

# Development Review Committee

## Staff Report

October 16, 2019



<b>Case No:</b>	19-DDP-0034
<b>Project Name:</b>	Butchertown Apartments
<b>Location:</b>	1043 – 1051 E Washington Street & Parcel 019G02150000
<b>Owner(s):</b>	Broman Holding LLC
<b>Applicant:</b>	Broman Holding LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

### REQUESTS

- **Waiver** from 10.2.4.B.1 to allow parking to encroach into the required property perimeter landscape buffer area (LBA) (19-WAIVER-0035)
- **Revised Detailed District Development Plan** with Amendment to Existing Binding Elements

### CASE SUMMARY/BACKGROUND

The subject property is currently vacant and is comprised of four contiguous parcels. The applicant proposes to construct a new 15-unit multi-family residential structure with associated parking. The parking is proposed to encroach into the required property perimeter LBA on the eastern edge of the site. The applicant requests a waiver to permit the encroachment.

The site was rezoned in 2019 under docket number 18ZONE1035, from R-6 and R-7 Multi-Family Residential and C-M Commercial Manufacturing to R-8A Multi-Family Residential to permit a 15-unit multi-family residential structure. The current plan differs from the previous plan with a slight enlargement of the proposed structure and small changes to the building footprint. No one spoke in opposition to the rezoning request at the Planning Commission public hearing.

The applicant received Butchertown Architectural Review Committee approval of the proposed façades under case number 18COA1297. The 10-foot unimproved alley that passed through the site was closed with case number 18STREETS1016.

### STAFF FINDING

Staff finds that the development plan generally meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code, with the exception of the requested waiver. Staff finds that the waiver is adequately justified and meets the standard of review.

### TECHNICAL REVIEW

Plan 2040

Land Development Code (2019) Louisville Metro

## Butchertown Neighborhood Plan (2008)

The site is in the Industrial Character Area of the Butchertown Preservation District as well as within the boundaries of the Butchertown Neighborhood Plan. The neighborhood plan designates the site on the edge of the residential core and Main/Mellwood commercial corridor. No specific land use recommendation was indicated for this site but because the site is located in the residential core, the Plan suggests that residential is appropriate.

The plan has received preliminary approval from all applicable agencies.

### **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF 10.2.4.B.1:**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the required LBA is relatively small (5') and the required plantings will be provided.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent residential areas in different density categories. The appropriate transition will be provided as the required plantings are not proposed to be waived.

- (c) The extent of the 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 the eastern property line is irregular in shape and the encroachment is necessitated by this irregular property line.

- (d) Either:

(i) 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

(ii) 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 lot is constrained in size and shape and the required parking would not be workable without the encroachment.

### **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 historic resources on the subject site. The site is vacant but was previously developed, and no natural resources appear to exist 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: A waiver from open space requirements was previously approved during the rezoning process. A variance to omit the required private yard area was also approved.

- 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 the adjacent developed site.

- 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 Amended Binding Elements**

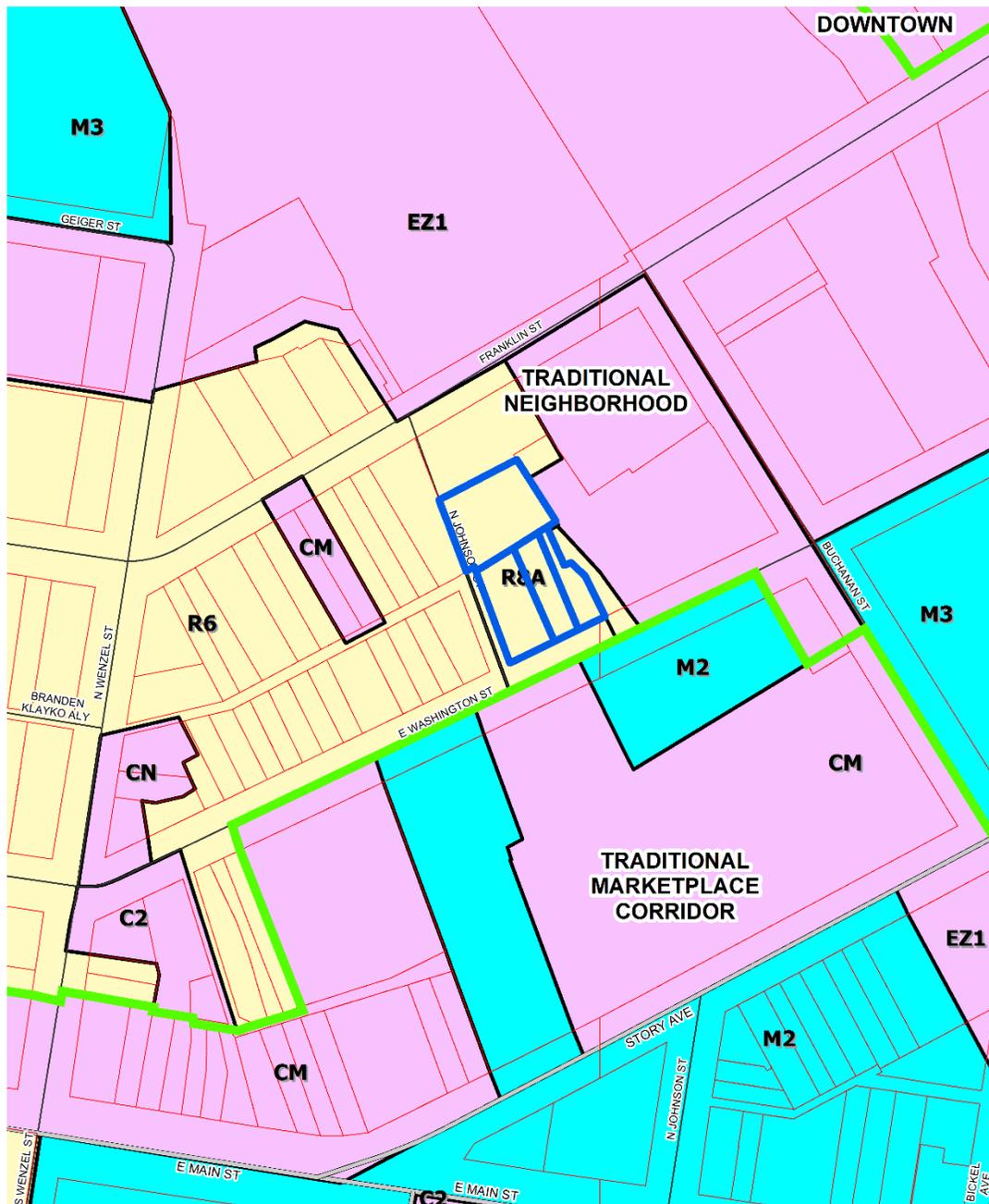
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>09/23/2019</b>	DRC Public Meeting	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4

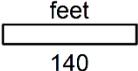
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing and Proposed Binding Elements

1. Zoning Map



1043-1051 E Washington Street

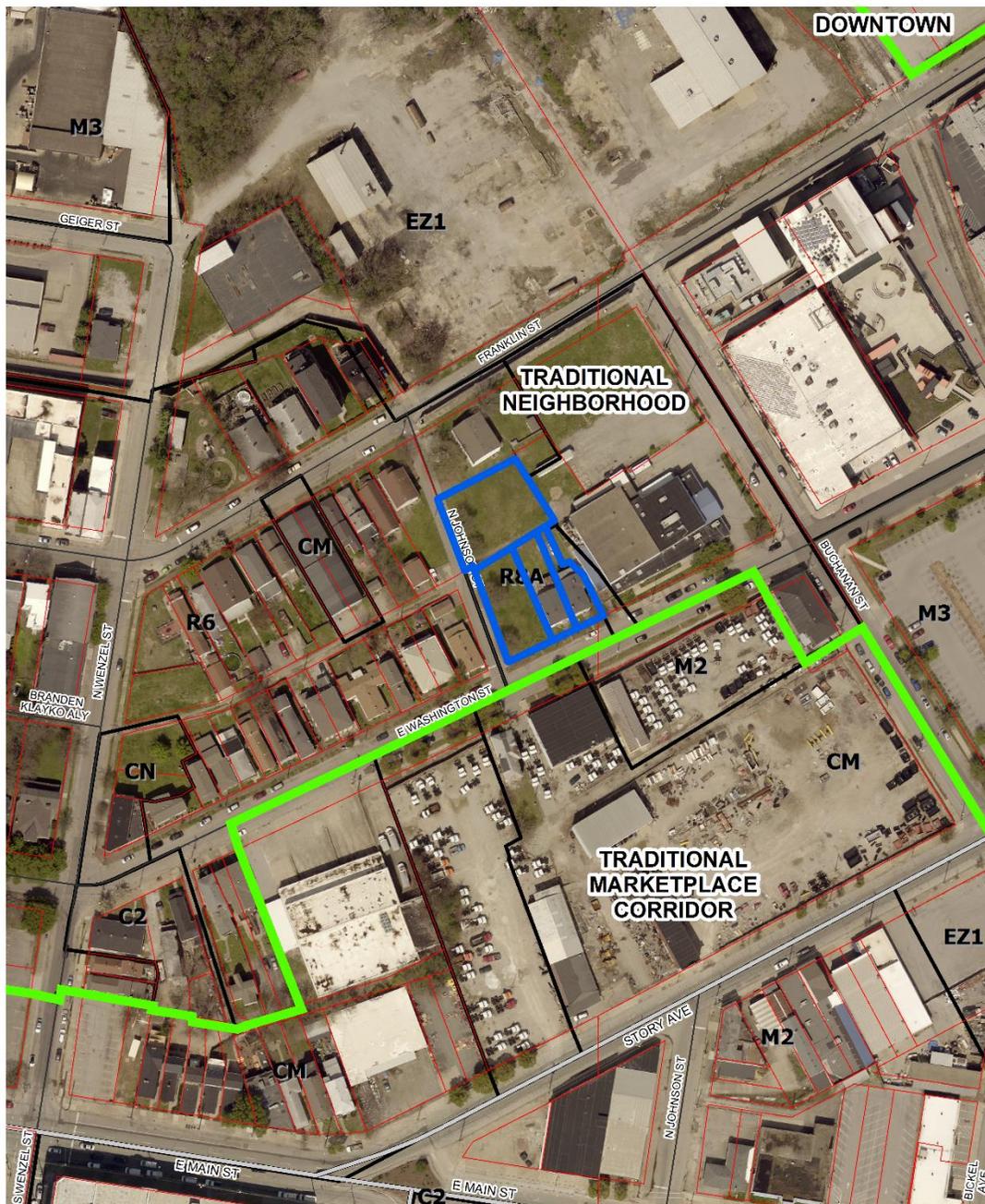


Map Created: 10/7/2019



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2. Aerial Photograph



1043-1051 E Washington Street

feet



140

Map Created: 10/7/2019



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### 3. Existing and 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 is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - 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 minor plat or legal instrument shall be recorded consolidating the property into one lot and to dedicate additional ROW to N. Johnson Street. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - d. ~~An alley closure approval for the unnamed alley shall be approved prior to requesting a building permit.~~
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. 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.
7. ~~The façade elevations shall be in accordance with applicable form district standards and shall be approved by the Butchertown ARC prior to construction permit approval.~~