

Development Review Committee

Staff Report

November 17, 2021



Case No:	21-DDP-0091
Project Name:	Bourbon House 3
Location:	2076 S Shelby Street
Owner(s):	Anthony & Debra Seadler
Applicant:	Steve Smith Homes
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Waiver** of Table 10.2.6 to permit encroachment into the required Vehicular Use Area Landscape Buffer Area (VUA LBA) (21-WAIVER-0151)
- **Revised Detailed District Development Plan** and revised Binding Elements

CASE SUMMARY

The subject site is located at the intersection of S Shelby Street and Lynn Street and consists of one undeveloped parcel. The applicant proposes to construct a new mixed-use building with 350 square feet of office space and a 4-bedroom short-term rental unit. The property is currently zoned OR-3 and is located in the Traditional Neighborhood Form District.

STAFF FINDING

The waiver is adequately justified and meets the standard of review. The RDDDP is adequately justified and meets the standard of review.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal. The site was rezoned in 1982 under docket 9-86-81 from R-5 Residential to R-9 Apartment (currently OR-3) to permit an office use of the structure on the adjoining parcel at 2074 S Shelby Street. This structure remains in office use today. The subject site was undeveloped at the time of the rezoning and remains undeveloped.

In 1984, the binding elements were amended by Land Development and Transportation to permit a freestanding building identification sign on the adjacent property.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver would not adversely affect adjacent property owners, as no planting waiver is being requested.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the Comprehensive Plan as the required plantings will be provided as no planting waiver is being requested.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as there is no way to fit in the required parking without the encroachment.

- d. Either: 1. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); or 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the required disabled parking space would not otherwise be able to be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 natural resources on the site. No historic assets are evident on the 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. Louisville Metro Public Works has provided preliminary approval of the plan.

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

STAFF: No open space provisions are relevant to the proposal.

- 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. The scale of the proposed structure is similar to the scale of adjacent structures and the existing structure on the site. The proposed use would be compatible with the existing development along S Shelby Street.

- 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, with the exception of a requested waiver.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** and revised Binding Elements

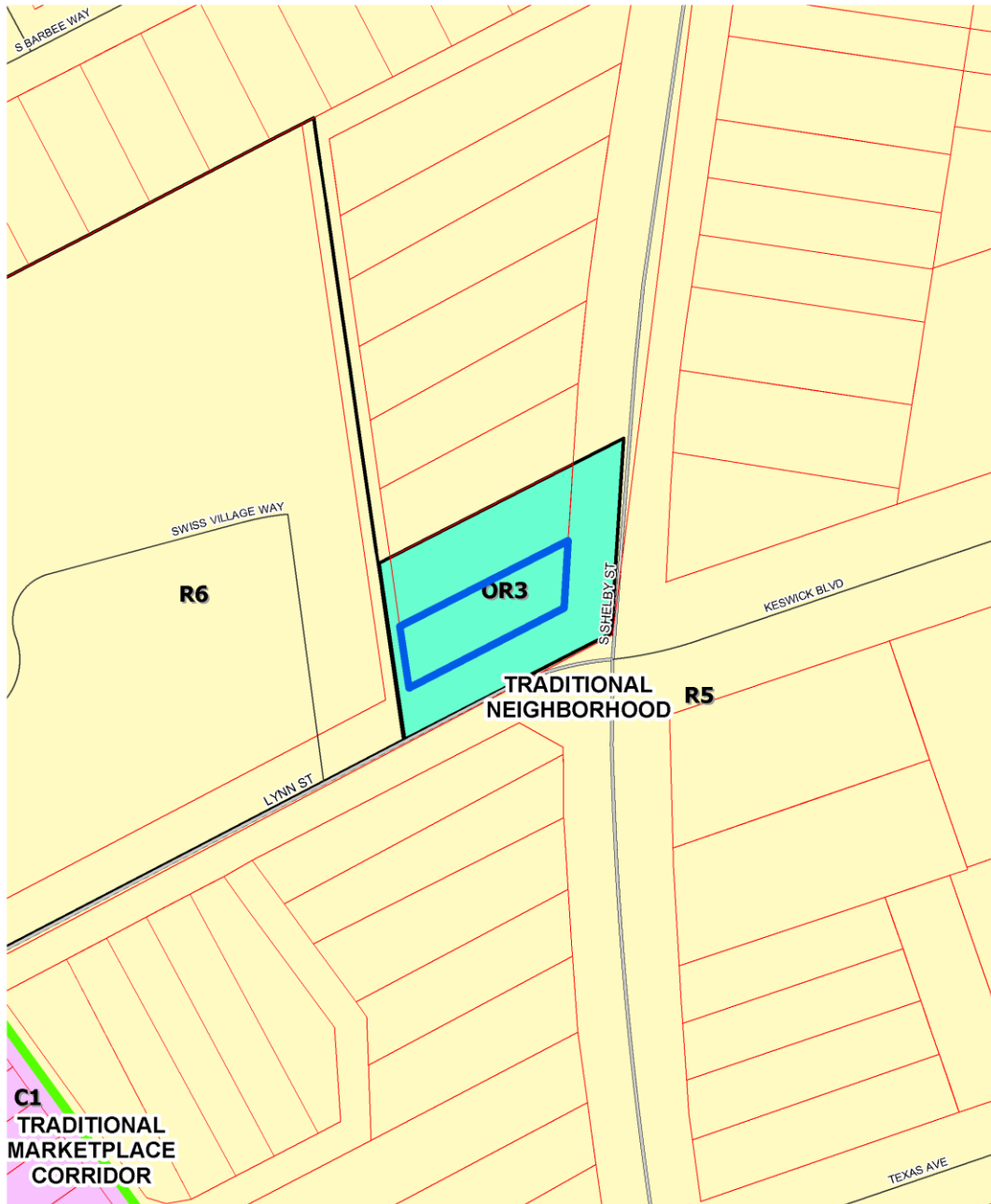
NOTIFICATION

Date	Purpose of Notice	Recipients
11/04/2021	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 15&10

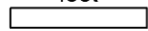
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (to be replaced on subject site only)
4. Proposed Binding Elements

1. Zoning Map



2076 S Shelby Street
feet

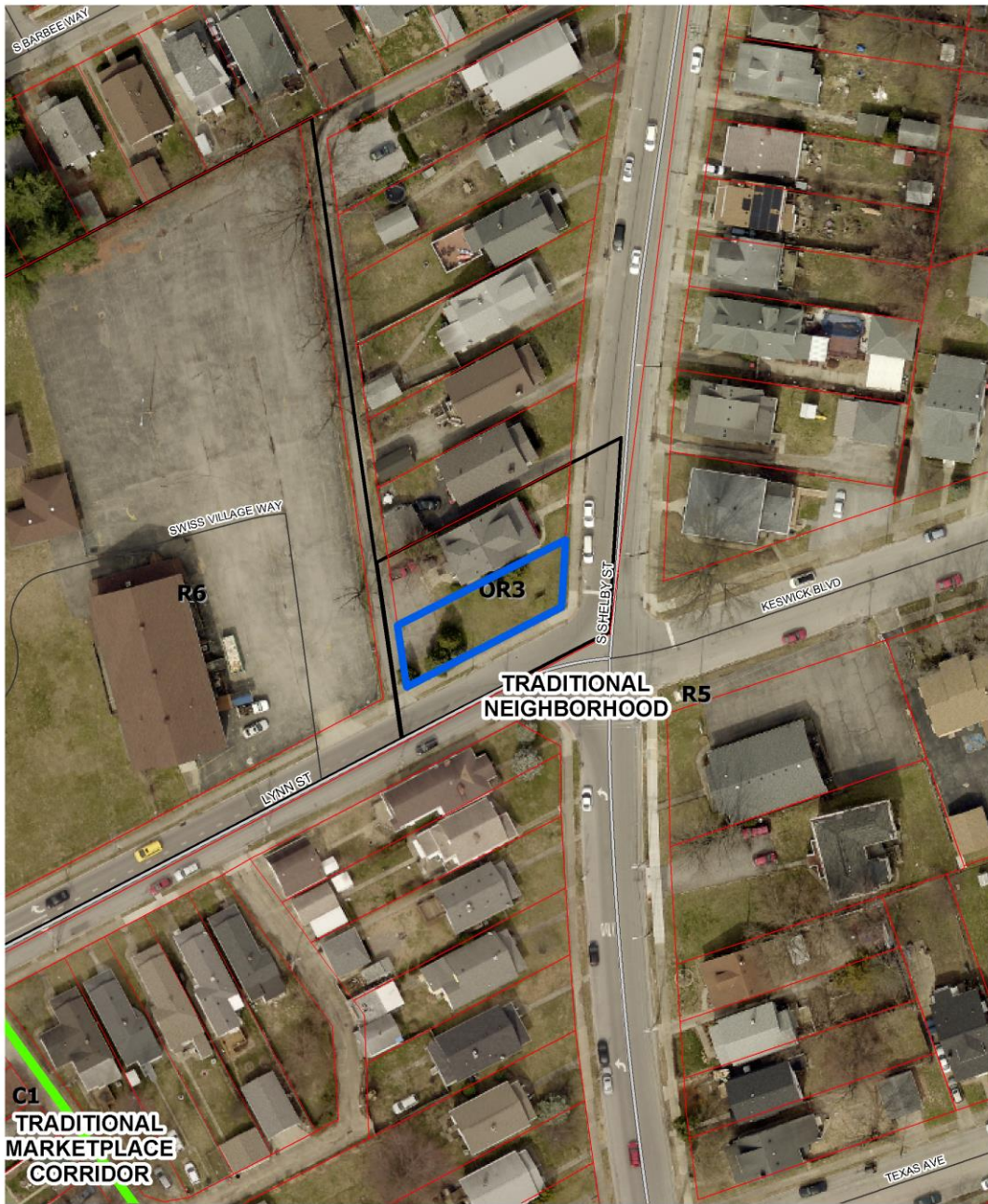


75
Map Created: 11/8/2021

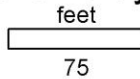


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2. Aerial Photograph



2076 S Shelby Street



Map Created: 11/8/2021



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3. Existing Binding Elements (to be replaced on subject site only)

1. There will be no further development of the site unless a revised district development plan is approved by the Planning Commission.
2. ~~There will be no business identification signs on the property.~~ The property may be occupied by one, freestanding, building identification sign. No business identification signs shall be permitted. The sign may not be located in any required yard and shall not exceed 16 square feet in area. Proper sign permits shall be obtained.
3. Before a certificate of occupancy is issued the developer shall obtain construction approval of the Plan from the Water Management Section of the Jefferson County Department of Public Works and Transportation and the City of Louisville Department of Traffic Engineering and Public Works Department.
4. Unless use in accordance with the approved plan and binding elements has been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of a structure or land for the proposed use. All binding elements must be implemented prior to issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

4. Proposed 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 Louisville Metro Public Works, the Metropolitan Sewer District and Construction Review.
 - 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 17, 2021 Development Review Committee meeting.
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.
 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.