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## NuLu Review Overlay District

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### Report to the Committee

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Thru: Joseph Haberman, AICP, Urban Design Administrator  
From: Kat Groskreutz, Planning & Design Coordinator  
Date: September 14, 2023

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**Case No:** 23-OVERLAY-0012  
**Classification:** Non-Expedited  
**Meeting Date:** September 20, 2023

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#### GENERAL INFORMATION:

**Property Address:** 615 & 625 E. Market Street

**Applicant:** Cliff Ashburner, Dinsmore & Shohl, LLP

**Property Owner:** 615 E Market LLC

#### Description of Proposed Exterior Alteration:

The applicant requests approval for the development of the project site (0.99 acres), which contains two parcels between E. Market Street and Billy Goat Strut Alley. The proposed project consists of the renovation of the existing structure located at 615 E. Market Street (the former Joe Ley building) and the addition of a 7-story hotel with a ground floor restaurant, outdoor seating, an event lawn, a valet parking area with along E. Market Street, streetscape improvements, and a ground level pool to the front with fencing two building accessory to the pool. The total building area will be approximately 110,904 square feet between the existing building and addition, with a maximum height of 78'-8" at the parapet and 91' at the top of the mechanical screening wall.

**Joe Ley Building:** The renovation proposes no significant changes to the existing exterior of the building except the construction of a brick, 1.5-story hyphen between the east rear side of the Joe Ley building and the middle of the new addition, which will be located to the north and east of the building, with a proposed outdoor seating space between the sides of the building and new addition. New double-hung windows with simulated divided lites, asphalt shingles, and cleaning/tuckpointing of the brick is proposed. The building will be repurposed as the main check-in lobby for the site and restaurant and hotel space.

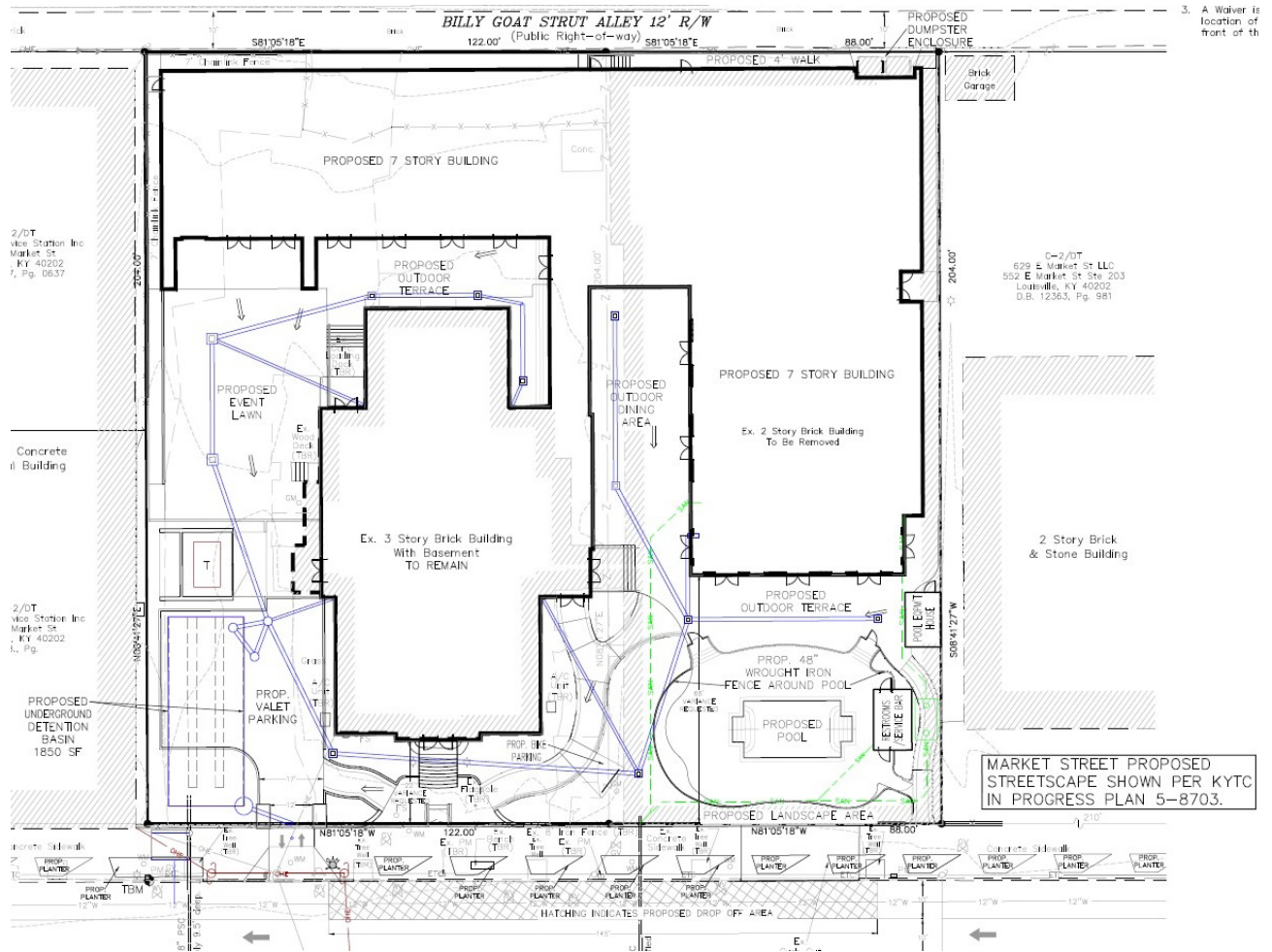
**New Building:** The new building, which is a form of addition in that it will be connected to the Joe Ley building, will be located to site behind and to the east side of the Joe Ley building to give the historic structure visual prominence. The first (ground) floor of the addition is designed to accommodate private event space and retail/restaurant space, with the upper floors as hotel rooms. The south end of the east wing will have a 1-story

projection with roof top, outdoor terrace with metal railing above. Arched door and window hood details along the ground floor and multiple brick course bands are proposed to tie in design elements of the Joe Ley building. A 24" limestone base with brick veneer above is proposed for the majority of the cladding. Narrow EIFS sections will be located on the east and west sides. The rear facing the alley will have EIFS panels on the upper stories with a brick veneer ground floor and outline up the sides. A stainless-steel plant support cable system is proposed for a solid wall section of the back south façade, to the east of the Joe Ley building.

**Site/Streetscape:** A new curb cut is proposed to the west of the Joe Ley building to access a valet parking area. A CMU transformer screening structure is proposed to the north of the parking area, and a private event lawn to the north of the CMU structure. To the east of Joe Ley, a ground level pool area is proposed next to the sidewalk and in front of the east wing front façade of the new addition. Outdoor seating is located to the north of the pool and two open area between Joe Ley and the new addition. Two accessory pool structures housing restrooms, a service bar, and pool equipment are proposed to the east side of the pool area. Pathways connecting the existing front and a new side gate entrance to the parking and pool areas are also proposed. Three new tree wells are proposed on E. Market Street, for a total of 8 wells. Three bicycle parking spaces will be provided onsite.

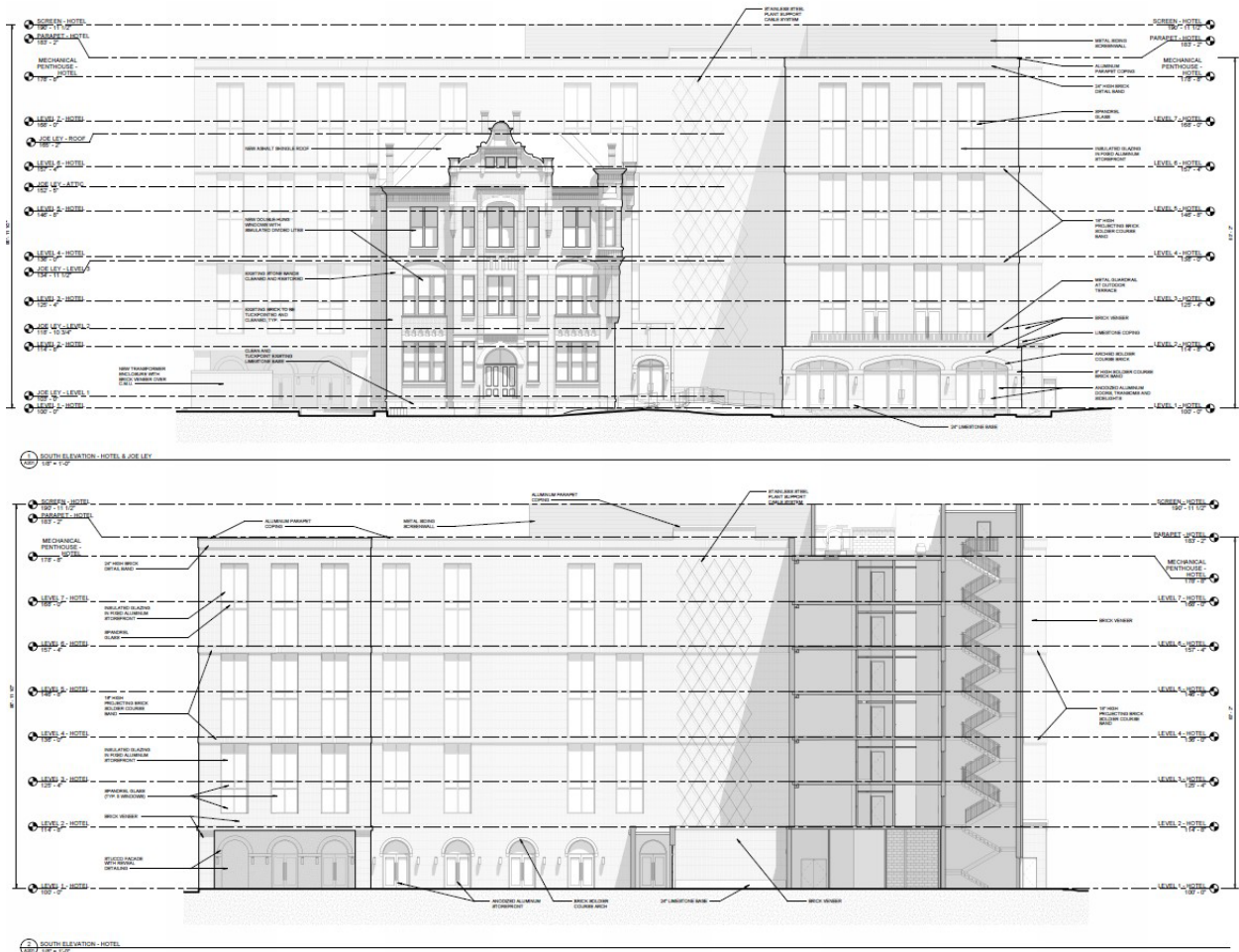
By the time of the report, limited details had provided regarding the proposed street wall or pool fences, pool deck area, pool accessory structures, outdoor seating areas, landscaping, lighting, and street furniture.

**Demolition:** To construct the new project, an existing, circa 1880, two-story building located at the northwest corner of the parcel is proposed to be demolished. Per Savannah Darr, Metro Historic Preservation Officer, this building has been identified as being potentially eligible for listing in the National Register of Historic Places. The applicant asserts that due to its design and condition, the building cannot be retained or practically incorporated into the modern project.

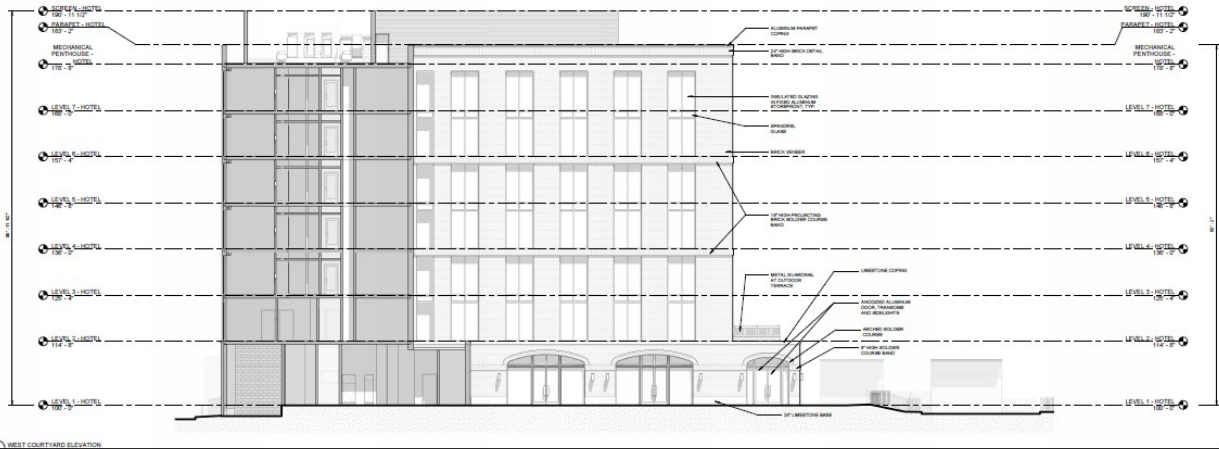
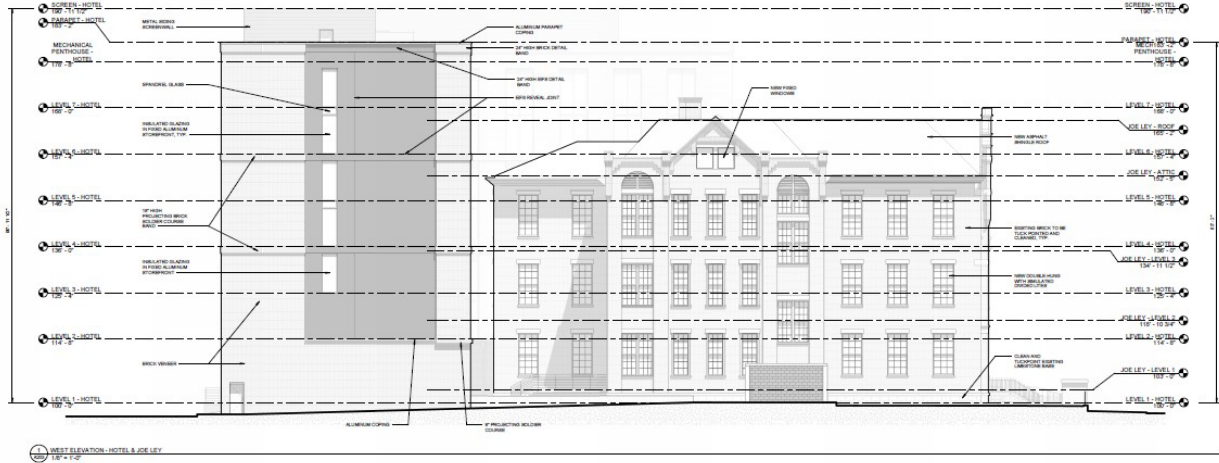


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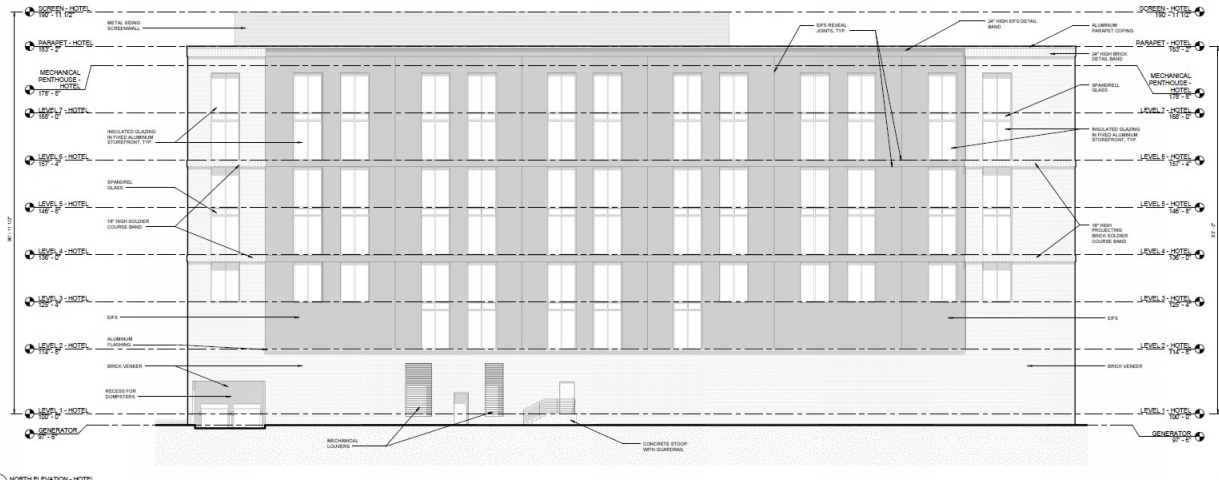
Site Plan



**E. Market (South) Façade with and without the Joe Ley building**

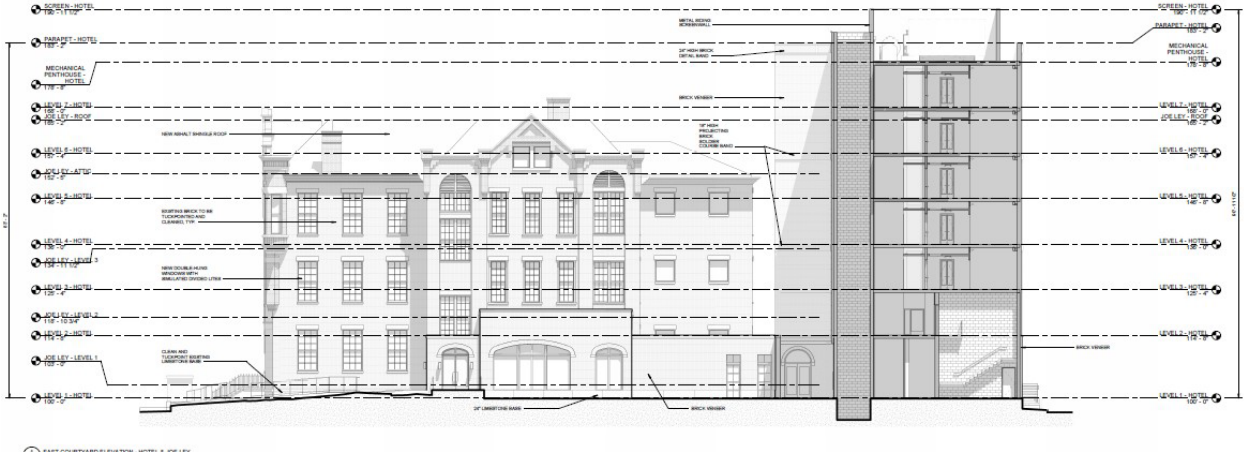
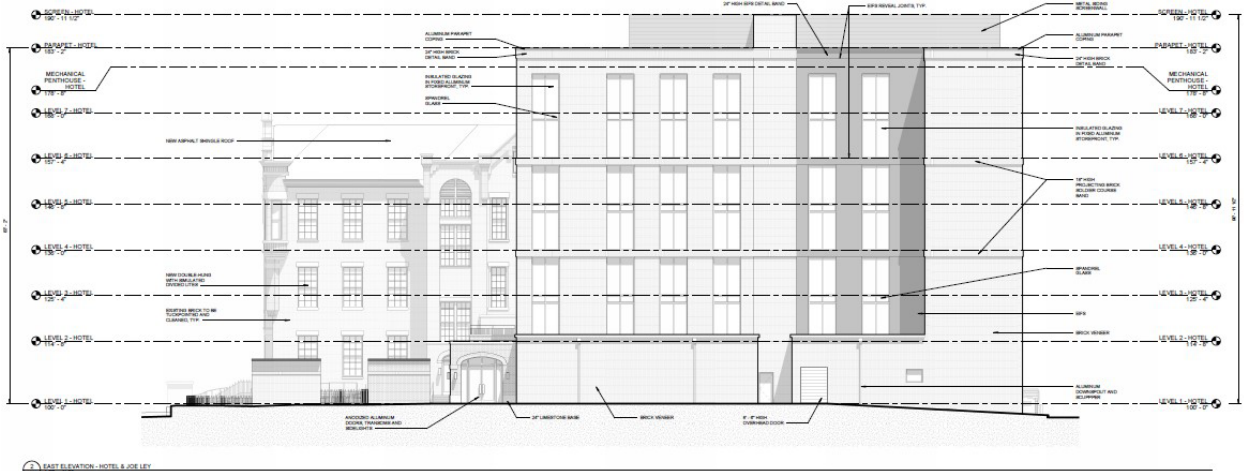


**Side (West) Façades**

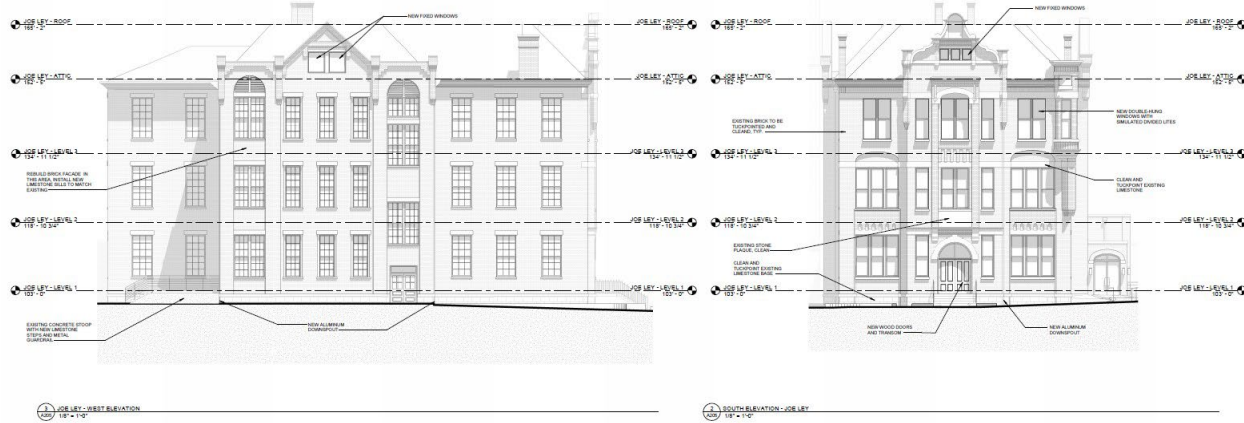


**Billy Goat Strut Alley (North) Façade**

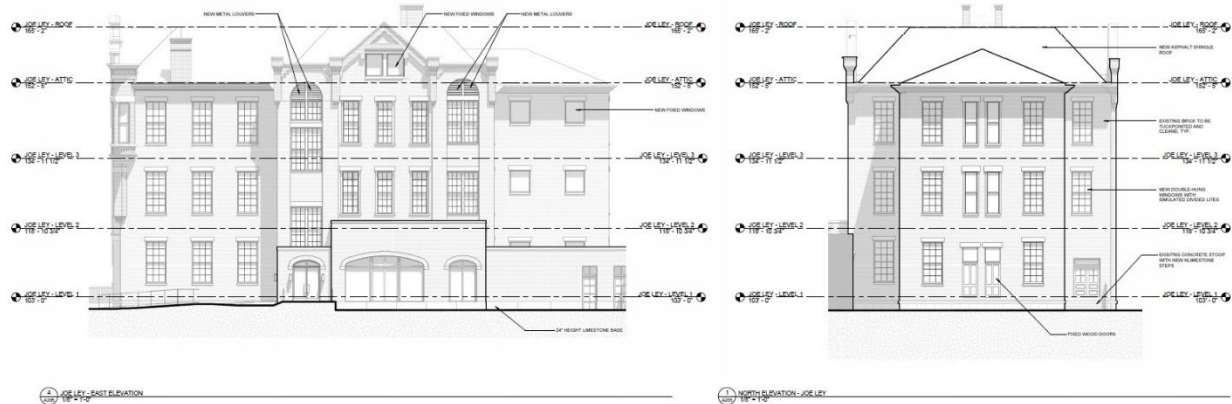




**Side (East) Façades**



**Joe Ley Building Details – Side (West) and Front (South) Facades**



### Joe Ley Building Details – Side (East) and Rear (North) Facades

#### Communications with Applicant, Completion of Application:

Staff met with the applicant team on September 27, 2022 for preliminary discussions and feedback regarding the proposal. The applicant submitted the Overlay Permit application on February 13, 2023. The application was classified as requiring a non-expedited review by the Urban Design Administrator on February 20, 2023. An informal review of the proposal by the NuLu Review Overlay District (NROD) Committee was held on April 25, 2023. The application will be formally reviewed by the NROD Committee on September 20, 2023.

As part of this proposal, applications for a Category 3 development plan (23-CAT3-0007), three land development code waivers (23-WAIVER-0022), and land development code variance (23-VARIANCE-0026) have been submitted and are scheduled to be heard on September 25, 2023 by the Board of Zoning Adjustment.

## FINDINGS

### Guidelines

The following NROD Principles and Design Guidelines are applicable to the proposal: **1 – Signage, 4 – Building, 5 – Public Art, 6 – Site Planning & Parking, 7 – Historic Preservation, and 8 – Sustainability.** Staff’s findings of fact and conclusions with respect to the Guidelines are attached to this report.

### Site Context

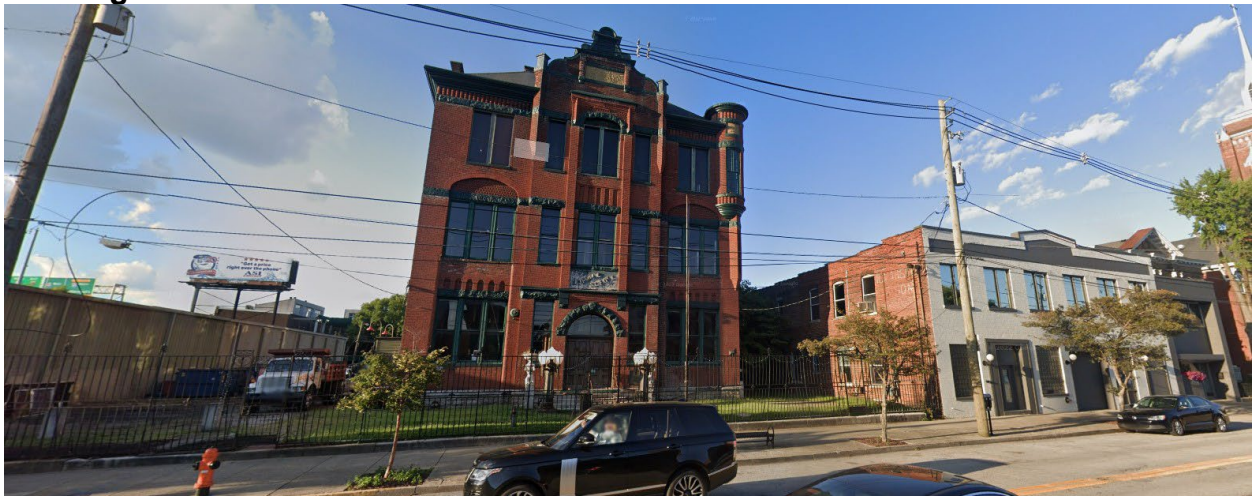
The subject property consists of two parcels bordered by E. Market Street to the south, S. Hancock Street to the west, Billy Goat Strut Alley to the north, and S. Clay Street to the east. The parcels are zoned C2 and located in the Downtown form district.

615 E. Market Street contains a Victorian era, 3-story, masonry structure, original built as a school, that most recently housed the Joe Ley antiques store . It has many defining architectural features, including a raised limestone foundation, rusticated stone and multiple brick details, shaped front and side gable parapets, and a corner turret.



The subject property is surrounded by a mix of uses and building types. 2- to 3-story, masonry historic structures and a historic church are located directly to the east, with similar front setbacks at Joe Ley. A one-story, masonry and metal siding automotive business and the raised I-65 highway are directly to the west. To the north is a 3-story, masonry, historic mixed-use building. A mix of 1- to 3-story, masonry, mostly historic commercial, mixed-use, and church buildings are located south across E. Market Street.

### Existing Conditions of Site



Subject site, E. Market – South elevation, Google 2022



Joe Ley Front, 615 E. Market - Google 2022





**Building to be demolished, 625 E. Market - Google 2022**



**Subject sites from Billy Goat Strut Alley – Northwest Corner, Google 2019**



**Surrounding Context**



**North side of E. Market, east of subject site – Google 2022**



**South side of E. Market, east of subject site – Google 2023**





E. Market, west of subject site – Google 2023



700 block of E. Market, east of subject site – Google 2023

**CONCLUSIONS**

*Demolition*

While the Joe Ley building will be retained, to construct the new addition, the commercial building at 625 E. Market Street is to be demolished. Per Savannah Darr, Metro Historic Preservation Officer, this building has been identified as being potentially eligible for listing in the National Register of Historic Places and is a Contributing Historic Structure in terms of the District’s Guidelines. No documentation regarding the condition of the existing building had been provided for review by the time of this report.



Although the Guidelines support and encourage adaptive renovation and reuse of the historic properties in the District, the same provisions and guidelines allow demolition of historically contributing structures if the Urban Design Administrator and Historic Preservation Officer are satisfied that:

1. The rehabilitation of the structure or construction of a new structure will have a greater economic impact on the area's vitality and appearance, and the rehab of the structure or construction of a new structure would not be possible or economically feasible without the demolition of the existing structure; or
2. The applicant cannot obtain a reasonable rate of return unless the existing building is demolished.

In this instance, the Urban Design Administrator and Historic Preservation Officer conclude that the historic building at 625 E. Market Street retains significant value as a commercial structure in relatively good condition that contributes to the street wall, adds value and character to the District, and could be renovated and reused. The proposed project contains a variety of uses, including hotel, event, and restaurant spaces, where a portion of the building could have the potential to be incorporated into the new addition to house some of these uses, while maintaining the existing street wall and setbacks.

However, while recognizing the historic value of the building, the Urban Design Administrator and Historic Preservation Officer conclude that the retention and renovation of the Joe Ley building and proposed increase in building density and height for the sites with the new building addition is mitigation enough to justify the demolition of 625 E. Market Street. In accordance with the Historic Preservation criteria of the District, and finding that the proposed new addition will have a greater economic impact on the district than rehabilitation of the existing structure, staff can support its demolition. It should be noted that as of the date of this report, this building has not passed the mandatory 30-day hold related to the wrecking of a historic structure (which commences upon notice in either the development plan or wrecking permit processes). A petition may be filed to locally designate the building and if filed, the demolition falls under the review and purview of the Landmarks Commission.

#### *Building Addition - New Construction*

The new building will include approximately 191 hotel rooms, a restaurant, and private event room space and be approximately 92,435 sq. ft. It is proposed to be more contemporary in style, but with traditional architectural details that help the addition tie into the existing Joe Ley building. The design places emphasis on the ground level, with a 24" limestone base and arched hoods creating focal points over and ground floor windows. The majority cladding material on the front (south) and side (east and west) facades is brick veneer. Brick is also carried to the rear (north) alley façade, with an emphasis on the corners. EIFS panels are proposed in narrow band towards the rear of the side facades and on the upper stores of the rear façade. The building is predominately 7-stories with a parapet that reached approximately 83'. A stepped back, horizontal metal sided screen wall is located in the middle of the roof, creating an unoccupied 8<sup>th</sup> level for mechanicals with an approximate 91' maximum height.

The new building has a well-defined base at the pedestrian level as experienced in the interior of the site. It incorporates several design elements, materials, large expanses of glass, and horizontal banding that reduce its massing and provide interest. The height, while taller than many existing buildings in the Overlay District, is in keeping with the Downtown form district and other new developments in the vicinity and acts as a transition from downtown and the elevated highway to more residential areas further east. Additionally, the siting of the addition around the Joe Ley building and use of various materials and design elements, particularly the arched hoods and soldier course bands, visually breaks the building mass so that the new building does not visually overwhelm Joe Ley, neighboring structures, and the district.

Based on the renderings and elevations provided as of the drafting of this report, staff prefers the mostly glass hyphen structure between the existing Joe Ley building and the new addition as shown in previously submitted renderings. The use of glass is less visually intrusive to the historic Joe Ley building and provides a more seamless connection between the historic and new portions of the site. Staff recommends this hyphen retain the glass design as previously proposed.



**Previous rendering showing a majority glass hyphen on the east side of Joe Ley**

The previously existing Joe Ley sign/art installation, located on the west side of the building, had been identified as a contributing sign to the district, and was removed



without a permit by the previous owner. Staff recommends the applicant either try to locate and reinstall the contributing sign as public art elsewhere on the premise, or incorporate other public art visible from a public way to mitigate the loss of the contributing sign.



Previously existing, contributing sign as seen from I-65 – Google 2018

### *Other Site Changes*

A valet/temporary parking lot is proposed to the west of the Joe Ley building, adjacent to the street, which will require a new curb cut accessed from E. Market Street. While the guidelines encourage parking areas be located to and accessed through the rear of the property when an alley is present, Billy Goat Strut alley is narrow and unimproved, which would present difficulty for adequate traffic movement. Details have not been provided for how the parking lot will be buffered. Staff recommends a minimum 4' wide landscape buffer between the sidewalk and the parking surface that includes a wall or fence a minimum of 36" high that adequately screens parked vehicles from the street.

A ground level pool with two accessory outbuildings is proposed in front of the east wing addition and the street. While an outdoor pool use is common in conjunction with a hotel, the proposed location in the front yard along a main commercial corridor is not common and there are no other such pools in the district. As the pool is a private and seasonal use that is limited to guests, ideally it would be located to the interior or rear of the site, or on



a roof top. It should not be sited directly in front of a building in lieu of an established street wall or public use, such as a plaza or outdoor seating. Use of pools located in surrounding areas have shown they are often not fully engaged, and the climate of Louisville will likely only allow the pool to be used less than 4-6 months out of the year. Staff find that this, coupled with a heavily traveled car and foot traffic corridor, make a pool next to the street an inappropriate location that underutilizes the opportunity demolition of the existing building creates to continue the established, historic setback of the Joe Ley and adjacent buildings, and provide outdoor seating or other public space directly where there can be pedestrian interaction. Staff is also concerned about the safety hazard a pool next to the street may create for a corridor with increased nighttime activity, especially when the street wall and landscaping treatments are unknown.

Two out of three outdoor seating areas proposed are not visible from the street, with one near the restaurant located to the north of the pool, away from the sidewalk. An event lawn is proposed to the north of the valet parking and not visible from the street, where a ground level pool would be more appropriate and in keeping with the guidelines. At the time of this report, no details have been provided regarding landscaping, street wall features such as a fence or wall, or for the two accessory pool structures. If the committee approves a front pool, staff recommends a wall/fencing and landscaping that better defines the street wall. The accessory buildings could be better sited and detailed in a way that contributes to the street wall as well.

Staff reviewed the surrounding area for newer development context that may help guide the current proposal. Three specific sites were identified as most closely correlating: Garage Bar at 700 E. Market Street, the NuLu Marketplace parking lot at 826 E. Main Street, and the Martin on Main apartment complex at 835 E. Main, which is directly adjacent to the NROD, in the Butchertown Preservation District. While all three sites share some similarities with the current proposal, they have unique circumstances and treatments that have made them more successful.

Garage Bar has a deeper setback, but was a reutilization of an existing service station and parking lot into a restaurant and publicly accessible space along the sidewalk. While the deep setback exists in this nearby location, it is a result of adaptive re-use and the condition was not created by the demolition of a building that was built to the street.



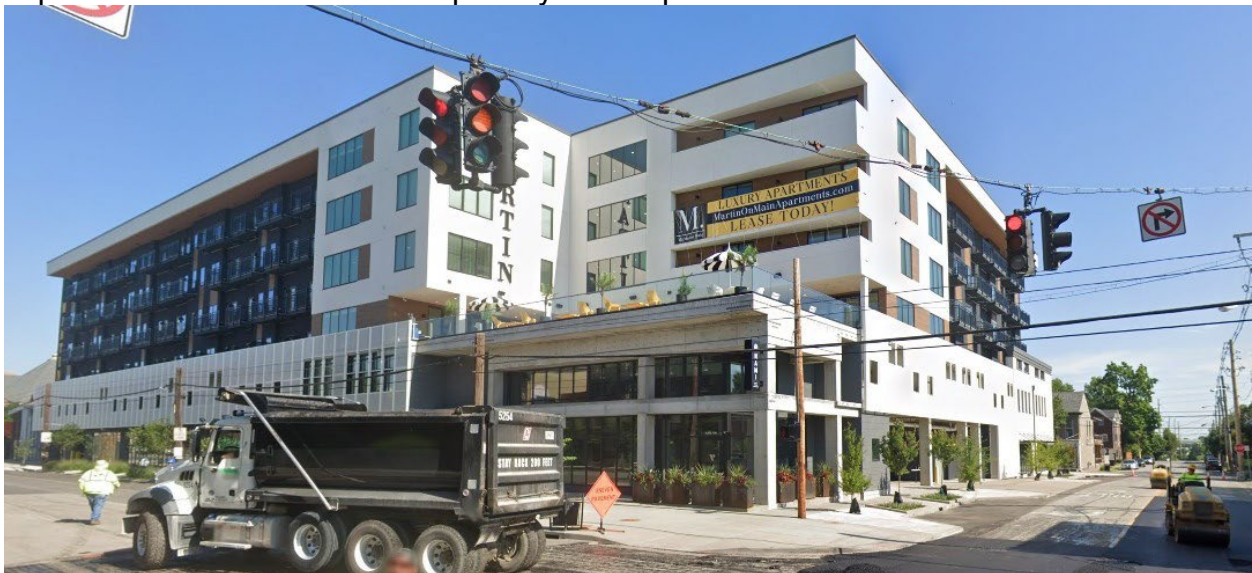
Garage Bar, 700 E. Market – Google 2023

The parking lot for NuLu Marketplace was a pre-existing vacant lot, and incorporated a signature entrance with landscaping that helps to maintain a sense of height and continuation of the street wall. Public art was also incorporated onto the side of the building adjacent to the lot to make the space more visually engaging for the pedestrian.



Nulu Marketplace parking lot, 826 E. Main – Google 2023

Martin on Main is only instance identified for a newer development near the overlay district or within downtown where the pool is somewhat visible from the street. However, it was incorporated into the roof of a lower story, effectively maintaining a continuous street wall, minimal setback, while provided increased activity for the pedestrian to experience and better sense of privacy for the pool user.



Martin on Main apartment complex with rooftop pool, 835 E. Main – Google 2023

Staff does not feel enough information has been provided for the open areas around the buildings, particularly regarding the street wall, pool area landscaping, and two pool structures, to adequately assess that portion of the proposal for compliance with the guidelines. Based on the guidelines, staff strongly recommends that the pool be located elsewhere on the property, or a proper building be sited between the pool and the sidewalk. At a minimum, in order to better comply with the guidelines,

1. The pool area should be redesigned to either extend the building façade closer to the street for a consistent setback and street wall with the other historic structure on this block with outdoor seating between the new setback and the sidewalk, or;
2. Incorporate public space like a plaza and outdoor seating where the pool is currently located to allow increased activity and use along the street and interaction with the pedestrian.

While staff supports a majority of the proposal, and acknowledges the thought and care in preserving and showcasing the historic Joe Ley building, a significant intent of the NROD is to provide development that has a continuous street presence and interaction with the pedestrian. Staff does not feel this has been achieved through the deep east wing addition setback and the location of the ground level pool, and not enough detail has been provided to assess if these factors have been mitigated in any fashion. However, staff does believe the demolition is justified overall, that the new addition is well designed, and the development will increase the economic vitality of the district.

### **RECOMMENDATION - DEMOLITION**

The proposed demolition generally complies with the applicable Design Guidelines for the NROD District and meets the overall intent of the District.

Considering the information furnished, the Urban Design Administrator recommends the application for an Overlay Permit be **approved with the following conditions**:

1. **The Contributing Historic Structure at 625 E. Market Street may be demolished provided that: a. the building shall be photographed and documented on all sides and the interior to the extent possible. This documentation shall be captured in the Kentucky Historic Properties Survey Form and submitted to the Kentucky Heritage Council for review and staff for inclusion in the project record; and, b. wrecking permits for the building shall not be issued until the permits for new construction are ready to be issued.**
2. **This demolition approval is contingent on the approval of the new addition.**

### **RECOMMENDATION – NEW ADDITION CONSTRUCTION**

The proposed new construction substantially complies with the applicable Design Guidelines for the NROD District and somewhat meets the overall intent of the District.



**Based on the information and plans available at the time of this report, staff is recommending approval of the renovation of the historic building and the construction of the new addition, but is not making any recommendation regarding the front pool, its accessory buildings, and its surrounding area. Upon initial review, it does not meet the intent of the guidelines and is not common for the district, and specifically does not meet B2 and B4. Staff recommends that the Committee not take formal action of these items at this time and review and act at a subsequent meeting with more details on record. While an element can be approved without meeting a guideline, it must be found that the element meets the guidelines as a whole.**

Considering the information furnished, the Urban Design Administrator recommends the application for an Overlay Permit for new building construction be **approved with the following conditions:**

- 1. This approval does not include the front pool, its accessory buildings, and its surrounding area. The applicant shall provide additional details regarding all design elements related to this improvement and it shall be reviewed and acted on subsequently.**
- 2. All glass on the ground level of E. Market Street facing facades shall be clear. Front glass shall not be tinted, smoked, or have added reflection or mirroring. If the glass is low-E, it shall be clear.**
- 3. The previously proposed, mostly glass hyphen between the existing Joe Ley building and the new addition will be reincorporated into the final design.**
- 4. Prior to the issuance of a building permit for the new building, finalized materials shall be submitted to staff for final review and approval. After a building permit has been issued, if the design or materials change, the applicant shall contact staff for review and approval prior to installation.**
- 5. Prior to the issuance of a building permit for the new building, finalized streetscape design details including light fixtures, street furnishings, street trees, landscaping, and paving materials shall be submitted to staff for final review and approval.**
- 6. The “Joe Ley” attached signage, which had been determined to be contributing to the District before the buildings’ demolition, should be reincorporated into the development as decorative or artistic design elements if possible to help preserve part of the history of the site. Prior to installation, the location(s) and placement of the signage shall be submitted to staff for review and approval. If the signage is not in possession of the current owner, the applicant should inform staff and work with staff to determine if it can be found, reobtained, and incorporated. If the current owner does not find its inclusion to be appropriate or feasible, the applicant**

**should incorporate different public art elsewhere on the premises, visible from a public way. Details of any new public art shall be submitted to staff for review prior to installation.**

- 7. Any future signage is not considered under this application and shall be submitted to PDS staff to be reviewed under a subsequent sign and Overlay permit.**





# Principle 1 – Signage

## Design Guideline Checklist

### Objective

Signage is important to every business. By posting signs businesses not only create a brand image for themselves, but also create an opportunity to attract customers. The Signage Guidelines promote attractive, artistic, well-proportioned and thoughtfully located signs, which will enhance the existing NuLu area. Signs are to be designed as integral parts of the site and architectural design of a proposed project.

- + Meets Guidelines NA Not Applicable
- Does Not Meet Guidelines NSI Not Sufficient Information
- +/- Meets Guidelines with Conditions as Noted

	Guideline	Finding	Comment
<b>S1</b>	Applicants are required to re-use and reface existing "significant, historic, or contributing signs". "Significant, historic, or contributing Signs" are signs that are unique in design or material fabrication. These signs contribute to the history and diverse character of the NuLu Review Overlay District. (See list of significant, historic, or contributing Signs; below table). For signage to be recognized as "significant, historic, or contributing" or for existing recognized signs to be removed or altered an application must be submitted to the overlay staff.	-	The attached Joe Ley sign were removed at some point without an overlay permit. See conditions of approval.
<b>S2</b>	Significant, historic, or contributing signs or graphics that have been painted directly onto walls and represent out of date logos or logos for businesses that are no longer in business are encouraged to remain in either their existing faded condition or restored to their original condition. These signs are recognized as contributing to the historic artistic character of the area and our community.	-	The attached Joe Ley sign were removed at some point without an overlay permit. It is unclear if any was directly painted onto the structure. See conditions of approval.
<b>S3</b>	Back-lit cabinet signs and monument signs including re-faced signs shall have opaque, non-illuminated face panels; only the individual letters and / or logos should be back-lit, not the entire surface of the sign.	TBD	Exact details for new signage were not provided. In addition to a sign permit, new signage will be reviewed under a separate Overlay Permit application(s). See conditions of approval.
<b>S4</b>	Freestanding pole signs are not allowed. Existing pole signs that are associated with a property that has not been abandoned or vacant for a period of less than one (1) year may be restored or refaced, but not expanded in size or scope.	+	There are not any known existing pole signs on the property. The elevations and renderings do not show any freestanding pole signs.
<b>S5</b>	Attached wall signs or projecting signs are preferred. Attached signage composed of individual letters or symbols is also preferred.	TBD	Exact details for new signage were not provided. See Condition.
<b>S6</b>	Signs that incorporate flashing text, animation, moving graphics, video, or LED text / image signage with a text change rate greater than one (1) hour are prohibited.	TBD	Exact details for new signage were not provided. See Condition.
<b>S7</b>	Storefront window signage including temporary window signage, window cling signs, and promotional advertising shall not exceed 25% of the total window area. Neon and hanging window signs are encouraged, and add to the "active atmosphere" for both vehicles and pedestrians.	TBD	Exact details for new signage were not provided. See Condition.
<b>S8</b>	Projecting wall signs can be erected or attached to a building's wall and extend a minimum of 18" to a maximum of 8'-0" from the wall surface. These signs are mounted perpendicular to the building's façade.	TBD	Exact details for new signage were not provided. See Condition.

<b>S9</b>	Projecting banner signs can project no more than 24" from the face of the building. These signs should be attached so that they do not "flap" in the air, and should be removed or replaced when they show signs of unattractive wear.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.
<b>S10</b>	Existing non-conforming signage must be removed prior to new approved signs being installed. A "Significant, Historic, or Contributing Sign" as defined by the guideline in A1.1 is exempt from this requirement.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.
<b>S11</b>	Neon and Neon simulated bulbs (such as "fiber optic" and "LED lighting strips" that simulate neon) are encouraged and help to maintain a sense of activity and contribute to the animated environment of the area.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.
<b>S12</b>	Projecting light fixtures used for externally illuminated signs shall be simple and unobtrusive in appearance. They should not obscure the graphics of the sign.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.
<b>S13</b>	Directional signage is used to direct pedestrian or vehicular traffic. No more than one (1) image, logo, or text combined with the "entry" or "exit" text is allowed on each directional sign. Directional signage cannot exceed 3'-0" in height above finished grade.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.
<b>S14</b>	All exposed conduit, electrical transformer boxes, and electrical raceways should be concealed from public view, or painted to blend in with background.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.
<b>S15</b>	Multiple signs placed on a building's façade should be compatible with other surrounding signage located on the structure.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.
<b>S16</b>	Permanent banner signage shall be made of canvas material or matte textured vinyl material.	<b>TBD</b>	Exact details for new signage were not provided. See Condition.

**LIST OF SIGNIFICANT, HISTORIC, OR CONTRIBUTING SIGNS**

Voelcker & Co. – attached	642 E. Market Street
<b>Joe Ley figurines – painted</b>	<b>615 E. Market Street</b>
Historic Sign under Decca – painted	812 E. Market Street
Multiple painted historic signs	720 E. Market Street
D&E Marine – painted	826 U.S. 31E
De Hart Paint Company – painted	115 S. Campbell Street
Service Welding and Machine Co. – painted	700 U.S. 31E
Louisville Chemical – attached	601 E. Jefferson Street
Muth's Candies – projecting	630 E. Market Street
Albert Hess Furniture Co. – projecting	203 S. Hancock Street
Bourbon Stock Yards – attached	1057 E. Main Street
Coke-Cola – painted historic sign	304-312 S. Campbell Street
Building dates and office sign – attached	121 S. Clay St.
Service Tanks multiple signs – attached	700-798 E. Main Street

# Principle 4 – Building

## Design Guideline Checklist

### Objective

The buildings in the NuLu Review Overlay District (NROD) are not only picturesque but also have strong historic character. New structures should have a “contextual fit” and reinforce the existing pattern of individual storefronts extending throughout the NuLu area. Contextual design elements include building setbacks, building heights, building form, rhythm of openings, rhythm of horizontal building lines, color, materials, texture, adjacent building styles, and building details should be respected in new projects. 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
- +/- Meets Guidelines with Conditions as Noted

	Guideline	Finding	Comment
<b>B1</b>	Existing structures in the NuLu area are strongly encouraged to be sustainably renovated and reused.	+/-	One building is to be reused, a second is to be demolished
<b>B2</b>	Buildings should be “pedestrian-friendly.” Design building façade elements that promote a pedestrian-friendly environment including: building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, lighting, and entrances that face the street.	+/-	The existing Joe Ley building is being retained, and while the setback is deeper than allowed by the LDC or supported in the guidelines, it is historic and existing. The new addition is deeply setback and the ground floor will not be highly visible to the pedestrian. Entrances will face the street. A private pool along the sidewalk does not promote a pedestrian friendly environment.  Not enough information was provided for the transformer and two pool structures to assess. See conditions of approval.
<b>B3</b>	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.	TBD	Window details were not provided. See conditions of approval.
<b>B4</b>	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 new addition is located behind and to the side of the Joe Ley building, and the closest setback from the street will be 66’. Side yards are wide enough for building maintenance.  Two pool accessory structures are located closer to the front property line, but exact setbacks have not been provided to properly assess. It



			appears one is behind the historic setback, and one may be generally in line with the historic setback.
<b>B5</b>	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.	+/TBD	The new building is composed of with a majority of brick veneer and glass, with accents of EIFS and metal siding. Higher quality materials and details and focused toward E. Market Street and will provide visual interest.  Not enough information was provided for the transformer and two pool structures to assess. See conditions of approval.
<b>B6</b>	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.	+	The new addition is deeply setback and will not impact established sight lines or intrude on surrounding structures. The height is supported by the Land Development Code for the Downtown form district.
<b>B7</b>	New structures must be a minimum of two stories high and should be no shorter than one story beneath the height of adjacent properties.	+/- TBD	The new building will include height variations, with most at 7 stories in height and a smaller section at approximately 8 stories in height.  Not enough information was provided for the transformer and two pool structures to assess. See conditions of approval.
<b>B8</b>	A visual terminus, such as a cornice at the top of a wall, is recommended and helps articulate the architecture and gives it a completed finished look.	+	There is a general sense of a cornice line through a projecting 24" brick soldier course band.
<b>B9</b>	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 unless the equipment is solar dependent. In this instance, function supersedes design. 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.	+/TBD	Most mechanical equipment will be located on the rooftop and screened from view. A transformer and pool equipment will be screened at the ground level. Not enough information was provided for the transformer and two pool structures to fully assess. See conditions of approval.
<b>B10</b>	Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building's primary street facing façade.	TBD	Not enough information was provided for the transformer and two pool structures to fully assess. See conditions of approval.

## Principle 5 – Public Art

### Design Guideline Checklist

#### Objective

*Public art is the continuously growing record of the community's identity, creativity, values, and its highest aspirations. Public art is defined as art placed on public or publicly-accessible private property, including building exteriors and outdoor public areas. Public art contributes to the local economy, and adds to the*

*richness of the community. The consideration of public art should be included in every project's written development plan.*

- + Meets Guidelines NA Not Applicable
- Does Not Meet Guidelines NSI Not Sufficient Information
- +/- Meets Guidelines with Conditions as Noted

	<b>Guideline</b>	<b>Finding</b>	<b>Comment</b>
<b>PA1</b>	Public art should be available for the enjoyment and enrichment of people within the community. The plan should include a meaningful allowance for public art in the planning and construction of all projects.	<b>TBD</b>	No public art has been proposed. See Condition.
<b>PA2</b>	Public art can include all mediums, such as sculpture, mural or painting, film, light, or other forms of creative expression that are viewable on a site or building. Commercial logos or elements of commercial advertising for a business or organization are not considered public art under this definition.	<b>TBD</b>	No public art has been proposed. See Condition.
<b>PA3</b>	Public art shall be designed, executed, and supervised by recognized artists or other design professionals who have been trained or have consistently provided examples of artistic work in their medium of expression.	<b>TBD</b>	No public art has been proposed. See Condition.
<b>PA4</b>	Public Art, if implemented, should be integrated with the design of the project or development, and shall aesthetically enhance the urban environment of the Overlay District.	<b>TBD</b>	No public art has been proposed. See Condition.
<b>PA5</b>	Public Art proposals should conform to the design guidelines and master plan established by the Committee for Public Art (COPA).	<b>TBD</b>	No public art has been proposed. See Condition.

## Principle 6 – Site Planning and Parking

### Design Guideline Checklist

#### Objective

*Site Planning is an important part of any project. Sites should incorporate attractive and maintainable landscaping to enhance the hardscape of the building. Plants should be used to minimize the visual impact of parking lots and service areas in the NuLu Review Overlay District (NROD).*

- + Meets Guidelines NA Not Applicable
- Does Not Meet Guidelines TBD To Be Determined
- +/- Meets Guidelines with Conditions as Noted

	<b>Guideline</b>	<b>Finding</b>	<b>Comment</b>
<b>SP1</b>	Development Plans shall minimize the adverse visual impact of utility lines on the area. Underground lines or service from the alley, where feasible, is encouraged.	<b>TBD</b>	
<b>SP2</b>	Combining existing small, under-utilized lots to create shared parking areas that are more efficient and more accessible is encouraged.	<b>NA</b>	The proposed parking area is for valet/temporary parking only and will not include any long term parking spaces.
<b>SP3</b>	Additional surface parking lots and drive-throughs shall not be permitted in the NuLu Review Overlay District.	<b>+</b>	The area where valet parking is proposed was utilized as part of a larger parking area by the previous owner.

<b>SP4</b>	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 structure 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.	<b>TBD</b>	Sufficient landscaping, fencing, and lot frontage details were not provided by the time of this report. See conditions of approval.
<b>SP5</b>	Adequate perimeter landscaping, fencing, or a combination of both is required to help screen vehicles and/or equipment from public view. The screening height for vehicle parking lots shall be 36" above finished grade of the lot. This height will enable drivers of vehicles to safely see and avoid other pedestrians and vehicles while screening most parked cars. A 7'-0" max high screened fence or wall can be used for industrial or commercial sites to screen for large vehicles or equipment on site.	<b>TBD</b>	Sufficient landscaping, fencing, and lot frontage details were not provided by the time of this report. See conditions of approval.
<b>SP6</b>	New commercial developments should provide adequate and significant screening to adjacent residential structures. Opaque landscape buffers and other forms of screening should be used to minimize noise and lighting impact.	<b>+</b>	An alley separates the development site and the closest residential (mixed use) building.
<b>SP7</b>	Fencing and screening shall be constructed of materials compatible with the principal structure.	<b>TBD</b>	Sufficient landscaping, fencing, and lot frontage details were not provided by the time of this report. See conditions of approval.
<b>SP8</b>	Chain link fencing must not be visible within the NuLu Review Overlay District.	<b>TBD</b>	Sufficient landscaping, fencing, and lot frontage details were not provided by the time of this report. See conditions of approval.
<b>SP9</b>	Intensity, location, color, and direction of outdoor lighting shall be sensitive to nearby residential areas.	<b>TBD</b>	No lighting details have been provided. See conditions of approval.
<b>SP10</b>	The number and width of curb-cuts in the Overlay Area should be minimized to promote pedestrian circulation. Existing continuous curb-cuts should be reduced to widths necessary for vehicular traffic, or removed altogether.	<b>+/-</b>	A new curb cut is proposed along E. Market Street. However, this is for a valet parking area only, and the rear alley is very narrow to provide adequate movement of traffic
<b>SP11</b>	Minimum 4'-0" wide landscape buffer area (LBA) 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 (LBA) 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 LBA. Landscape Buffer Plantings shall be installed prior to occupancy or use of the patio, plaza, or outdoor space.	<b>TBD</b>	Sufficient landscaping, fencing, and lot frontage details were not provided by the time of this report. See conditions of approval.
<b>SP12</b>	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 3 months of the tree(s) removal or during the next planting season, whichever comes first.	<b>TBD</b>	Currently, there are four street trees along E. Market Street. The applicant is proposing several new trees and it is unclear if the existing trees will remain or be replaced. Replacement trees are to be approved by PDS Staff.



<b>SP13</b>	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.	<b>NA</b>	There is no deck or structure built off the ground proposed over an existing landscaped area.
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## Principle 8 – Sustainability

### Design Guideline Checklist

#### Objective

*Incorporating environmentally sustainable elements into the design and construction of the built environment in the NuLu Review Overlay District (NROD) is an important part of any project.*

*Environmentally sustainable elements include: transit facilities, green buildings, heat island reduction, recycled content in infrastructure, and stormwater management.*

- + Meets Guidelines NA Not Applicable
- Does Not Meet Guidelines TBD To Be Determined
- +/- Meets Guidelines with Conditions as Noted

	Guideline	Finding	Comment
<b>SU1</b>	Transit facilities should have a covered shelter, seating, bike racks, information kiosks, and appropriate signage.	<b>+/-</b>	3 bicycle parking spaces are provided; other information not provided at this time.
<b>SU2</b>	New commercial, industrial, and residential buildings should pursue LEED or equivalent energy efficiency standards.	<b>TBD</b>	Information not provided
<b>SU3</b>	New or replacement roofs with energy efficient “radioactive properties” should be considered.	<b>TBD</b>	Information not provided
<b>SU4</b>	New Infrastructure is encouraged to use at least 50% by mass, recycled or reclaimed materials.	<b>TBD</b>	Information not provided
<b>SU5</b>	Projects should retain, reuse, and/or infiltrate on-site, all of the stormwater that falls on their parcel(s).	<b>TBD</b>	Information not provided
<b>SU6</b>	The surface area of a landscaped or pervious condition slated for a repurposed use must maintain a level of permeability greater than or equal to its current state.	<b>NA</b>	Level of permeability to remain the same at 100% impervious (0% increase)