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## Downtown Development Review Overlay (DDRO) District

# MEMORANDUM

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To: Downtown Development Review Overlay District Committee  
From: Kat Groskreutz, Planning & Design Coordinator  
Thru: Joseph Haberman, AICP, Urban Design Administrator  
Date: April 28, 2023

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**Case No:** 22-OVERLAY-0015

**Property Address:** 738 S. 4<sup>TH</sup> Street  
717 S. 5<sup>th</sup> Street – formerly Brown Bros. Cadillac

### Case History

The DDRO Committee met on September 28, 2022 to review case 22-OVERLAY-0015, which was for the demolition of the existing buildings and construction of a new building. Members present were Committee Chair Monica Brown, Emily Liu, Ashlyn Ackerman, Marlene Men, Kelli Jones, Jim Tutt, and George Timmering. After the staff report presentation, applicant presentation, and public testimony, the Committee accepted the staff report as the report of the Committee and approved the request for demolition and new construction with conditions.

A condition of approval for demolition was as follows:

- 1. A wrecking permit shall not be applied for until construction permits for the new construction are ready to be issued. This site would qualify for a 30-day hold per LMCO 150.110.**

At the hearing, the applicant did not contest this condition of approval.

### Condition of Approval Removal Request Summary

On April 21, 2023, Clifford Ashburner, attorney representative for the property owner, submitted a request for the previously approved condition of approval be removed from the Overlay Permit regarding the demolition approval (see attached).

Staff has recommended this condition of approval to demolition requests due to multiple previous sites having buildings demolished in advance of projects that were ultimately not completed. Such instances include, but are not limited to:

- 700 E. Main St - “Service Tanks” site in NuLu where multiple contributing signs have now been misplaced or lost after the previous warehouse buildings were demolished by the past owner, and the approved plan not constructed.
- 133 W. Market St. – a previous row of three structures, built to the corner and street face, were demolished then left vacant by the previous owner.
- 418 E. Main St. - a large historic building was demolished in the mid-2000s for a new apartment building but abandoned after demolition. It has been a surface parking lot since.

Concerned about the establishment of a vacant lot and loss of a historic building without replacement, staff only recommends removal of this condition if the applicant/developer can provide assurances that the project will move forward in a timely manner after demolition. Absent of such assurances, staff recommends the condition of approval for demolition remain as written to help prevent loss of street wall, contributing structures or features to the District, and avoid the potential for long standing vacant lots.



*Legal Counsel.*

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April 21, 2023

Savannah Darr  
Historic Preservation Officer  
444 South Fifth Street, Suite 300  
Louisville, KY 40202

Dear Savannah:

I am writing on behalf of LDG Multifamily, LLC, the applicant under a recently approved Overlay Permit for the former Brown Brothers Cadillac property at 4<sup>th</sup> and York Streets in Case #22-OVERLAY-0015. LDG has been working diligently to activate the property, including purchasing the property, creating financing vehicles to allow for construction, and engaging design professionals for the renovation of the building to be preserved. However, LDG has found that the vacant automobile service buildings, shown as “to be removed” on its approved plans, have become a detriment to the property and the area. They have attracted graffiti and are the subject of repeated (sometimes successful) break-in attempts. In response to these issues, LDG has erected security fencing and placed a security system on the property. In spite of these extraordinary measures, the break-ins and vandalism continue to occur.

LDG requests that the Committee approve the demolition of the automobile service buildings without the requirement that building permits have been issued for the construction of the new building. The existing service buildings do not contribute to the SoBro neighborhood and their removal will allow the site to be secured more effectively while the remaining steps toward vertical construction are undertaken.

Sincerely,

Clifford H. Ashburner

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