

Development Review Committee

Staff Report

August 19, 2020



Case No:	20-DDP-0023
Project Name:	Gray and Clay
Location:	709 E Gray Street
Owner(s):	LDG Land Holdings, LLC
Applicant:	Michael Gross, LDG Development, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. District Development Plan

CASE SUMMARY/BACKGROUND

The subject site is in the C-2 Commercial zone in the Traditional Neighborhood form district. The subject site is currently developed with an existing industrial structure which the applicant is proposing to demolish. The subject site is located east of S Clay Street and north of E Gray Street on approximately 2.41 acres. It is surrounded by a variety of zoning districts, including OR-2, C-3, and C-2.

The currently approved plan, 18ZONE1052, proposed to develop the site into a seven-story apartment building with 250 dwelling units. The currently proposed plan proposes a 308,061 square foot, four-story apartment building with 250 dwelling units and an underground parking garage providing 304 spaces. The currently approved plan proposed a 17,873 square foot courtyard, while the currently proposed plan proposes 24,283 square feet of open space in the courtyard (the required amount of open space for the currently proposed plan is 5,252 square feet).

18ZONE1052 also included two variance requests which apply to the currently proposed plan. The variances are to allow the building to exceed the maximum height permitted and to allow the building to encroach into the required setback along all sides. The currently proposed plan shows a building height of over 45 feet and four stories. The maximum height allowed in this form district is 45 feet or three stories.

The proposed development also includes a second tract of properties on the other side of Gray Street, on which the applicant is proposing to construct a second four-story apartment building with 94 dwelling units. This second tract is proposed under 20-CAT2-0018, which the Development Review Committee does not act upon.

Previous cases:

- 18ZONE1052: A change in zoning from M-3/OR-2 to C-2 for the construction of a five-story multi-family structure
- 9-79-84: Change in zoning from OR-2 to M-3

- 9-104-74: A request for a change in zoning from R-8 Apartment to M-3 Industrial on property included a portion of the subject site. Board of Alderman approved February 18, 1976.

STAFF FINDINGS

The Detailed District Development Plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Historic Preservation (Urban Design) staff provided the following comment:

The property is located within the Phoenix Hill National Register District. The proposed development plan includes demolition of existing structures that will have an adverse effect on a contributing historic building in Phoenix Hill National Register District. Goal #4 under Community Form in the Cornerstone 2040 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition.

PVA lists the date of the warehouse/industrial building as 1977, but a portion of the building closest to the corner of Gray and Clay appears to date much earlier than that. If structures are over 50 years old and determined eligible for the National Register, as per Wrecking Ordinance Section 150.110, there will be a required 30-day hold on the issuance of the permit.

Since this site is proposed to be developed, Historic Preservation Staff is asking the developer to document any historic resources that are approved for demolition by preparing an Individual Historic Resource Survey Form (available from the Kentucky Heritage Council, the State Preservation Office) which includes photographs of all elevations and significant architectural features. Staff can provide a list of preservation professionals that would be qualified to do the type of documentation requested. All materials shall be submitted to Historic Preservation Staff.

Staff recommends new construction that is compatible with the size, scale, color, material and character of the surrounding properties and the neighborhood. Taking cues from the surrounding structures is a good way to ensure sensitive changes in the district.

There are also a collection of buildings located on 624 S. Shelby that appear they will need to be demolished for the new construction. These buildings are in the range of circa 1940 to 1960. If structures are over 50 years old and determined eligible for the National Register, as per Wrecking Ordinance Section 150.110, there may be a required 30-day hold on the issuance of the permit.

INTERESTED PARTY COMMENTS

Staff has not received any comments pertaining to this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- (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 and around the development and the community has been provided. Public Works and MSD have provided preliminary approvals.

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

STAFF: The proposed plan complies with Outdoor Amenity Area requirements.

- (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 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.

- (e) The compatibility of the overall site design (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 the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- (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 development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Development Plan**

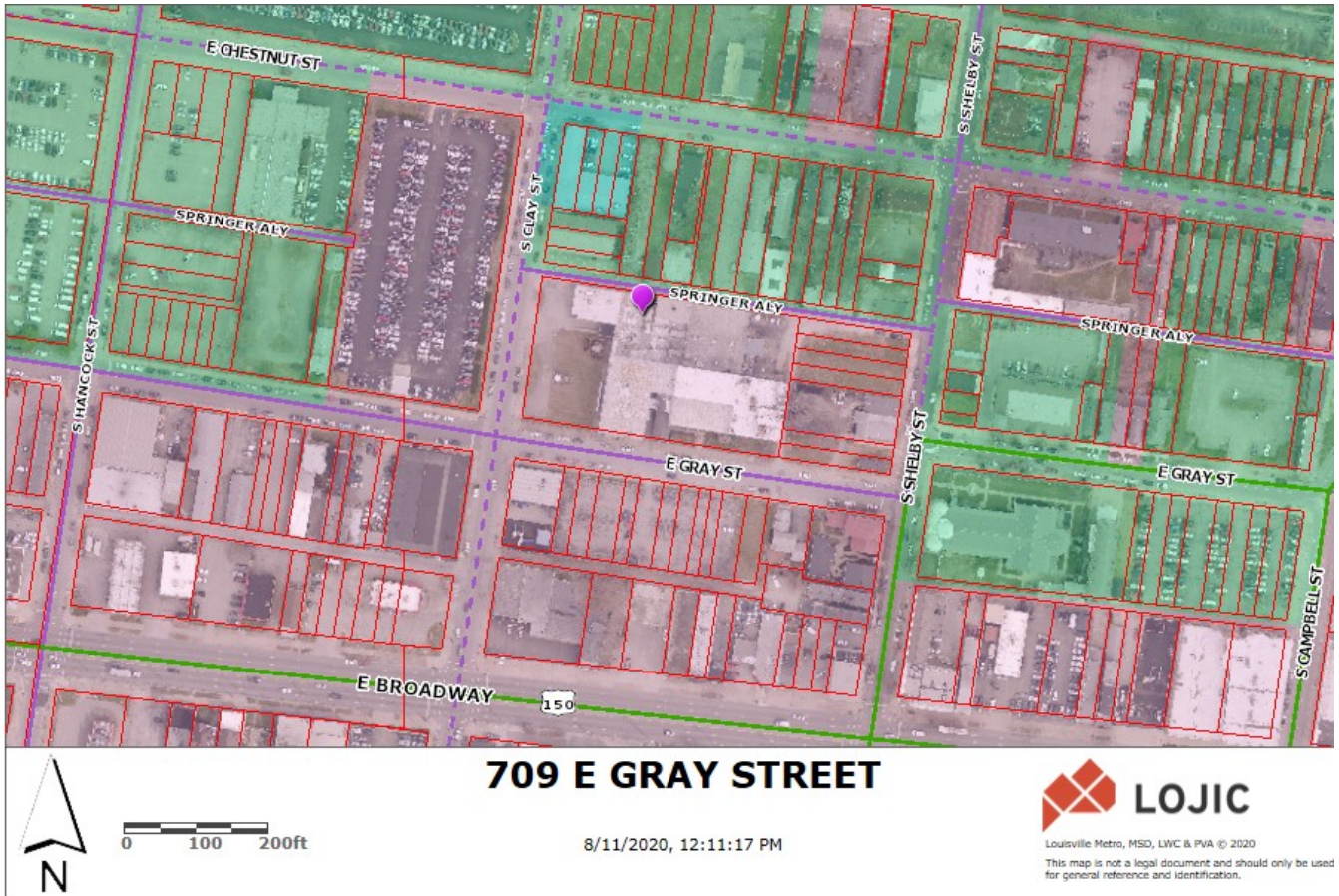
NOTIFICATION

Date	Purpose of Notice	Recipients
8-19-2020	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. General Plan Binding Elements
4. Proposed Site Plan Binding Elements

1. **Zoning Map**



2. Aerial Photograph



709 E GRAY STREET



8/11/2020, 12:16:59 PM



Louisville Metro, MSD, LWC & PVA © 2020
This map is not a legal document and should only be used for general reference and identification.

3. General Plan Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a) The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c) A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d) A road closure approval for the unnamed alley between Springer Alley and E Gray Street shall be approved prior to requesting a building permit.
5. 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.
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 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 7, 2019 Planning Commission meeting.

4. Proposed Site Plan Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 19, 2020 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.