



Bardstown Rd/Baxter Ave Review Overlay District

Report to the Committee

Thru: Joseph Haberman, AICP, Urban Design Administrator
From: Kat Groskreutz, Senior Planner – Urban Design
Date: December 11, 2024

Case No: 24-OVERLAY-0032
Classification: Non-Expedited
Meeting Date: December 17, 2024

GENERAL INFORMATION:

Property Address: 2216 Dundee Road

Applicant: Gabriel Degrazia, Sun Residential

Property Owner: DEB Properties LLC

Description of Proposed Exterior Alteration:

The applicant is requesting after-the-fact approval for the installation of a 20' long stretch of looped razor wire. The wire has been placed on top of an existing 8' tall wooden dumpster/utility enclosure that faces the rear parking lot and alley.

Communications with Applicant, Completion of Application:

After a complaint regarding the razor wire was received by the Metro Council office, an enforcement case (ENF-ZON-24-001113) was opened on August 13, 2024. After speaking with Urban Design staff regarding the work, the applicant submitted the Overlay Permit application on September 13, 2024. Per chapter 162.26 of the Louisville Metro Code of Ordinances, the application was classified as requiring a non-expedited review by the Urban Design Administrator on the same day, as the type of improvement is not covered under the exempt or expedited review activities.

The case will be reviewed by the Bardstown Road / Baxter Avenue Review Overlay District Committee on Tuesday, December 17, 2024 at 10:00 AM.

FINDINGS

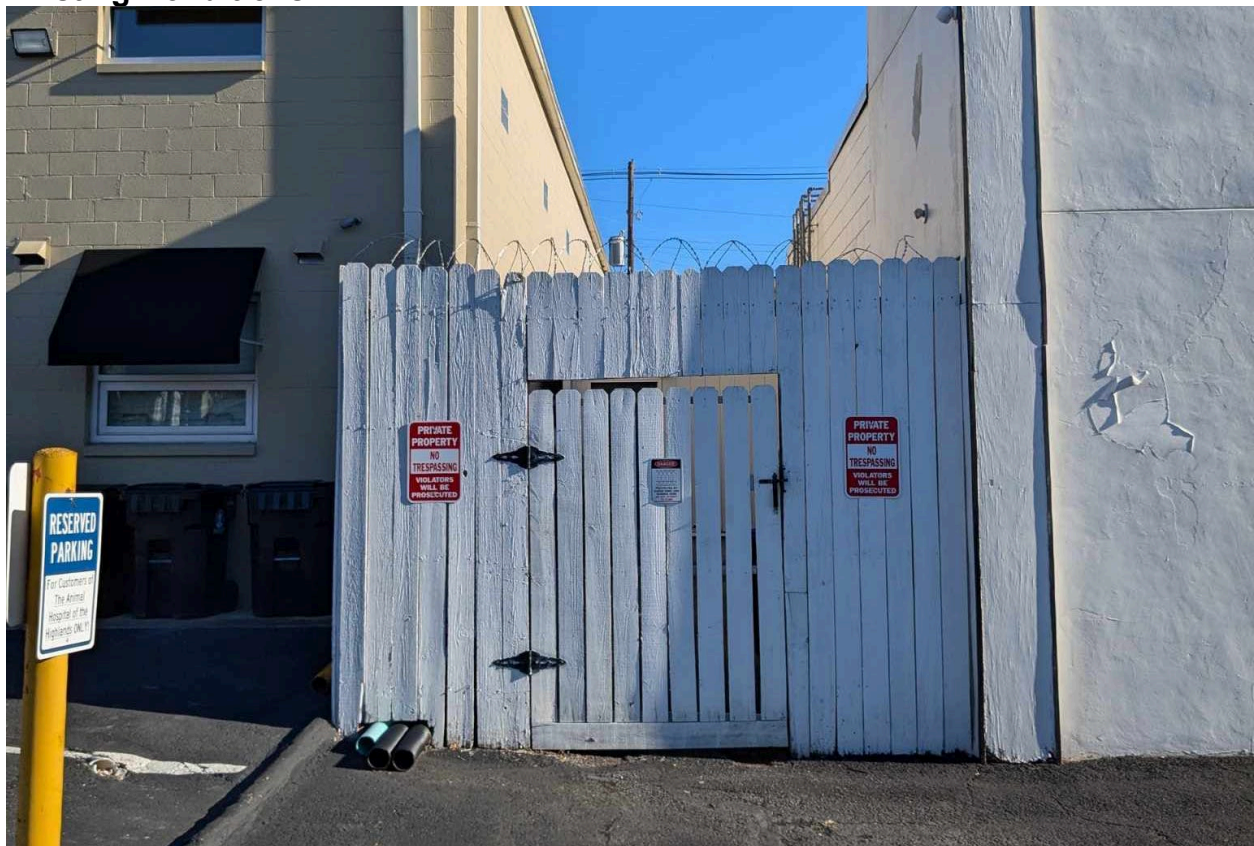
Guidelines

The following Principles and Design Guidelines, approved for the Bardstown Road/Baxter Avenue Corridor Review Overlay District, are applicable to the exterior alteration: **4 – Building** and **6 – Site Planning & Parking**. Staff's findings of fact and conclusions with respect to the Guidelines are attached to this report.

Site Context

The property is located on the southwest side of Dundee Road, two parcels northwest of the intersection with Harvard Drive. It is zoned C2 within the Traditional Marketplace Corridor (TMC) Form District. The site contains a circa 1940, 1-story, brick commercial building at the front of the property. A 2-story modern addition is attached to the rear, with a second building entry door that opens to a 12-space parking lot abutting the alley. The property is surrounded by a mix of historic commercial and residential buildings of various ages, styles, and massing.

Existing Conditions



Utility enclosure to the northwest of the rear building façade – Staff photo, 2024



Utility enclosure to the northwest of the rear building façade - Staff photo, 2024



Southwest (rear) façade and utility enclosure from alley - Staff photo, 2024



Front (northeast) façade of subject property - PVA, 2023

Conclusions

The installation of razor wire in a visible location is not consistent with the intent and distinctive characteristic of the District, and does not meet the applicable BROD Design Guidelines, specifically **Building Guidelines B** and **E**, and **Site Planning, Parking Guideline H**. These guidelines require appropriate materials that are compatible with the architecture of the District and contribute to a pedestrian friendly feel. While the enclosure is located at the rear of the building, there are very active parking lots in this section of the alley, including on the subject property. There are also building entrances facing the parking lots and alley, which results in a significant number of motorists and pedestrians being able to view the material. In addition, the material is visible from at least one adjacent residential property. Razor wire installed where it is visible from an active corridor/alley is not compatible with the architecture of the district, pedestrian friendly, or welcoming.

While a functional and cost-effective measure to secure an area, razor and barbed wire are not visually appealing to most people and are intended to invoke a reaction/feeling to keep out or stay away. These materials are solely utilized for security and are not intended to compliment or contribute to aesthetics of a building or property. As such, these materials are not compatible in certain urban environments, particularly in areas that are commercial and residential in nature. From a safety perspective, while these materials can allow for someone on a side of the security measure to feel they and/or their property is safer, they often make those not protected by the material to feel uneasy or that the area is unsafe. Other less intrusive, subtle measures should be taken for such security in commercial and residential settings.

To staff's knowledge, there is not any visible razor or barbed wire in the District. The Guidelines do not state these are appropriate materials and do not address a context in which they may be appropriate. In addition to razor and barbed wire having no historic precedence in the District, they are not typically used in commercial settings throughout Louisville Metro and are discouraged, and in some cases prohibited by the land development code, when adjacent to residential properties. Without any historic precedence, Guideline allowance, or legal requirement for such installation, it can be concluded that this type of material is not acceptable in the District. This conclusion is in addition to a determination that razor wire is not pedestrian friendly by its very nature and is not compatible with the architectural styles found in the District.

In conclusion, staff finds that the coiled razor wire that is subject to this application does not meet the Guidelines. It is typically utilized in settings that mandate security and is mitigated by its contribution to public safety at large. The razor wire is not required by any other regulation, which would be the only circumstance in which staff would support the introduction of such visible razor wire in the District.

Staff does recognize security issues for the applicant, who has tried other security measures and provided evidence of trespassing and vandalism to their site. Efforts can be made to integrate another effective security measure with other design elements to balance security needs with visual impact, such as incorporating it into ornamental fencing or using vegetation to obscure its appearance. In this case, staff recommends less severe, more visually compatible options such as:

1. Curved top or spike top steel fencing, either as new panels replacing or added to the top of the existing enclosure panels.
2. A strand or strands of barbed wire stretched horizontally within the enclosure space and at a height just below the top of the existing enclosure fence so as not to be visible from the parking lot or alley.
3. Barbed wire wrapped around the gas lines where trespassers have been climbing onto the roof. These lines are mostly hidden behind the enclosure and the wire would not be easily seen.
4. Fully enclosing the space with an appropriate addition with materials and design features that cannot be scaled by trespassers.

RECOMMENDATION

The after-the-fact razor wire does not comply with the applicable Design Guidelines for the BROD District or meet the overall intent of the District.

Considering the information furnished, the Urban Design Administrator recommends the application for an Overlay Permit be **denied**.

4 Building

Checklist

Existing structures along the Bardstown Road/Baxter Avenue Corridor are encouraged to be renovated and reused. 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; insufficient Information
- +/- Meets Guidelines with conditions as noted

Guideline	Finding	Comment
A Existing structures along the Corridor are encouraged to be renovated and reused. 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.	NA	The structure is currently in use. The razor wire is the only proposed change to the site.
B Buildings should be "pedestrian- friendly". Design building facade elements that promote a pedestrian-friendly environment include building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, and lighting.	-	While the enclosure is located at the rear of the building, there are very active parking lots in this section of the alley, including the subject property. There are also building entrances facing the parking lots and alley, which is regularly utilized by cars and pedestrian traffic. This activity and additional rear entrances create buildings with double frontages. Razor/barbed wire visible from active corridor is not pedestrian friendly or welcoming. Further, it may imply that the area is unsafe.
C 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	No alterations to windows are proposed.
D 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.	NA	No new structure is proposed.
E 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.	-	Razor wire is not a high quality material or historically appropriate for the District.
F 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	The height of the structure will not be altered.
G A visual terminus, such as a cornice at the top of a wall helps articulate the architecture, and gives it a completed finished look.	NA	The roof will not be altered.
H Roof forms that are inconsistent with the character of the Corridor include single pitch (shed) roofs, curving roofs. Flat roof forms with parapets are well-suited to the character and image of the Corridor.	NA	The roof will not be altered.
I Outdoor eating or temporary seating located within public sidewalk areas must receive staff approval prior to installation. A 4' wide pedestrian zone is required in the public "right-of-way" sidewalk area.	NA	No outdoor eating or seating is proposed.
J 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. 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	NA	No new mechanical equipment is proposed.

	authorities may be required.		
K	Permanent service counters, service bars, decks, or similar structures may not be constructed in front of a building's primary street facing façade.	NA	No new structures are proposed.

6 Site Planning, Parking

Checklist

Site planning is an important part of any project. Your site should incorporate attractive and maintainable landscaping to enhance the hardscape of the building. Plants can be used in minimizing the visual impact of parking lot and service areas along BROD.

- + Meets Guidelines NA Not applicable
- Does not meet Guidelines TBD To be determined; insufficient Information
- +/- Meets Guidelines with conditions as noted

Guideline	Finding	Comment
A Development plans shall minimize the adverse visual impact of utility lines on the Corridor. Underground lines or service from the alley, where feasible, is encouraged.	NA	Utility lines are existing
B Combining existing, small, under-utilized lots to create shared parking areas that are more efficient and more accessible is strongly encouraged.	NA	Lot lines will not be altered.
C Parking areas and drive-thrus should be located to the side or rear of structures.	NA	The existing parking is located to the rear of the structure and will not be altered.
D 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	The current parking will not be altered.
E Adequate perimeter landscaping, fencing, or a combination of both is required to help screen parked vehicles from full public view. The screening height shall be 36" above finished grade of parking lot. This height will enable drivers of vehicles to safely see and avoid other pedestrians and vehicles while screening most of the parked vehicles' mass.	NA	The current parking will not be altered.
F New development projects should provide adequate and significant screening to adjacent residential structures. Opaque landscape buffers and other forms of screening shall be used to minimize noise and lighting impact.	NA	The razor wire is the only proposed alteration to the site.
G Intensity, location, color, and direction of outdoor lighting shall be sensitive to nearby residential areas.	NA	No new lighting is proposed.
H Fencing and screening shall be constructed of materials compatible with the principal structure.	-	Razor wire is not a material that is compatible with the principal structure.
I Chain link fencing must not be visible from Bardstown Road/Baxter Avenue.	NA	The enclosure has wood privacy fencing.
J The number and width of curb-cuts on the Corridor should be minimized to promote pedestrian circulation. Existing continuous curb-cuts should be reduced to widths necessary for vehicular traffic.	NA	No curb cut alterations are proposed.
K Patios, plazas, or outdoor spaces, constructed, created, or installed in front of a structure that replaces existing turf and/or landscaped areas, shall use permeable pavers, pervious concrete, or equivalent permeable	NA	No new outdoor space is proposed.

	hard surface to reduce water runoff from the property.		
L	Minimum 4'-0" wide landscape buffer area 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 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 landscape buffer area. Landscape buffer plantings shall be installed prior to occupancy or use of the patio, plaza, or outdoor space.	NA	No landscaping is proposed.
M	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 three months of the tree(s) removal or during the next planting season, whichever comes first.	NA	No changes to trees are proposed.
N	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.	NA	No new structures are proposed.