

Development Review Committee Staff Report

November 16, 2016



Case No:	16MOD1007
Project Name:	Frazier Museum
Location:	821-823 W. Main Street
Owner:	Museum Realty, LLC
Representative:	Bardenwerper, Talbott & Roberts – J. Bissell Roberts
Project Area/Size:	0.2 acres
Existing Zoning District:	C-3, Commercial
Existing Form District:	DT, Downtown
Jurisdiction:	Louisville Metro
Council District:	4 – David James
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Amendment to Binding Elements**

CASE SUMMARY

The applicant proposes to amend the binding elements across two parcels along W. Main Street between 8th and 9th Streets. The purpose of this request is to create a unified set of binding elements for the Frazier History Museum as it evolves with these properties. A similar request is being made in case 16MOD1008.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Museum	C-3	DT
Proposed	Museum	C-3	DT
<i>Surrounding Properties</i>			
North	Interstate	-	-
South	Commercial	C-3	DT
West	Vacant	M-3	DT
East	Commercial	C-3	DT

PREVIOUS CASES ON SITE

9-44-99: Change-in-zoning from M-2 to C-3 for properties located at 811-823 W. Main Street.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comment at this time.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AMENDMENT TO BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposal does not appear to adversely impact the conservation of natural resources on the property proposed for development as there are no proposed changes to the existing structures at this time.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as sidewalks are existing along all frontages of the building and the subject site is located in an area of multi-modal use.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required. All structures exist.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. No changes are proposed to the existing structures.

- e. The compatibility of the overall site designs (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with existing and projected future development as there are no proposed changes being proposed at this time. Any changes to the façade and or design of external features will be subject to review by the Office of Planning and Design Services, Historic Preservation staff, and the Downtown Development Review Overlay guidelines and principles.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposal is in conformance with applicable policies of the Comprehensive Plan as Guideline 6, Policy 3 encourages redevelopment, rehabilitation and reinvestment opportunities in downtown, older and declining neighborhoods and older industrial areas that is consistent with the form

district pattern. The proposed unification of binding elements allows for the Frazier History Museum located to the West to evolve with these properties.

TECHNICAL REVIEW

Any changes to the façade or design of external features will be subject to review by the Office of Planning and Design Services, Historic Preservation staff, and the Downtown Development Review Overlay guidelines and principles.

The proposed amendments do not impact the properties located from 811-819 W. Main Street, but rather creates, in addition to those existing binding elements, site specific binding elements for the subject sites only.

STAFF CONCLUSIONS

The Amendment to Binding Elements appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for approval of an amendment to binding elements as established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the amendment to binding elements of docket 9-44-99 to create a site specific set of binding elements for 821-823 W. Main Street

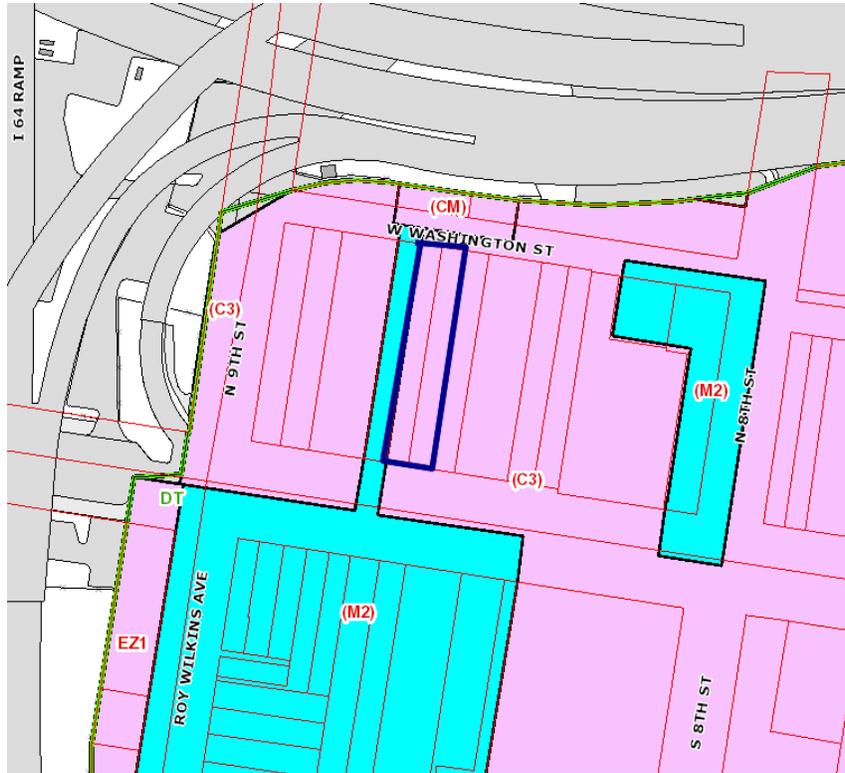
NOTIFICATION

Date	Purpose of Notice	Recipients
11/3/16	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 4.

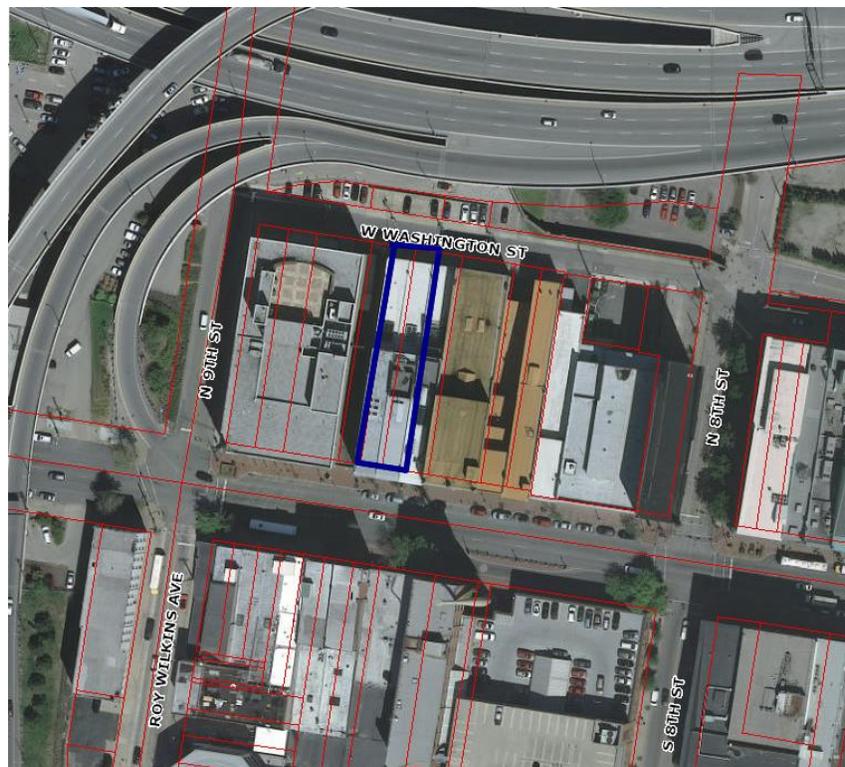
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Binding Elements 9-44-99
4. Proposed Binding Elements for subject site of docket 9-44-99

1. Zoning Map



2. Aerial



3. Binding Elements 9-44-99

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. Any Changes/additions/alterations of any binding elements shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The exterior of the structures shall be maintained. Exterior additions or alterations shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee and the Louisville Landmarks commission.
3. The development shall not exceed 135,000 square feet of gross floor Area.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. 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).
7. If a renovation 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.
8. 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.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
10. 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.

6. Proposed Binding Elements for subject site of docket 9-44-99

These proposed amendments to binding elements shall apply only to the subject sites at 821-823 W. Main Street:

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. Any Changes/additions/alterations of any binding elements shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The exterior of the structures shall be maintained. Exterior additions or alterations shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee and the Louisville Landmarks commission.
- ~~3. The development shall not exceed 135,000 square feet of gross floor Area.~~
- 3. The Development shall not exceed 24,180 square feet of gross floor area.**
- ~~4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.~~
- 4. The size and location of any proposed signs, small freestanding signs, or banners shall be permitted on this site, provided they conform to Chapter 8 of the Louisville Metro Land Development Code, Downtown Development Review Overlay, and all other applicable ordinances within Louisville Metro.**
5. There shall be no outdoor storage on the site.
6. 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).~~
 - a. The development plan must receive full construction approval from the Louisville Metro Construction Review Division and Louisville Metro Public Works (444 S. 5th Street) and the Metropolitan Sewer District (700 West Liberty).**
7. If a renovation 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.
8. 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.
- ~~9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.~~ **Revised by Staff 11/15/16.**
10. 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.

11. **These binding elements may be amended as provided for in the Zoning District Regulations.**
12. **The subject property may be devoted to use as a museum, office, restaurants, retail businesses and all other permitted uses in the C-3, Commercial zoning district. Adult Entertainment activities as defined by the Louisville Metro Land Development Code and Chapter 111 of the Louisville Metro Code of Ordinances shall not be permitted; including but not limited to, Adult Entertainment Arcade, Adult Book Store, Adult Entertainment Provider, Adult Motion Picture Theater, Adult Stage Show Theater, Adult Video Cassette Rental Center, Cabaret, Commercial Sexual Entertainment Center, Massage Parlor, Taxi, Dance Hall or other similar establishment.**