

DEMONSTRATION OF APPROPRIATENESS – ZONE CHANGE FROM M-1 TO EZ-1

CASE NO. 14ZONE1056

Edison Center, LLC

Tax Block 31D, Lot 1 and Tax Block 31G, Lot 16
1128 S. Seventh Street

1. COMPLIANCE WITH THE COMPREHENSIVE PLAN.

SUMMARY OF REZONING REQUEST.

A change in zoning from M-1 Industrial Use to EZ-1 office / mixed use is being requested for 5.5 acres at the southwest corner of Dumesnil and S. 7th Streets. The property is bordered to the north of Dumesnil by industrial uses, to the south by vacant industrial-zoned land, to the east by residential and commercial uses, and to the west by Ninth Street, railroad lines and other EZ-1 zoned land. This proposal is a redevelopment of existing buildings – no new buildings are proposed, other than are guard house at the main entrance on S. 7th Street. The current M-1 zoning is not appropriate for the proposed business/office uses. The EZ-1 zoning is a more flexible zoning alternative which supports the office and business uses proposed.

The site was formerly owned by LG&E and operated as a manufactured gas plant between the early 1900's and 1950 and then as a natural gas and electric distribution service facility until it's closure in the late 1990's. A Phase 1 Environmental Site Assessment (ESA) was completed in 2012. Groundwater and soils testing indicated the presence of several contaminants. The site was eligible for an EPA Brownfields Revolving Loan Fund for qualifying remediation work, a portion of which is proposed to be used for this site. Remediation work for the site involved installation, maintenance, and monitoring of an impervious "cap" to prevent further migration of contaminated material.

As a result of the site's environmental limitations, limited site work is proposed. Any excavation work conducted on site will be completed under the inspection of and in compliance with the Property Management Plan" prepared for the site in August 2013.

The proposed zoning change from M-1 to EZ-1 complies with the guidelines of the Cornerstone 2020 Comprehensive Plan, as follows:

GUIDELINE 1 – COMMUNITY FORM.

This property lies within the Traditional Workplace Form District. In accordance with Guideline 1.B.9., the proposed redevelopment does not alter the existing grid network. The proposal supports access to existing TARC service along S. 7th Street St. Adequate parking is proposed on-site and will not burden the Traditional Neighborhood to the east of S. 7th Street. As a redevelopment proposal, no new buildings are proposed. The proposed plan supports reinvestment, rehabilitation, and redevelopment while respecting the traditional pattern of development in the area. Therefore, the proposed rezoning is compatible with Guideline 1.

GUIDELINE 2 – CENTERS.

Guideline 2 is not applicable to this proposal.

GUIDELINE 3 – COMPATIBILITY.

The proposed redevelopment of this site does not represent a non-residential expansion or intrusion into an existing residential area. Three (3) existing buildings make up the proposed redevelopment: a 3-story primary building containing 139,750 sf to contain office / business use, a 1-story warehouse / storage facility located along Dumesnil Street, and a brick 2-story gatehouse located at the corner of Dumesnil and S. 7th Streets. The proposed redevelopment of this site has been given preliminary approval by the Air Pollution Control District. A Trip Generation and Distribution study has been prepared and submitted to Louisville Metro Public Works for approval. Internal lighting will be directed downward, in accordance with Land Development Code (LDC) requirements. As a redevelopment of existing buildings, the higher intensity of uses is located along a transit corridor within an existing industrial area. The pattern of adjacent development is compatible with the proposed redevelopment. Existing buildings are being re-used, so there is no encroachment into the historic setback pattern established for the property. Signage will be attached to the face of existing buildings.

The loading area is located at the north entrance to the main 3-story building and is buffered from property to the north by the existing warehouse building. There is no loading area facing the existing traditional neighborhood opposite S. 7th Street. The site is a secure, fenced facility with a primary gated entrance on 7th Street. A separate loading entrance is provided off Dumesnil Street. Existing paved areas are to be reused as parking. Due to the configuration of the existing site, waivers are requested from LDC Chapters 5.9.2.C.4 and 5.5.1.A.3. and a variance from LDC Chapter 5.2.5.C.3 to allow parking and circulation to occur in front of the main 3-story building. To the north of the S. 7th Street entrance, the parking areas are separated from the adjoining walk by an existing retaining wall. As the proposed redevelopment does not involve the construction of new buildings or an expansion of existing vehicular use areas, no other buffering or screening of parking areas is required or proposed. The proposal has the support of the Old Louisville Neighborhood Council.

Therefore, this proposal is compatible with adjacent development and therefore, the rezoning complies with Guideline 3 of the Comprehensive Plan.

GUIDELINES 4 & 5 – OPEN SPACE, NATURAL AREAS, AND SCENIC AND HISTORIC RESOURCES.

The subject property does not contain any natural areas. As the site involves limited site development or excavation and must be done in compliance with an approved Management Plan, redevelopment activity will seek to minimize environmental degradation and site disturbance. The proposal includes the preservation and re-use of 2 historic structures on the property. The applicant is seeking a landmark designation for the primary 3-story structure. The site is not located in a 100-yr FEMA regulatory floodplain and does not impact any existing streams. Therefore, this proposed rezoning complies with Guidelines 4 & 5 of the Comprehensive Plan.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY.

The redevelopment proposal includes the preservation and reuse of 3 existing structure that have fallen into environmental degradation and presently represent an eyesore to the surrounding neighborhood. The proposed redevelopment of the site supports existing non-residential land uses that are consistent with the Traditional Workplace form district. The proposal supports the attraction of new industry and businesses to existing facilities. The site abuts S. 7th and 9th Streets which are classified as arterial level roadways. Because the project supports redevelopment, reinvestment and rehabilitation of existing facilities within the Traditional Workplace form district, this proposed rezoning complies with Guideline 6 of the Comprehensive Plan.

GUIDELINE 7 – CIRCULATION.

The proposed redevelopment site is located along S. 7th and 9th Streets, classified as arterial level streets. Existing sidewalks connect the site to the abutting neighborhood the east as well as other industrial, non-residential developments north and south. A Trip Generation and Distribution study has been prepared for the site and submitted to Louisville Metro Public Works for approval. Existing drive lanes and streets provide connections to adjacent properties. No change to the existing street grid is proposed. The site is a fenced, gated, and secure facility located on a designated TARC route (S. 7th Street). Adequate off-street parking has been provided. The site utilizes existing curb cuts onto adjacent streets – no new curb cuts are proposed. The proposed rezoning complies with Guideline 7 of the Comprehensive Plan.

GUIDELINE 8 & 9. TRANSPORTATION FACILITY DESIGN AND BICYCLE, PEDESTRIAN AND TRANSIT.

Pedestrian access to the main 3-story building will be provided from the gated S. 7th street entrance. Pedestrian access is also provided through the existing parking lot to a proposed pedestrian corridor located along a 13.20' unnamed alley to the south. This un-named ally is to be closed and used solely for pedestrian access. It will also support pedestrian connectivity to future development on a vacant site to the south.

The existing sidewalk and street grid connects the proposed use to the existing neighborhood. The applicant is requesting a waiver to not provide sidewalks along 9th street to the west or a pedestrian connection from Dumesnil or 9th Streets, due to the fenced, secure nature of the facility. There is a significant grade change between 9th Street pavement and the proposed site. An encroachment for parking is proposed into the adjacent 9th Street right-of-way. This encroachment is proposed to be accomplished through a license agreement with Louisville Metro Public Works. No new roadways are proposed. Access to the site is through existing streets which are shared by adjacent residential, commercial and industrial uses. The proposed rezoning complies with Guidelines 8 and 9 of the Comprehensive Plan.

GUIDELINES 10 & 11 – FLOODING, STORMWATER, AND WATER QUALITY

The proposed redevelopment is not located within any 100-yr FEMA floodplains and does not impact existing streams. The site does not proposed any increase in impervious surfaces, so the proposed redevelopment will not increase stormwater runoff. The plan will comply with MSD stormwater management policies, water quality plans, and sediment and erosion control ordinances. Therefore, the proposed development complies with Guidelines 10 and 11 of the Comprehensive Plan.

GUIDELINE 12 – AIR QUALITY.

The proposed development does not involve the demolition of existing structures or construction of significant site improvements. The redevelopment has been reviewed by the Air Pollution Control District and found not to have a negative impact on air quality. As a result, the proposed rezoning complies with Guideline 12 of the Comprehensive Plan.

GUIDELINE 13 – LANDSCAPE CHARACTER.

The site contains no natural features. Therefore there are no natural wooded corridors or fragments to connect to. The primary visual enhancement to the property is a result of the architectural and façade enhancements to existing buildings. The proposed use is compatible with the existing neighborhood mitigating the need for screening and buffering incompatible uses. Therefore, the proposed rezoning complies with Guideline 13 Comprehensive Plan.

GUIDELINES 14 - INFRASTRUCTURE AND COMMUNITY FACILITIES.

The subject site is in a developed area well served by existing gas, electric, cable, internet, and sanitary sewer service. There is adequate water supply to provide both domestic and fire protection service. All temporary construction trailers will be permitted by the Louisville Metro Health Department in accordance with Chapter 115 of the Louisville Metro Code of Ordinances.

Therefore, the proposed rezoning complies with Guidelines 14 and 15 of the Comprehensive Plan.

2. UTILITY AVAILABILITY AND ESSENTIAL PUBLIC SERVICES.

This proposed rezoning involves the redevelopment of a 5.5-acre site containing 3 buildings totaling 150,390 sf. The site is served by existing utility systems in S. 7th and Dumesnil Streets. No new main extensions are required to serve the proposed use. This proposal complies with Goal G1 of the Comprehensive Plan:

“Support the redevelopment and enhancement of existing traditional and suburban workplaces to ensure full use of existing industrial areas and take advantage of existing infrastructure.”

3. ANTICIPATED TIMEFRAME.

Upon a recommendation for approval from the Planning Commission, subsequent adoption by the Louisville Metro Council, the approval of construction documents and the issuance of a building permit, construction is anticipated to begin during 2015.