

Planning Commission

Staff Report

October 16, 2014



Case No:	14Devplan1091
Project Name:	Candlewood Suites
Location:	1041 Zorn Ave.
Owner(s):	Quadrant Hospitality, LLC.
Applicant:	Same
Representative(s):	Bill Bardenwerper, Bardenwerper, Talbott & Roberts
Appellant:	Michael Tigue, Middleton Reutlinger
Project Area/Size:	15,184 sf. (proposed structure) / 6.82 Ac. (lots)
Jurisdiction:	Louisville Metro
Council District:	9 – Tina Ward Pugh
Case Manager:	Latondra Yates, Planner II

REQUEST

- Appeal of DRC action August 20 approving a revised Category 3 Plan.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

On March 3, BOZA, approved variances and a Category 3 Plan for construction of a 4-story hotel with approximately 99 rooms and an approximate footprint of 15,184 sf. under case No. 13Devplan1115.

On August 20, under case No. 14Devplan1091, DRC approved revisions to the Category 3 Plan that included revisions to Tract 1 of parking spaces added to the north side of the existing building, a reduction of the island along the west side of the building and additional parking, handicapped-accessible parking moved to the other side of the drive and located adjacent to the walk on the west side of the existing building, ILAs were added across the tract, and revised parking calculations.

Revisions to Tract 2 included removal of parking spaces that currently exist within the existing 100-ft. access easement, the proposed dumpster moved slightly to keep it out of the existing variable access easement, the addition of three parking spaces at the west end of the proposed building and minor changes to the parking and landscape layout.

The revised Category 3 Plan was approved on condition that an agreement be recorded that designates the shared area of parking so that should either property be sold in the future, the agreement can be maintained.

On September 3, staff received an appeal from the adjoining property owner to the southeast, First Capital Realty Ltd. C., Zorn I, LLC and Zorn Hotel, Inc. (see appeal attached).

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned C-2 in the Neighborhood Form District (NFD). It is surrounded by commercially-zoned property. A Category 3 Plan was approved on adjacent property to the southeast, 1033 Zorn Ave., for an 8-story hotel (B-12019-08).

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial	C-2	NFD
Proposed	Hotel	C-2	NFD
Surrounding Properties			
North	Commercial	C-2	NFD
South	Commercial	C-2	NFD
East	Country club	R-5 / C-2	NFD
West	Right-of-way	ROW	NFD

PREVIOUS CASES ON SITE

14Devplan1091, Revisions to previously-approved Category 3 Plan (13Devplan1115).

13Devplan1115, Category 3 Plan and variances to allow the proposed hotel to exceed the maximum height and setback. Approved by BOZA March 3, 2014.

16276, Minor Subdivision Plat to create Tract 2.

17796, Landscape plan for Subway Restaurant

9-2-85, change in zoning from R-5 to C-2 for a food mart, intersection of River Rd. and Zorn Ave. (adjacent property)

INTERESTED PARTY COMMENTS

Staff has received inquiries on behalf of the adjacent property owner.

APPLICABLE PLANS AND POLICIES

Land Development Code

River Road Scenic Byway Corridor Management Plan- The site is identified as part of a commercial node by the River Road Scenic Byway Corridor Management Plan, which characterizes the uses in the area as being relatively small in scale and including service stations, restaurants, general retail and car repair. This plan does not appear to have been legislatively adopted.

TECHNICAL REVIEW

No outstanding technical review comments.

STAFF CONCLUSIONS

Based upon the information in the staff report, testimony and evidence provided, the Planning Commission must either:

1. Affirm the DRC decision (thereby denying the appeal and upholding the DRC's decision) or affirm it with conditions;
or
2. Overrule the DRC decision (thereby granting the appeal) and state the result.

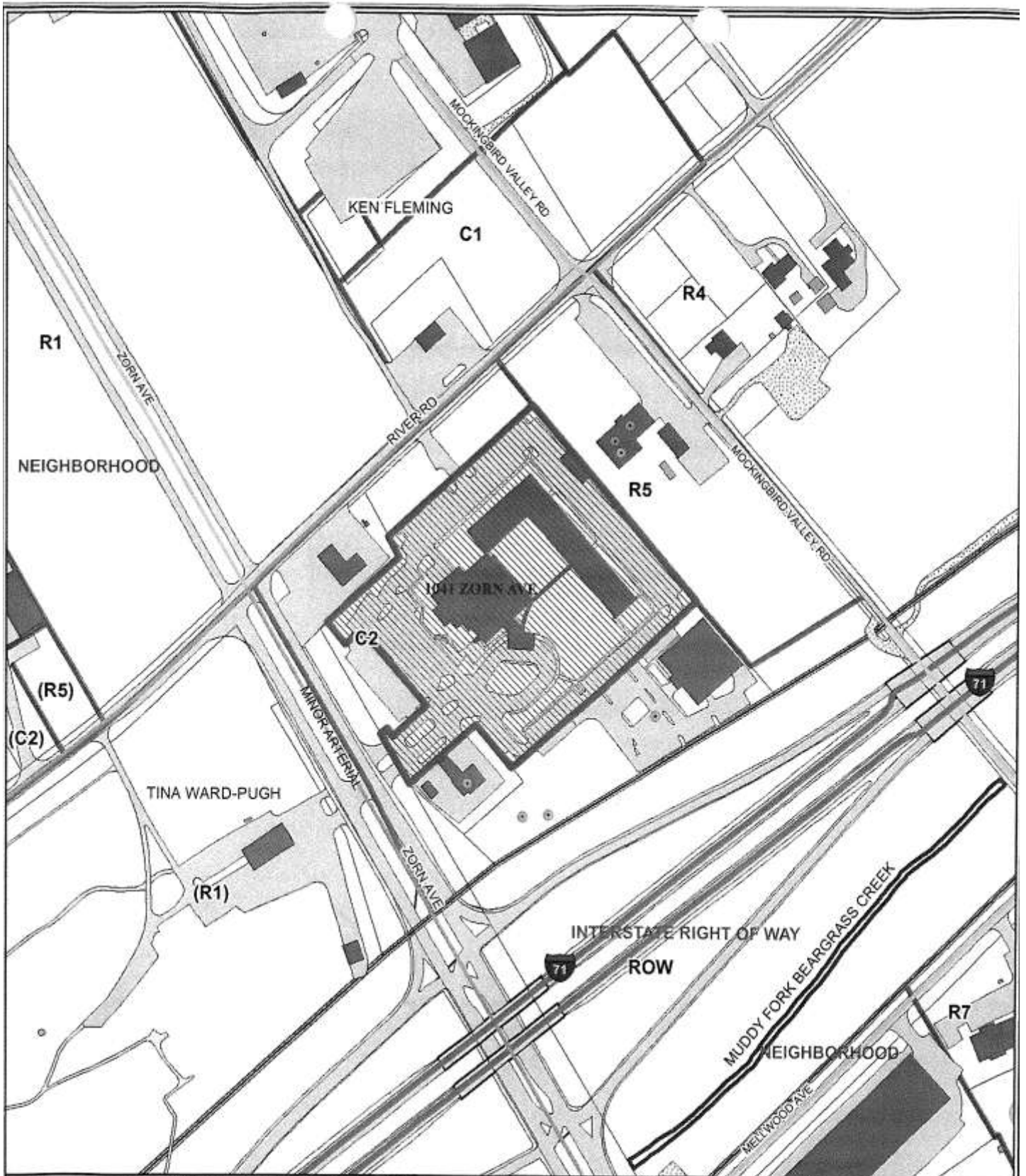
NOTIFICATION

Date	Purpose of Notice	Recipients
10/2/2014	Appeal to Planning Commission	Applicant and 1 st and 2 nd tier adjoining property owners
9/23/2014	Neighborhood Notification	Registered groups within the council district

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. August 20 DRC minutes
6. Appeal

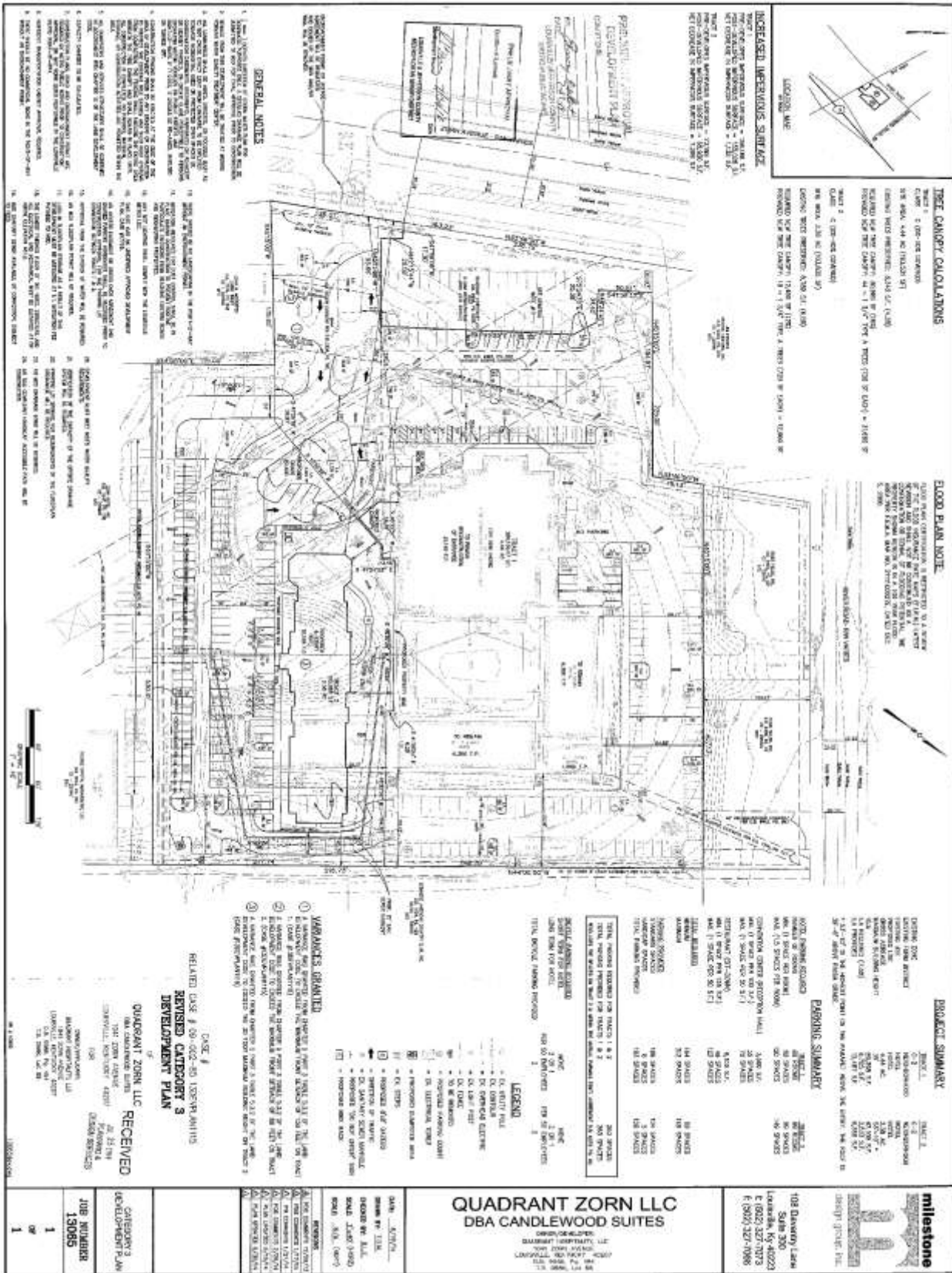
1. Zoning Map



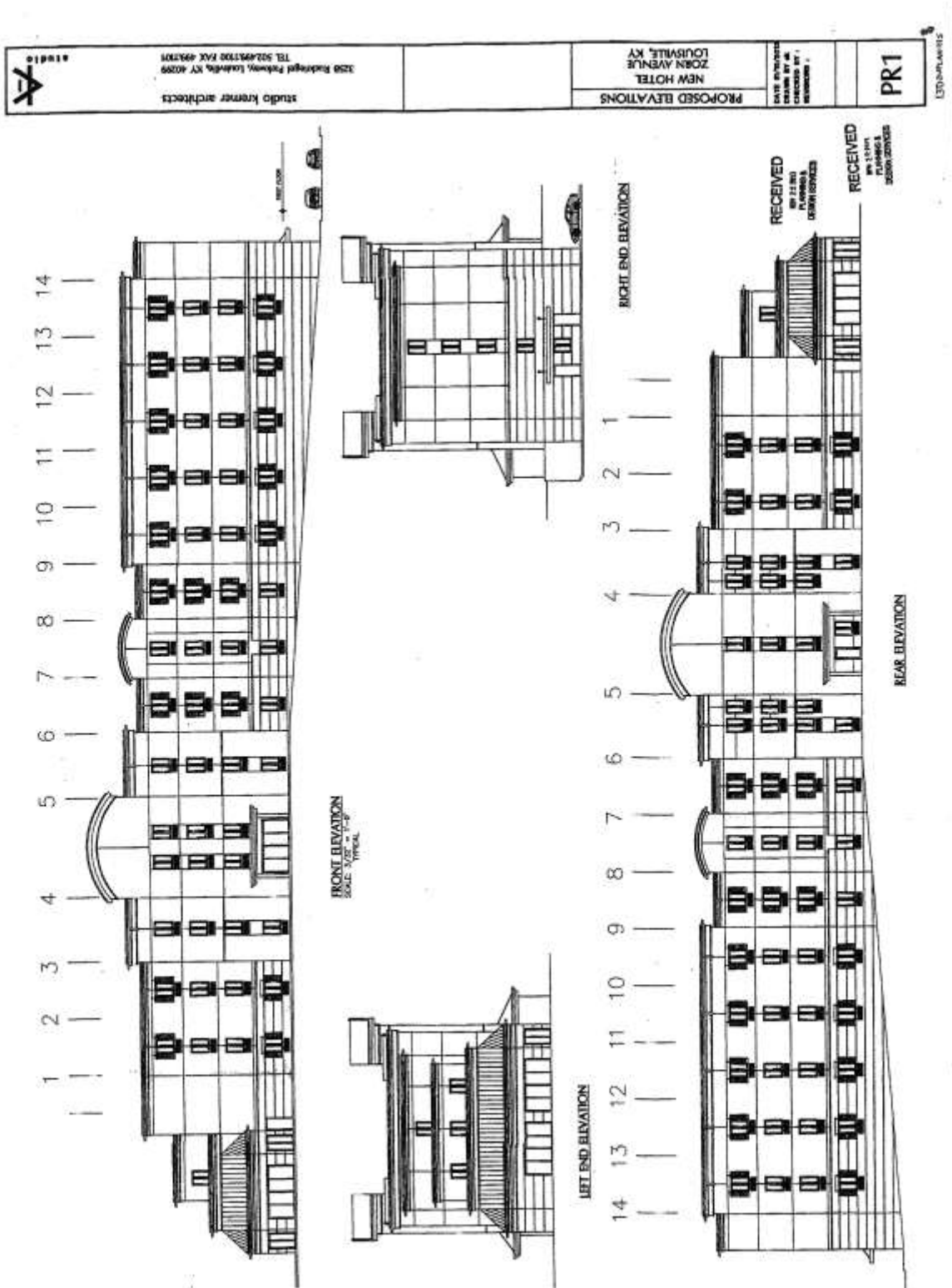
2. Aerial Photo



3. **Site Plan**



4. Elevations



5. August 20 DRC Minutes

DEVELOPMENT REVIEW COMMITTEE
August 20, 2014

NEW BUSINESS

CASE NO. 14DEVPLAN1096

Request: Revised Category 3 Plan
Project Name: Candlewood Suites
Location: 1041 Zorn Ave.
Owner: Quadrant Hospitality, LLC.
Applicant: Same
Representative: Bill Bardenwerper
Jurisdiction: Louisville Metro
Council District: 9 – Tina Ward-Pugh
Case Manager: Latondra Yates, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

21:26 Mrs. Yates discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40222
Mark Madison, Milestone Design Group, 108 Daventry Lane, Suite 300, Louisville, Ky. 40223
Rajesh Krishnani, 1041 Zorn Avenue, Louisville, Ky. 40207

Summary of testimony of those in favor:

25:35 Mr. Bardenwerper stated that the new owners do not wish to continue the shared parking agreement as the previous owners did in the past.

30:12 Mr. Madison stated, "The additional parking spaces allow us to meet the minimum requirements on our site without including the parking spaces in question (they have to be shown on the plan)." There's also additional landscaping.

The following spoke in opposition to this request:

Michael Tigue, 401 South 4th Street, Louisville, Ky. 40202

Summary of testimony of those in opposition:

DEVELOPMENT REVIEW COMMITTEE
August 20, 2014

NEW BUSINESS

CASE NO. 14DEVPLAN1091

40:37 Mr. Tigue is here on behalf of the property owner to the south, First Capitol. There was a verbal agreement for the shared parking. The applicant cannot satisfy the Land Development Code parking requirements per 9.1.6 (joint parking) and 9.5.1.A. "We're living with a real problem now, they're proposing to meet their minimum parking demands on an adjoining site and they can't do that with shared parking relationships when the peak hours of the 2 uses are exactly the same. Legally, this plan does not comply and can't be approved."

The following spoke neither for nor against the request:

No one

Deliberation

1:22:35 Mr. Baker said the applicable LDC guideline is 9.1.5.A.

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

1:46:35 On a motion by Commissioner Peterson, seconded by Commissioner Blake, the following resolution was adopted.

WHEREAS, the Louisville Metro Development Review Committee finds

WHEREAS, the Louisville Metro Development Review Committee further finds

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Category 3 Plan, Case No. 14DEVPLAN1091, as presented based on the testimony heard today **ON CONDITION** that an agreement be recorded that designates the shared area of parking so in the future, should sales occur on either of the properties, that agreement can be maintained without confusion; also, specifically page 3 of the staff report – Revised Category 3 meets the applicable sections of the Land Development Code – to include that there has been testimony from staff that the parking requirements have been met.

The vote was as follows:

YES: Commissioners Blake and Peterson

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Brown, Kirchdorfer and White

ABSTAINING: Chairman Tomes

6. Appeal

LOUISVILLE METRO PLANNING COMMISSION
DIVISION OF PLANNING AND DESIGN SERVICES
444 South Fifth Street, Louisville, Kentucky 40202
(502) 574-6230 (502) 574-8129 (fax)

APPEAL TO PLANNING COMMISSION
OF DEVELOPMENT REVIEW COMMITTEE ACTION

NOTE: Appeal forms must be submitted within fourteen (14) calendar days of DRC action.

14 Devplan 1091
Docket No. ~~13 Devplan 1115~~ (related case 13 Devplan 1115) Date 9-3-14
Name of Development Quadrat Zorn, LLC dba Candlewood Suites
Address of subject property 1041 Zorn Avenue, Louisville, Ky. 40207

Date of Development Review Committee Action: 8-20-14

Section(s) of Land Development Code not satisfied by proposed development: See Attached

State specific ways the Development Plan does not satisfy the section(s) of the Land Development Code referenced above: See Attached.

Appellant Name(s): First Capital Realty Ltd. Co., Zorn I, LLC and Zorn Hotel, Inc.
Address: 320 Whittington Parkway Louisville, Ky. 40222
Phone: (502) 625-2719

Signature of Appellant: [Signature]

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Matters under Review

1. All matters previously discussed during the Louisville Metro Development Review Committee ("DRC") public hearing held on August 20, 2014.
2. The amended development plan currently under review is dependent on an approved development plan and associated variances that were previously approved by the Louisville Metro Board of Zoning Adjustment in reliance upon inaccurate information and are presently subject to further review in the Jefferson Circuit Court. As such, DRC and the Louisville Metro Planning Commission ("Planning Commission") are without authority to consider or otherwise approve the subject amended development plan.
3. The amended development plan under review fails to meet the required minimum parking standards set forth in Chapter 9 of the Louisville Metro Land Development Code ("LDC").
4. The Applicant's proposal to rely on shared parking in the amended development plan to satisfy the minimum parking standards set forth in the LDC does not satisfy the shared and/or exclusive parking standards set for in Section 9.1.5 or 9.1.6 of the LDC.
5. Do to ambiguity relating to the actual development plan under review, Appellants reserve their rights to request review of additional potential violations of the LDC that may become apparent prior to or during subsequent review by the Planning Commission.

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