



Bardstown Rd/Baxter Ave Review Overlay District (BROD)

Report of the Committee/Overlay Permit

To: Charles Podgursky, CRP & Associates, Inc.
Thru: Joseph Haberman, AICP, Urban Design Administrator
From: Kat Groskreutz, Planning & Design Coordinator
Date: November 29, 2022

Case No: 22-OVERLAY-0021
Classification: Non-Expedited
Meeting Date: November 29, 2022

GENERAL INFORMATION:

Property Address: 1331 Bardstown Rd.
Applicant: Charles Podgursky, CRP & Associates, Inc.
Property Owner: Robert Brush, BFG Revocable Land Trust
Project Cost: Approximately \$200,000

Description of Proposed Exterior Alteration:

The applicant is requesting an Overlay Permit to redevelop the subject property with the addition of a full second story over the existing structure, and a one-story addition with a roof top terrace on the front.

The second story addition will add a full second story to the existing structure that will be approximately 106'-5" D and range between 11' to 30' W as it follows the existing footprint. Living space with 9' interior ceilings is proposed for the second floor. It will have a front facing gable roof with asphalt shingles, a double-gang window in the front gable, and be a total of 32'-4" high at the peak. The addition cladding will be mostly brick with fiber cement siding detailing in the front and rear gables and fiber cement trim boards. The windows for the second-floor addition are not yet finalized but are proposed to be a single or double hung, vinyl product.

The front, one-story addition will be 23' W x 18'-8" D x 14'-9" H. The existing front façade of the building will be completely removed for this addition. The new addition will have a 42" glass panel railing along the roof line to create an outdoor porch for the second floor, accessible through two front facing French doors. The storefront glass will be aluminum storefront systems with four windows with transoms on the southeast side, four double door systems with transoms facing the front that will open to interior dining, and two single or double hung windows on the northwest side. Brick cladding will be used above the transoms and on the northwest side.

With the proposed scope of work, the roof and front façade of the existing building will be removed and the altered front will be screened from view by the addition. The sides and rear will be heavily modified. As such, the building will effectively present as a new building.

Communications with Applicant, Completion of Application:

The applicant submitted the Overlay Permit application on July 11, 2022. The application was determined to be substantially complete and classified as requiring a non-expedited review by the Urban Design Administrator on July 18, 2022. Staff met with the applicant on August 23 and October 9, 2022 to discuss the project and work through revision options. Final revised elevations, architectural renderings, and site plans were submitted on November 9, 13, and 14, 2022.

The application was reviewed by the Committee at 8:30 AM on November 29, 2022 in the Old Jail Auditorium at 514 W. Liberty St. Committee members in attendance were Chair Ken Baker, Ashley Bartley, Clark Cox II, Nick Morris, and Emily Paprocki. Those members not in attendance were Di Tran and Christopher Fuller. Staff members in attendance were case manager Kat Groskreutz and Urban Design Administrator Joe Haberman.

After the Committee came to order, Kat Groskreutz presented the case and explained why staff supported the proposed front setback in this specific instance given the historic setback context of this and surrounding building. Charles Podgursky (7321 New LaGrange Rd.) spoke about the proposal on behalf of the applicant. The applicant Robert Brugh (207 Old Harrod Creek Rd.) was also present to answer questions. The Committee asked questions regarding the front setback and why staff did not support it being built to the street. They also discussed the proposed uses of the first and second floor. They suggested fencing or landscaping along the front parcel line to define the street wall. There were questions and discussion regarding possible future plans for a front patio area.

The hearing was opened to public comment. Ms. Groskreutz stated that she had received one comment that had been forwarded to the Committee prior to the hearing. Deborah Harlan (1347 West Chester Ave.) had neutral comments regarding the project. Public comment was closed and the Committee went into deliberations. The setback, types of windows, and use of the second floor was discussed. The Committee stated they generally agreed with the context of the front setback in this instance, that it was a good renovation of a previously underutilized site, and that details regarding landscaping and fencing along the street could come back to staff for final review.

Deliberation was closed and Mr. Morris made a motion to approve the application and to accept the staff report as the report of the Committee with the recommended conditions of approval as outlined in the report. The motion was seconded by Mr. Clark, and passed with unanimous ayes (Baker, Bartley, Cox II, Morris, and Paprocki).

The proposed development requires an LDC Waiver approval (Case #22-WAIVER-0114) regarding the amount of tree canopy that would be provided, which has not yet been docketed for review by the Development Review Committee.

FINDINGS

Guidelines

The following Principles and Design Guidelines are applicable to the proposal: **4 – Building; 6 – Site Planning, Parking; and 7- Historic Preservation.** Staff's findings of fact and conclusions with respect to the Guidelines are attached to this report.

Site Context

The subject property is located on the northeast side of Bardstown Road, five parcels northwest of the intersection with Cherokee Parkway. The site is zoned C2 and within the Traditional Marketplace Corridor (TMC) form district. The primary structure is a 1.5 story, early 20th century residential structure that has been used for commercial purposes for a number of years. The front façade has been altered to include large storefront window systems where a smaller window and main entry were once located. Vertical siding has been added below the eaves to the top of the windows. An inset entry is located to the southeast corner. The steeply pitched hip roof contains a front facing attic gable that still retains a decorative scallop detail over a double casement 6-lite window. Three side facing gables are visible from the street. On the rear there is a circa 1957 one-story, CMU block addition and a surface parking lot

The site is surrounded by a mix of historic residential-turned-commercial, 2.5 story structures immediately adjacent to the east and west. A mix of historic and more modern infill, 1- to 2.5-story commercial structures are located southwest across Bardstown Road. The site is bordered to the northeast by historic, 2.5- to 3-story single and multi-residential homes and apartments with several carriage houses along the alleyway.

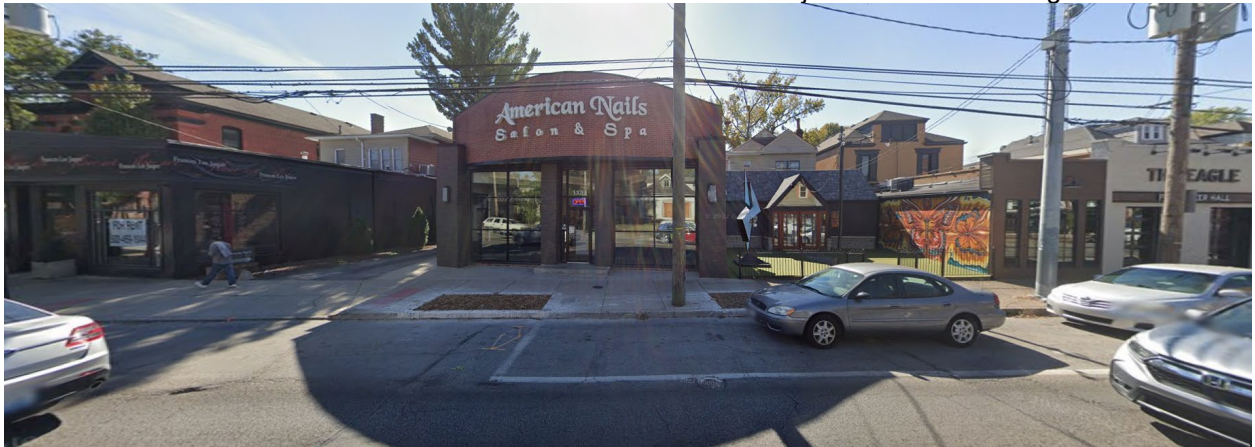
Existing Conditions



1331 Bardstown Rd. - Google October 2022



1331 Bardstown Rd. Adjacent Context - Google October 2022



Southwest Side of Bardstown Rd. Context – Google October 2022



1331 Bardstown Rd. Rear - Google May 2019



1331 Bardstown Rd. Rear - Google May 2019



1331 Bardstown Rd. Rear, Adjacent Context - Google May 2019



1331 Bardstown Rd. Rear, Alley Context - Google May 2019



1331 Bardstown Rd., Past Context – PVA 1999

CONCLUSIONS

The proposed addition is similar in height, scale, and massing to the adjacent buildings. The design has taken cues from the surrounding structures and incorporates some nods to historic detailing, such as the smaller gable eave windows. The design is not faux historic and contains modern elements like the large storefront glass addition on the front with glass railing on its roof terrace. The setback of the front glass enclosure falls between the setbacks of the two adjacent structures' front facades to help maintain the established street wall and open front yard like many other properties on the block. 1329 Bardstown Road to the northwest has a similar glass enclosure on the front, although it was accomplished by enclosing an existing front porch rather than by an addition.

The additions do hide the existing contributing structure in its entirety from the front, and no portions of the original structure would be visible from the street after the additions. The entire front façade of the building and its roof will be removed for these additions. Principle 7 (A) states, "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 U.S. Secretary of the Interior, but the Planning and Design Director or Committee may relax these standards in the interest of accomplishing the intentions of the guidelines." The existing building is considered contributing, but its front façade has been significantly altered. While minimal changes could potentially restore the front to a similar historic feel of the original structure, they have not occurred and are not proposed here.

No landscape plan has been provided and outdoor seating is not being proposed at this time. The Committee recommends landscaping or fencing that meets the applicable guidelines be installed along front property line to help maintain the street wall and pedestrian interaction along the Corridor. Any future proposal for outdoor seating would require a separate Overlay approval with a site plan for staff to determine what level of review would be required.

Overall, the Committee finds the proposal fits within the adjacent context of the site and has the potential to bring increased vitality and development to a somewhat underutilized site within the corridor.

RECOMMENDATION

The proposed additions generally comply with the applicable Design Guidelines for the BROD and meets the overall intent of the District.

Considering the information furnished, the BROD Overlay Committee **approves** the application for an Overlay Permit **with the following conditions**:

- 1. All storefront windows and doors at ground level that are visible from Bardstown Road shall have clear glass or light window tinting.**
- 2. Prior to the issuance of a building permit for the new building, finalized window and door product information and lighting plans shall be submitted to Planning and Design Services staff for final review and approval.**
- 3. If outdoor seating and/or landscaping is proposed in the future, it shall be reviewed separately as part of a subsequent overlay permit.**

4. If the design or materials change at any stage of the construction process, the applicant shall contact staff for review and approval prior to construction/installation. An additional overlay permit may be required.
5. Signage was not reviewed under this application. Signage shall be reviewed separately as part of subsequent sign and overlay permits.

4 Building

Checklist

Existing structures along the Bardstown Road/Baxter Avenue Corridor are encouraged to be renovated and reused. The Overlay Staff can assist a licensed architect or design professional to develop designs that adaptively reuse these structures to meet the needs of new businesses and services. The Overlay Staff will also assist the applicant through the review and approval process.

- + Meets Guidelines NA Not applicable
- Does not meet Guidelines TBD To be determined; insufficient Information
- +/- Meets Guidelines with conditions as noted

Guideline	Finding	Comment
A Existing structures along the Corridor are encouraged to be renovated and reused. The Overlay Staff can assist a licensed architect or design professional to develop designs that adaptively reuse these structures to meet the needs of new businesses and services. The Overlay Staff will also assist the applicant through the review and approval process.	+	While the remaining portions would not be visible from the corridor, a majority of existing building is to be reused to better meet the needs of a modern business.
B Buildings should be "pedestrian- friendly". Design building facade elements that promote a pedestrian-friendly environment include building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, and lighting.	+	Front addition will have large storefront windows at ground level; porch/terrace space for activity above
C 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.	NSI	See conditions of approval
D New structures should be located at the front 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.	+/-	The existing building and surrounding context has facades set back from the street; the front addition falls between these established setbacks
E 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.	+	Brick, fiber cement siding, metal window systems; contains historically appropriate architectural details
F 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 the increased height is not intrusive towards adjacent structures.	NA	
G A visual terminus, such as a cornice at the top of a wall helps articulate the architecture, and gives it a completed finished look.	+	Cornice line similar to surrounding structures
H Roof forms that are inconsistent with the character of the Corridor include single pitch (shed) roofs, curving roofs. Flat roof forms with parapets are well-suited to the character and image of the Corridor.	+	Front facing gable roof form
I Outdoor eating or temporary seating located within public sidewalk areas must receive staff approval prior to installation. A 4' wide pedestrian zone is required in the public "right-of-way" sidewalk area.	NA	
J 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.	+	Located on the second floor behind an exterior bay – not visible from the street and partially screened from the adjacent neighbor with wrought iron railing
K Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building's primary street facing façade.	NA	

6 Site Planning, Parking

Checklist

Site planning is an important part of any project. Your site should incorporate attractive and maintainable landscaping to enhance the hardscape of the building. Plants can be used in minimizing the visual impact of parking lot and service areas along BROD.

- + Meets Guidelines NA Not applicable
- Does not meet Guidelines TBD To be determined; insufficient Information
- +/- Meets Guidelines with conditions as noted

Guideline	Finding	Comment
A 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.	+	Access from alley
B Combining existing, small, under-utilized lots to create shared parking areas that are more efficient and more accessible is strongly encouraged.	NA	
C Parking areas and drive-thru's should be located to the side or rear of structures.	+	Parking will remain in rear
D 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 principal 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	
E 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 parking lot. This height will enable drivers of vehicles to safely see and avoid other pedestrians and vehicles while screening most of the parked vehicles' mass.	NA	
F New development projects should provide adequate and significant screening to adjacent residential structures. Opaque landscape buffers and other forms of screening shall be used to minimize noise and lighting impact.	NA	
G Intensity, location, color, and direction of outdoor lighting shall be sensitive to nearby residential areas.	NSI	See conditions of approval
H Fencing and screening shall be constructed of materials compatible with the principal structure.	NA	No fencing or screening proposed
I Chain link fencing must not be visible from Bardstown Road/Baxter Avenue.	NA	
J 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	No curb cuts currently or proposed
K 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.	+	The outdoor terrace space is above the front addition. No significant changes are proposed to the grassy open space that will remain in front of the front addition at this time.
L Minimum 4'-0" wide landscape buffer area 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 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 landscape buffer area. Landscape buffer plantings shall be installed prior to occupancy or use of the patio, plaza, or outdoor space.	NA	

M	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 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 (at time of planting). Replacement tree(s) shall be planted within three months of the tree(s) removal or during the next planting season, whichever comes first.	NA	No trees currently located on the property
N	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 floors of buildings that are cantilevered or bracketed, scaled to match the building's façade, and utilize contextual materials are appropriate.	NA/+	While the upper deck is not cantilevered, the glass railing is an appropriate material to lighten the visual weight and allow the building to be seen

7 Historic Preservation

Checklist

Historic buildings (65 years of age or older) help to anchor the District to our community's history. Buildings can serve as reminders to future generations how Louisville's citizens lived and worked in the past while serving business and residential requirements today through adaptive reuse. These buildings can serve as future adaptive reuse opportunities. Contributing historical structures are structures that have unique designs, are constructed with unusual materials, or served the public in a manner that was important to the local area. Such structures also add character to the pattern of established development in the Corridor. Given the significant role of historic structures in the Corridor, demolition of any structure will entail stringent review.

- + Meets Guidelines NA Not applicable
- Does not meet Guidelines TBD To be determined; insufficient Information
- +/- Meets Guidelines with conditions as noted

Guideline	Finding	Comment
A 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 U.S. Secretary of the Interior, but the Planning and Design Director or Committee may relax these standards in the interest of accomplishing the intentions of the guidelines	+/-	Existing building is contributing, but could be considered significantly altered; SOI standards call for no full story additions or additions on primary facades
B 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.	+	Remodeled; compatible with adjacent contributing structures
C 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: 1) 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 2) That the applicant cannot obtain a reasonable economic return from the property or structure unless the contributing historical structure or structure constructed within the fast 65 years is demolished in accordance with the application.	NA	