



NuLu Review Overlay District (NROD)

Report to the Committee

Thru: Joseph Haberman, AICP, Urban Design Administrator
From: Kat Groskreutz, Senior Planner—Urban Design
Date: November 27, 2024

Case No: 24-OVERLAY-0042

Classification: Non-Expedited

Meeting Date: December 4, 2024

GENERAL INFORMATION:

Property Address: 808 - 814 E Main Street & 815 - 825 E Market Street

Applicant: Chris Crumpton, Blue Stone Engineers, PLLC

Property Owner: NULU Commons North LLC

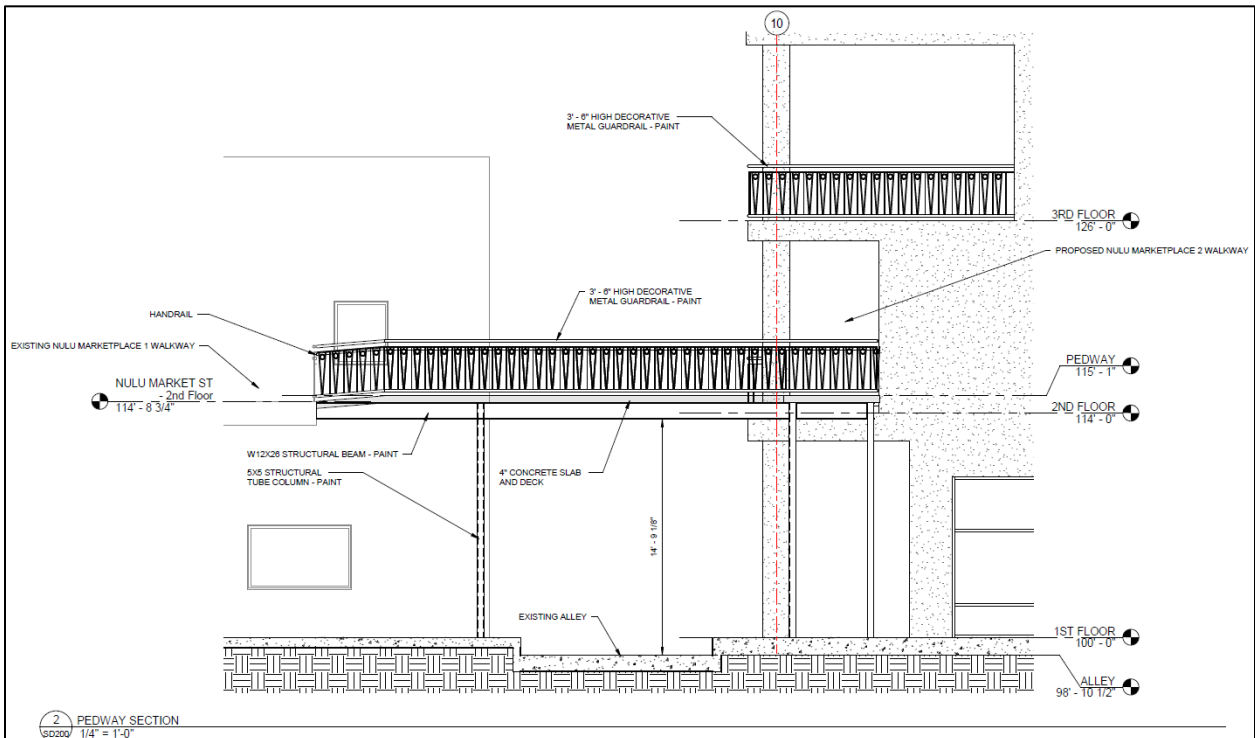
Description of Proposed Exterior Alteration:

This application requests approval for the construction of an open air pedway, providing a pedestrian connection between two buildings at NuLu Marketplace: NuLu Marketplace South (815 E Market) and NuLu Marketplace Phase 2 (to be constructed on four parcels along E Main). The pedway will be constructed on the rear facades of each building, connecting them at the second story level, and crossing over Billy Goat Strut.

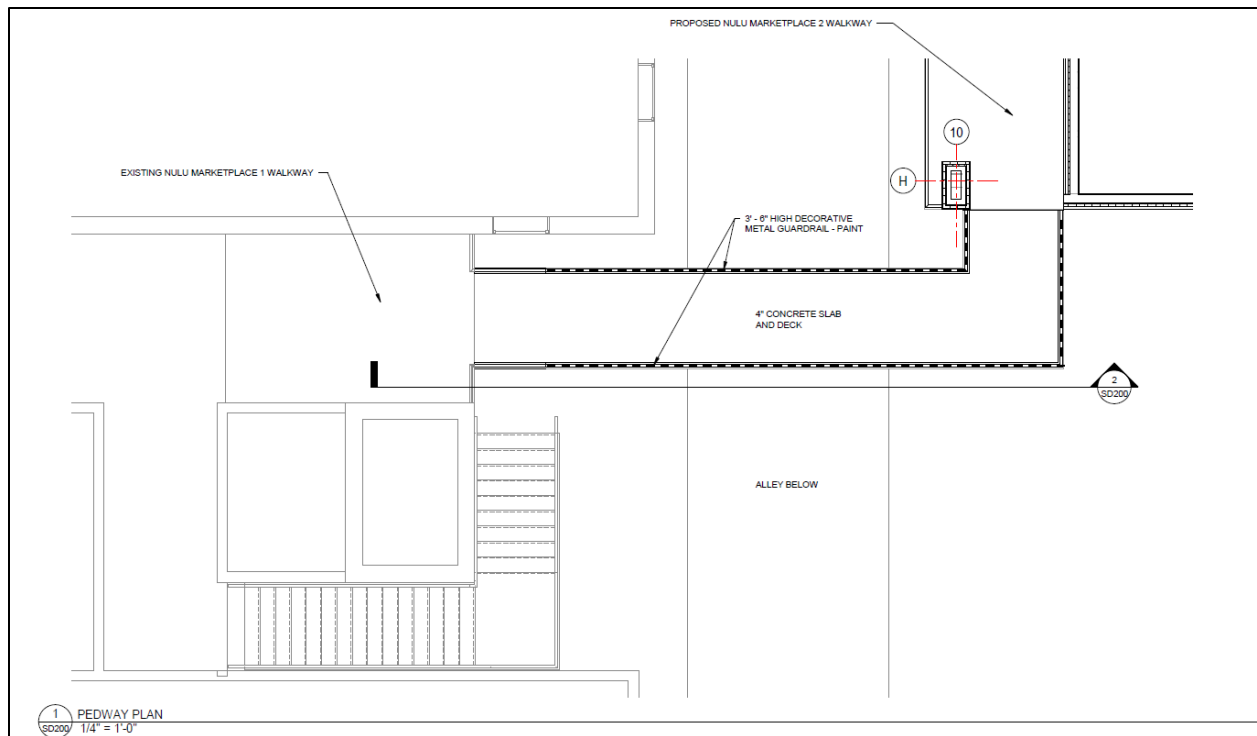
The pedway will be constructed of a 4" concrete slab and deck that is 6' W and has 1/12 ramps on either end to accommodate the difference in height between the two second floors. The pedway will be generally level where it crosses over the alley and will have 14'-9 1/8" clearance from the alley surface. 3'-6" decorative metal railings will be used on either side and will tie into railings on rear balconies of both NuLu Marketplace buildings.



Rear (East) Rendering – Billy Goat Strut



Rear (East) Elevation – Billy Goat Strut



Site Plan

Communications with Applicant, Completion of Application:

The applicant submitted the Overlay Permit application on October 7, 2024. The application was classified as requiring a non-expedited review by the Urban Design Administrator on the same day. The application has been docketed for review by the NROD Committee on Wednesday, December 4, 2024 at 10:00 at the Old Jail Building – 514 W Liberty Street.

An overlay permit (24-OVERLAY-0019) for new construction of the NuLu Marketplace Phase 2 building on Main Street was approved by the Committee on June 26, 2024.

FINDINGS

Guidelines

The following NROD Principles and Design Guidelines are applicable to the proposed modifications: **4 – Building**, **6 – Site Planning & Parking**, and **7 - Historic Preservation**. Staff's findings of fact and conclusions with respect to the Guidelines are attached to this report.

Site Context

The subject property of 815 - 825 E Market is one parcel on the north side of E Market, bordered by Billy Goat Strut to the north, 827 E Market to the east, E Market to the south, and 813 E Market to the west. This is the location of the existing NuLu Marketplace Phase 1 buildings, known as NuLu Marketplace South.

The subject properties of 808 – 814 E Main are four vacant parcels on the south side of E Main, bordered by E Main to the north, the NuLu Marketplace parking lot (826 E Main) to the east, Billy Goat Strut to the south, and 800 E Main to the west. This is where the NuLu Marketplace Phase 2 building will be located.

All subject parcels are zoned EZ-1 and located in the Traditional Marketplace Corridor (TMC) form district.

The subject properties are surrounded by a mix of uses and building types. They are comprised mostly of a mix of 2 to 3-story historic and modern infill structures and surface parking lots.

Site Context



Rear of 823 and 825 E Market, where pedway will connect to second floor balcony, facing south.



Rear of 816 Billy Goat Strut Alley, facing southeast.



Rear of 826 and 828 E Main, facing northeast.

Conclusions

The pedway meets the applicable design guidelines for NROD. It will be located on the rear of the buildings and will not be highly visible from a public street. The scale and materials used are complimentary to the existing and soon to be built NuLu Marketplace buildings.

While pedways are typically discouraged in developing urban environments, this generally pertains to ones that cross public streets and pull pedestrian traffic and activity from sidewalks. However, NuLu has relatively active but narrow alleyways. This small, open pedway can further activate Billy Goat Strut in a pedestrian-safe way by connecting the two phases of the NuLu Marketplace. The pedway is not likely to significantly reduce pedestrian traffic along the public sidewalks as the ground level has close proximity to associated surface parking areas as well as other amenities. Due to its location, access points, and off-street setting, users of the pedway will most likely be customers of the businesses at NuLu Marketplace and not the general public.

Overall, the pedway has the opportunity to create a more dynamic, visibly interesting alley space. Staff recommends utilizing lighting or public art along the bottom of the decking for safety and to further enhance the structure and activate the alley.

RECOMMENDATION

The proposed new construction 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. **All other required approvals, including reviews and permitting through Public Works, shall be obtained prior to construction.**
2. **Intensity, location, color, and direction of outdoor lighting shall be sensitive to nearby residential areas.**
3. **There shall be adequate and appropriate lighting under the deck of the pedway to ensure the safety of motorists and pedestrians on the alley passing beneath the pedway. When open to use, there shall also be adequate lighting atop the pedway to ensure the safety of pedestrians utilizing it. Staff encourages the use of artistic lighting effects to help activate the alley and create a more interesting space. Final lighting details shall be provided to staff for review and approval prior to installation.**
4. **If the design or materials change, the applicant shall contact staff for additional review and approval.**

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 NSI Not Sufficient Information
- +/- Meets Guidelines with Conditions as Noted

	Guideline	Finding	Comment
B1	Existing structures in the NuLu area are strongly encouraged to be sustainably renovated and reused.	+	NuLu Marketplace Phase 1 includes existing buildings that are being reused.
B2	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.	+	<p>The pedway is located on the rear of both buildings and will not affect the street facing facades on either building. Activity will still exist at the front of each building along the street and at the ground alley level, given the existing and proposed locations of parking.</p> <p>NROD also has active alleyways. The pedway will provide an additional point of interest in the alley and connection directly between the two sites.</p>
B3	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.	NA	
B4	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 pedway will be a rear connection between two structures that are or will be located at the front property lines.
B5	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.	NA	The pedway will connect two second stories, not the ground level.
B6	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.	NA	
B7	New structures must be a minimum of two stories high and should be no shorter than one story beneath the height of adjacent properties.	NA	

B8	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.	NA	
B9	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.	NA	
B10	Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building's primary street facing façade.	+	A pedway is not directly covered under this guideline, but as a permanent addition to the two structures, it will be located to the rear of each building.

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 NSI Not Sufficient Information
- +/- Meets Guidelines with Conditions as Noted

	Guideline	Finding	Comment
SP1	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.	NA	
SP2	Combining existing small, under-utilized lots to create shared parking areas that are more efficient and more accessible is encouraged.	NA	
SP3	Additional surface parking lots and drive-throughs shall not be permitted in the NuLu Review Overlay District.	NA	
SP4	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 design 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.	NA	
SP5	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.	NA	
SP6	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.	NA	

SP7	Fencing and screening shall be constructed of materials compatible with the principal structure.	NA	
SP8	Chain link fencing must not be visible within the NuLu Review Overlay District.	NA	
SP9	Intensity, location, color, and direction of outdoor lighting shall be sensitive to nearby residential areas.	TBD	Lighting details were not provided at the time of this report. See conditions of approval.
SP10	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.	NA	
SP11	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.	NA	
SP12	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.	NA	
SP13	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.	+	A pedway is not directly covered under this guideline, but as a permanent addition to the two structures, it will be located to the rear of each building. It will not cover a previously landscaped area. It is scaled appropriately, and the concrete and metal materials are compatible with the buildings.

Principle 7 – Historic Preservation

Design Guideline Checklist

Objective

Historic buildings (65 years of age or older) comprise a significant part of NuLu Review Overlay District (NROD) and are physical reminders of Louisville's early history. The historic buildings in the Area are some of the oldest remaining in the city and exhibit characteristics of classic urbanism. Historic structures define the area's origins while providing unique adaptive reuse potential. Structures over 100 years old are sometimes flanked by more contemporary mid-century ones that exhibit similar urban characteristics of scale, massing, and setback, and are thus contributing structures in their own right. Given the important role of many existing buildings to the history and streetscape of the Area, demolition of any contributing structure will entail stringent review.

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

	Guideline	Finding	Comment
HP1	Changes to the exterior of Contributing Historic Structures and other structures within the Overlay District that were constructed 65 years ago or longer and have not been significantly altered, shall be reviewed in accordance with the standards established for Contributing Historic Structures by the United States Secretary of the Interior. However, the Director of the Department of Planning and Design or the NuLu Review Overlay Committee may relax these standards in the interest of accomplishing the intentions of these Guidelines.	+	The pedway will be located on the rear façade of the E Market historic structure. It will connect to an existing addition on the structure to a new structure on E Main.
HP2	The design of new or substantially remodeled structures that are adjacent to Contributing Historic Structures should be compatible with them and should incorporate similar design details or references where appropriate.	NA	
HP3	No application to demolish any Contributing Historical Structure or structure built 65 years ago or longer shall be approved by the Urban Design Administrator unless the applicant demonstrates to the satisfaction of Urban Design Administrator and the Historic Preservation Officer: (a) That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact on the Area's economic vitality and appearance than would preservation of the Structure proposed to be demolished; and the rehabilitation of the Structure or the construction of the new Structure would not be possible or economically feasible without the demolition of the Structure proposed to be demolished; or (b) That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure constructed 65 years ago or longer is demolished in accordance with the application.	NA	