

Land Development and Transportation Committee Staff Report

February 27, 2014



Case No:	13ZONE1009
Request:	Change in Zoning from M-2, Industrial to C-1, Commercial, Revised Detailed District Development Plan, Waivers and Amendment to Binding Elements
Project Name:	Dandridge Office and Housing Development
Location:	920 Dandridge Ave. and 900-904 Charles St.
Owner:	T.C. Peters Construction
Applicant:	Architectural Artisans, Inc.
Representative:	Architectural Artisans, Inc.
Jurisdiction:	Louisville Metro
Council District:	10 – Jim King
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from M-2 to C-1 for an Office, two Duplexes, and a Single Family Dwelling
- Waiver to reduce the required 15' Landscape Buffer Area (LBA) along the southeast lot line to 3' [Land Development Code (LDC) Section 10.2.4]
- Revised Detailed District Development Plan
- Amendment to binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits at the south side of the intersection of Charles Street, Dandridge Avenue, and Shelby Parkway with an alley parallel to Charles Street along the southwest side of the site. There are two existing structures on site which are used as office space currently. The larger building facing Dandridge Avenue looks like a typical office for a contractor's shop and storage yard while the smaller building facing Charles Street appears to be a standard single family residential structure typical of the area.

The existing office building and single family residence on the site will continue to be used as such while the plan includes two new duplex buildings. The duplexes will act as infill buildings along Charles Street between the existing residence on the site and an existing residence to the southeast. Nine additional parking spaces will be added behind the buildings on the site and three spaces on Charles Street will still be utilized. A new wooden privacy fence will be installed along the southeast property line and in between the new duplexes and the existing single family residence. The existing entrance on Dandridge Avenue will provide a one-way access that will then allow exiting traffic to leave the site by the 15' alley on the southwest side of the site.

Existing Zoning District: M-2, Industrial
Proposed Zoning District: C-1, Commercial
Form District: Traditional Workplace
Existing Use: Office
Proposed Use: Office, Duplexes, and Single Family Dwelling
Minimum Parking Spaces Required: 10
Maximum Parking Spaces Allowed: 38
Parking Spaces Proposed: 12

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Office	M-2	TW
Proposed	Day Care, Duplexes, Single Family Dwelling	C-1	TW
Surrounding Properties			
North	Single Family Dwellings, Duplexes, Apartments, Commercial Warehouse	M-2/R-6/C-1	TW/TN
South	Single Family Dwellings, Industrial Warehouse	M-2/R-6	TW/TN
East	Single Family Dwellings	R-6/C-1	TN
West	Single Family Dwellings, Duplexes, Industrial Warehouse	M-2	TW

PREVIOUS CASES ON SITE

- Docket 9-38-97: Re-zoning from R-6 to M-2, Variance, Parking Waiver, and District Development Plan

INTERESTED PARTY COMMENTS

Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 Workplace Form District

A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off-street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

A final analysis of the proposal against the Comprehensive Plan will be done prior to the public hearing.

TECHNICAL REVIEW

- With the exception of the required Waiver, the plan meets the requirements of the LDC.
- Off-street parking is prohibited in the Private Yard Area in an infill setting (LDC 5.4.1D.1). However, the applicant is utilizing the Traditional Neighborhood Design Alternative (LDC 5.4.1.H) as they are creating three or more contiguous residential structures. The applicant should explain how this alternate design is compatible with surrounding areas and meets the intent of Cornerstone 2020.

STAFF CONCLUSIONS

A public hearing date is ready to be set.

NOTIFICATION

Date	Purpose of Notice	Recipients
2/13/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 10 Notification of Development Proposals

ATTACHMENTS

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

2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission and City of Louisville except for land uses permitted in the established zoning district.
2. The residential character of the residential structure, including landscaping, shall be maintained. Exterior additions or alterations shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee.
3. The development shall not exceed 4,830 square feet of gross floor area for the office and 5,500 square feet of gross floor area for the warehouse.
4. The facade of the warehouse shall be substantially as shown on the architectural renderings prepared by Stengel-Hill Architects received September 26, 1997.
5. The hours of operation shall be 7:00 A. M. to 5:00 P. M., Monday through Saturday.
6. There shall be no direct vehicular access to Charles Street.
7. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the zoning district regulations.
8. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
9. There shall be no outdoor storage on the site.
10. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
11. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
12. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, or demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved

13. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
14. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
15. A certificate of occupancy must be received from the appropriate code enforcement office 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.
16. There shall be no outdoor music (live, piped, radio or amplified) or outdoor PA system permitted on the site.
17. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

4. Proposed 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit , a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
 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. 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.
 7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.