

# Development Review Committee Staff Report

November 16, 2016



<b>Case No:</b>	16MOD1008
<b>Project Name:</b>	Frazier Museum
<b>Location:</b>	827-833 W. Main Street
<b>Owner:</b>	Museum Realty, LLC
<b>Representative:</b>	Bardenwerper, Talbott & Roberts – J. Bissell Roberts
<b>Project Area/Size:</b>	0.51 acres
<b>Existing Zoning District:</b>	C-3, Commercial
<b>Existing Form District:</b>	DT, Downtown
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David James
<b>Case Manager:</b>	Joel P. Dock, Planner I

## REQUEST

- **Amendment to Binding Elements**

## CASE SUMMARY

The applicant proposes to amend the binding elements across three Plan Certain parcels containing the Frazier History Museum at the intersection of 9<sup>th</sup> and W. Main Streets. The purpose of this request is to create a unified set of binding elements for the museum as it evolves across these parcels and with the adjacent properties to the East at 821-823 W. Main Street which are requesting a similar amendment in case 16MOD1007.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

## PREVIOUS CASES ON SITE

- 9-43-83: Change-in-Zoning from M-2 to C-3 (833 W. Main Street)
- 9-88-84: Change-in-zoning from M-2 to C-3 (831 W. Main Street)
- 9-17-87: Change-in-zoning from M-2 to C-3 (827 & 829 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 museum to evolve across the subject site from 827-833 W. Main Street and with the adjacent properties to the East at 821-823 W. Main Street.

### 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.

### 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 9-43-83, 9-88-84, & 9-17-87 to create a unified set of binding elements across the subject sites.

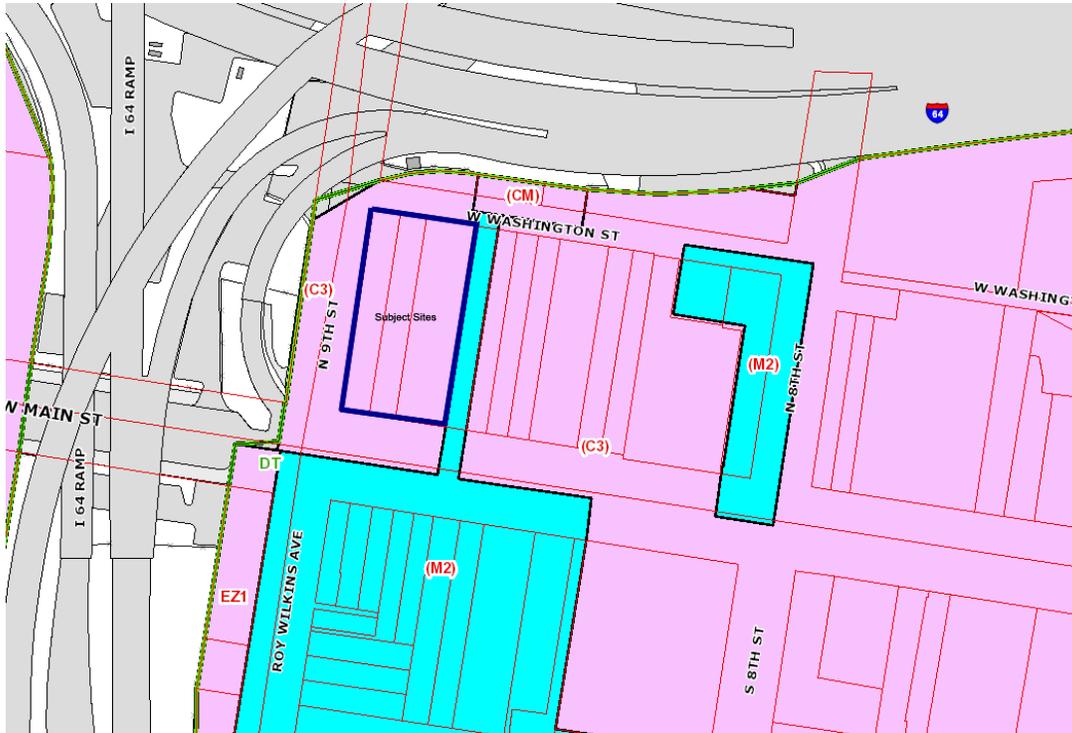
### NOTIFICATION

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

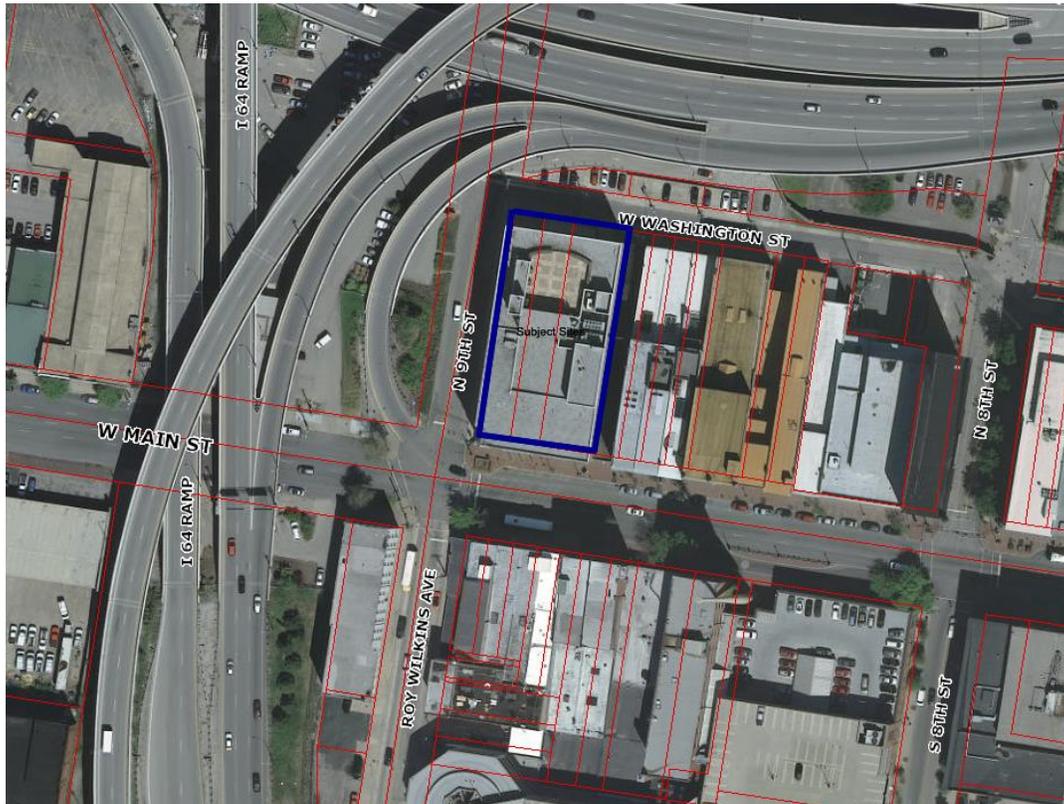
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Binding Elements 9-43-83
4. Binding Elements 9-88-84
5. Binding Elements 9-17-87
6. Proposed Binding Elements 9-43-83, 9-88-84, & 9-17-87

1. **Zoning Map**



2. **Aerial**



**3. Binding Elements 9-43-83**

- ~~1. No certificate of occupancy shall be issued more than one year from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.~~
- ~~2. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use~~
- ~~3. These binding elements may be amended as provided for in the zoning district regulations~~

**4. Binding Elements 9-88-84**

- ~~1. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use~~

**5. Binding Elements 9-17-87**

- ~~1. The size and location of any proposed signs must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the zoning district regulations.~~
- ~~2. 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.~~
- ~~3. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.~~
- ~~4. These binding elements may be amended as provided for in the zoning district regulations~~

**6. Proposed Binding Elements 9-43-83, 9-88-84, & 9-17-87**

1. 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.
2. A Certificate of Occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. Binding Elements must be implemented prior to requesting issuance of the Certificate. Certificates of Occupancy have been issued for the properties located at 827-833 West Main Street, Louisville, Kentucky 40202.
3. These binding elements may be amended as provided for in the Zoning District Regulations.
4. The Development shall not exceed 48,360 square feet of gross floor area.
5. There shall be no outdoor storage on the site.
6. 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 the development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and other parties engaged in development of this site, shall be responsible for compliance with these binding elements.

7. 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.