



DEVELOPMENT

April 1, 2022

To: City of Louisville

From: LCP Delo, LLC

Subject: Delo West Final Planned Unit Development (PUD) Amendment and Special Review Use (SRU)- Narrative, SRU Criteria and Rationales to the PUD Waivers

Dear City of Louisville Planning Department:

LCP Delo, LLC is submitting the Delo West Final Planned Unit Development (PUD) Amendment and Special Review Use (SRU). This letter specially references the Development Intent Narrative, the SRU Criteria responses, and the rationales to the PUD Waivers.

Delo West – Development Intent Narrative

LCP Delo LLC (dba LCP Development) is submitting the following application to amend the PUD for 1326-1398 Cannon Street, formerly known as Delo Lofts. The approved Delo Lofts PUD allows for construction of a single 33-unit apartment building and eight live-work townhomes units. The Delo West PUD, proposes amending the Delo Lofts PUD to allow for the construction of two 33-unit market-rate apartment buildings, as well as a 1,575 square foot free-standing commercial structure near the corner of Cannon St. and Griffith St. (the “Development”). The proposed Development includes 82 off-street parking spaces, including 36 carport spaces and 9 EV charging stations. There are also 23 on-street guest parking spaces for a total of 105 parking spaces for the Development.

LCP is seeking to amend the PUD in order match market demand with community needs for additional rental housing, while also achieving the neighborhood’s mixed-use zoning objectives through the construction of a free-standing commercial building.

The applicant believes the currently entitled live-work townhomes are not a viable use, and that additional market-rate and affordable-rate apartments will better serve housing demand in the City. Not only will apartments provide housing to a greater number of community members, but the use is also more feasible from a constructability and marketability standpoint compared to live-work townhomes. On-site resident amenities have been thoughtfully programmed to activate the project, integrating with the neighborhood and the existing development.

In keeping with the mixed-use zoning, LCP is proposing a free-standing commercial building in the northwest corner of the site. The commercial building will not only enhance street activation, but will anchor the north end of the zone district with a commercial use. Honoring the historically industrial character of the neighborhood and its proximity to train tracks, the commercial building is proposed to be a metal-cladded, pitched roof structure. The building will function as a “calling card” for both the Development and neighborhood, expected to attract uses such as health & fitness,

food service, retail, or professional offices. As a free-standing building with private patio space, the building will be well positioned to attract quality users that can serve the public.

Careful consideration has been given to the approved PUD. The applicant's intention is to preserve many aspects of the approved plan, only amending the existing approval as needed to accommodate the modified uses. The Development will be complimentary to other recent projects in the neighborhood, continuing the successful transition of the area into a dynamic, mixed-use district.

Delo West – Special Review Use Criteria Response

The following Special Review Use Criteria are numbered below with responses in regards to the Delo West PUD.

- 1. The proposed use is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and that it would not be contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;**

Yes, the land uses we are proposing are consistent with the spirit and intent of the Comprehensive Plan's Framework for the Downtown and Highway 42 Revitalization District. 1) Through providing mixed uses within the property by incorporating a variety of residential unit types and 1,500 sf of commercial use. 2) While not having commercial ground floor space on the multifamily side, we do activate the street with large open windows and patios facing Cannon St. (and meeting the min. 35% of openings on the ground floor) and 3) We are adding human-scaled buildings with a base and top and plan undulations to create visual interest along the primary street.

- 2. That such use/development will lend economic stability, compatible with the character of the surrounding established areas;**

Yes, the proposed uses will lend economic stability by adding 58 market rate and 8 affordable residences and commercial use to activate the site and serve future tenants. The project is compatible with the adjacent residential area by staying within the 3-story height limit. The commercial building form relates to some of the older adjacent gable roofed homes north of Griffith Street, and the metal-cladded design element of the building honors the character of the historically industrial neighborhood.

- 3. That the use/development is adequate for the internal efficiency of the proposal, considering the functions of the residents, recreation, public access, safety and such factors including circulation, storm drainage facilities, sewage and water facilities, grades, dust control and such other factors directly related to public health and convenience;**

Yes, the property and its uses function adequately for the residents by incorporating a connected pedestrian network on Cannon St. and into the site. The project is also designed to establish a connection of Cannon St to Highway 42 upon the future development of the

adjacent property to help develop a complete street network per the Highway 42 Revitalization District Framework Plan. Utility, solid waste, storm water and water use are all to be designed to meet City and other jurisdictional requirements, guidelines and standards.

- 4. That the external effects of the proposal are controlled, considering compatibility of land use; movement or congestion of traffic services, including arrangement of signs and lighting devices as to prevent the occurrence of nuisances; landscaping and other similar features to prevent littering or accumulation of trash, together with other factors deemed to effect public health, welfare, safety and convenience;**

Yes, the external effect of the project takes in the consideration of safety and efficient movement of vehicles, bicycles, and pedestrians per the MUDDSG Guidelines. Including adding a detached sidewalk and extending the sidewalk to connect with the existing pedestrian landing located at the NE corner of Cannon St and E. Lafayette Lane and incorporating a diverse landscape palette of ornamental trees and shrubs. The project will also be providing trash receptacles and two separate trash enclosures.

- 5. That an adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities**

Yes, the project includes adequate pedestrian sidewalks connecting to existing walks along Griffith and Cannon Street adhering to the MUDDSG Sec. 5 Pedestrian and Bicycle Circulation. Internally the project provides connections to our central amenity area, our commercial area and to the on-site parking provided. While there are no current transit facilities, we are providing bike racks and a bicycle station for resident commuters.

[WAIVER NARRATIVE AND RATIONAL CONTINUES ON NEXT PAGE]

DeLo West PUD - Waiver Narrative and Rational

The following waivers are being requested for the DELO WEST PUD and have been carefully considered with respect to the underlying MU-R zoning, the comprehensive plans for the area, the surrounding neighborhood, and the constraints of the site. This letter includes specific rational for each waiver requested, as well as general rational showing consistency with the spirit and intent of the development plan criteria outlined in Section 17.28.120 of the Louisville Municipal Code. We believe all applicable criteria outlined in Sec. 17.28.120 has been met with the PUD and accompanying waivers.

Section 17.28.120 – Criteria for Development

The following key criteria were selected and addressed as the most relevant Criteria for Development pertaining to the waivers requested for DeLo West. While the complete criteria list has not been specifically addressed, we believe all applicable criteria has been met with the DeLo West PUD.

1. ***An appropriate relationship to the surrounding area:*** The DeLo West PUD is consistent with the density, uses and form of the surrounding area, which includes apartments, townhomes, commercial office and retail. The DeLo West development promotes the intent of the MU-R zoning and comprehensive plans by providing a higher density mixed-use project consistent with the existing uses in the DeLo neighborhood.
2. ***Circulation in terms of the internal street circulation system, designed for the type of traffic generated, safety, separation from living areas, convenience, access and noise and exhaust control...:*** The project aims to increase circulation and connectivity by providing the ability for future access between Highway 42 and Cannon Street, per the City's directive. This connectivity requires a waiver (see waiver #4) due to the separation of existing curb cuts. The projects internal circulation provides for ample off-street parking which is located in the rear of the property, with numerous covered (car port) stalls, which provide further screening.
3. ***Consideration and provision of low and moderate income housing:*** The DeLo West PUD will provide affordable housing per the City's latest requirements. While the project is exempt from this ordinance due to the timing of submittal, we intend to meet all current affordable standards (12% affordable), which will provide four (4) 60% AMI units and four (4) 80% AMI units.
4. ***Functional open space in terms of optimum preservation of natural features...:*** The site is currently vacant land which was formerly used as a light industrial operation. Due to the former uses, limited natural features exist today. However, the DeLo West development aims to provide ample open space, amenities and landscaping. The open space includes a pickle ball court and a pocket-park which are located along the street frontage to promote use by the public and residents alike.

5. ***Building types in terms of appropriateness to density, site relationship and bulk:*** The three proposed buildings are consistent with the density in the surrounding neighborhood. The two three-story 33-unit apartment buildings are identical in density and scale to the DeLo Apartments (see waiver #1), and the 1.5- story gable-roof commercial building was intentionally designed as a natural stepdown in form and density to better integrate with the existing Little Italy neighborhood (see waiver #2).
6. ***Development shall be in accordance with the adopted elements of the comprehensive development plan of the City, and in accordance with any adopted development design standard and guidelines:*** As detailed in waiver 1 below, the development meets the spirit and intent of the comprehensive plan, the Highway 42 Revitalization and Framework Plan (2003). These comprehensive plans outline the goals for the area which includes promoting higher-density, multi-modal, mixed-use development. The requested density of 29.5 DU/AC promotes the intent of these plans by providing higher density housing near commercial centers (downtown Louisville), transit centers (highway 42 and potential Fastracks). Providing a more urban and higher density project not only meets the objectives of the comprehensive plans, but ensures the functionality of this mixed-use and transit-oriented area in the future.

Waiver #1

Zoning Required: Sec. 17.14.060 Table 3 - Residential Density: Standard 20 DU/AC.

Requested Waiver: Residential density of 29.5 DU/AC (zoning allows for 45 units, requesting 66 units).

Rational

Based on the references below, we believe this site plan and density represents a compact infill solution that serves the needs of future residents by efficiently utilizing the land to provide market and affordable housing that includes thoughtful onsite amenities and limiting the visual impact of parking. The Delo West project is a great example of infill redevelopment, urban scale, and quality design. The site is adjacent to commercial uses, downtown Louisville, and future transit corridors helping it become a model for a multimodal and walkable community.

A. Exhibit 1 depicts an example of similar residential density as proposed by the Delo West PUD, located one block south of the subject site. The three **Delo Phase 2** buildings, which are identical in form and density to the buildings proposed under the Delo West PUD, consist of 99 units across 3.39 acres demonstrates an existing density of 29.2 DU/AC.

DENSITY CHART KEY

DENSITY CHART			
GROSS LAND AREA	UNITS	DENSITY ¹	
TOTAL 2.232	66	29.57	
COMMERCIAL USE		1,575 SF	

1. THE DENSITY CALCULATION IS CONSISTENT WITH CITY OF LOUISVILLE CODE SECTION 17.10.060.C.1.a.

LANDSCAPE KEY

- DECIDUOUS TREES
- EVERGREEN TREES
- ORNAMENTAL TREES
- SHRUBS
- ORNAMENTAL SHRUBS
- PERENNIALS
- SOIL-COVERED
- ROCK WALLS-UNPAVED
- WOOD WALLS-PAVED
- ROCK-PAVED

**3.39 AC
99 Units
+/- 29.2
DU/AC**

2.232 AC

SOUTH END LANDSCAPING PLAN

Furthermore, it advocates the City should review and revise development regulations to promote high quality design, redevelopment, mixed-use and multimodal transportation opportunities (Policy LU-2.4). The policy further recognizes the fiscal and physical efficiencies of compact urban form encouraging new residential construction to locate near existing facilities and services (Policy LU-2.5). Lastly, it states as land becomes scarcer, the City should encourage redevelopment and revitalization to promote economic growth while preserving values of adjacent property owners (Policy LU-3).

C. In the City of Louisville Comprehensive Plan under the Framework of Downtown and The Highway 42 Revitalization District, the Design Standards for the Revitalization District reference the Highway 42 Framework Plan which mentioned above is 15-30 DU/AC or higher where deemed appropriate. The Highway 42 Revitalization District is grouped with the Downtown District where

the scale and density might be more appropriate as 25 DU/AC or less, whereas the Highway 42 Revitalization District is more infill in nature and requires redevelopment as outlined in the Comprehensive Plans mentioned above. By applying the same standards to the Downtown and Highway 42 Districts, important distinguishing factors of the two districts are in conflict. The DeLo West PUD follows the general density guidelines referenced in the Comprehensive Plan, while recognizing the fundamental framework of the Highway 42 Revitalization plan.

D. Zoning Section Sec. 17.14.030. - Establishment of MU-R mixed use zone district:

A. Residential mixed use zone district (MU-R): The residential mixed use (MU-R) district is intended to implement the residential mixed use land use and planning goals depicted and discussed in the **Highway 42 Revitalization Area Plan**. The DeLo West PUD meets the original intent of the Highway 42 Revitalization Area Plan and provides for greater density to service the needs of residents and transit commuters.

E. The DeLo West PUD will provide low and moderate income housing for the Louisville community. Even though this project has been exempted from the affordable housing ordinance, the DeLo West PUD will follow the current ordinance and provide 12% of the units to be affordable which is a total of 8 additional affordable units provided to the market. At the 29.5 DU/AC density, this project provides three (3) additional affordable units that are needed for the community.

Waiver #2

Zoning Code: Sec. 17.14.060 Table 3 - Building height: Standard minimum of a 2 Stories and 35'-0".

Requested Waiver: Building height minimum of 1.5 stories at 25'-0" for commercial use (Applies to Building A Only)

Rational

The 1.5 story commercial building located on the northern end of the development was purposefully designed to create a natural transition to the lower density Little Italy neighborhood to the north. Additionally, the gable roof design reflects the building form common throughout the Little Italy Neighborhood. The building is designed for a low-impact, neighborhood friendly commercial use, such as a small commercial office, café, or soft goods retail store that will benefit the surrounding community.

The MU-R zoning requires a minimum of 2 stories at 35' in height, which would equate to 15'+ floor-to-floor heights or excessively high parapets to reach the required minimum building height with only 2 stories. Notwithstanding the difference in the height, the proposed commercial building is 25' in height, which commonly represents a 2-story building, and will have the visual appearance of a 2-story building from a street or pedestrian perspective.

Waiver 3

Zoning Required: Sec. 17.14.060 Table 3 - Street facing frontage: Standard minimum 70% building street frontage.

Requested Waiver: 56.3% street frontage along Cannon Street, and 60.4% street frontage along Griffith Street.

Rational

The Cannon Street facing frontage is at 56.3%. Due to narrowness of the site, parking located at the rear, and the buildings' footprint being close to the 10,000 sf max zoning footprint, the length to contribute to the street frontage is limited. The remaining frontage along Cannon Street is site access (required) and site amenities for the residents (programmed activities vs surface parking). The site layout along Cannon Street has been thoughtfully broken up with one commercial building, two residential buildings, and a pickleball court with open space for residents to enjoy. These different design elements are architecturally pleasing from Cannon Street and interactive with the neighboring community to the west.

Along Griffith Street the commercial building provides a street frontage of 37.6% and an added street wall along the covered patio brings the frontage to 60.4%. This patio screen wall will create additional privacy to the Little Italy residential neighborhood to the north and provide an additional design element for the patio of the building for patrons to enjoy.

The previous Delo Lofts approved PUD received a waiver for 60% required street frontage. The Delo West PUD provides 60.4% street frontage along Griffith Street and is slightly under that on Cannon Street at 56.3% due to site constraints and providing the most appropriate site layout. The Delo West PUD site frontage closely aligns with the Delo Lofts PUD approved street frontage of 60%.

Waiver #4

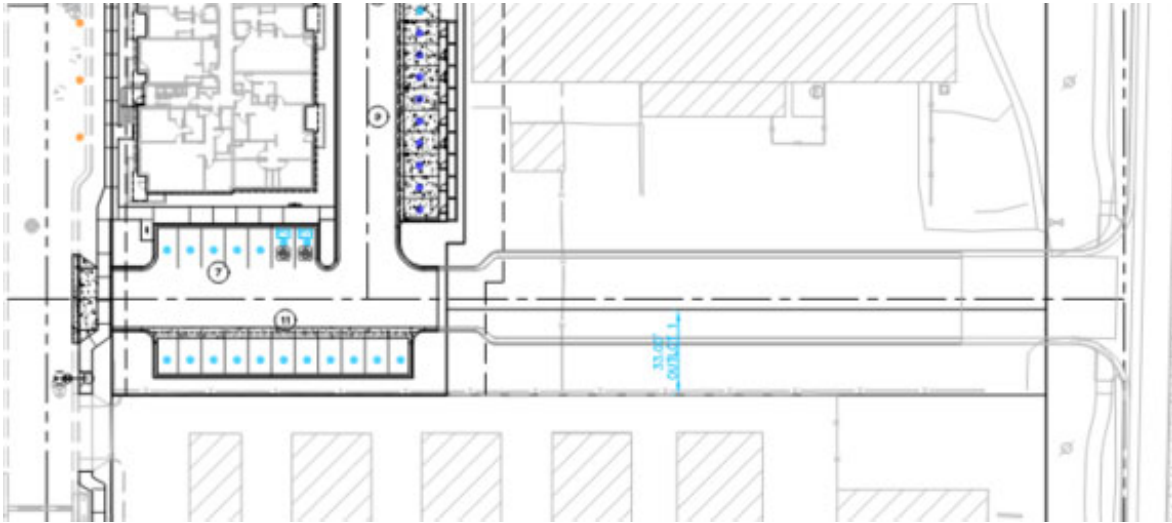
Zoning Code: MUDDSG Sec. 2.2 (D) – Minimum 50' street separation.

Requested Waiver: Allow location of access drive off Cannon Street within 50' of an existing access drive, to allow for future connection to highway 42. Access cannot be combined due to grade constraints. (*Separation as shown on PUD is 29'4" between southern Cannon Street access and DeBorski Access*)

Rational

The proposed location of the southern access drive off Cannon Street aligns with the existing access drive off Highway 42 on the Boom Property. A previous Plat created Outlot 1 on the Boom property, with the intent to provide connection between Cannon Street and Highway 42. However, Outlot 1 was not placed in an area that allows for this roadway to align with the existing access point to Highway 42.

We have designed our access drive off Cannon to align with the actual location of the access drive off Highway 42 to allow this intended connection happen with the future development of the Boom property. An anticipated roadway profile for this is shown as Section E on the grading cross sections, submitted to the City by separate document. We have executed a Joint Access Easement and Maintenance Agreement with the neighboring property owner (Boom, LLC) that ensures this connection is established upon the redevelopment of the neighboring property (Agreement submitted to the City by separate document).



Additionally, the existing access drive off Cannon that services the DeBorski property to the south serves only as that property's emergency or secondary access. This driveway is gated and locked, except for the rare occasion it is in use. Due to significant existing grade constraints with the DeBorski property, the two accesses cannot be combined.

Waiver #5

Zoning Required: Sec. 17.14.06 Table 3 - Minimum 20' setback from rear property line.

Requested Waiver: 10' setback from rear property line.

Rational

The compact and limited depth of the site does not allow for a 20' setback to accommodate parking that is located in the rear of the property. The previous DeLo Lofts PUD received a waiver for a 0' rear setback, due to similar site constraints. The improvements that require this waiver for a reduced 10' setback include open-air carports and a landscaping buffer. The landscaping buffer will feature tall grasses, shrubs and other landscaping elements to soften the appearance of the wall. *(see PUD sheets #10 & #14 for carport and landscaping details)*

Thank you for your review and consideration. Should you have any questions regarding the Delo West Final Planned Unit Development Amendment and Special Review Use, please contact Stacia Gebers at (720) 749-2230, or by email at sgebers@lcpdevelopment.net.

LCP Delo, LLC

A handwritten signature in black ink that reads "Stacia Gebers". The script is cursive and fluid.

Stacia Gebers
Authorized Representative