Louisville Metro Planning Commission
January 29, 2015

Docket No. 14ZONE1048

Zone change from C-3 to EZ-1 to allow a mini-storage facility and first floor retail in the old Kurfee's building located at 201 E. Market Street

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Land Design & Development Inc.

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Tab 1
LOJIC Zoning Map

Historic Aerial
Street
Aerial
Base
Labels
Main Street
First Street
Brook Street
Floyd Street
Market Street
(C3)
W MAIN ST
E MAIN ST
W MARKET ST
E MARKET ST
S 2ND ST
S 1ST ST
S FLOYD ST
PRODUCE PLZ
0
100
200ft
Louisville Metro, MSD, LWC & PVA © 2014

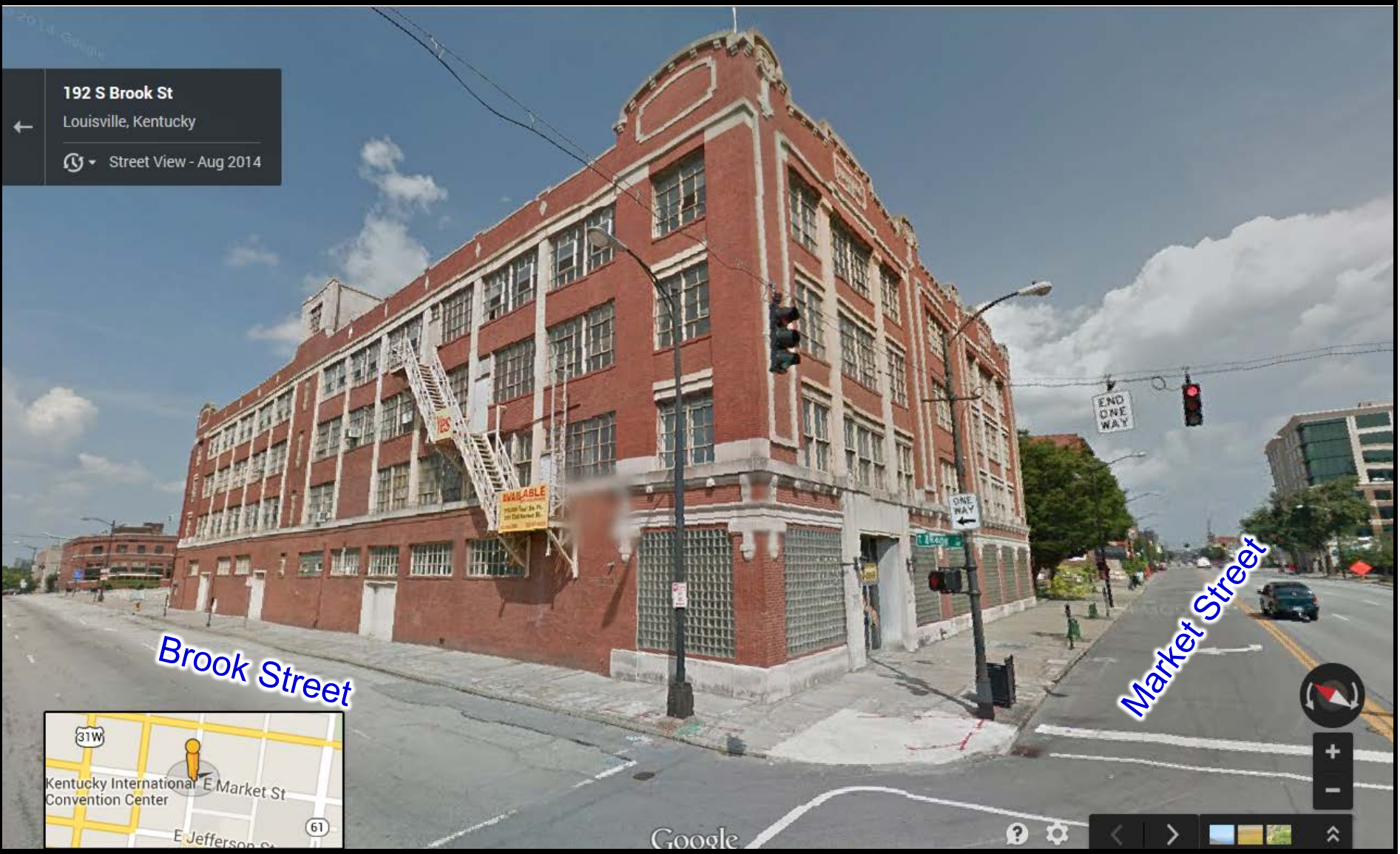
Tab 2
Aerial photograph of the site and surrounding area

Main Street
Market Street
First Street
Brook Street
Floyd Street
E MAIN ST
MAIN ST
S 1ST ST
S BROOK ST
E MARKET ST
S FLOYD ST
PRODUCE PLAZA
LOCATION MAP
NOT TO SCALE
GRAPHIC SCALE

Tab 3
Ground level photographs of the site and surrounding area

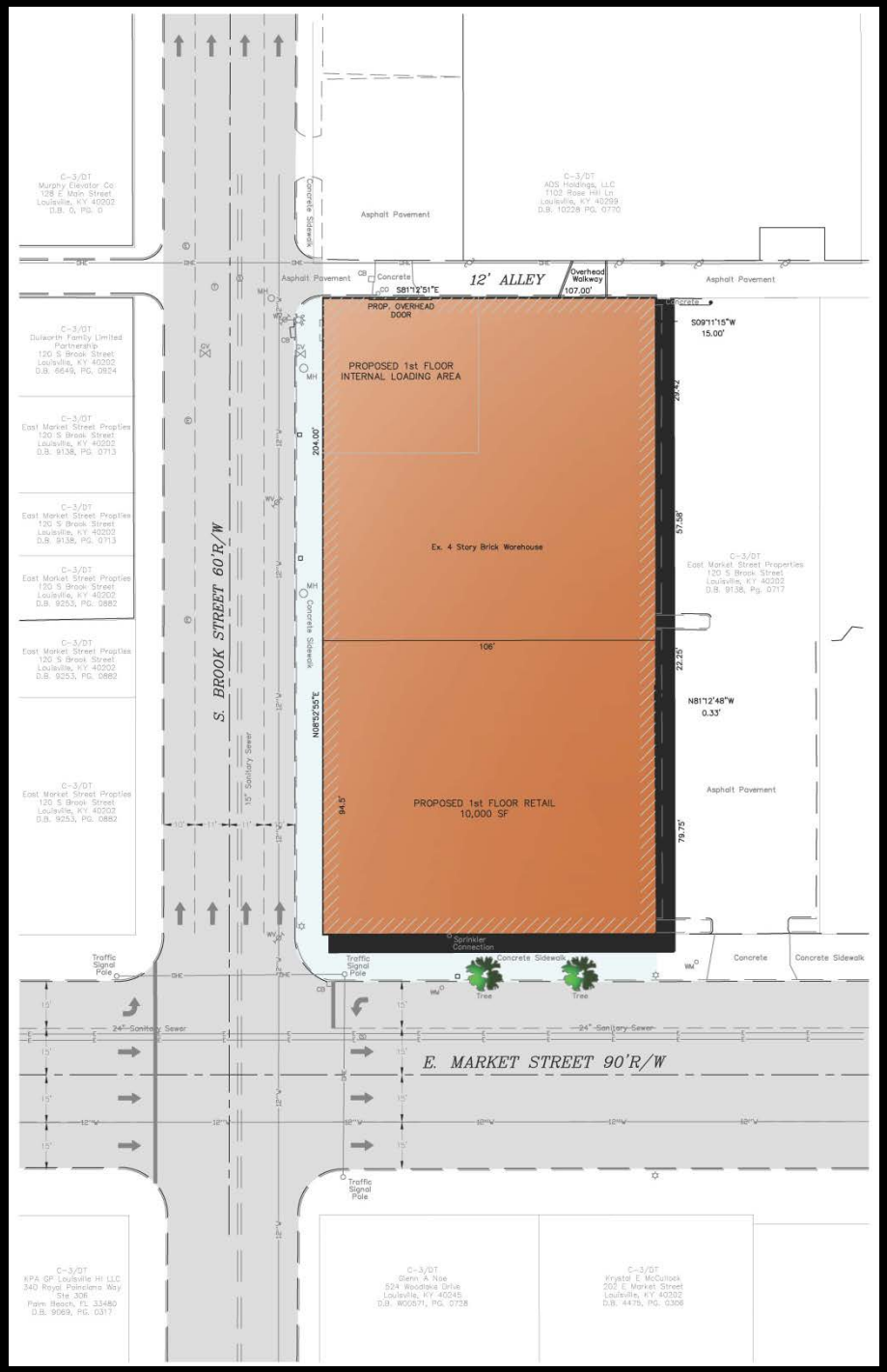
Market Street

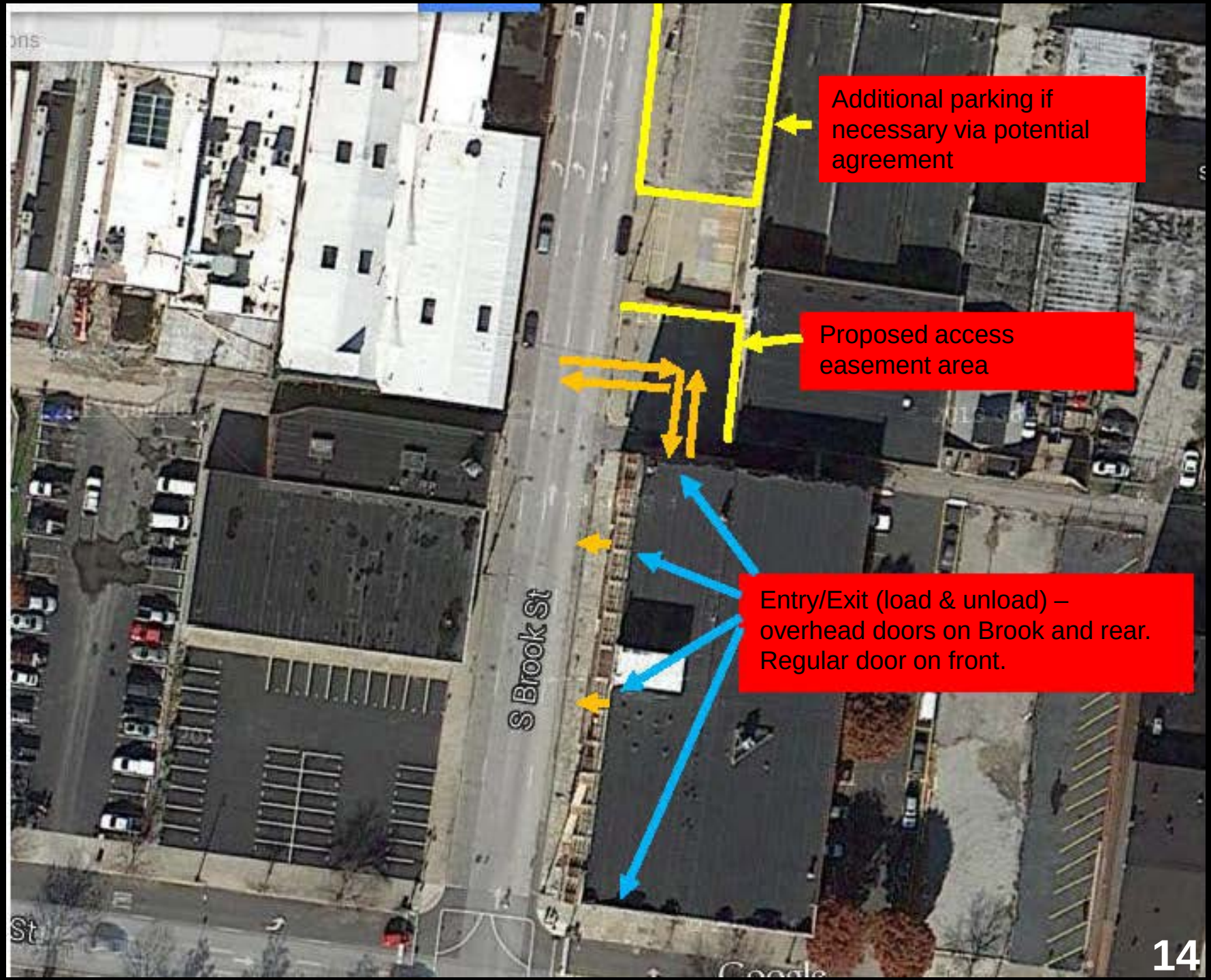
Brook Street
Market Street


192 S Brook St
Louisville, Kentucky
Street View - Aug 2014
Brook Street
Market Street
END ONE WAY
ONE WAY
Kentucky International Convention Center
E Market St
E Jefferson St
31W
61
Google

122 S Brook St
Louisville, Kentucky
Street View - Aug 2014
Brook Street

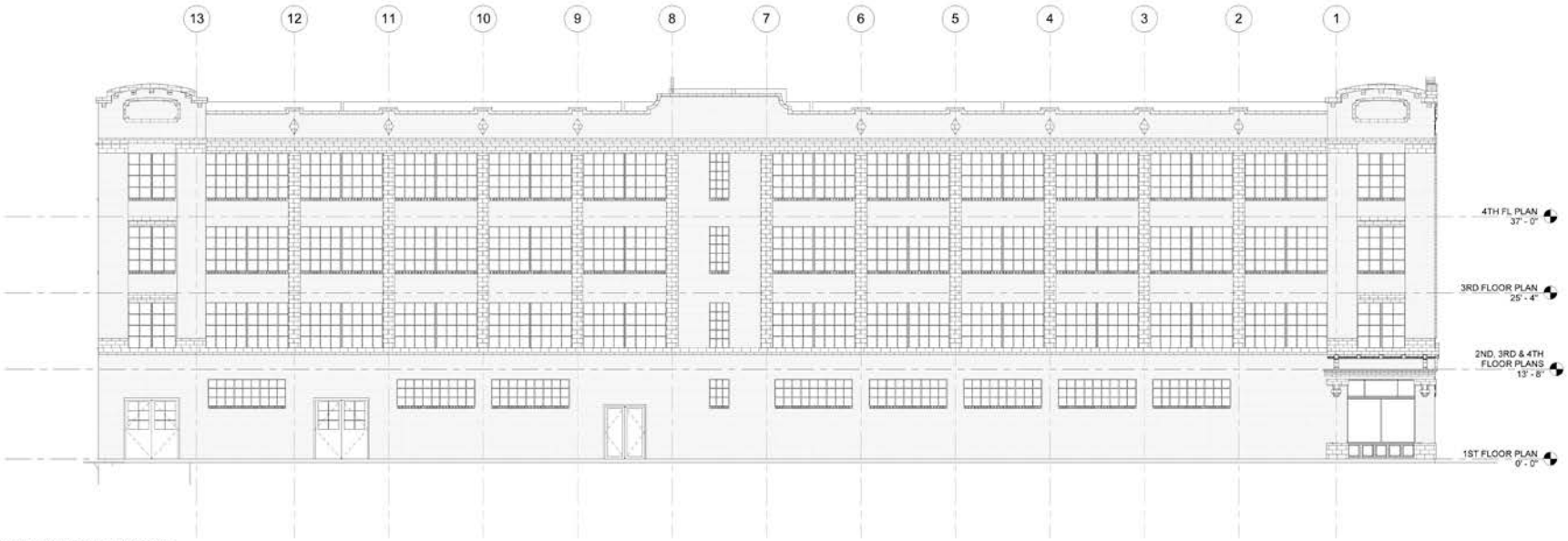
Tab 4
Development Plan


C-3/DT
Murphy Elevator Co
128 E. Main Street
Louisville, KY 40202
D.B. 0, PG. 0
C-3/DT
ADS Holdings, LLC
1102 Rose Hill Ln
Louisville, KY 40299
D.B. 10228 PG. 0770
Concrete Sidewalk
Asphalt Pavement
12' ALLEY
Overhead Walkway
107.00'
Concrete
S81°12'51"E
PROP. OVERHEAD DOOR
S09°11'15"W
15.00'
PROPOSED 1st FLOOR
INTERNAL LOADING AREA
20.42'
57.58'
Ex. 4 Story Brick Warehouse
C-3/DT
East Market Street Properties
120 S. Brook Street
Louisville, KY 40202
D.B. 9138, Pg. 0717
106'
22.25'
N81°12'48"W
0.33'
S. BROOK STREET 60'R/W
20'+0.00'
N08°25'30"W
15" Sanitary Sewer
PROPOSED 1st FLOOR RETAIL
10,000 SF
94.5'
79.75'
Sprinkler Connection
Traffic Signal Pole
Tree
24" Sanitary Sewer
E. MARKET STREET 90'R/W
C-3/DT
Duiworth Family Limited Partnership
120 S. Brook Street
Louisville, KY 40202
D.B. 6649, PG. 0824
C-3/DT
East Market Street Proplies
120 S. Brook Street
Louisville, KY 40202
D.B. 9138, PG. 0713
C-3/DT
East Market Street Proplies
120 S. Brook Street
Louisville, KY 40202
D.B. 9253, PG. 0882
C-3/DT
KPA GP Louisville HI LLC
340 Royal Poinciana Way
Ste. 306
Palm Beach, FL 33480
D.B. 9069, PG. 0317
C-3/DT
Glenn A. Noe
524 Woodlawn Drive
Louisville, KY 40245
D.B. W00571, PG. 0728
C-3/DT
Krystal E. McCullock
202 E. Market Street
Louisville, KY 40202
D.B. 4475, PG. 0306

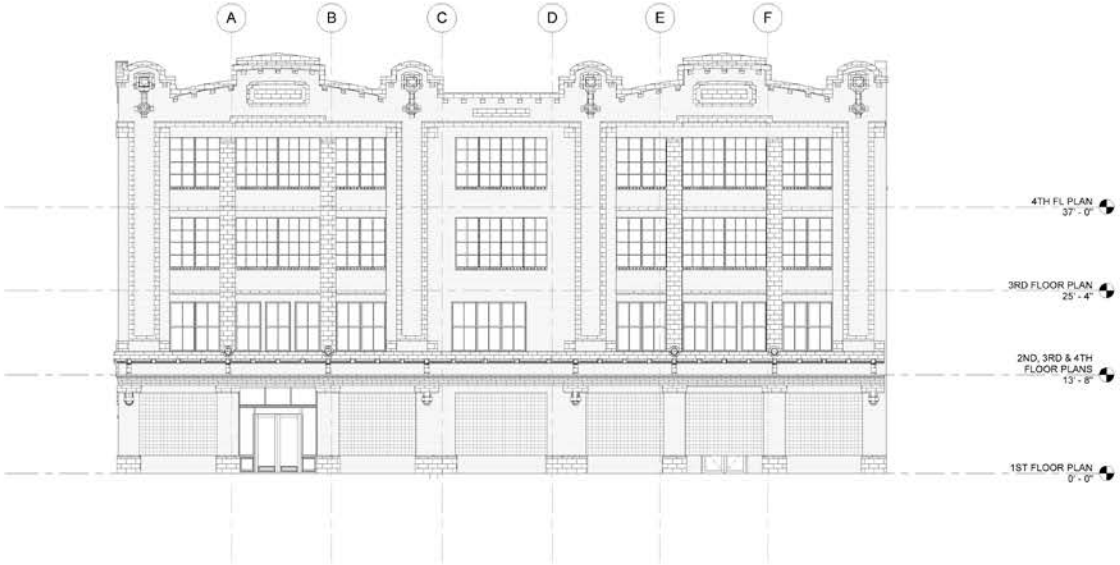

Additional parking if necessary via potential agreement
Proposed access easement area
Entry/Exit (load & unload) – overhead doors on Brook and rear. Regular door on front.
S Brook St

Acknowledgment as to 213 East Market Street. Column Group acknowledges the right of East Market Street Properties to construct a building as tall or taller than the existing 201 East Market Property building, with the building located up to the property line between the 201 East Market Property and the 213 East Market Property. As such, Column Group acknowledges that it has no expectation of continued sunlight through the existing windows on the east side of the 201 East Market Street Property building, or install any other improvements that could limit or hinder the right of East Market Street Properties to construct a new building on the 213 East Market Property up to the existing property line.

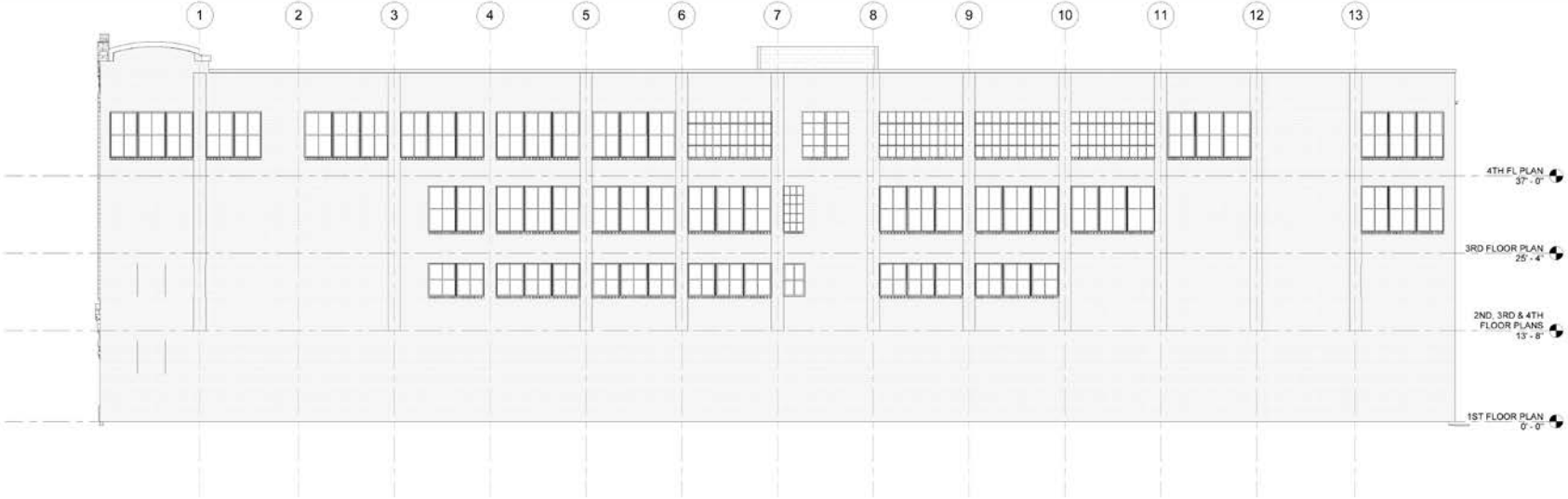
Tab 5
Building Elevation



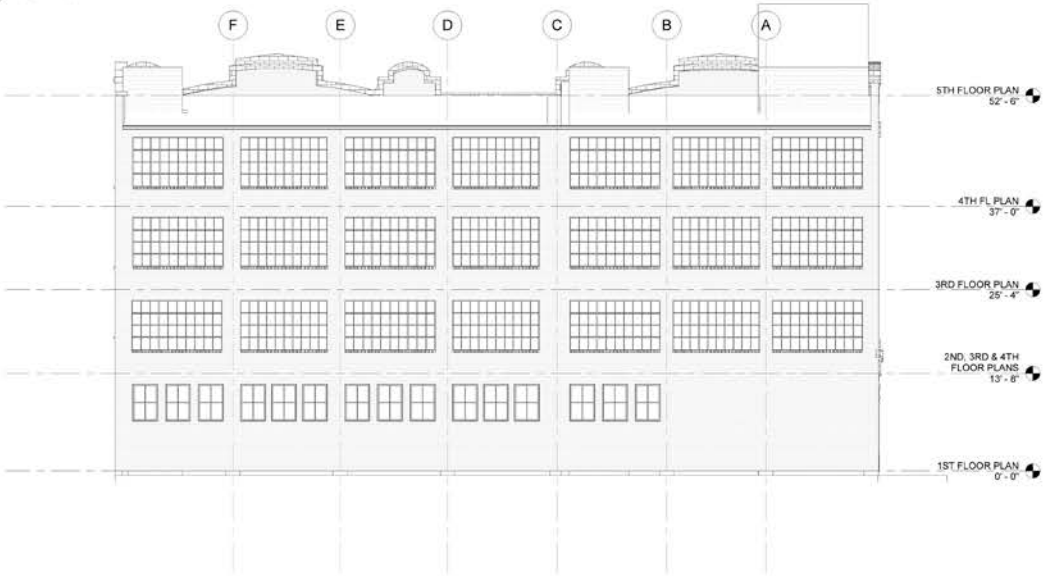
3 A201 EXIST WEST ELEVATION
1/8" = 1'-0"



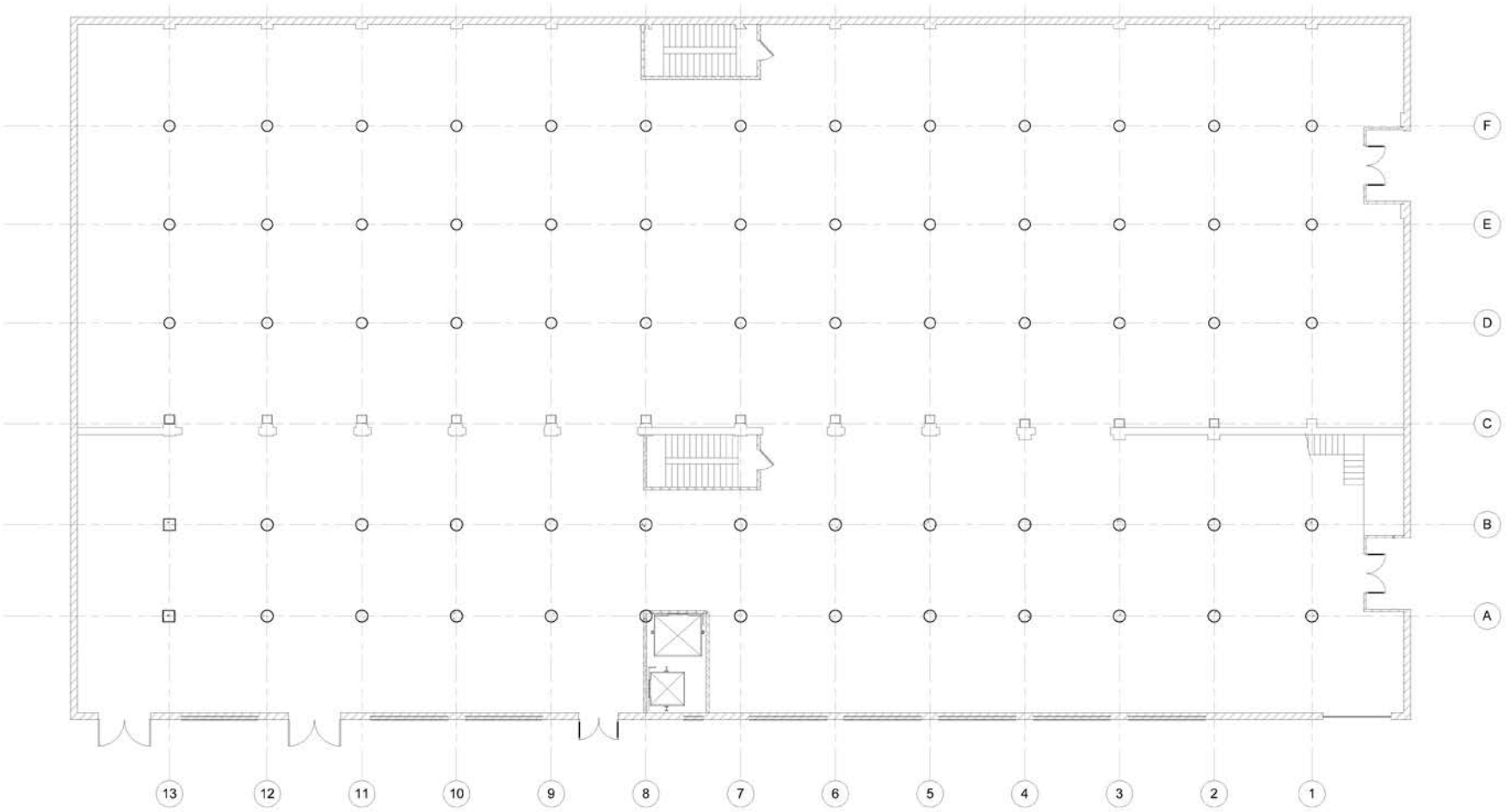
4 A201 EXIST SOUTH ELEVATION
1/8" = 1'-0"



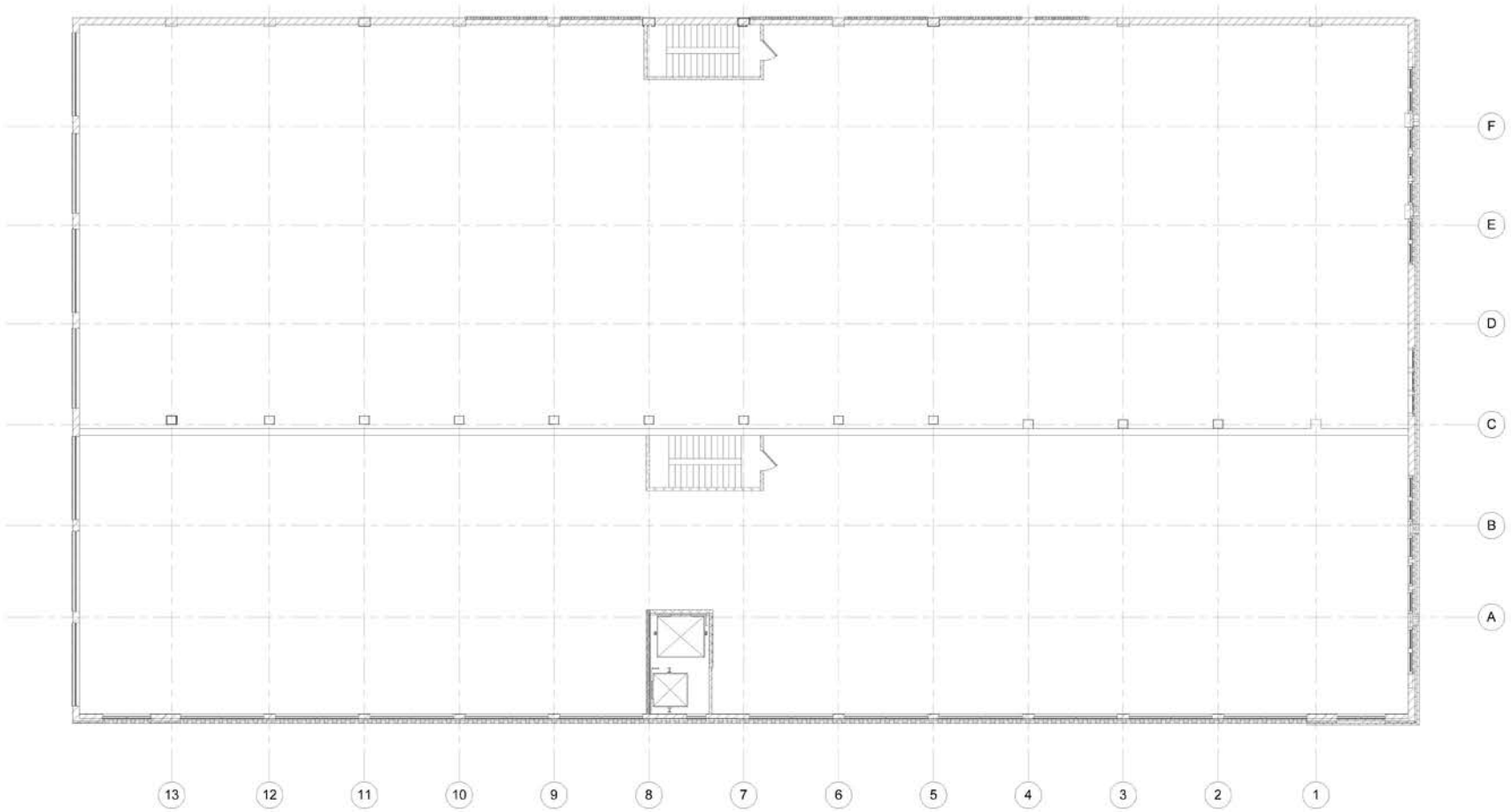
3 A202 EXIST EAST ELEVATION
1/8" = 1'-0"



4 A202 EXIST NORTH ELEVATION
1/8" = 1'-0"



1 A-1 EXIST 1ST FLOOR PLAN
1/8" = 1'-0"



1 / A-2 EXIST 2ND, 3RD & 4TH FLOOR PLANS
1/8" = 1'-0"

Tab 6
Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan

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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant:	Column Group
Owner:	ADS Holdings, LLC
Location:	201 E. Market Street
Proposed Rezoning/Use:	Rezoning from C3 to EZ1 for self-storage and possible residential on top floor with possible retail on first floor
Engineers, Land Planners and Landscape Architects:	Land Design & Development

INTRODUCTORY STATEMENT

This is an application involving the old Kurfees paint building, which is presently vacant. It has been the subject of several recent, failed efforts to rehabilitate and reuse the building for uses including multi-family residential (condo or apartment) and possibly hotel and/or retail. A variety of factors have inhibited this, probably including the fact that this area of east downtown Louisville is still undergoing slow redevelopment, possibly also including the fact that retail has not proven fully successful in this particular area and also that there is still some glut of condominium units available for sale, although this area is probably more popular for apartment development. Nevertheless, this is an area of downtown with some promise, including the fact of the expanding University of Louisville Foundation "Nucleus" project south of this site, the popularity of East and West Main Street as the entertainment hub for sports, concerts, theater and museums, and the "intrigue" of NuLu, which likewise has certain "promise", although businesses there do still struggle to maintain themselves long term. Much of what is said here is true of other parts of central Louisville and has been over the decades. Areas come into fashion and move out of fashion, restaurants and retailers come and go, and so it all becomes continuous work and especially as respects this property, and in light of the current real estate market and probably long-term financing obstacles involving new projects, a particular challenge as respects properties like this one.

As a consequence of all this, this development group seized the potential for this property and has examined all the options. What has emerged as the clearest option is self storage. That is because businesses in downtown Louisville obviously have a need for their ever-expanding records retention requirements, but also because, as downtown Louisville hopefully continues to emerge as a residential community of its own, there will be increased need for that type of storage requirement. People moving from larger suburban homes to smaller downtown condos

and apartments will need storage. The same is true of people who already reside downtown and decide to remain downtown as they simply accumulate "stuff" that they wish to retain.

One of the other attractive features of this building as a storage facility is that it can be converted to this use at relatively nominal cost and be convertible to another use, say residential condominiums or apartments, or some or more retail, as the market for those uses perhaps matures. That makes self-storage a long-term and near-term viable use of this property. That creates a real win-win in terms of adaptive reuse of this building, taking into account certain historic/architecturally significant features that are worth retaining.

GUIDELINE 1: COMMUNITY FORM

The Community Form that this property is located in is the Downtown Form District. Although the Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses, other uses also exist and are needed, as described above, to fill out the mix of needs in order to create a vibrant, ever-improving population center. As described above, the initial (and possibly long term) self-storage use fits well into this diverse mix of uses, while preserving an historic building and while also not disturbing the grid pattern of the local street system, creating traffic congestion or disrupting traffic flows.

GUIDELINE 2: GUIDELINE CENTERS

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 11, 13, 14, 15 and 16 of this Guideline all pertain to how a variety of land uses mix, organize, relate to one another, utilize existing infrastructure, encourage vitality and revitalization, and overall promote investment in certain areas, especially the Downtown Form District, which is different than all others.

This application complies with this Guideline and Intents and applicable Policies as follows. The Downtown Form District is overall an "activity center." There are pockets of more intense activities within the Downtown Form District, but it is an overall "activity center" in and of itself. Developing a mix of potential uses within an activity center is what is encouraged. And there is nothing within this Guideline to suggest that self-storage does not fit alongside the other potentially future contemplated uses. It certainly is a use that contributes to all of the existing type uses described above as appropriate for the Downtown Form District. This use is also part of an obviously compact form of development in the downtown area. To the extent that this use remains a self-storage facility, as contemplated from the beginning, parking will not be an issue. However, to the extent that it eventually becomes residential and/or retail as well, there exists on-street parking as well as nearby parking garages and parking lots that can be utilized for those uses that will require parking that self-storage does not. Of course, utilities are all located downtown, and this is a built structure, thus this project relies almost entirely on that which already exists and not on something that is new, other than what is added to the interior of this particular space.

GUIDELINE 3: COMPATIBILITY

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 28 and 29 of this Guideline all pertain to the issue of how a particular use or uses, especially if they involve a mix of uses, can be made compatible with other already existing or planned uses within a particular Form District.

This application complies with this Guideline and its Intents and applicable Policies as follows. Of course, as noted above, this project includes a possible mix of uses with this building, although possibly just one, but whether a mix or a single one within the building, that use or uses will be part of a large mix of land uses already existing within the Downtown Form District. Because this project involves an adaptive reuse of an existing historic building, it is by definition compatible in design. The old building will be changed, not remarkably, but only in such a way as to possibly change out old damaged and/or leaking windows with similar style and design windows that are, however, new and energy efficient. Historic, architecturally significant elements of the building will be retained and improved. Lower level architectural elements, especially at the street level, may be modified for an improved look, reminiscent of what the building probably looked like years ago or the way the City presumably wants buildings at street level to look, with attractive entryways and display or see-through windows. To the extent that the building may be used as partly residential, this will not require a change other that residential style windows, hopefully with visibility on all sides, although it has been said that a building may be constructed to the east which could block light through and visibility from those windows. There probably is nothing that this applicant can do about that. As to the Policies of this Guideline pertaining to potential nuisances, nothing that has been mentioned herein would contribute to odors, traffic, noise, inappropriate lighting, negative visual impacts, different building setbacks or heights, excessive demands on parking, inappropriate signage or adverse impacts on existing or planned transportation facilities.

GUIDELINE 5: SCENIC AND HISTORY RESOURCES

The Intents and applicable Policies 2, 4 and 5 of this Guideline pertain to the issues of older building like this that may have historic value, even though this building is not designated as a National or Local landmark and is not located within an Historic District. But it is located in the Downtown Development Review Overlay District.

This application complies with these Intents and applicable Policies of this Guideline as follows. The applicant and its professional representatives have met with the Metro Urban Design Administrator and his Historic Preservation colleagues with respect to elements of the building's exterior that can be changed and, if so, how and what would be well to preserve. These government officials charged with assuring compliance with the DDRO guidelines as well as the private developers associated with this proposed project are thinking alike in these regards. Whereas use of the building in the future may be different than some of the uses in the past (notably when this was a paint manufacturing and storage facility), none of the uses suggested above is at all incompatible with the Intents and applicable Policies of this Guideline. The same is true of the unremarkable changes to the buildings look (all which will be positive) and access, which will be coordinated with Metro Transportation Planning and Public Works.

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

The Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of this Guideline all pertain to assuring that work places are created and preserved, that activity centers are enhanced and strengthened, that investment is made in the Downtown Form District and done so in an appropriate way and that old buildings such as this one are adaptively used also in a positive way.

This application complies with the Intents and applicable Policies of this Guideline as follows. By saving an old, presently unused building from decay, which of course happens when a building has fallen into disuse, and by revitalizing it in an existing activity center not only preserves the building as a place of work that serves downtown interests, but it also helps to revitalize the existing activity center known as the Downtown as well the sub-activity center that this building is located in. It is an adaptive reuse, indeed a creative one as explained above, whereby the building can be put to an immediate use where there is a demonstrated demand for self-storage but also potentially long term to a residential and/or retail use as well as development of this area matures.

GUIDELINES 7, 8 AND 9: CIRCULATION, TRANSPORTATION FACILITIES, AND BICYCLE, PEDESTRIAN AND TRANSIT ACCESS

The Intents and applicable Policies 1, 2, 3, 4, 10, 11, 13, 14, 15 and 16 of Guideline 7, plus Policies 7, 9, 10 and 11 of Guideline 8, plus Policies 1, 2, 3, 4 and 5 of Guideline 9 all pertain to the traffic management and transportation facility concerns of Metro Transportation Planning and Public Works. Those speak to assure that facilities, including those downtown, do not cause negative traffic impacts, continue to assure good circulation and safe access and promote bicycle, pedestrian and transit usage.

This application complies with these Intents and applicable Policies of these Guidelines as follows. Since this application does not involve new development, and especially does not involve new development in an outlying area where adequate transportation facilities do not exist or where traffic management, because of traffic volumes and inadequate infrastructure, sometimes occurs, these issues are both narrower and easier to address at this location. Downtown streets, except perhaps during peak rush hour times, have more than adequate traffic-carrying capacity. That is clearly so with Market and Brook Streets. Even the alley, which may well be the principle means of access to the overhead garage doors that will be needed to access the planned self-storage, appears adequate in which to accommodate continued usage by both nearby users of existing buildings as well as by this applicant with its proposed new use or uses. Probably the main issue relating to these Guidelines that will require careful review is that relating to access. That is because, if used as planned for self-storage purposes, there will need to be access through large overhead doors into the building. The most logical place seems to be through the existing overhead doors off the alley. To access those, it appears as though the applicant will need to acquire an easement of access through an adjoining parking lot for maneuvering purposes. The applicant is working on obtaining that easement of access right now through contacts and communications already underway with that property owner. If that becomes impossible or questionable, there is also the possibility of access through what appeared to have been overhead doors along Brook Street. Of course, Metro Transportation Planning and

Public Works officials will need to review and approve these access and circulation designs prior to preliminary approvals of this application for public review. But the land planning and engineering firm associated with this project (Land Design and Development – LDD) does not presently view access and circulation to be obstacles overly, if at all, challenging to overcome. Also, with this building being an existing one located right up on Market and Brook Streets, existing sidewalk infrastructure exists as do bike lanes on at least Market Street. The applicant is counting on Metro Government to continue its work already undertaken to improve sidewalks in the downtown area by fixing the deteriorated sidewalk along Market Street. Brook Street will also need to be examined in this respect.

GUIDELINES 10 AND 11: FLOODING AND STORMWATER PLUS WATER QUALITY

The Intents and applicable Policies 1, 2, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 5 and 8 of Guideline 11 pertain to the issues of flooding, stormwater management and water quality.

This application complies with these Intents and applicable Policies of these Guidelines as follows. MSD is the public agency responsible for assuring compliance with its regulations pertaining to flooding, stormwater management and water quality. It has adopted regulations applicable in some instances, and not applicable in others, to these Guidelines and their Policies. To the extent that reutilization of this existing building, which involves no new outside construction, triggers any of these regulations, the applicant will obviously be expected to comply. But since no new off-site or even on-site development, other than within the existing building, is anticipated to occur, it is not anticipated that this application will have any impact on these Policies of these Guidelines that would require special attention. But MSD will comment, if at all, during the application process and in advance of the hearings to be held on this application.

GUIDELINE 12: AIR QUALITY

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 this Guideline all pertain to the issues of assuring no adverse consequences on air quality and, when possible, even taking measures to improve same.

This application complies with the Intents and applicable Policies of this Guideline as follows. The main ways that a project such as the one included in this application actually aids in improving air quality is by assuring that existing facilities in high density areas are utilized so that commuting distances can be minimized. By providing adequate storage facilities for businesses and residents in the Downtown Form District, this helps to assure that those businesses and residents don't have to travel to outlying areas to address their storage needs. This limits vehicle miles traveled.

GUIDELINE 14: INFRASTRUCTURE

The Intents and applicable Policies 1, 2, 3, 4, 6 and 7 of this Guideline all pertain to assuring adequate infrastructure to support a new development project.

This application complies with the Intents and applicable Policies of this Guideline as follows. Because this project involves adaptive reuse of an old building, and not new outside

construction, in an already built up area with adequate infrastructure, this is the one place where adequate infrastructure is certain to exist.

GUIDELINE 15: COMMUNITY FACILITIES

The Intents and applicable Policies 1, 4, 7, 9, 12, 15, 16, 17, 19 and 20 of this Guideline all pertain to issue of when and where community facilities should be located and when and where existing community facilities are already adequate to serve a particular use or need to be expanded. In the Downtown Form District, such as where this proposed project is located, where all of the referenced community facilities already exist, the project as described in this application will not require the expansion of any of those and will not over burden them.

* * * * * *

For all of these and other reasons to be further presented at the LD&T meeting and Planning Commission public hearing, this application complies with these and all other applicable Intents, Policies and Guidelines of the Comprehensive Plan.

Respectfully submitted,

_____

William B. Bardenwerper
Bardenwerper Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

CLIENT/Howell, Jack/201 E. Market/Application – Compliance Statement
JTR Rev. 11/3/2014 11:20 AM

Tab 7
Proposed findings of fact pertaining to compliance with the Comprehensive Plan

BARDENWERPER, TALBOTT & ROBERTS, PLLC
ATTORNEYS AT LAW
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PROPOSED FINDINGS OF FACT REGARDING COMPLIACE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Applicant:	Column Group
Owner:	ADS Holdings, LLC
Location:	201 E. Market Street
Proposed Rezoning/Use:	Rezoning from C3 to EZ1 for self-storage and possible residential on top floor with possible retail on first floor
Engineers, Land Planners and Landscape Architects:	Land Design & Development

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on January 29, 2015 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTORY STATEMENT

WHEREAS, this is an application involving the old Kurfees paint building, which is presently vacant; it has been the subject of several recent, failed efforts to rehabilitate and reuse the building for uses including multi-family residential (condo or apartment) and possibly hotel and/or retail; a variety of factors have inhibited this, probably including the fact that this area of east downtown Louisville is still undergoing slow redevelopment, possibly also including the fact that retail has not proven fully successful in this particular area, and also that there is still some glut of condominium units available for sale, although this area is probably more popular for apartment development; nevertheless, this is an area of downtown with some promise, including the fact of the expanding University of Louisville Foundation "Nucleus" project south of this site, the popularity of East and West Main Street as the entertainment hub for sports, concerts, theater and museums, and the "intrigue" of NuLu; much of what is said here is true of other parts of central Louisville and has been over the decades; and as areas come into fashion and move out of fashion, restaurants and retailers come and go, and so it all becomes continuous work and especially as respects this property, and in light of the current real estate market and probably long-term financing obstacles involving new projects, a particular challenge as respects properties like this one; and

WHEREAS, as a consequence of all this, this development group seized the potential for this property and has examined all the options; what has emerged as the clearest option is self-storage; because businesses in downtown Louisville have a need for their ever-expanding records

retention requirements, but also because, as downtown Louisville hopefully continues to emerge as a residential community of its own, there will be increased need for that type of storage requirement; people moving from larger suburban homes to smaller downtown condos and apartments will need storage; and the same is true of people who already reside downtown and decide to remain downtown as they simply accumulate "stuff" that they wish to retain; and

WHEREAS, one of the other attractive features of this building as a storage facility is that it can be converted to this use at relatively nominal cost and yet be convertible to another use, say residential condominiums or apartments, or some or more retail, as the market for those uses perhaps matures; that makes self-storage a long-term and near-term viable use of this property, and that further creates a real win-win in terms of adaptive reuse of this building, taking into account certain historic/architecturally significant features that are worth retaining; and

GUIDELINE 1: COMMUNITY FORM

WHEREAS, the Community Form that this property is located in is the Downtown Form District; although the Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses, other uses also exist and are needed, as described above, to fill out the mix of needs in order to create a vibrant, ever-improving population center; as described above, the initial (and possibly long term) self-storage use fits well into this diverse mix of uses, while preserving an historic building and while also not disturbing the grid pattern of the local street system, creating traffic congestion or disrupting traffic flows; and

GUIDELINE 2: GUIDELINE CENTERS

WHEREAS, the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 11, 13, 14, 15 and 16 of this Guideline all pertain to how a variety of land uses mix, organize, relate to one another, utilize existing infrastructure, encourage vitality and revitalization, and overall promote investment in certain areas, especially the Downtown Form District, which is different than all others; and

WHEREAS, this application complies with this Guideline and Intents and applicable Policies as follows; the Downtown Form District is overall an "activity center" where there are pockets of more intense activities within the Downtown Form District, but it is an overall "activity center" in and of itself; developing a mix of potential uses within an activity center is what is encouraged; and there is nothing within this Guideline to suggest that self-storage does not fit alongside the other potentially future contemplated uses; it certainly is a use that contributes to all of the existing type uses described above as appropriate for the Downtown Form District; this use is also part of a compact form of development in the downtown area; to the extent that this use remains a self-storage facility, as contemplated from the beginning, parking will not be an issue; however, to the extent that it eventually becomes residential and/or retail as well, there exists on-street parking as well as nearby parking garages and parking lots that can be utilized for those uses that will require parking that self-storage does not; of course, utilities are all located downtown, and this is a built structure, thus this project relies almost entirely on that which already exists and not on something that is new, other than what is added to the interior of this particular space; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 28 and 29 of this Guideline all pertain to the issue of how a particular use or uses, especially if they involve a mix of uses, can be made compatible with other already existing or planned uses within a particular Form District; and

WHEREAS, this application complies with this Guideline and its Intents and applicable Policies as follows; as noted above, this project includes a possible mix of uses within this building, although possibly just one; but whether a mix or a single one within the building, that use or uses will be part of a large mix of land uses already existing within the Downtown Form District; because this project involves an adaptive reuse of an existing historic building, it is by definition compatible in design; the old building will be changed, in such a way as to possibly change out old damaged and/or leaking windows with similar style and design windows that are new and energy efficient; historic, architecturally significant elements of the building will be retained and improved; lower level architectural elements, especially at the street level, may be modified for an improved look, reminiscent of what the building probably looked like years ago or the way the City presumably wants buildings at street level to look, with attractive entryways and see-through or spandrel glass windows; to the extent that the building may be used as partly residential, this will not require a change other than residential style windows, hopefully with visibility on all sides, although it has been said that a building may be constructed to the east which could block light through and visibility from those windows thus there is no assurance of windows on the east side; as to the Policies of this Guideline pertaining to potential nuisances, nothing that has been mentioned herein would contribute to odors, traffic, noise, inappropriate lighting, negative visual impacts, different building setbacks or heights, excessive demands on parking, inappropriate signage or adverse impacts on existing or planned transportation facilities; and

GUIDELINE 5: SCENIC AND HISTORY RESOURCES

WHEREAS, the Intents and applicable Policies 2, 4 and 5 of this Guideline pertain to the issues of older building like this that may have historic value, even though this building is not designated as a National or Local landmark and is not located within a Historic District; and it is located in the Downtown Development Review Overlay District; and

WHEREAS, this application complies with these Intents and applicable Policies of this Guideline as follows; the applicant and its professional representatives have met with the Metro Urban Design Administrator and his Historic Preservation colleagues with respect to elements of the building's exterior and what would preserved; whereas use of the building in the future may be different than some of the uses in the past (notably when this was a paint manufacturing and storage facility), none of the uses suggested above are incompatible with the Intents and applicable Policies of this Guideline; the same is true of the unremarkable changes to the building's look (all which will be positive) and access, which have been coordinated with Metro Transportation Planning and Public Works; and

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of this Guideline all pertain to assuring that work places are created and preserved, that activity centers are enhanced and strengthened, that investment is made in the Downtown Form District and done so in an appropriate way and that old buildings such as this one are adaptively used also in a positive way; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline as follows; by saving an old, presently unused building from decay and by revitalizing it in an existing activity center not only preserves the building as a place of work that serves downtown interests, but it also helps to revitalize the existing activity center known as the Downtown as well the sub-activity center that this building is located in; it is an adaptive reuse, indeed a creative one as explained above, whereby the building can be put to an immediate use where there is a demonstrated demand for self-storage but also potentially long term to a residential and/or retail use as well as development of this area matures; and

GUIDELINES 7, 8 AND 9: CIRCULATION, TRANSPORTATION FACILITIES, AND BICYCLE, PEDESTRIAN AND TRANSIT ACCESS

WHEREAS, the Intents and applicable Policies 1, 2, 3, 4, 10, 11, 13, 14, 15 and 16 of Guideline 7, plus Policies 7, 9, 10 and 11 of Guideline 8, plus Policies 1, 2, 3, 4 and 5 of Guideline 9 all pertain to the traffic management and transportation facility concerns of Metro Transportation Planning and Public Works; and those seek to assure that facilities, including those downtown, do not cause negative traffic impacts, continue to assure good circulation and safe access and promote bicycle, pedestrian and transit usage; and

WHEREAS, this application complies with these Intents and applicable Policies of these Guidelines as follows; since this application does not involve new development, and especially does not involve new development in an outlying area where adequate transportation facilities do not exist or where lack of traffic management (because of traffic volumes and inadequate infrastructure) sometimes occurs, these issues are both narrower and easier to address at this location; Downtown streets, except perhaps during peak rush hour times, have adequate traffic-carrying capacity, and that is clearly so with Market and Brook Streets; even the alley, which could be a means of access to the overhead garage doors that will be needed to access the planned self-storage, appears adequate in which to accommodate continued usage by both nearby users of existing buildings as well as by this applicant with its proposed new use or uses; the main issue relating to these Guidelines that required careful review was relating to access as there will be access through large overhead doors into the building along Brook Street; Metro Transportation Planning and Public Works officials have reviewed and approved these access and circulation designs prior to public hearing; also, with this building being an existing one located right up on Market and Brook Streets, existing sidewalk infrastructure exists as do bike lanes on at least Market Street; and the applicant is counting on Metro Government to continue its work already undertaken to improve sidewalks in the downtown area by fixing the deteriorated sidewalk along Market Street; and

GUIDELINES 10 AND 11: FLOODING AND STORMWATER PLUS WATER QUALITY

WHEREAS, the Intents and applicable Policies 1, 2, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 5 and 8 of Guideline 11 pertain to the issues of flooding, stormwater management and water quality; and

WHEREAS, this application complies with these Intents and applicable Policies of these Guidelines as follows; MSD is the public agency responsible for assuring compliance with its regulations pertaining to flooding, stormwater management and water quality; it has adopted regulations applicable in some instances, and not applicable in others, to these Guidelines and their Policies; to the extent that reutilization of this existing building, which involves no new outside construction, triggers any of these regulations, the applicant will comply;; and

GUIDELINE 12: AIR QUALITY

WHEREAS, the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 this Guideline all pertain to the issues of assuring no adverse consequences on air quality and, when possible, even taking measures to improve same; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline as follows; the main ways that a project such as the one included in this application actually aids in improving air quality is by assuring that existing facilities in high density and intensity areas are utilized so that commuting distances can be minimized and by providing adequate storage facilities for businesses and residents in the Downtown Form District, this helps to assure that those businesses and residents don't have to travel to outlying areas to address their storage needs thus, limiting vehicle miles traveled; and

GUIDELINE 14: INFRASTRUCTURE

WHEREAS, the Intents and applicable Policies 1, 2, 3, 4, 6 and 7 of this Guideline all pertain to assuring adequate infrastructure to support a new development project; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline as follows; because this project involves adaptive reuse of an old building, and not new outside construction, in an already built up area with adequate infrastructure, this is the one place where adequate infrastructure is certain to exist; and

GUIDELINE 15: COMMUNITY FACILITIES

WHEREAS, the Intents and applicable Policies 1, 4, 7, 9, 12, 15, 16, 17, 19 and 20 of this Guideline all pertain to the issue of when and where community facilities should be located and when and where existing community facilities are already adequate to serve a particular use or need to be expanded; the Downtown Form District, where this proposed project is located, where all of the referenced community facilities already exist, will not require the expansion of any of those, as this project will not over-burden them; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from C3 to EZ1.