



Bardstown Road/Baxter Avenue Corridor Review Overlay District

Report of the Urban Design Administrator & Staff to the Committee

Case No: 19BROD1001
Classification: Non - Expedited

GENERAL INFORMATION

Property Address: 1117 Bardstown Road

Applicant: Same as Owner

Property Owner: Rowdy Whitworth
Norell Enterprises LLC
1117 Bardstown Road
Louisville, KY
502-889-9427
rowdywhitowrth@aol.com

Plan Prepared by: Chris Brown
BTM Engineering
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Estimated Project Cost: \$28,000

Description of proposed exterior alteration:

The applicant seeks approval for a new, outdoor patio structure with rooftop balcony over the existing front patio the full width of the existing building and extending out to the front property line. In addition to covering the ground level patio, the roof of the structure will accommodate outdoor dining and activity. The structure will be supported by eight columns which will be 12" square. The columns and roof structure will be clad in Hardi-board and painted. The structure will topped with a 42" tall railing to accommodate the occupants and activity of the upper level. New casement style windows are proposed to be installed at the front façade of the building. The covered, ground level patio will be approximately 350 sf, and the upper level patio will be approximately 460 sf. The lighting inside the covered area will be indirect lighting, with the exception of 4 can lights above the service bar.

The existing patio pavers will be removed and replaced with a concrete floor. The existing fence will be replaced with a new fence 36" tall and will be aluminum. A new retailing wall will be installed. The stairs and landing into the restaurant space will be

replaced in kind. The existing service bar will be removed and a new one is proposed in its place. The new service counter and bar will be built in front of the existing building and under the new structure. The service counter will have space for a cooler, bar station, point of sale station, as well as ice and drink storage.

Communications with Applicant, Completion of Application

The application was received by Develop Louisville Staff on February 19, 2019. The application was determined to be complete and classified as requiring Non- Expedited Review by Urban Design staff on February 25, 2019. A hearing of the Bardstown Road Baxter Avenue Review Overlay Committee is scheduled for March 26, 2019 at noon.

FINDINGS

Guidelines

The following design guidelines, approved for the Bardstown Road/Baxter Avenue Corridor Review Overlay District, are applicable to the proposed exterior alteration **Building Design and Historic Preservation**. The report of the Overlay Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

The following additional findings are incorporated in this report:

Case Background

Additional cases reviewed by the Overlay for this site are:

18BROD1013: An Overlay Permit to remove a tree from the street front area of a commercial property in the Bardstown/Baxter Ave overlay district.
Approved 10/19/2018

16BROD1023: An Overlay Permit to build a grade level deck on the back of the Chill Bar building to be used as a smoking area, and to add a second story residential deck.
Approved 11/11/2016

15573-BR: An Overlay Permit to construct a Bar/patio in the front yard.
Approved 06/21/2011

Site Context



The proposed outdoor patio structure is to be located in front of a wood frame residential structure, built in 1900, that has been converted to commercial and retail use. Per Metro Louisville Historic Preservation Officer Cynthia Johnson Elmore, the building is contributing to the Highlands National register District. The site is located on the north side of Bardstown Road one lot east of the Grinstead Drive intersection. The structure is zoned C2 within the Traditional Market Corridor Form District and is surrounded by other one and two story commercial and retail buildings and the Speedway Gas and Convenience Mart.

CONCLUSIONS

The Overlay Guidelines encourage reuse of existing structures. The applicant proposes replacing new front façade windows in the original building and increasing the current footprint of the patio space. The existing tree on site is diseased and has been previously approved to be removed. Its removal will cause considerable damage to the existing patio floor so the applicant would like to use this opportunity to create a more pedestrian friendly patio space.

The new patio and structure are scaled to match the building's façade, and utilize appropriate and contemporary materials. The current patio design is residential in both material and style. The new structure is complementary in design and materials with the existing building. The projection over the first floor patio extends the space to the property line and encourages pedestrian interaction at the street level. However, the new design conflicts with **Building Design Guideline 11** and **Site Planning/Parking**

Design Guideline 14. Both Guidelines state that *‘Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building’s primary street facing façade’*. In this case, the concrete patio and structure will be constructed over an area which was previously an impervious patio. The structure extends over the ground floor patio, creating the appearance of a second story balcony rather than a roof top deck structure, or “deck in front of the building”. The roof top deck will project over the ground floor patio and include a frame support structure but is not a “deck” as intended by the guidelines. The proposed service counter and bar does not comply with this guideline and should not be constructed.

Recommendation

Considering the information furnished, the Urban Design Administrator finds that the proposal generally complies with the Overlay Design Guidelines and recommends approval of the application for an Overlay Permit with the following conditions:

- 1. With respect to the condition of tree replacement in the prior approval but recognizing the practicality of planting a tree that does not conflict with the new structure, the new tree may be placed in the green space in front of the new structure or out in the sidewalk as a street tree. Planting a tree in these areas will require compliance with the Metro Street Tree standards and permitting.**
- 2. The new outdoor service bar is deleted from the proposal due to direct conflict with Design Guidelines.**
- 3. Applicant is encouraged to coordinate with Public Works to improve front yard landscaping and appearance.**

Building Design

+ Meets Design Guidelines
 - Does Not Meet Design Guidelines
 Information

NA Not Applicable
NSI Not Sufficient

SPECIFICATIONS	DESIGN REVIEW GUIDELINES	REVIEW RESULTS
1. Existing Structures	Existing structures along the Bardstown Road / Baxter Avenue corridor are encouraged to be renovated and reused.	+
2. Pedestrian -Friendly	Design building façade elements that promote pedestrian – friendly environment include; building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, and lighting.	+ the project increases the massing and presence at the edge of sidewalk
3. Storefront Windows	All storefront windows and doors at ground level shall have clear glass or light window tinting. Severe window tinting or mirrored glass is not permitted unless pre-approved by staff for ‘special conditions’. Examples of ‘special conditions’ may include restaurant kitchen areas, storage space, and restrooms that would need to be hidden from public view.	+ Marvin French Casement Windows proposed
4. Building Setback	New structures should be located at the front of the property line. Building sites should provide side yards wide enough to allow for maintenance of the building unless common party walls are provided on the lot line.	+
5. Building Materials	High quality materials and historically appropriate architectural details at the ground floor / street level of buildings can both accent buildings , and provide visual interest for pedestrians and motorists.	+ Hardi board siding and panels proposed
6. Building Height	New structures greater than three stories high may be permissible if taller portions are set back from the street frontage so that overall sight lines are compatible, and if increased height is not intrusive towards adjacent structures.	NA
7. Building Façade Details	A terminus, such as a cornice at the top of a wall helps articulate the architecture, and gives it a completed finished look.	+ fascia board and soffit articulate roofed structure
8. Roofs	Roof forms that are inconsistent with the character of the Bardstown Road / Baxter Avenue Corridor include: single pitch (shed) roofs, curving roofs. Flat roof forms with parapets are well-suited to the character and image of the Bardstown Road / Baxter Avenue Corridor.	+
9. Outdoor Eating Areas	Outdoor eating or temporary seating located within public sidewalk areas must receive staff approval prior to installation. A 4’-0” wide pedestrian zone is required in the public “Right of Way” sidewalk area.	NA
10. Mechanical Equipment	All new mechanical equipment that is visible from a public right of way should be installed to have a minimal impact on adjacent properties and from public view. Replacement of existing mechanical equipment is considered general maintenance and will not require a staff review. Additional permits and approvals by other government agencies or authorities may be required.	NA
11. Permanent Service Counters	Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building’s primary street facing façade.	+/- The patio will include a frame

		support structure but is not a “deck” as described by the guideline. The proposed service counter conflicts with this guideline.
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Site Planning, Parking

- + Meets Design Guidelines
- Does Not Meet Design Guidelines Information

NA Not Applicable
NSI Not Sufficient

SPECIFICATIONS	DESIGN REVIEW GUIDELINES	REVIEW RESULTS
1. Utility Lines	Development Plans shall minimize the adverse visual impact of utility lines on the corridor. Underground lines or service from the alley, where feasible, is encouraged.	NA
2. Lot usage	Combining existing small, under-utilized lots to create shared parking areas that are more efficient and more accessible is strongly encouraged.	NA no changes to existing parking
3. Parking areas and Drive Thru's	Parking areas and Drive-Thru's should be located to the side or rear of the structures.	+ existing parking lot to remain
4. Parking Areas	Parking areas adjacent to the public sidewalks must use landscaping, trees, colonnades or other construction to maintain the building line created by structures along the sidewalk. Side parking lots which exceed 40% of the total linear lot frontage adjacent to right-of-way shall provide a 36" high masonry, stone, or concrete wall that makes reference to a similar design within the surrounding area extending from the principal structure across the front of the parking area. Surface parking lots with no principle structure shall provide the 36" wall as described. The 36" tall wall can wrap around any existing or proposed monument signage to maintain visibility.	NA
5. Perimeter Landscaping	Adequate perimeter landscaping , fencing, or a combination of both is required to help screen parked vehicles from full public view. The screening height shall be 36" above finished grade of the parking lot. This height will enable drivers of vehicles to safely see and avoid pedestrians and vehicles while screening most of the parked vehicles mass.	NA
6. Residential Screening	New development projects should provide adequate significant screening to residential structures.	NA
7. Lighting	Intensity, location, color, and direction of outdoor lighting shall be sensitive to nearby residential areas.	+
8. Fencing	Fencing and screening shall be constructed of materials compatible with the principal structure.	+
9. Chain Link Fencing	Chain link fencing must not be visible from Bardstown Road/Baxter Avenue.	NA
10. Curb-cuts	The number and width of curb-cuts on the corridor should be minimized to promote pedestrian circulation. Existing continuous curb-cuts should be reduced to widths necessary for vehicular traffic.	NA

11. Patios, Plazas, and Outdoor Spaces	Patios, plazas, or outdoor spaces, constructed, created, or installed in front of a structure that replaces existing turf and / or landscaped areas, shall use permeable pavers, pervious concrete, or equivalent permeable hard surface to reduce water runoff from the property.	NA
12. Landscaped Buffer Area	Minimum 4'-0" wide landscape buffer area (LBA) containing a 36" minimum height (at maturity) screen shall run along 90% of the lineal area in front of the patio, plaza, or outdoor space that faces the street. This landscape buffer area (LBA) shall include permanent landscaping material such as trees (minimum 1 3/4" caliper size at time of planting). Shrubs (minimum 18' height at time of planting), groundcover, and / or perennials. Fences, planters, and / or walls (maximum height of 36") are permitted within the LBA. Landscape Buffer Plantings shall be installed prior to occupancy or use of the patio, plaza, or outdoor space.	- A landscape buffer is not shown
13. Existing Trees Preserved and Replaced	Existing trees located within the property or adjacent property along the street, alley, or access easement shall be preserved and protected unless the city arborist determines they are not healthy or are a dangerous and should be removed. Removed trees should be replaced with appropriate trees approved by the City Arborist. The replacement trees shall be sized at a minimum of 1 3/4" caliper 9at time of planting. Replacement tree(s) shall be planted within 3 months of the tree(s) removal or during the next planting season, whichever comes first.	See Conditions and 18BROD1013
14. Decks in Front of Buildings and Balconies	The construction or installation of a deck or structure built off the ground and over existing landscaped areas in front of a building's primary façade is prohibited. Balconies located on the second or third floor of a building that are cantilevered or bracketed, scaled to match the building's façade, and utilize contextual materials are appropriate.	+ The new structure is replacing an existing patio with the addition of roof top patio. Tree on site is diseased and has been approved to be removed by 18BROD1013.

Historic Preservation

- + Meets Design Guidelines
- Does Not Meet Design Guidelines Information

NA Not Applicable
NSI Not Sufficient

SPECIFICATIONS	DESIGN REVIEW GUIDELINES	REVIEW RESULTS
1. Changes to Contributing Historic Structures	Changes to the exterior of Contributing Historical Structures and other structures within the corridor which were constructed in the last 65 years and that have not been significantly altered shall be reviewed in accordance with the standards established for Contributing Historic Structures by the United States Secretary of the Interior, but the Planning and Design Director or Committee may relax these standards in the interest of accomplishing the intentions of these Guidelines.	+
2. Design of Remodeled Structures	The design of new or substantially remodeled structures which are adjacent to Contributing Historic Structures should be compatible with them and should incorporate similar design details or references where appropriate.	NA New patio structure only, no changes to structure of original building
3. Demolition	No application to demolish any Contributing Historical Structure or structure built within the last 65 years shall be approved by the Urban Design Administrator unless the applicant demonstrates to the satisfaction of Urban Design Administrator and the Historic Preservation Officer: (a) That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact on the District's economic vitality and appearance than would preservation of the Structure proposed to be demolished and the rehabilitation of the Structure or the construction of the new Structure would not be possible or economically feasible without the demolition of the Structure proposed to be demolished; or (b) That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure constructed within the last 65 years is demolished in accordance with the application.	NA