

Land Development & Transportation Committee

Staff Report

March 27th, 2014



Case No:	13ZONE1028
Request:	Rezoning from M-2/C-2 to C-2 and a Revised Detailed District Development Plan with associated variances
Project Name:	Hotel Nulu
Location:	729 East Market Street
Owner:	Creation Gardens Inc.
Applicant:	Rob Webber
Representative:	Cliff Ashburner Carrie Read
Jurisdiction:	Louisville
Council District:	4 – David Tandy
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in zoning from M-2 and C-2 to C-2
- Variance #1: Variance from Chapter 5.2.3.D.3.d.ii of the Land Development Code to allow the proposed parking structure to encroach into the required 5' setback along Billy Goat Strut Alley
- Variance #2: Variance from Chapter 5.2.3.D.3.e.ii of the Land Development Code to allow the proposed hotel building to exceed the 50' maximum height
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: M-2/C-2

Proposed Zoning District: C-2

Existing Form District: Traditional Marketplace Corridor

Existing Use: Storage Yard, Office, Restaurant

Proposed Use: Hotel, Retail, Restaurant, Office and Parking Garage

Minimum Parking Spaces Required: 189

Parking Spaces Proposed: 230

Plan Certain Docket #: 9-18-87

The applicant is proposing a change in zoning from M-2 to C-2 for the portion of the site currently not within the commercial zoning category to permit the construction of a proposed hotel and associated parking garage. The existing historic buildings on the property will remain. The proposal is located in the existing East Market Street corridor where the site is surrounded by C-2 to the south and west. To the rear of the site and across the alley is EZ-1 zoned property for an existing industrial use. To the east along South Shelby Street, there is a mix of residential properties across the property street frontage. The subject site is located within the boundaries of the Phoenix Hill Neighborhood Plan and the Phoenix Hill National Register District. The property is within the identified commercial corridors of the Phoenix Hill Neighborhood Plan.

Under Docket #9-18-87, a portion of the subject property was rezoned from C-2 to M-2 to allow the use of the property for warehouse and storage yard purposes by the Service Welding and Machine Company. Binding elements were attached to the M-2 use by the Planning Commission. In 2009, under Case 13309, a revised detailed district development plan was approved on the site for adaptive reuse of the existing historic structures

and construction of a Creation Gardens warehouse use. The Development Review Committee approved the development plan with amended binding elements (see attachments) as well as building design, site design and landscape waivers. The Board of Zoning Adjustment, under the same case number, approved setbacks variances to allow the proposed building to encroach into the required 5' setback along Billy Goat Strut Alley and exceed the maximum 15' setback along East Market Street and South Shelby Street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Storage Yard, Office, Restaurant	M-2/C-2	TMC
Proposed	Hotel, Retail, Restaurant, Office and Parking Garage	C-2	TMC
Surrounding Properties			
North	Warehouse/Storage Yard	EZ-1	TMC
South	Mixed Commercial, Retail, Restaurant	C-2	TMC
East	Mixed residential	EZ-1	TMC
West	Pest Control	C-2	TMC

PREVIOUS CASES ON SITE

9-18-87: Change in zoning from C-2 to M-2
 13309: Approval of RDDDP with waivers, variances and binding element amendments

INTERESTED PARTY COMMENTS

Nulu Business Association has sent a letter of support for the proposed project.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Phoenix Hill Neighborhood Plan (February 8, 2008)

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 AND FORM DISTRICT CHANGES

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Traditional Marketplace Corridor Form District

The Traditional Marketplace Corridor is 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. Buildings are oriented toward the street. Buildings typically have 2-4 stories. 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 grid pattern and typical block size. Parking is provided either on-street or in lots at the rear of buildings. New development should respect this pattern. Flexible and shared parking arrangements are encouraged. A street capable of permitting on-street parking is usually necessary. Wide sidewalks, street furniture and shade trees should make a pedestrian friendly environment that invites shoppers to make multiple shopping stops without moving their vehicle. The area should also be easily accessible by pedestrians, transit and bicycle users.

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

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

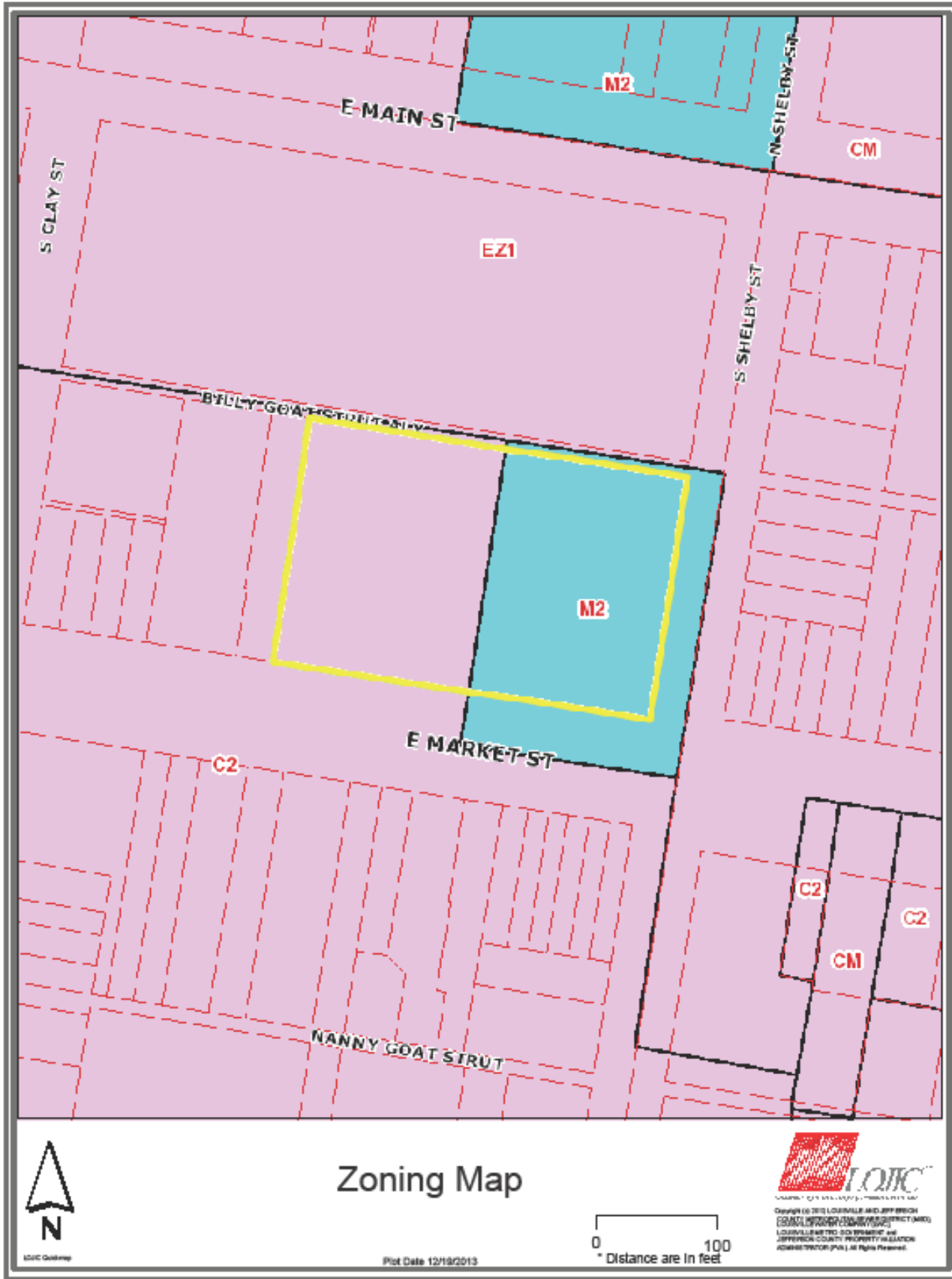
NOTIFICATION

Date	Purpose of Notice	Recipients
3/13/14	Hearing before LD&T on 2/13/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

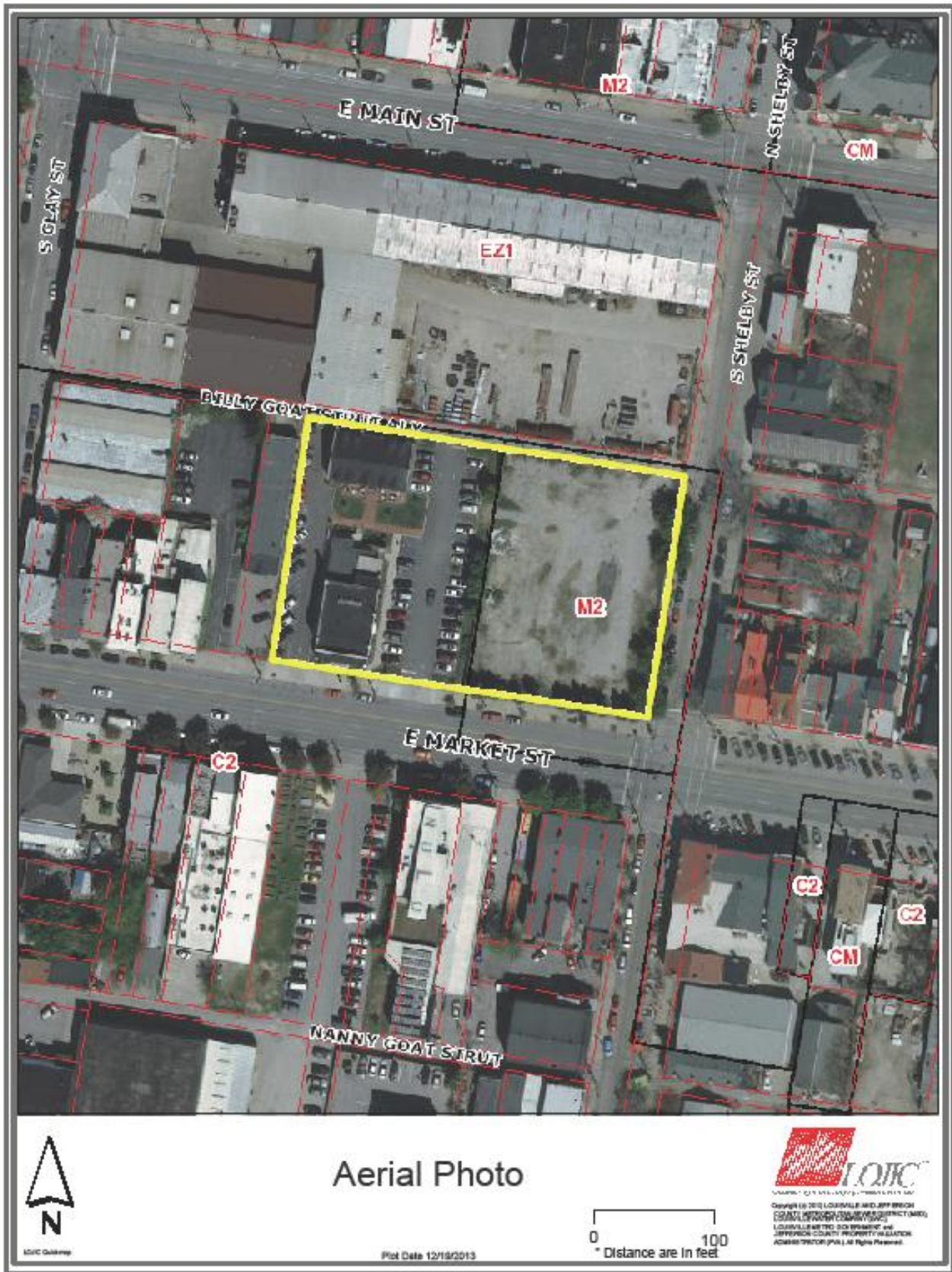
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 30, 2009 Development Review Committee meeting.
9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

4. **Proposed Binding Elements**

6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system **audible beyond the property line**.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~December 30, 2009 Development Review Committee~~ meeting.
10. The development shall not exceed 99,395 square feet of gross floor area for Building A, 6,420 square feet of gross floor area for Building B, 5,000 square feet of gross floor area for Building C and 78,862 square feet of gross floor area for Building D.