

**Louisville Metro Board of Zoning Adjustment
Staff Report**
August 15, 2016



Case No:	16DEVPLAN1125
Request:	Category 3 Review/Variations
Project Name:	Building Two
Location:	350 East Market Street
Owner:	University of Louisville Real Estate Foundation, Inc.
Applicant:	NTS Realty Holdings LP
Representative:	Glenn Price
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Brian Davis, AICP, Planning Manager

This item was continued from the August 1, 2016 hearing.

REQUESTS

Category 3 Review and variances requested from Section 5.2.1, C.6. to increase the maximum building along the Market Street and Preston Street property lines.

Location	Requirement	Requested	Variance
Market Street	0 feet	26 feet	26 feet
Preston Street	0 feet	32 feet	32 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

A proposed eleven, (11) story, 325,497 square foot mixed use building, is proposed at the subject site with an outdoor dining area at the corner of East Market Street and South Preston Street. This will be Building 2 of the JD Nichols Campus for Innovation and Entrepreneurship. The site elevation is higher at this corner allowing the outdoor dining area to be elevated from the sidewalk. The outdoor dining area does not create any sight distance concern.

On July 20, 2016, the proposal was presented to the Downtown Development Review Overlay District committee. The item was continued so details of the site plan could be coordinated with Public Works and Transportation Planning in regards to the drop off /valet area. This concern has been accomplished. The elevated outdoor dining area will have pedestrian access.

Staff anticipates the Downtown Development Review Overlay committee to find the building design and streetscape to be appropriate at its meeting on August 17, 2016.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Surface Parking	(C-3)	Downtown
Proposed	Mixed Use Building	(C-3)	Downtown
Surrounding Properties			
North	Hotel	(C-3)	Downtown
South	Parking Garage	(C-3)	Downtown
East	Retail, (shoe store)	(C-2)	Downtown
West	JD Nichols Building #1	(C-3)	Downtown

PREVIOUS/ADDITIONAL CASES ON SITE

None.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1:

Variance requested from Section 5.2.1, C.6 to increase the maximum building setback of **0 feet to approximately 26 feet at the furthest point along the Market Street property line.**

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2:

Variance requested from Section 5.2.1, C. 6 to increase the maximum building setback of **0 feet to approximately 32 feet at the furthest point along the Preston Street property line.**

(a) The requested variances will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare because the proposed additional setback will allow for the proposed outdoor dining area to take advantage of being at this particular corner and not creating a sight distance concern.

(b) The requested variances will not alter the essential character of the general vicinity.

STAFF: The requested variances will not alter the essential character of the general vicinity because the proposed development will be compatible with the nearby building on the same block to the west.

(c) The requested variances will not cause a hazard or nuisance to the public.

STAFF: The requested variances will not cause a hazard or nuisance to the public because the additional setback will allow for the outdoor dining area to be located at this corner and continue to have pedestrian access along the sidewalk.

(d) The requested variances will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations because the overall design criteria for this particular section of downtown is still maintained.

ADDITIONAL CONSIDERATIONS:

1. The requested variances arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: This particular corner is best suited for an outdoor dining area due to the elevation and the geographical placement.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because this would not allow the extension of the outdoor dining area.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The applicant is proposing to develop the site, construction has not yet started.

TECHNICAL REVIEW

- Public Works and Transportation Planning to coordinate with applicant in regards to the drop off/valet area-----**has been done.**

STAFF CONCLUSIONS

The Category 3 Development Plan Review appears to be justified and meets the standard of review based on staff analysis.

The standards of review have been met for the requested variances. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustments must determine if the proposal meets the standards for approving the variances and the Category 3 Review.

NOTIFICATION

Date	Purpose of Notice	Recipients
7/14/2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
7/15/2016	Sign Posting	General Area

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph



