhood. Existing institutional structures have been adaptively and creatively reused in ways that create new neighborhood assets and are neighborhood-compatible. All new neighborhood uses strive to maintain and enhance the valuable historic personality of the Original Highlands."

Reuse of the Mercy Academy property is included among the Land Use and Community Form recommendations within the Plan (Table 4-2). Recommendation LU6 states that "Any proposed re-use of the Mercy Academy and Breckenridge Metropolitan High School campuses should be focused on condominium or mixed professional office/residential uses, and/or consistent with the uses allowed in their

existing underlying zoning district, unless it can be demonstrated that a proposed change of use is compatible with the surrounding neighborhood and the intent of the Traditional Neighborhood Form District.

The Plan identifies parking as a problem in the neighborhood, particularly in those areas adjacent to commercial uses. It cites a parking study conducted by the Parking Authority of River City (PARC) circa 2006 which indicated that the Original Highlands neighborhood had the most significant parking capacity problems in the entire Bardstown Road/Baxter Avenue corridor.

Planting and maintenance of trees and landscaping were specifically cited within the Plan (*Section 6 Neighborhood Improvement Resources*) as neighborhood issues to be addressed by individual property owners.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed 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

The site is located within a Traditional Marketplace Corridor form district.

Cornerstone 2020 describes the Traditional Marketplace Corridor as a form found along a major roadway where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants and services. These uses frequently have apartments or offices on the second story. Buildings generally have little or no setback, roughly uniform heights and a compatible building style. They are generally two to four stories and are oriented toward the street. New development and redevelopment should respect the predominant rhythm, massing and spacing of existing buildings.

There should be a connected street and alley system. New development should maintain the street grid pattern and typical block size. Parking is provided on-street and in lots at the rear of buildings; new development should respect this pattern. A street capable of permitting on-street parking is usually necessary. Flexible and shared parking arrangements are encouraged.

The area should be easily accessible to pedestrians, transit and bicycle users. Wide sidewalks, street furniture and shade trees should be used to create a pedestrian-friendly environment that invites shoppers to make multiple shopping stops without moving their vehicles.

Attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of scale, architectural style and building materials of any proposed new development with nearby existing development within the corridor.

TECHNICAL REVIEW

Staff finds that converting the building for use as mini-warehouses would not increase the site's incompatibility with the surrounding neighborhood:

- The building has direct access to each story of the adjoining existing garage and all loading/unloading could be accommodated using that access, eliminating the need for use of street parking on Broadway
- The new use will be governed by regulations regarding lighting, noise, landscaping and signage which are specifically included among the plan's General Notes
- The proposed mini-warehouses will provide a service to residents of the two apartment projects currently under construction as well as other nearby residents and businesses

Staff supports a zone change to C-2 rather than C-M as requested by the applicant:

- C-2 Commercial zoning specifically permits the proposed use, in combination with a Conditional Use Permit (LDC 4.2.35 Mini-warehouses)
- C-2 Commercial zoning permits only lower intensity uses more compatible with the existing adjoining neighborhood uses
- C-M Commercial Manufacturing zoning permits both C-2 Commercial and M-1 Manufacturing uses
 - Permitted M-1 manufacturing uses range from jewelry and pottery to adhesives, plastic molding/shaping and latex paints
 - The applicant's proposed use is not related to manufacturing in any way

In instances where a proposed use is located in an area of dense existing development that includes residential uses, Staff prefers to defer to the least intensive zone category possible that will permit the use.

The applicant's proposed use as a mini-warehouse is permitted, with a CUP, under C-2 zoning. In the event that this specific use were to be abandoned in the future, C-2 zoning would permit many options for use of the site that would not deprive the owner of reasonable use of the property and would be compatible with the neighborhood. If, however, this occurred under C-M zoning, manufacturing uses too intense to be compatible with existing uses would be permitted (LDC 2.4.6). While these uses could be individually prohibited through binding elements attached to a zone change approval, it is impossible to predict and prohibit all incompatible uses that might be added to the C-M zoning category in the future. Simply prohibiting any and all uses which might be added to the C-M zone is also not an ideal response since, in addition to prohibiting incompatible uses, it would also prohibit those that might be acceptable and even desirable in the future.

Under Staff recommendation for a C-2 zone with a CUP, several waivers and variances would be required as a result of existing conditions on the site. A waiver and a variance related to landscaping and buffering requirements would be necessary due to the fact that the property lines on the north, south and east sides of the property abut the existing building. A second variance would be required to accommodate the height of the existing structure. None of these will result in an increase in the incompatibility on the site.

As a site within 100 feet of any residential or mixed-use development, the use would be subject to LDC 4.1.6.B which prohibits "loading and unloading operations" and "idling of any heavy or medium trucks...for the purpose of conducting loading or unloading operations" between 10:00pm and 7:00am. This regulation would mitigate potential negative effects of the business operation on neighboring properties.

The development plan and zone change request have been reviewed by all appropriate agencies and no issues remain outstanding. The revised development plan including the stair tower and additional landscaping will be subject to the full review process upon submittal.

STAFF CONCLUSIONS

Staff recommends that the Land Development & Transportation Committee set a public hearing date before the Planning Commission.

NOTIFICATION

Date	Purpose of Notice	Recipients
9/7/16	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 4
12/7/16	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 4

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Recommended Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Recommended Binding Elements

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.
2. Changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or to its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
3. Use of the subject site shall be limited to mini-warehouse and other uses permitted in the C-2 Commercial district. There shall be no other use of the property without prior approval of the Planning Commission. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any request to amend these binding elements.
4. The development shall not exceed 18,760 square feet of gross floor area.
5. All signs shall be in accordance with LDC Chapter 8 sign regulations. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
6. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
7. All lighting shall comply with the requirements of LDC 4.1.3, including special requirements for the Traditional Marketplace Corridor form district.
8. The applicant, developer or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise them of the content of 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. 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.
9. The site shall be subject to LDC 4.1.6.B standards regulating the idling of motor vehicles.

**Zone Change Pre-Application
Staff Report
September 23, 2016**



Case No.	16ZONE1057
Project Name	Tri-Village Storage
Location	1170 E. Broadway
Owner	Eagle Properties, Inc. Louisville Broadway Apartments LLC
Applicant	Brexton LLC
Representative	Melanie Wollenberg
Jurisdiction	Louisville
Council District	4 – Tom Owen
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Zone change request from OR-3 Office/Residential to C-M Commercial/Manufacturing

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting a zone change for a property at 1170 E. Broadway, located in a Traditional Marketplace Corridor form district. The site adjoins the recently approved Mercy Apartments development site on the east and is in close proximity to the Phoenix Hills Apartments, also recently approved. The structure is currently in use as offices; the proposed use is multi-story climate-controlled self-storage.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Office	OR-3	Traditional Marketplace Corridor
Proposed	Self-Storage	C-M	Traditional Marketplace Corridor
Surrounding Properties			
North	Single-family residential; social services organization	OR-3	Traditional Marketplace Corridor
South	Multi-family residential (under development)	OR-3	Traditional Marketplace Corridor
East	Multi-family residential (under development)	OR-3	Traditional Marketplace Corridor
West	Multi-family residential (under development)	OR-3	Traditional Marketplace Corridor

PREVIOUS CASES ON SITE

There are no related zoning cases or enforcement actions associated with the subject property.

INTERESTED PARTY COMMENTS

A phone call was received by the Case Manager from a person who had been invited to but was unable to attend the neighborhood meeting on 9/21/16. She asked about the proposed use of the building and had no comment, positive or negative.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code (September 2016)
- Original Highlands Neighborhood Plan (September 2006)
The site lies at the northernmost end of the study area, which includes properties on both sides of Broadway between Barret and Baxter Avenue. An overview of zoning within the study area (Table 4-1) shows the most intense zoning category as C-2.

The Plan's Vision Statement expresses the desires of the neighborhood to ensure that "new development and redevelopment respects the mass, scale and architecture of the neighborhood. Existing institutional structures have been adaptively and creatively reused in ways that create new neighborhood assets and are neighborhood-compatible. All new neighborhood uses strive to maintain and enhance the valuable historic personality of the Original Highlands."

Reuse of the Mercy Academy property is included among the Land Use and Community Form recommendations within the Plan (Table 4-2). A map of the study area (Figure 4-1) specifically labels the Mercy Academy site, which includes the subject property, for "appropriate institutional reuse". Recommendation LU6 states that "Any proposed re-use of the Mercy Academy and Breckenridge Metropolitan High School campuses should be focused on condominium or mixed professional office/residential uses, and/or consistent with the uses allowed in their existing underlying zoning district, unless it can be demonstrated that a proposed change of use is compatible with the surrounding neighborhood and the intent of the Traditional Neighborhood Form District.

The Plan identifies parking as a problem in the neighborhood, particularly in those areas adjacent to commercial uses. It cites a parking study conducted by the Parking Authority of River City (PARC) circa 2006 which indicated that the Original Highlands neighborhood had the most significant parking capacity problems in the entire Bardstown Road/Baxter Avenue corridor.

Planting and maintenance of trees and landscaping were specifically cited within the Plan (Section 6. Neighborhood Improvement Resources) as neighborhood issues to be addressed by individual property owners.

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 REZONING

The site is located in the Traditional Marketplace Corridor (TMC) Form District. Cornerstone 2020 characterizes this district by older, pedestrian-scale development along major roadways adjacent to traditional neighborhoods. The corridors typically contain a wide variety of land uses (retail, restaurants, office, institutional and residential) that range from low to medium intensity. Buildings along the corridor are often narrow, closely spaced or attached, and built out to or near the street with display windows and wide sidewalks in front. Parking is usually provided on the street or in parking lots located at the rear of lots. Commercial corridor development is closely integrated with adjacent neighborhoods through side street connections and alleys, which typically delineate the boundaries between corridors and traditional neighborhoods, running along rear lot lines. The corridors have a high degree of pedestrian and transit use.

References to parking issues were common throughout the Original Highlands Neighborhood Plan. Although it was clear that areas of the neighborhood adjacent to bars and restaurants along Baxter Avenue were the focus of these concerns, it is essential that all non-residential land uses within the study area respect the significance of this issue to neighborhood residents. A section on trees and landscaping, which included recommendations for planting and maintenance assistance available to residents, speaks to the importance of these aspects of development to the neighborhood.

Attachment 3 provides a more detailed analysis of the zone change request.

The Louisville Metro Council has zoning authority over the property in question. The Louisville Metro Planning Commission is charged with making a recommendation to the Council regarding the appropriateness of this zone map amendment.

TECHNICAL REVIEW

- MES: The applicant will need to coordinate with our office to determine an addressing scheme for the proposal pending further development details.
- UDS: This is not a historic structure; therefore, the proposed zone change would not affect any historic resources.
- LWC: LWC has no objections to the document(s) as presented.
- TARC: The project site is located midway between transit stops on Broadway at Barret Ave and Broadway at Rubel Ave.
- KYTC: See Attachment 5.

STAFF CONCLUSIONS

Staff recommends a zone change to C-2 rather than the C-M requested by the applicant:

- C-2 Commercial zoning specifically permits the proposed use in combination with a CUP (LDC 4.2.35 Mini-warehouses)
- C-2 Commercial zoning permits only lower intensity uses more compatible with the existing adjoining neighborhood uses
- C-M Commercial Manufacturing zoning permits both C-2 Commercial and M-1 Manufacturing uses
 - Permitted M-1 manufacturing uses range from jewelry and pottery to adhesives, plastic molding/shaping and latex paints
 - The applicant's proposed use is not related to manufacturing in any way
 - C-2 zoning with a CUP, along with the necessary waivers and/or variances to permit the existing structure, would ensure greater control over potential future uses

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Planning Commission must determine that:

- 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
- major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 and have substantially altered its basic character.

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets standards established in the Land Development Code for granting waivers and variances (Attachment 4).

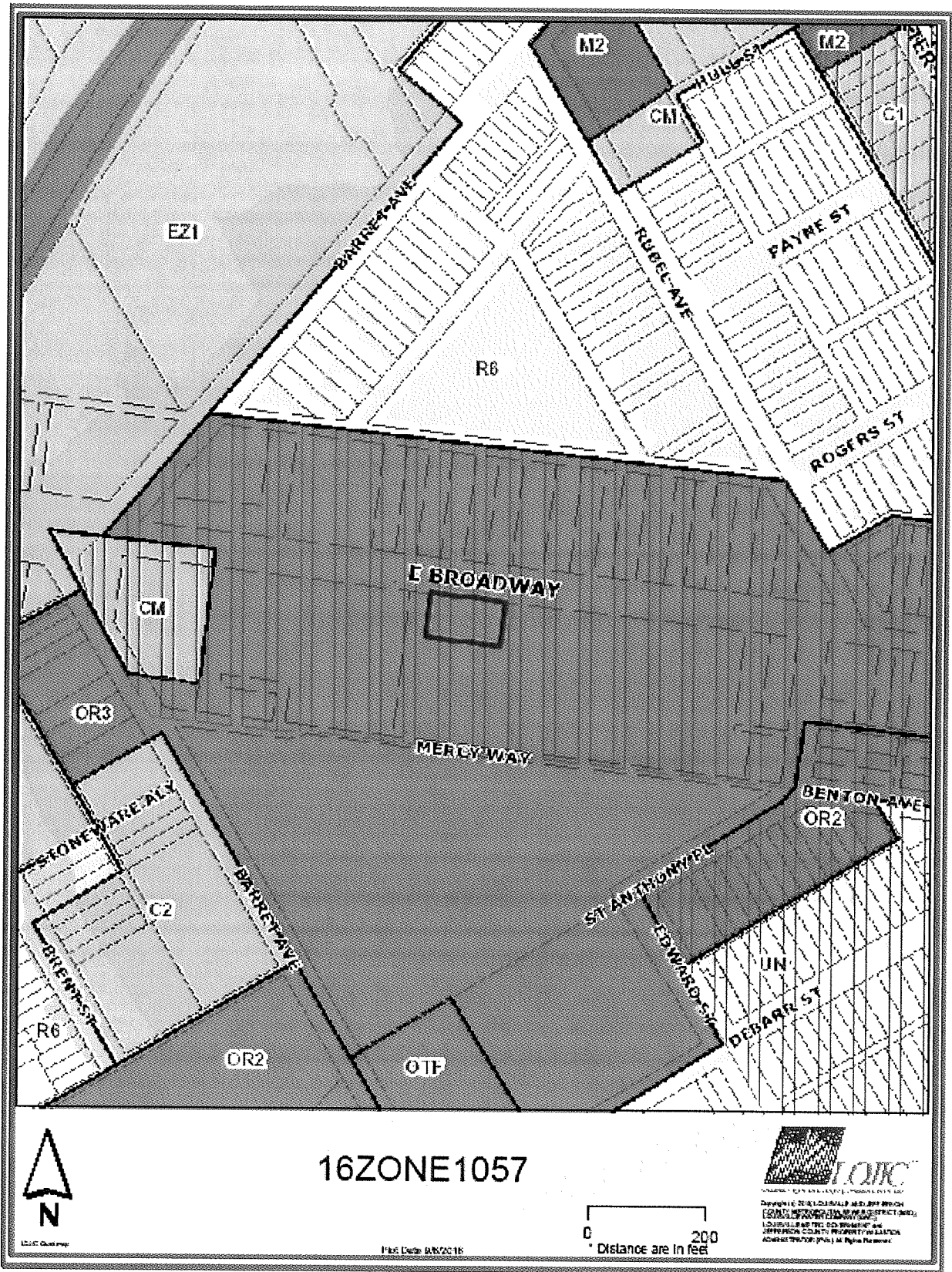
NOTIFICATION REQUIREMENTS

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 4 Notification of Development Proposals
	Hearing before PC / BOZA	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 4 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

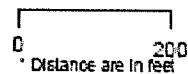
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Conditions of Approval
5. KYTC Comments

1. Zoning Map



16ZONE1057



Print Date: 8/23/2016

2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

COMPREHENSIVE PLAN ANALYSIS

Suburban Marketplace Corridor: Non-Residential

16ZONE1057 Tri-Village Storage

9/22/16

Beth Jones, Case Manager

#	Plan Element	Staff Finding	Staff Comments
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Community Form/Land Use Guideline 1: Community Form

1	B.7: The proposal incorporates itself into the pattern of development, which includes a mixture of low to medium intensity uses such as neighborhood-serving and specialty shops, restaurants and services. Often, these uses include apartments or offices on upper floors.	✓	Proposed use provides a neighborhood service.
2	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	✓	Existing structure has no street setback but is not oriented to the street.
3	B.7: New development maintains the existing grid pattern of streets and alleys and typical block size.	NA	
4	B.7: The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees.	--	Existing structure meets property lines at north, south and east. Parking is sited on west property line. One of two existing trees will be removed.
5	B.7: The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor.	NA	While structure design is not compatible with neighborhood, no exterior alterations are planned and requested use will not increase this incompatibility.
6	B.7: The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development.	NA	

Community Form/Land Use Guideline 2: Centers

7	A.1/7: The proposal, which will create a new center, is located in the Traditional Marketplace Corridor Form District and includes new construction or reuse of existing buildings for commercial, office and/or residential use.	NA	
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#	Plan Element	Staff Finding	Staff Comments
8	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	
9	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	
10	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.	NA	
11	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	
12	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	
13	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.	NA	
14	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	
15	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	NA	

Community Form/Land Use Guideline 3: Compatibility

16	A.2: The proposed building materials increase the new development's compatibility.	NA	Proposal does not include alterations to existing structure.
17	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.	✓	

#	Plan Element	Staff Finding	Staff Comments
18	A.5: The proposal mitigates any potential odor or emissions associated with the development.	NA	
19	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	More information needed on potential traffic changes related loading/unloading.
20	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	+/-	More information needed on changes to lighting on site and on structure.
21	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.	+/-	Proposed use might be considered higher intensity than current use. Site is located along a transit corridor.
22	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.	--	Appropriate transitions do not exist and are only possible at parking area on west side of site. Limited additional landscaping is possible only along west side of structure.
23	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.	--	While structure design is not compatible with neighborhood, no exterior alterations are planned and requested use will not increase this incompatibility. Limited additional landscaping is possible along west side of structure.
24	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	NA	While structure design is not compatible with neighborhood, no exterior alterations are planned and requested use will not increase this incompatibility.
25	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.	+/-	More information is needed regarding parking, loading/unloading and lighting.

#	Plan Element	Staff Finding	Staff Comments
26	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.	--	Limited additional landscaping is possible along west side of structure between structure and parking area.
27	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	
28	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	+/-	More information needed.

Community Form/Land Use Guideline 4: Open Space

29	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.	--	Limited additional landscaping is possible along west side of structure between structure and parking area.
30	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	
31	A.5: The proposal integrates natural features into the pattern of development.	NA	

Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources

32	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	
33	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	

#	Plan Element	Staff Finding	Staff Comments
34	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	

Marketplace Guideline 6: Economic Growth and Sustainability

35	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	✓	
36	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.		C-M zoning would permit manufacturing uses in close proximity to existing and planned commercial, institutional and residential uses.
37	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.	NA	
38	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.	✓	Any manufacturing uses permitted by C-M zoning would be small scale, and site is located on a major arterial.

Mobility/Transportation Guideline 7: Circulation

39	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.	+/-	Proposal will likely not require improvements to public facilities.
40	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	

#	Plan Element	Staff Finding	Staff Comments
41	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.	✓	
42	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	
43	A.10: The proposal includes adequate parking spaces to support the use.	+/-	More information needed.
44	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	

Mobility/Transportation Guideline 8: Transportation Facility Design

45	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	
46	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	NA	
47	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	

Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit

48	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.	✓	
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Livability/Environment Guideline 10: Flooding and Stormwater

49	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline 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.	+/-	See MSD comments.
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Livability/Environment Guideline 12: Air Quality

50	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	
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Livability/Environment Guideline 13: Landscape Character

51	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	
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Community Facilities Guideline 14: Infrastructure

52	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	
53	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	
54	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.	✓	

4. Proposed Conditions of Approval

CUP: Compliance with LDC 4.2.35 Mini-warehouse requirements C. outdoor storage; D. toxic/hazardous materials; E. retail/wholesale sales/distribution; and H. freestanding sign limitations.

WAIVER 1 of CUP Condition 4.2.35.A.: Waiver of LBA requirements on north, south and east property lines. Request, at minimum, replacement of the existing tree between structure and parking on west side being removed.

VARIANCE 1 of CUP Condition 4.2.35.B.: Variance permitting existing structure to abut property lines along north, south and east property lines.

VARIANCE 2 of CUP Condition 4.2.35.G.: Variance permitting existing structure to exceed 15' maximum height.

5. KYTC Comments (received 9/21/16)

16ZONE1057
TRI-VILLAGE STORAGE
1170 E. BROADWAY
ZONE PLAN
LOUISVILLE BROADWAY APT. LLC
US 150

Recommendation: Approve on Condition

Comments/Conditions:

1. Additional right of way may be required across the frontage of this tract to meet the current Metro Land Development Code. The requirements are determined by Louisville Metro Transportation Planning and Public Works departments.
2. Calculations will be required for any runoff deemed necessary to be taken to the state right of way. Proposals to alter or significantly increase a drainage area or runoff factors or to change in any way the performance of an existing drainage structure shall be accompanied by a complete drainage survey and hydrologic analysis (upstream and downstream) based on 25-year and 100-year storms. This analysis shall include a comparison of existing and proposed conditions. Requests to alter drainage on a right of way shall result in conditions that are equal to or better than the existing facilities.
3. There should be no commercial signs on the right of way.
4. There should be no landscaping in the right of way without an encroachment permit. Landscaping on plans will need to be reviewed for site distance.
5. Site lighting should not shine in the eyes of drivers. If it does, it should be re-aimed, shielded or turned off.
6. Radiuses for new commercial entrances shall be 35ft. minimum within state right of way.
7. All drainage structures within state right of way shall be state design.
8. All new and existing sidewalks shall be either brought up to or built to ADA current standards.
9. Traffic study may be required.
11. KYTC is okay with the concept on the Zone plan except for comments in this review. This is just a preliminary approval. KYTC will review again if or when construction plans are submitted, and reserve the right to change or qualify the approval when construction plans are submitted for review

An encroachment permit and bond will be required for all work done in the right of way.

Encroachment permit and bond forms are available at
https://intranet.kytc.ky.gov/apps/forms/_layouts/KYTC.SP.Forms/DepartmentForms.aspx?Department=Permits

Robert L. Rogers
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