

# Development Review Committee

## Staff Report

April 4, 2022



<b>Case No:</b>	22-DDP-0038
<b>Project Name:</b>	The National Society of the Sons of the American Revolution
<b>Location:</b>	803 W Main Street
<b>Owner(s):</b>	The National Society of the Sons of the American Revolution
<b>Applicant:</b>	Gregg Weaver, Archon Design & Construction
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Molly Clark, Planner I

### REQUEST(S)

- **Revised Detailed District Development Plan with Amendment of Binding Elements.**

### CASE SUMMARY/BACKGROUND

The subject site was rezoned to C-3 from M-2 under docket 11047 for the Center for Advancing Americas Heritage and for the national headquarters for The Sons of the American Revolution. According to the file, the roof top above the 2<sup>nd</sup> floor was always intended to be used as a roof top terrace. The property owners are proposing to build this terrace and want to remove the binding element regarding outdoor music/entertainment/PA system so they can hold events on the terrace. The roof top terrace was proposed in the original rezoning.

### STAFF FINDING

The request is adequately justified and meets the standard of review. The previously approved plan had shown a roof top terrace being built and not allowing outdoor music/entertainment/PA system on the subject site would be an unreasonable burden.

### TECHNICAL REVIEW

There are no technical issues with this request. No changes are being made to the site except for the addition of the roof top terrace above the second floor in the rear of the property.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN AND 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: This proposal does not alter any natural resources.

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

STAFF: Vehicular and pedestrian transportation are not being impacted by this request.

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

STAFF: There are no open space requirements associated with this request.

- 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: Adequate drainage facilities are being provided per MSD requirements and the most recent approved development plan.

- 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 site meets all required setback regulations, and there are no new landscaping requirements triggered as part of this proposal.

- 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 conforms to the Comprehensive Plan and the Land Development Code.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the Revised Detailed District Development Plan with Amendment to Binding Elements.

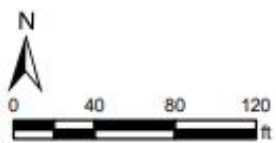
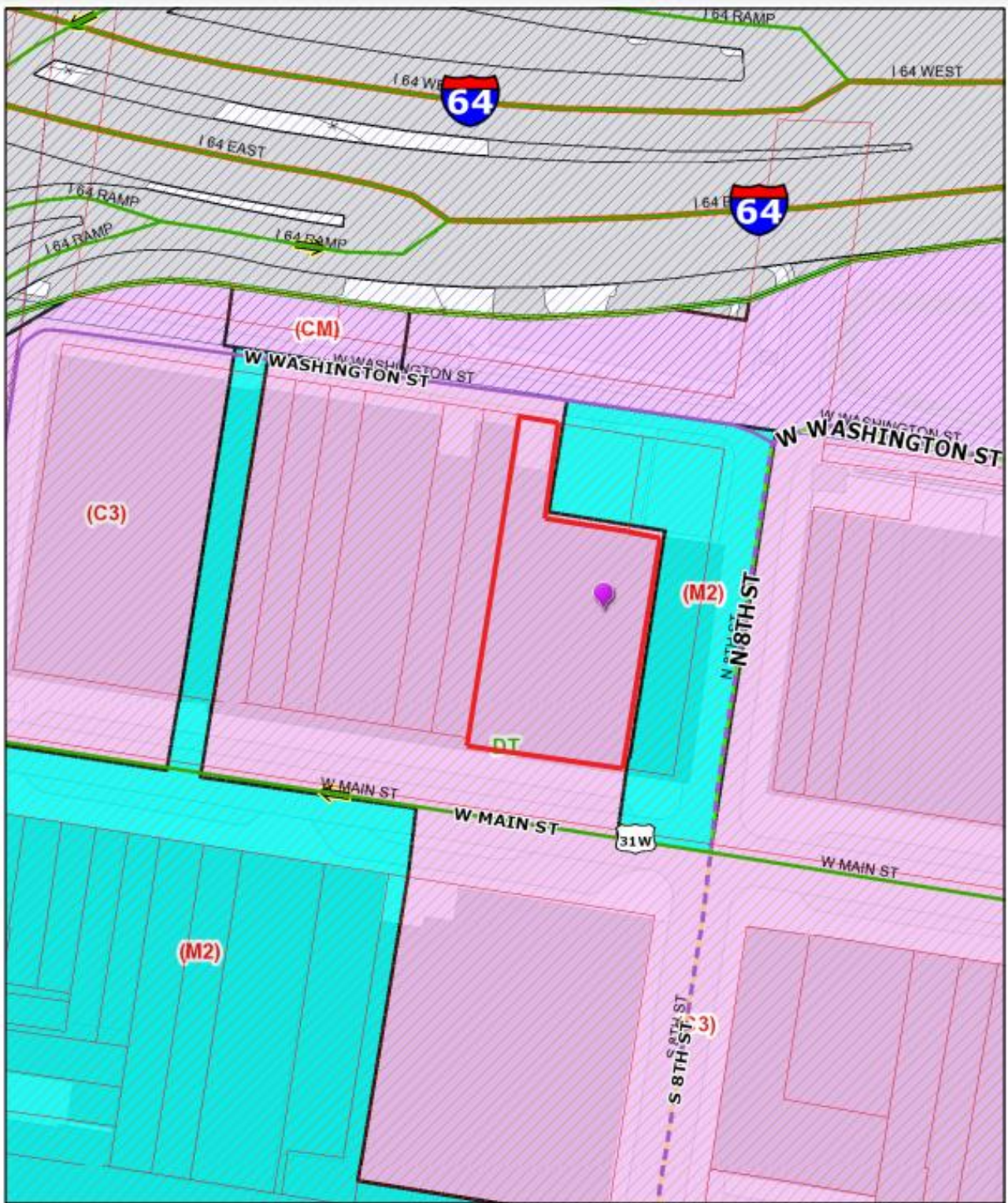
**NOTIFICATION**

Date	Purpose of Notice	Recipients
3-25-22	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



Friday, March 11, 2022 | 8:04:49 AM

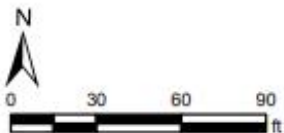


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2. Aerial Photograph



Friday, March 11, 2022 | 8:03:22 AM



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3. **Existing Binding Elements with proposed changes**

1. The development shall be in accordance with the approved detailed 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. Use of the subject site shall be limited to all uses permitted in the (C-3) Zoning District. There shall be no other use of the property unless prior approval is obtained from the LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The LD&T Committee may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 41,205 square feet of gross floor area of the building.
4. Signs shall be in accordance with Chapter 8 of the LDC and the Overlay Permit No. 11316-WMS.
- ~~5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
6. The access to the site shall be provided from the existing curb cut on Washington Street as shown on the development plan.
7. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed **plan for landscaping/streetscape 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.
  - d. If applicable: 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 audible beyond the property line or 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.

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 7, 2009 Planning Commission meeting.

12. The façade elevations shall be in accordance with applicable form district standards and as approved by DDRO Overlay Permit (COA Case No. 11361-WMS).

13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that **the lighting** of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

14. The development shall be in conformance with the conditions of the approved DDRO Overlay Permit/COA Case No. 11361-WMS.

#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved detailed 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. Use of the subject site shall be limited to all uses permitted in the (C-3) Zoning District. There shall be no other use of the property unless prior approval is obtained from the LD&T Committee. Notice of a request to amend this binding element shall be given in

accordance with the Planning Commission's policies and procedures. The LD&T Committee may require a public hearing on the request to amend this binding element.

3. The development shall not exceed 41,205 square feet of gross floor area of the building.
4. Signs shall be in accordance with Chapter 8 of the LDC and the Overlay Permit No. 11316-WMS.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. The access to the site shall be provided from the existing curb cut on Washington Street as shown on the development plan.
7. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed **plan for landscaping/streetscape 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.
  - d. If applicable: 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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. 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.



10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 7, 2009 Planning Commission meeting.
11. The façade elevations shall be in accordance with applicable form district standards and as approved by DDRO Overlay Permit (COA Case No. 11361-WMS).
12. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that **the lighting** of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
13. The development shall be in conformance with the conditions of the approved DDRO Overlay Permit/COA Case No. 11361-WMS.