

ZONE CHANGE, CUP & WAIVER REQUESTS:
PROPOSED FINDINGS OF FACT SUPPORTING COMPLIANCE WITH ALL
APPLICABLE GUIDELINES AND POLICIES OF CORNERSTONE 2020

ACME ARTWORKS

**ZONING REQUEST: UN, URBAN NEIGHBORHOOD TO OR-2, OFFICE RESIDENTIAL
953 S. CLAY STREET TO REVIVE A LONG-VACANT BUILDING AND ALLOW
ARTIST STUDIOS, GALLERY AND CLASSROOM SPACE**

**CUP REQUEST: OFF-STREET PARKING ON CURRENTLY VACANT PROPERTY
LOCATED AT 952 - 956 S. CLAY STREET**

**WAIVER REQUEST: LDC CHAPTER 10.2.4 TO OMIT PROPERTY PERIMETER LANDSCAPE
BUFFERS AND ASSOCIATED PLANTING AROUND THE EXISTING BUILDING
ON 953 S. CLAY STREET**

The Louisville Metro Planning Commission, having heard testimony during the meeting held by its Land Development and Transportation Committee (March 22, 2018), and during the duly-noticed Public Hearing held on April 19, 2018, and having reviewed and weighed evidence presented by the applicant, interested parties, and Louisville Metro Planning and Design Staff Case Manager Laura Mattingly's analysis of the application, hereby make its following findings of fact:

INTRODUCTION & REQUEST SUMMARY

WHEREAS, the applicant, ACME Artworks, proposes its application to rezone property located at 953 S. Clay Street, Louisville, KY ("Subject Property"), from UN Urban Neighborhood to OR-2 Office Residential, for the adaptive re-use of an older structure currently vacant and in disrepair as active studio space for local artists and a small amount of gallery and classroom space where art can be displayed and classes will be taught to students of all ages ("Rezoning Request"); a related Conditional Use Permit request for off-street parking on vacant, undeveloped property located at 952, 954 and 956 S. Clay Street – directly across S. Clay Street from the Subject Property – is also being submitted ("CUP Request," and, combined together with the Rezoning Request, referred to as "Proposal"); the Proposal is located within the Traditional Neighborhood Form; and

WHEREAS, situated on the corner lot of S. Clay Street and Speckert Court in the Shelby Park neighborhood, this Proposal seeks to re-establish much-needed vitality and vibrancy to an underutilized property containing a dilapidated three-story building that has largely remained vacant and unused for an extended period of time; the applicant's rehabilitation and repurposing of the building into ACME Artworks, which will be open to the public, will fill a void in the immediate block of this section of S. Clay Street, between E. Kentucky and Caldwell Streets, and provide new opportunities for cultural activities to the neighborhood and local community; and

WHEREAS, in 2015, the Louisville Metro Board of Zoning Adjustment approved related Conditional Use Permit Applications to allow a drug and alcohol recovery program operate on the Subject Property (15CUP1028) as well as off-street parking on the very same property the applicant now requests its CUP Request for off-street parking (15CUP1032); today, the applicant has submitted its Proposal to establish a place where it can furnish available studio space for individual artists to lease and an area for classroom space where small-sized art classes will be offered to any interested students; and

WHEREAS, the rehabilitation of the aged building will be phased: floors 1 and 2 will be improved during phase I, creating space for nine artists and ten art students; floor 3 will be refurbished during phase II; for phase I, ten parking spaces will be required after available parking reductions are applied; ten on-street parking spaces are provided to meet this requirement; the applicant's Proposal includes the following associated waiver requests: 1) eliminate all LDC Chapter 10.2.4 property perimeter landscape buffers and associated planting around the existing building on the Subject Property; and 2) allow planting of landscaping instead of constructing a 3-foot masonry wall within the vehicle use area buffer between S. Clay Street and the proposed off-street parking area, per LDC 5.5.1.A.3.a; and

WHEREAS, for the reasons stated herein, both the Rezoning Request being submitted for 953 S. Clay Street and the CUP Request for 952, 954 and 956 S. Clay Street, Louisville, KY are in agreement with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan ("Cornerstone 2020") and KRS Sections 100.213 and 100.237, and, therefore, are recommended for approval.

**THE PROPOSAL'S AGREEMENT WITH CORNERSTONE 2020
LOUISVILLE METRO'S COMPREHENSIVE PLAN**

Guideline 1 - Community Form

WHEREAS, the Proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy B2 (Traditional Neighborhood); Cornerstone 2020's Community Form/Land Use Guideline 1, Community Form, recommends the use of "existing and emerging forms or patterns of development and local plans developed in accordance with the Comprehensive Plan to guide land use decisions and design development;" and because this proposal involves the adaptive re-use of an existing structure in an already established neighborhood, it meets the intent of Guideline 1, which is to (1) "ensure that new development will be designed to be compatible with the scale, rhythm, form and function of existing development as well as with the pattern of uses;" and (2) "ensure land use decisions ... preserve and improve identified existing and emerging patterns of development;"

WHEREAS, the Proposal complies with Guideline 1, Policy B2 because the Subject Property lies within the Traditional Neighborhood Form District, which is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and may contain integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services; the Proposal will serve to reinforce the Traditional Neighborhood Form because the long-standing building that exists on the site will be renovated and preserved before being re-used as ACME Artworks, a neighborhood- and community-serving collective of art studios, a gallery, and equipped with classroom space where art instruction will be taught to interested students of all ages; this proposed use is of low intensity and low traffic volumes and, aside from the installation of twelve off-street parking spaces on

grass pavers across S. Clay Street from the Subject Property, will be served by existing infrastructure; and

WHEREAS, the overall design and configuration of the Subject Property, with the existing structure built to the corner of S. Clay Street and Speckert Court and largely covering the entire lot, will remain unchanged thereby preserving the existing grid pattern of streets and well-established sidewalk along S. Clay Street; to promote bicycling, the applicant will be providing eleven short-term bicycle storage spaces on the north side of the building, where it fronts Speckert Court and six long-term bicycle storage spaces will be available inside the building; TARC operates two local routes on nearby S. Jackson and S. Shelby Streets, both of which will provide accessible transit service to the Proposal; in summary, the Proposal stays within current overall traditional pattern of development and, with this newly-injected re-investment into the aged structure and overall site, the Proposal will only reinforce the existing compatibility of scale, rhythm, form and function of existing development along S. Clay Street and Speckert Court; consequently, the existing pattern of development along S. Clay Street and Speckert Court will be maintained; and

WHEREAS, Goal C.4 of the Cornerstone 2020 Comprehensive Plan provides that parking in Traditional Neighborhoods should be adequate and convenient, should not negatively impact the pedestrian environment, and should be located and designed to ensure compatibility with the neighborhood; the applicant's CUP Request is on property located immediately across S. Clay Street from the Subject Property; the property is also zoned UN, Urban Neighborhood and within the Traditional Neighborhood Form; surrounding the property is a mix of uses, including a Louisville Gas and Electric (LG&E) substation to the north, a non-residential property to the west, and to the south, across the alley, are the back of properties fronting E. Kentucky Street, some of which are utilized as residences and others as non-residential uses; the applicant's proposed use of twelve parking spaces atop grass pavers on the property will allow for convenient parking by artists and art students coming and going to/from ACME Artworks; the parking spaces currently do not exist on the property, but utilization of the grass pavers will lessen the appearance of change to the current vacant property; moreover, just .12 acre of the .21-acre property will be disturbed; therefore, the applicant's CUP Request to located twelve off-street parking spaces will not negatively impact the surrounding area; accordingly, the proposed use of the site for off-street parking complies with Guideline 1 of Cornerstone 2020; and

Guideline - 2 Centers

WHEREAS, the Proposal complies with Guideline 2 of the Comprehensive Plan because it will encourage new development and rehabilitation of an existing building to provide a mixture of educational and cultural uses and, across the street, the use of long-vacant property as off-street parking atop grass pavers; the existing structure is located on a corner property at the intersection of two local streets, S. Clay Street and Speckert Court, and within the Traditional Neighborhood Form; this corner property and the property across S. Clay Street that are the subject of the applicant's CUP Request are located one-half block north of E. Kentucky Street, a local collector street outfitted with a designated bike lane, and a block west of S. Shelby Street, a minor arterial that has a local TARC route; the proposed location for this use is appropriate as it is an adaptive re-use of an existing vacant structure in the middle of a long-established urban neighborhood, which contains a mix of zoning and uses; the building on the Subject Property is in long need of improvement and vitality, and this Proposal will address both of these needs; the Subject Property is located near various activity centers along S. Shelby Street to the east and S. Preston Street to the west, accessible by car, transit, bicycle and foot, and will be supported

by surrounding residential populations from numerous nearby neighborhoods; the Proposal is relatively compact and will result in efficient use of property; accordingly, the proposed use complies with Guideline 2 of Cornerstone 2020; and

Guideline - 3 Compatibility

WHEREAS, the re-development intended for the Subject Property meets the intent of Guideline 3, Compatibility, and all of the Policies adopted thereunder, as the existing three-story building on-site will be renovated and preserved, ensuring that the existing development pattern on the east side of S. Clay Street is maintained; setbacks, building height and building location will remain unchanged; the Subject Property is located within the established urban neighborhood of Shelby Park, which, along with the adjacent Smoketown neighborhood, is undergoing a resurgence, attracting reinvestment and redevelopment; the surrounding area has a mix of zoning and land uses, including the presence of numerous non-conforming uses, likely the result of area-wide rezonings of property, which captured certain properties with existing, distinguishing circumstances preventing compliance with the newly-assigned zoning; the Subject Property falls into this latter category, as the existing building located thereon occupies almost the entirety of the lot, thereby creating a situation where the current 2.62 floor-area ratio of the property does not conform to the assigned UN zoning district, which requires a .75 floor-area ration; accordingly, the Proposal seeks OR-2 zoning for the Subject Property to bring it under compliance with current zoning regulations; and

WHEREAS, the immediate area is largely zoned UN, Urban Neighborhood, with pockets of commercial and industrial zoning peppered throughout, especially on corner properties; one half block south and across E. Kentucky Street is property zoned M-2, Industrial; one block east, a thread of OR-2 zoned properties between Logan and S. Shelby Streets exists and runs north-south from E. Oak Street to E. Ormsby; a similar thread of OR-2 zoned properties to the west of the Subject Property runs along S. Preston Street, between E. Breckinridge Street and E. Magnolia Avenue; more generally, the larger area surrounding the Subject Property is a collage of zoning, marked with differing intensities of commercial, industrial, office, and residential zoning; the proposed OR-2 zoning is compatible with both the immediate and general areas surrounding the Subject Property and will cause no adverse impacts to the same; and

WHEREAS, the Subject Property is appropriately located near transit corridors, the nearest being one block east along S. Shelby Street, as well as one-half block north of a designated bike line, along E. Kentucky Street; the existing sidewalk along S. Clay Street will be preserved, thereby maintaining that ACME Artworks is highly accessible by all modes of transportation, including pedestrian, bicycle, and transit; the Proposal will contain sufficient on-street parking to serve the needs of phase I of the Proposal, including a handicap-accessible space in accordance with local, state and federal requirements; what's more, the applicant's CUP Request will provide for an additional twelve off-street parking spaces atop green pavers to provide ample parking for phase II of the Proposal; these twelve off-street parking spaces will be situated adjacent to the alley running along the south property line, which separates the off-street parking area from properties facing E. Kentucky Street; these properties facing E. Kentucky Street are a mix of residential and non-residential properties, all of which will be adequately buffered from the parking area by vegetation; no odor or adverse air quality issues are anticipated; vehicles will not be parked with idling engines; for the aforementioned reasons, the proposed development complies with Guideline 3 of the Comprehensive Plan; and

Guideline - 4 Open Space

WHEREAS, open space is not required for the Proposal and no natural features are located on the Subject Property; the applicant's Proposal here simply requests to adapt an existing urban site that, for the most part, already meets the design of the traditional neighborhood form district and is similar in character to various older buildings spread throughout the general area that were originally constructed for commercial or industrial uses; the long-existing structure occupies almost the entire Subject Property, leaving no room thereon for usable open space; the applicant's CUP Request portion of the Proposal will establish twelve parking spaces atop grass pavers on .12 acres of the .21-acre site; the remaining, undeveloped area of the CUP Request will be maintained as greenspace and the applicant will install the required plantings throughout the property subject of the CUP Request; and

Guideline - 5 Natural Areas and Scenic and Historic Resources

WHEREAS, this Proposal is in agreement with Guideline 5 and all of its applicable Policies including 1, 2, 4 and 6; the vast majority of the Subject Property is occupied by an existing structure, which this Proposal intends to rehabilitate; steep slopes and wet soils are not present on this site; no new clearing or grading or disruption of the Subject Property is intended, for the current structure will be rehabilitated and no new buildings are proposed; the Subject Property contains no archaeological features on it; the CUP Request will utilize grass pavers on three vacant lots to establish twelve parking spaces, but will involve only minimal site disturbance (.12 acres); there are no natural features, important scenic or historic resources on-site to preserve; as part of the CUP Request, plantings will be installed around the proposed off-street parking area, where no plantings exist today; and

Guideline - 6 Economic Growth and Sustainability

WHEREAS, the intent behind Guideline 6 is to ensure the availability of usable land to facilitate commercial development and to reduce public and private cost for land development; the Proposal meets the intent of Guideline 6 and all applicable Policies adopted thereunder, specifically Policies 3 and 5, because it seeks to rehabilitate and reuse an old structure located in the resurging older neighborhood of Shelby Park, near Louisville Metro's urban core; indeed, the Proposal will utilize an existing facility easily accessible from, among others, the Shelby Park, Germantown, Smoketown, Old Louisville, and SoBro neighborhoods, where both existing residents and businesses can enjoy accessibility to local artists and an opportunity to learn various art skills from local art teachers; Guideline 6 promotes the reinvestment of resources into older buildings and neighborhoods, which this Proposal intends to fulfill; through the restoration of the existing building on-site, the applicant seeks to reduce development costs and impacts when compared to razing the existing structure on the Subject Property to make room for new development; consequently, infrastructure costs are expected to be minimal; the applicant's CUP Request will provide parking for the Proposal and enable the applicant to reuse an existing vacant structure; and

Guidelines - 7 – 8 – 9 Circulation – Transportation Facility Design – Bicycle, Pedestrian and Transit

WHEREAS, the intent behind Guideline 7 Circulation, Guideline 8 Transportation Facility Design, and Guideline 9 Bicycle, Pedestrian and Transit are to manage the demand for travel and improve the efficiency of the transportation system, including access to transportation systems, for the safe and proper functioning of the local street network, to ensure that new developments do not exceed the carrying capacity of streets, to ensure that internal and external circulation is

safe and efficient, to address congestion and air quality issues, and to provide for efficient, safe and attractive systems of roadways, including accessibility by the elderly and physically challenged population; Guideline 9 furthers enforces this intent by encouraging transit and non-motorized methods of travel; and

WHEREAS, the Proposal complies with the stated intent of Guidelines 7, 8 and 9 and all applicable policies adopted thereunder, specifically, Guideline 7, Policies 1, 2, 3, 4, 10, and 19; Guideline 8, Policy 9; and Guideline 9, Policies 1, 2, 4 and 5; the Proposal meets these Guidelines and the applicable policies set forth thereunder because, as noted, it is an existing facility located on a well-established urban street grid, with existing on-street parking (ten spaces) available on S. Clay Street and Speckert Court; one of the on-street parking spaces will be delineated as ADA accessible; in conjunction with the completion of Phase II, twelve off-street parking spaces on grass pavers will be conveniently located directly across S. Clay Street from the Subject Property; and

WHEREAS, the redevelopment and re-use of the structure on the site will have an imperceptible impact on the existing street system, given that the proposed uses to be located on the Subject Property are of a low-impact nature and the well-established, traffic-carrying capacities of the local streets are in excess of their current use; if a designated area is necessary for certain deliveries, a small curb cut and strip of pavement, which functions as a driveway, is located on the Subject Property and provides access to S. Clay Street. No changes to S. Clay Street or Speckert Court are anticipated; and

WHEREAS, this is a corner lot, vehicle access to the Subject Property will be from both S. Clay Street and Speckert Court; the off-street parking across the street from the Subject Property will also be accessed from S. Clay Street; there is no circulation of vehicles on the Subject Property and there is ample room for the circulation of cars on the off-street parking area; Louisville Metro Public Works has given this plan its preliminary stamp of approval; and

WHEREAS, sidewalks are located along both sides of S. Clay Street and along the north side of Speckert Court; pedestrians will utilize the S. Clay Street sidewalk to access ACME Artworks' entrance on the Subject Property; the Proposal will heavily encourage bicycle transit, for it is located just off of E. Kentucky Street, a designated bicycle lane, and three times the required bicycle parking/storage – both short- and long-term – will be provided on the Subject Property; TARC service is available on both S. Jackson Street to the west and S. Shelby Street a block east of the Subject Property; and

Guidelines – 10 – 11 Flooding and Stormwater – Water Quality

WHEREAS, the Proposal complies with Guidelines 10 and 11, and all applicable Policies set forth therein, respectively, because the development will use existing MSD sewer facilities and infrastructure already in place to handle stormwater runoff; moreover, no additional impervious surfaces will be added to property included within the Proposal; all new parking areas will be constructed with grass pavers, therefore no storm sewer or GMPs are required; no property associated with the Proposal is located in a 100-year flood hazard area; the Proposal is located within the combined sewer overflow floodplain, however, which requires any new structures to have a lowest finished floor of 452.9 and any machinery shall be at or above 453.9; a note stating the same is attached to the face of the detailed development plan submitted alongside the applicant's development review applications; thus, the Proposal will accommodate stormwater runoff in a manner complying with MSD standards, which mandate post development rates of runoff may not exceed pre-development conditions; mitigation measures

for dust control will be in place during construction, particularly on the off-street parking area when grass pavers are installed, to prevent fugitive particulate emissions from reaching existing roads and neighboring properties; and

Guideline – 12 Air Quality

WHEREAS, the Proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including 1, 3, 7, 8, and 9; the Proposal intends to create space for 28 artists and 10 art students; Phase I is limited to 9 artists and 10 art students, however; as such, the Proposal includes a mix of artist studio space, gallery and classroom space, which is a low-intensity traffic generator, resulting in minimal traffic impacts to the surrounding areas; and for those artists and art students living within the area, the site is readily accessible to both pedestrians and bicyclists; the Subject Property is located very near the designated bike lane on E. Kentucky Street and will be equipped with eleven short-term parking spaces and six long-term parking spaces; TARC maintains local routes on nearby S. Jackson Street and S Shelby Street, the latter of which includes a transit stop at the corner of S. Shelby Street and East Kentucky Street, less than 700 feet from the Subject Property; the CUP Request will provide twelve off-street parking spaces for when on-street parking is unavailable, thereby reducing any additional drive time spent on searching for parking; it is anticipated that the Louisville Air Pollution Control District will approve the proposed development plan; that approval will indicate that the proposal will not cause an exceedance of air quality standards for carbon monoxide and other harmful air pollutants; and

Guideline – 13 Landscape Character

WHEREAS, the intent of Guideline 13, Landscape Character is to protect and link urban woodland fragments in conjunction with greenways planning, promote tree canopy as a resource, enhance visual quality and buffer incompatible land uses; and the applicant's submitted development plan associated with its Proposal conforms to Landscape Guideline 13 and all applicable Policies adopted thereunder; currently, no landscaping exists on the Subject Property because the existing building occupies almost the entirety of the lot, except for a small strip of pavement that appears to function as a driveway; as a result of this existing condition, the applicant requests waiver relief from LDC Chapter 10.2.4 to eliminate the applicable property perimeter landscape buffers and associated plantings on the Subject Property; there simply is no room for plantings on the Subject Property; the applicant contemplates no change in building area or impervious surface, therefore the Proposal does not meet the threshold triggering compliance with LDC Chapter 10.1; and

WHEREAS, the associated CUP Request is planned on unimproved property that today resembles what it is, a vacant urban lot; the applicant will clean up the appearance of the property, and although the CUP Request is for off-street parking, all new parking areas will be constructed with grass pavers, thereby retaining pervious areas and maintaining greenery rather than asphaltting the property; the vehicular use area shown on the CUP Request portion of the development plan is well under the 6,000-sf requirement in the LDC that requires internal landscape islands, therefore no landscape islands will be inserted in the proposed parking area; the CUP Request is adjacent to an LG&E substation to the north, backs up to a property to the west that is being utilized non-residentially, and across an alley to the south are a mix of buildings, some of which are residences and others which are not; the applicant will install plantings around the perimeter of the CUP-Request property, as well as within the front yard vehicular use area landscape buffer area; as it relates to this latter insertion of plantings in the front yard VUA LBA, the applicant requests waiver relief from LDC 5.5.1A.3.a to utilize plantings

as a buffering mechanism instead of erecting a 3-foot masonry wall; given that at this time, the applicant proposes only twelve parking spaces on grass pavers, the masonry wall will not offer added screening protection over the plantings that the applicant will install; and

Guideline - 14 Infrastructure

WHEREAS, this development proposal is in agreement with Infrastructure Guideline 14 and all applicable Policies adopted thereunder because the Subject Property contains an existing structure served by connections to all existing utilities, including MSD, water, electric and gas utilities; and

NOW, THEREFORE, the Louisville Metro Planning Commission, for all the foregoing reasons, as shown on the development plan discussed and testimony provided at both the Planning Commission's Land Development & Transportation Committee and during the Planning Commission's April 19, 2018 public hearing, including Staff Case Manger Laura Mattingly's Staff Report, hereby recommends to the Louisville Metro Council that it takes final action on this zoning application by rezoning the Subject Property from UN to OR-2 and approves the Detailed District Development Plan.

Off-street Parking Conditional Use Permit

For all of the reasons set forth within the Proposal's compliance statement above, which the applicant adopts and reincorporates herein, the applicant's CUP Request complies with the applicable policies of the Cornerstone 2020 Comprehensive Plan.

The listed requirements in Section 4.2.39 of the Land Development Code are addressed as follows:

A. The area shall be located within 200 feet of the property which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

The applicant's proposed off-street parking area is located on 952, 954 and 956 S. Clay Street, which is directly across from 953 S. Clay Street, where ACME Artworks will be located.

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

Required Plantings will be provided around the perimeter of the proposed parking area and the twelve parking space will be atop grass pavers, thereby preserving greenery on the property and reducing any negative effects attributable to the insertion of additional dark pavement surfaces. The applicant is requesting waiver relief from LDC Chapter 5.5.1.A.3.a. to not provide the 3-foot masonry wall within the VUA buffer area between the S. Clay Street right-of-way and the parking area. Considering that the proposed parking area includes only .12 acre of the .21-acre site and that the twelve parking spaces and access from S. Clay Street thereto will be atop grass pavers, the use of plantings instead of a costly masonry wall is appropriate.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

The applicant's CUP Request conforms to this listed requirement.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

The applicant's CUP Request conforms to this listed requirement.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriated Director of Works prior to use of the parking area.

The applicant's CUP Request conforms to this listed requirement.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.

The applicant's CUP Request conforms to this listed requirement.

NOW, THEREFORE, it is **RESOLVED**, that the Louisville Metro Planning Commission hereby approves a conditional use permit for off-street parking on the property located at 952 – 956 S Clay Street, and a modification of Sections 4.2.39.B. to not provide the 3-foot masonry wall between the parking lot and the public-right-of-way allow, and the proposal for off-street parking complies with the remainder of the listed requirements, as set forth in LDC Section 4.2.39, as well as all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.