

20-VARIANCE-0045
708-726 E Gray Street



Louisville Metro Board of Zoning Adjustment
Public Hearing

Lacey Gabbard
September 14, 2020

Request

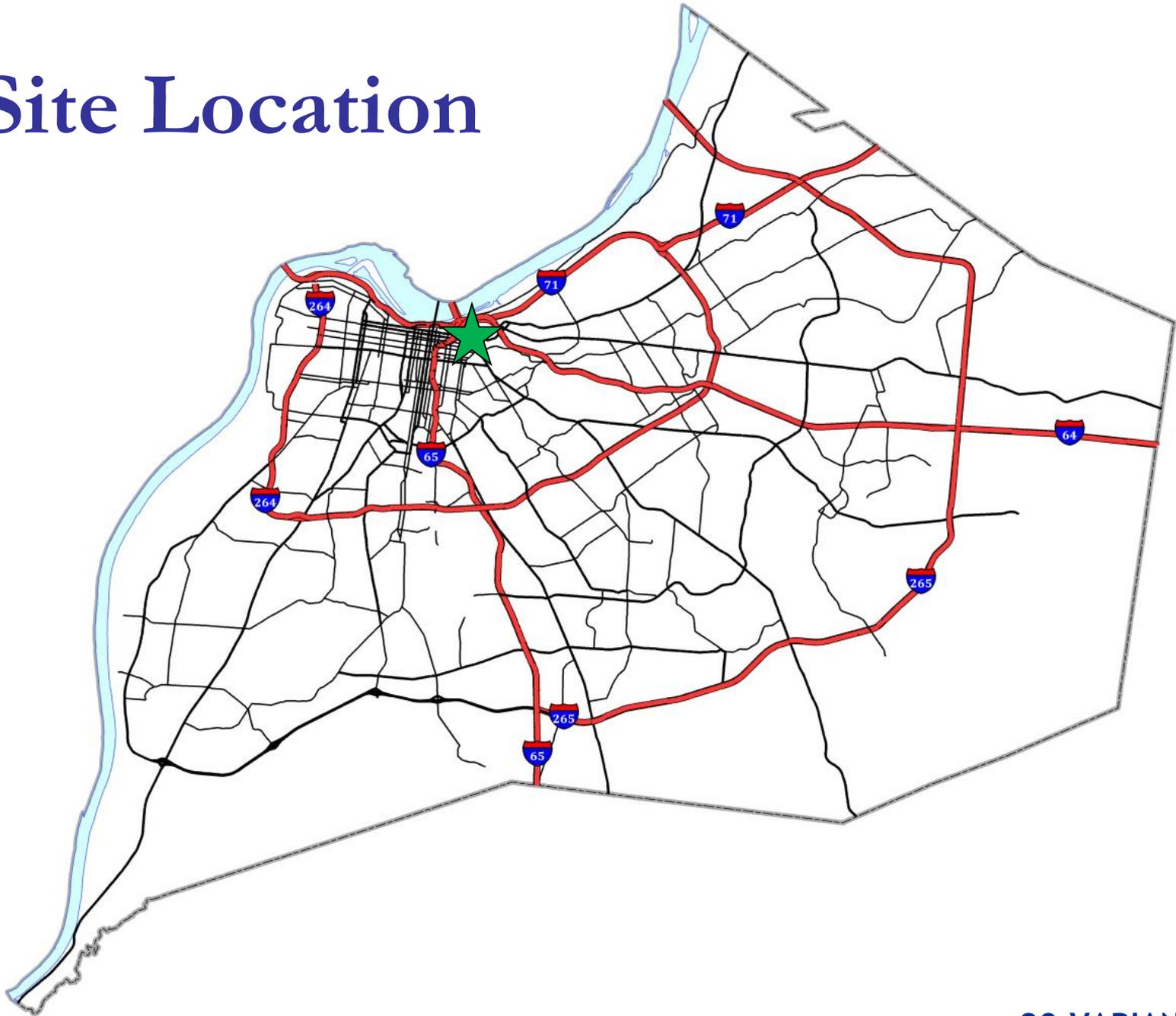
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- **Variance**: from Land Development Code Table 5.22 to allow the building to exceed the maximum 45 foot allowed by 10 feet

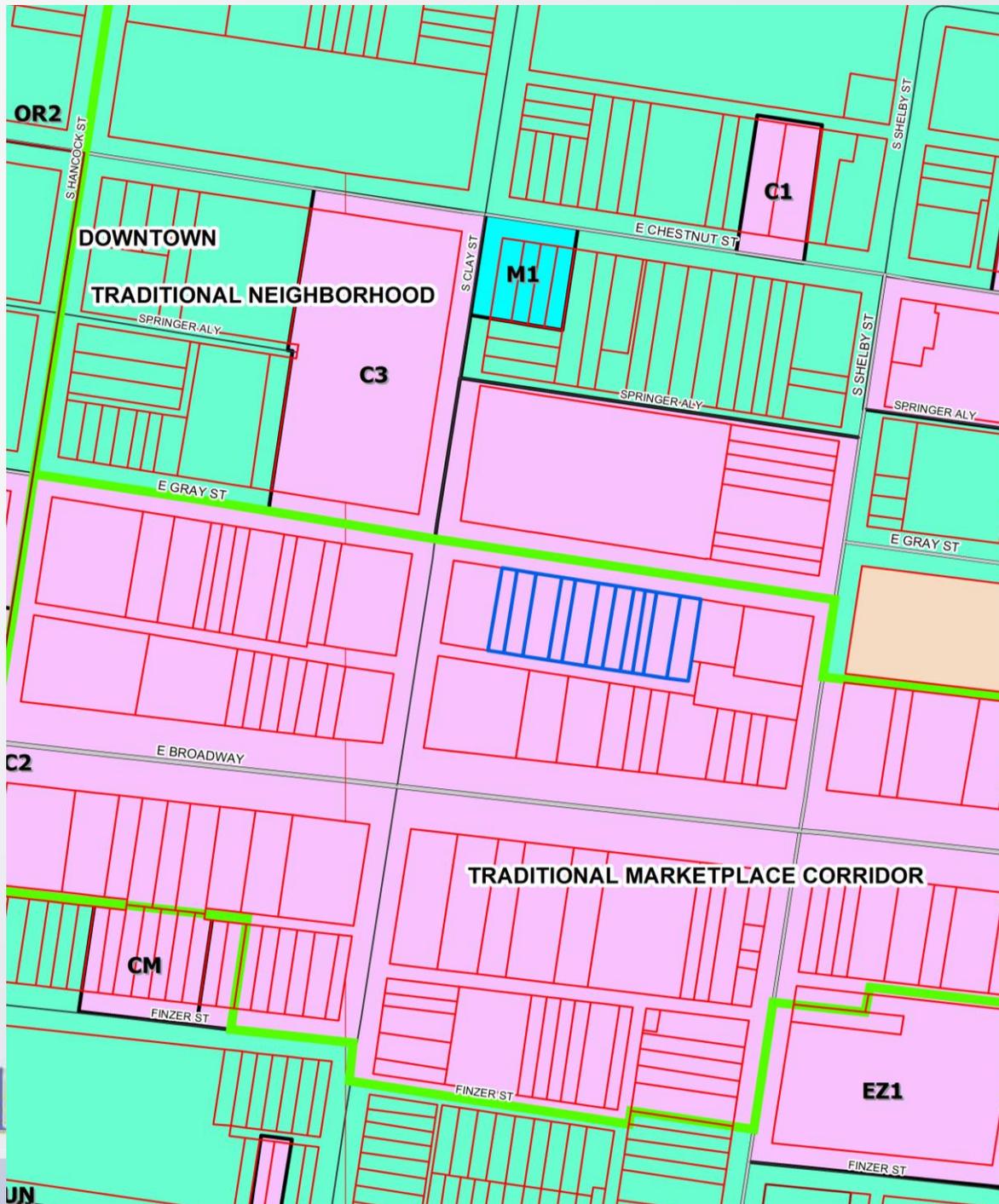
Location	Requirement	Request	Variance
Front and rear setbacks	25 ft	0 ft.	25 ft
Location	Requirement	Request	Variance
Height	45 ft	55 ft	10 ft

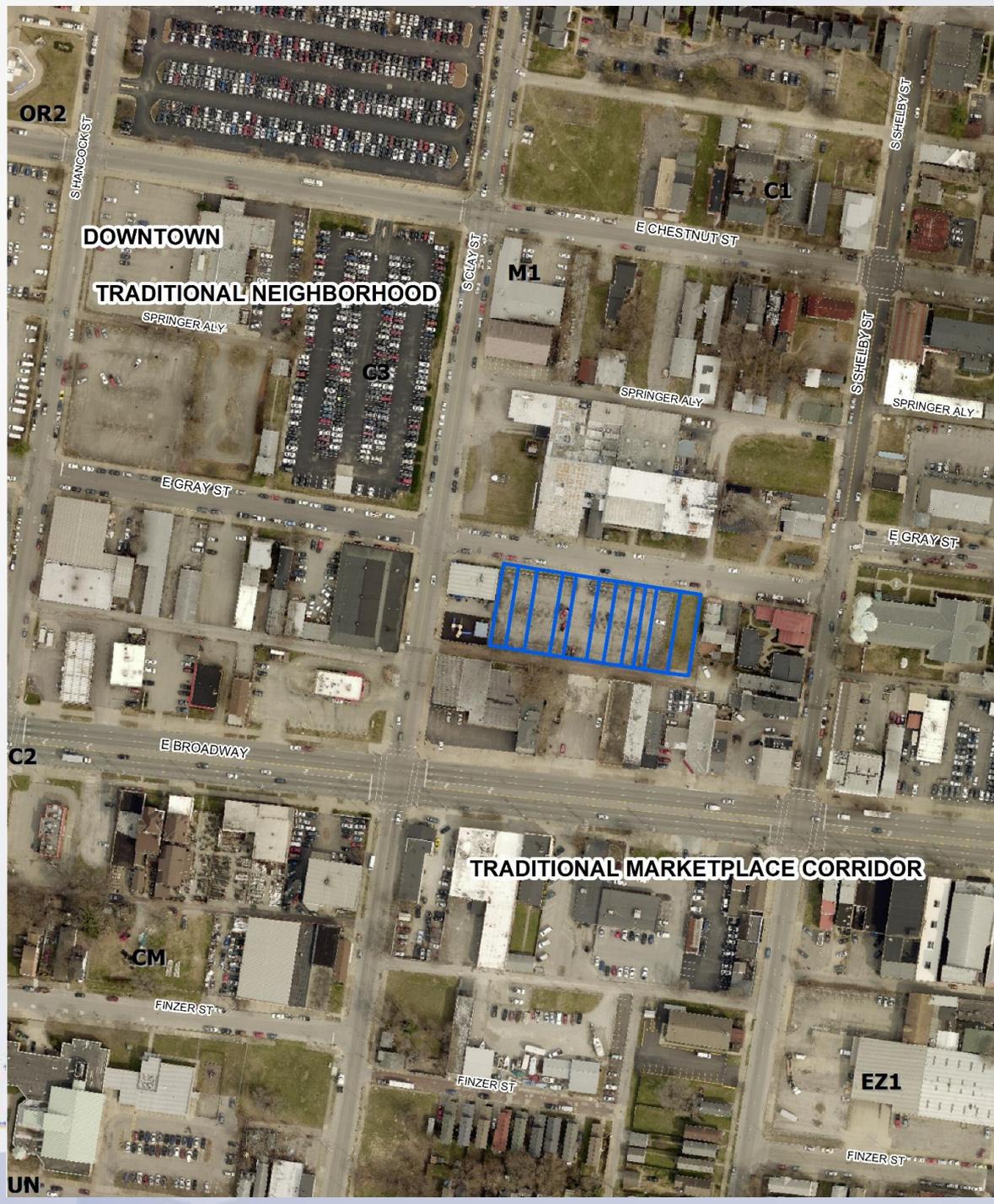
Case Summary / Background

- The subject site is zoned C-2 Commercial zoned in the Traditional Marketplace Corridor form district.
- The site is located east of S Clay Street and south of E Gray Street on approximately 0.81 acres; it is surrounded by a variety of zoning districts.
- The subject site is currently used as a parking lot.
- The applicant is proposing to construct a 97,704 square foot, four-story apartment building with 94 dwelling units.

Site Location







**DOWNTOWN
TRADITIONAL NEIGHBORHOOD**

TRADITIONAL MARKETPLACE CORRIDOR

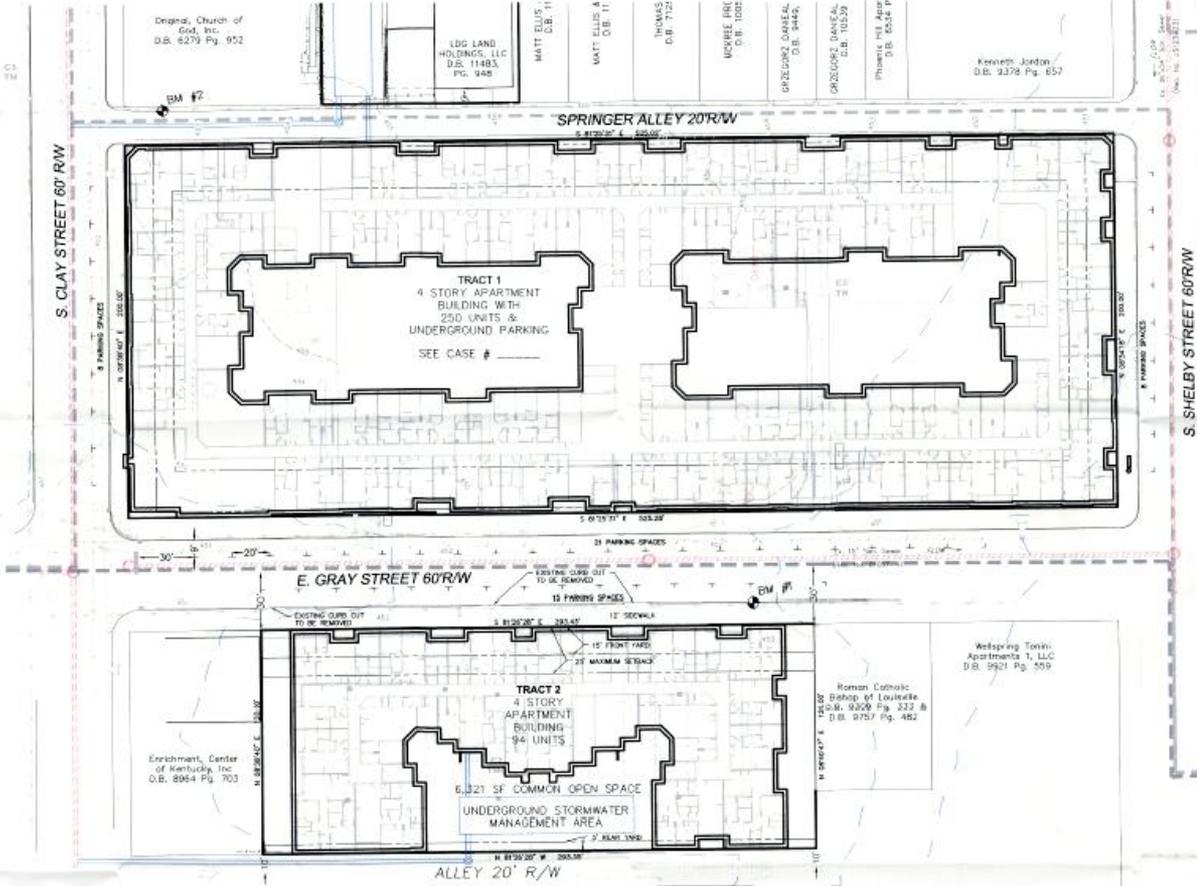
Site Plan

GENERAL NOTES

- CONSTRUCTION PLANS AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METRO PLANNING COMMISSION DESIGN MANUAL, AN STANDARD SPECIFICATIONS AND OTHER LOCAL, STATE AND FEDERAL ORDINANCES.
- ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ACCEPTABLE "ADA" REQUIREMENTS FOR HANDICAP ACCESSIBILITY.
- THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD HAZARD AREA (FEMA MAP 211110002E DECEMBER 5, 2004).
- SANITARY SEWERS ARE AVAILABLE BY CONNECTION. SANITARY SEWER TREATMENT SERVICES IS FOR CONSULTATION PURPOSES ONLY. TRUNK CONFIGURATION AND SIZE OF SEWER PIPES SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. SANITARY SEWER FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- DRAINAGE / STORM WATER DRAINAGE FROM CONSTRUCTION AND USE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- ALL CONSTRUCTION AND SALES TRAILERS MUST BE PERMITTED BY THE DEPARTMENT OF PUBLIC HEALTH AND WELFARE IN ACCORDANCE WITH CHAPTER 115 OF LOUISVILLE JEFFERSON COUNTY METRO ORDINANCES.
- MOSQUITO CONTROL SHALL BE PROVIDED IN ACCORDANCE WITH CHAPTER 94 OF LOUISVILLE JEFFERSON COUNTY METRO ORDINANCES.
- CONSTRUCTION PLANS, BOND & PERMIT REQUIRED FOR ALL WORK DONE WITHIN THE RIGHT-OF-WAY.
- MITIGATION MEASURED FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT DUST PARTICULATES EMITTING FROM READING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- EROSION & SILT CONTROL, A SOIL AND STABILIZATION CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH MSU AND THE USDA NATURAL RESOURCE CONSERVATION SERVICE RECOMMENDATIONS. SUBMITTAL OF SUCH APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
- THE DEVELOPMENT LIES IN THE LOUISVILLE FIRE DISTRICT.
- SEWERAGE AND SEWAGE TREATMENT METERS WILL BE PROVIDED AS REQUIRED IN CHAPTER 4 OF THE LAND DEVELOPMENT CODE.
- COMPLETE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPLICABLE AGENCIES.
- ALL SERVICE STRUCTURES SHALL BE TOWERED IN ACCORDANCE WITH CHAPTER 10 OF THE LAND DEVELOPMENT CODE. SERVICE STRUCTURES INCLUDE BUT ARE NOT LIMITED TO: PROGRAM TANKS, CLAMPERS, HVAC UNITS, ELECTRIC TRANSFORMERS AND TELECOM BOOMS.
- THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL USA WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT ANY DESIGN PHASE DUE TO PROOF STUDY OF GROUND WATER TABLE PROBLEMS.
- ANY REQUIRED PERMITS IN THE FLOODPLAIN SHALL BE MITIGATED BY PURCHASING THE VOLUME X-15 THROUGH REGIONAL FACILITY FEES.
- MSD FLOODPLAIN PERMIT REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
- THE POST-DEVELOPED 100-YEAR FLOOD RATE OF RHOENY MUST BE REDUCED TO THE PRE-DEVELOPED 100-YEAR FLOOD RATE.
- UNDERGROUND DETENTION BASINS MUST MEET THE REQUIREMENTS OF SECTION 10.3.8.4 OF MSD'S DESIGN MANUAL.
- LOWEST FINISHED FLOOR AND LOWEST MACHINERY TO BE AT OR ABOVE 45.11.
- EXISTING SIDEWALK RECONSTRUCTION AND REPAIRS SHALL BE REQUIRED, AS NECESSARY, TO MEET CURRENT METRO PUBLIC WORKS STANDARDS AND SHALL BE INSPECTED PRIOR TO FINAL BOND RELEASE.
- ALL ALLEYS SHALL BE IMPROVED TO METRO PUBLIC WORKS STANDARDS.
- MSD APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.

EPSC NOTES

- THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATION TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY MSU'S EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) SHALL BE INSTALLED FOR THE PLAN AND BOND RELEASE.
- DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED PRIOR AND SHALL PERFORM AS SEDIMENT TRAP DURING CONSTRUCTION UNTIL THE CONSTRUCTING DRAINAGE AREAS ARE SEaled AND STABILIZED.
- AREAS MUST BE (1) LEVEL TO MINIMIZE THE RISK OF SOIL AND SOIL FROM CONSTRUCTION AREAS DRAIN PUBLIC ROADWAYS. SOILS TRACKED ONTO THE ROADWAY SHALL BE REMOVED ONLY.
- SOIL DISTURBED SHALL BE LOCATED AWAY FROM STREAM, POND, DRAINAGE, AND CATCH BASINS. DISTURBED SHALL BE SEaled, MULCHED, AND REVEGETATED CONTINUOUS THROUGH THE USE OF SILT FENCING.
- ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER M.S.D. STANDARD DRAWING 99-22.
- WORK CONSTRUCTION OR LAND DISTURBANCE ACTIVITY MUST BE STOPPED IMMEDIATELY IN ANY EVENT OF A STEADY RAIN. THE STABILIZATION MEASURED SHALL BE REAPPLIED AS SOON AS PRACTICABLE BUT NOT LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
- SEMI-ANNUAL GROUNDWATER MONITORING DURING PROPOSED BONDING OF UNDER EXCAVATION ACTIVITIES SHALL BE PERFORMED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SHED, OR CATCH BASIN.
- EPSC CONCEPT PLAN**
- INSTALL SILT FENCE & TEMPORARY CONSTRUCTION ENTRANCE.
 - DESIGN DETENTION.
 - INSTALL TEMPORARY SEDIMENT BASIN.
 - DESIGN STORMWATER DRAINAGE AND SEWER CONSTRUCTION.
 - INSTALL SILT PROTECTION.
 - COMPLETE SITE WORK.
 - REMOVE SILT BASIN.
 - REMOVE SILT FENCE & SILENT PROTECTION ONCE VEGETATION IS ESTABLISHED.



SITE DATA

EXISTING ZONING	FORM DISTRICT	MSU 110
EXISTING USE	PARKING	MSU 110
PROPOSED ZONING	MSU 110	MSU 110
GROSS SITE AREA	48,400 SQ. FT.	48,400 SQ. FT.
PROPOSED BUILDING AREA	10,000 SQ. FT.	10,000 SQ. FT.
PROPOSED BUILDING HEIGHT	4 STORIES	4 STORIES

DIMENSIONAL STANDARDS

MIN. FRONT YARD	5 FT.
MIN. SIDE YARD	5 FT.
MIN. REAR YARD	5 FT.
MIN. BUILDING HEIGHT	4 FT.

PARKING CALCULATIONS

NOTE: THESE PARKING CALCULATIONS INCLUDE DATA FOR TRACT 1 BECAUSE THE UNDERGROUND PARKING GARAGE WILL SERVE BOTH TRACT 1 AND TRACT 2. SEE CASE # 20-000000 FOR INFORMATION ON TRACT 1.

MIN. PARKING REQUIRED (1.5 DOWELLING UNIT)	470 SPACES
TRACT 1 = 375 SPACES	
TRACT 2 = 14 SPACES	
MAX. PARKING ALLOWED (1.5 DOWELLING UNIT)	660 SPACES
TRACT 1 = 625 SPACES	
TRACT 2 = 235 SPACES	

PERMITS REQUIRED

304 M. GARAGE & 52 ON-STREET (ENCLINER) & 110 SPACES	208 SPACES
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APPLICABLE REDUCTIONS FROM LDC CHAPTER 9 AS FOLLOWS:

- 1.0% - OVER THE PERMISSIBLE
- 3.0% - GREEN SITE DESIGN STANDARDS 1 & 3

TREE CANOPY REQUIREMENTS

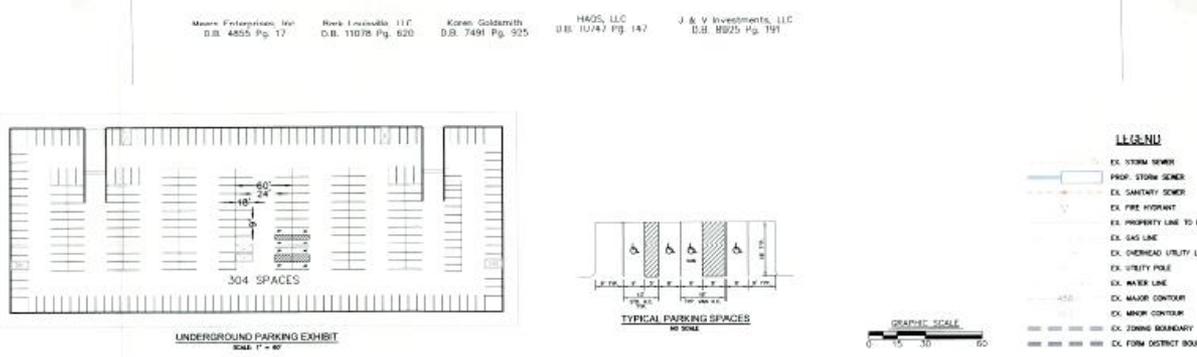
SITE AREA	38,306 SF
EXISTING TREE CANOPY TO REMAIN	30,306 SF (78.8%)
REQUIRED NEW TREE CANOPY:	1,795 SF
1.0% = 383 SF	
50% REDUCTION = 3,465 SF LESS	

OPEN SPACE CALCULATIONS

SITE AREA	38,306 SF
REQUIRED OPEN SPACE (5%)	1,915 SF
OPEN SPACE PROVIDED	1,321 SF

IMPERVIOUS AREA CALCULATIONS

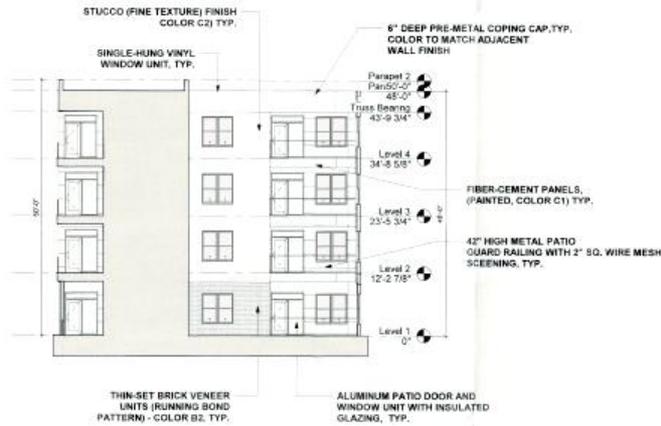
SITE AREA	38,306 SF (84.8%)
PROPOSED IMPERVIOUS AREA	30,306 SF (78.8%)
PROPOSED IMPERVIOUS AREA	30,306 SF (78.8%)
REDUCTION	-3,321 SF (8.67%)



- ### ADDITIONAL REQUESTS
- VARIANCE FROM LDC TABLE 9.2.2 TO ALLOW THE BUILDING TO EXCEED THE MAXIMUM HEIGHT PERMITTED.
 - VARIOUS PERMITS UNDER 9.2.1.1 ALLOW THE BUILDING TO EXCEED THE REQUIRED FRONT AND REAR SETBACKS.
- ### UTILITY NOTE
- ALL UTILITIES ON THESE PLANS ARE APPROXIMATE. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER "800" (TOLL FREE PHONE NO. 800-368-5848) 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. THE NUMBER HAS ESTABLISHED TO PROVIDE ACCURATE LOCATIONS OF EXISTING BELOW GROUND UTILITIES (i.e. CABLES, ELECTRIC LINES, GAS AND WATER LINES). THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UTILITY REQUIREMENTS AND SET FORTH ON THE PLANS AND IN THE TECHNICAL SPECIFICATIONS AND SPECIAL PROVISIONS.
 - THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, NATURE, AND STATUS OF ALL COVERED UTILITIES WHEN THE CONSTRUCTION AREA HAS BEEN SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECONSTRUCT TO THE SIZE AND LOCATION AS SHOWN ON THE PROJECTS PLANS.
- ### LEGEND
- EX. STORM SEWER
 - PROP. STORM SEWER
 - EX. SANITARY SEWER
 - EX. FIRE HYDRANT
 - EX. PROPERTY LINE TO BE REMOVED
 - EX. GAS LINE
 - EX. UNDERGROUND UTILITY LINE
 - EX. UTILITY POLE
 - EX. WATER LINE
 - EX. MAJOR CONTAINMENT
 - EX. MINOR CONTAINMENT
 - EX. ZONING BOUNDARY
 - EX. FORM DISTRICT BOUNDARY
- DATE: APR 06 2020
 PROJECT NO: 20-000000
 SHEET NO: 01-01
 DRAWN BY: J. JORDAN
 CHECKED BY: J. JORDAN
 APPROVED BY: J. JORDAN



Elevations



1 PRESONTIAN SOUTH- WEST COURTYARD ELEVATION
A202 3/32" = 1'-0"



2 PRESONTIAN SOUTH - EAST COURTYARD ELEVATION
A201 3/32" = 1'-0"



3 PRESONTIAN SOUTH - OVERALL SOUTH ELEVATION
A202 3/32" = 1'-0"

RECEIVED
JUL 16 2021

Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Conclusion

Staff finds that the requested variances are adequately justified and meet the standard of review.

Required Action

- **Variance**: from Land Development Code Table 5.22 to allow buildings to encroach into the required front and rear setbacks. Approve/Deny
- **Variance**: from Land Development Code Table 5.22 to allow the building to exceed the maximum 45 foot allowed by 10 feet. Approve/Deny

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