

ITEM: Case No. PUD-000502-2024 and SRU-000521-2024

PLANNER: Matt Post, Senior Planner

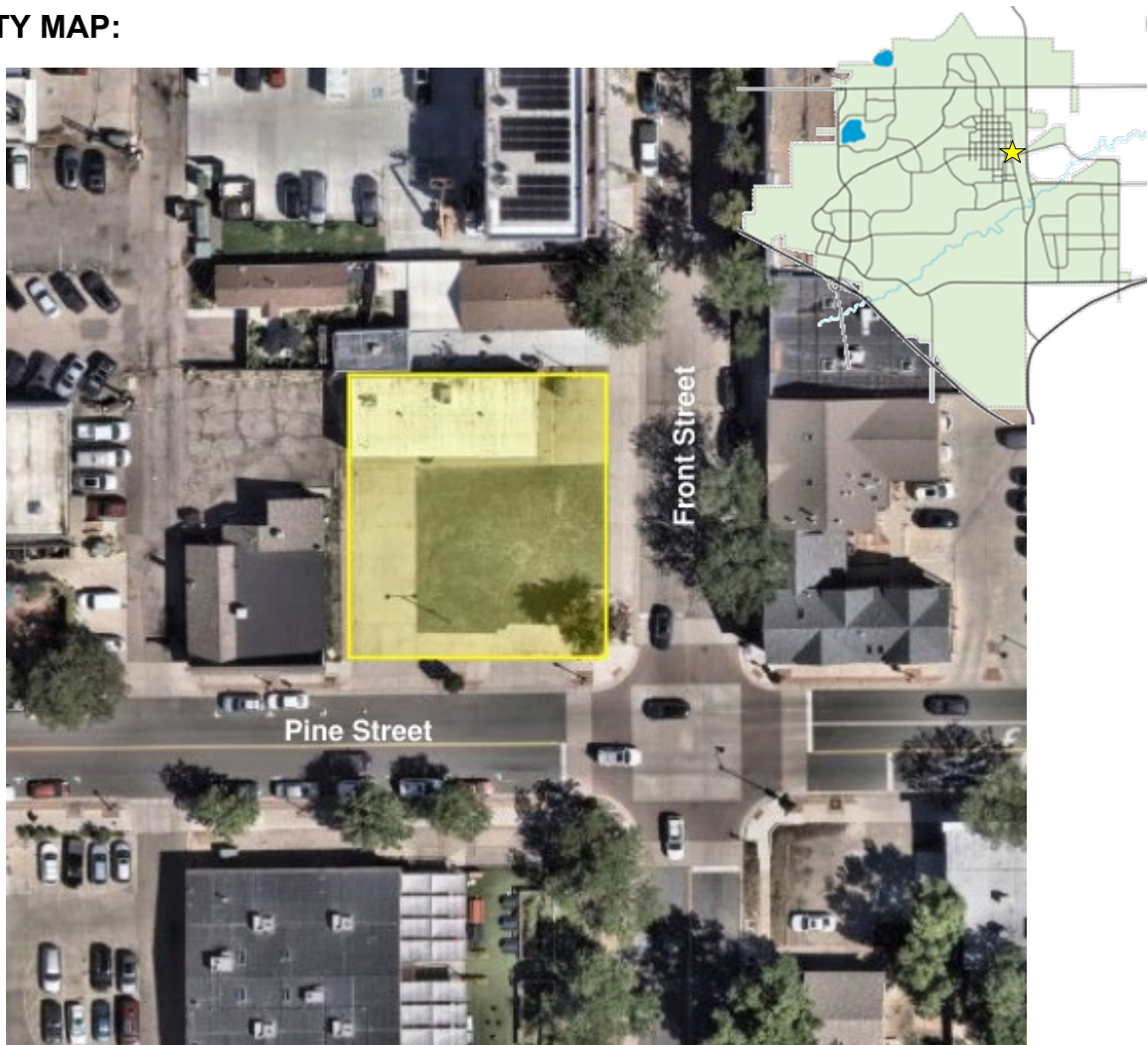
APPLICANT: Construction Concepts, Inc.

OWNER: 947 Pine St., LLC

LOCATION: 947 Pine Street

REQUEST: Approval of Resolution 9, Series 2024, recommending approval of request for a Planned Unit Development (PUD) Amendment and Special Review Use to allow a bar and restaurant with outdoor dining and miniature golf.

VICINITY MAP:



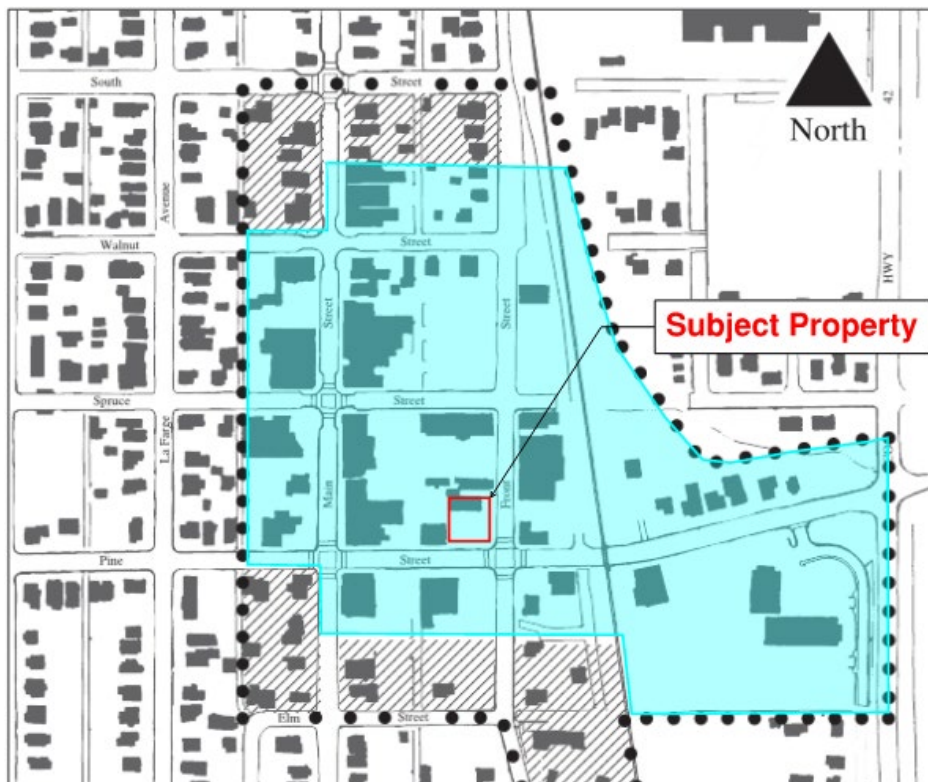
SUMMARY:

The applicant, Construction Concepts, LLC, is requesting approval of a Planned Unit Development (PUD) Amendment and Special Review Use (SRU) to allow outdoor dining and outdoor miniature golf, with a bar and restaurant. The proposed development will include a 728 square-foot addition to the existing structure that will accommodate indoor virtual golf with a bar and restaurant. Exterior improvements will include outdoor dining and seating areas with a 1,634 square-foot miniature golf course.

BACKGROUND:

The existing building and use were entitled as part of the George Oil PUD and Special Review Use approved in 1988 which established a fueling station and grocery store on the subject site.

The property is zoned Commercial Community (C-C) and is subject to the [Downtown Louisville Design Handbook](#) ("Design Handbook") and [Downtown Louisville Framework Plan](#) ("Framework Plan"). The Design Handbook and Framework Plan designate two character areas in Downtown, the "Core Area" and the "Transition Area." The map below shows the Core Area highlighted in blue and the Transition Area crosshatched. The Core Area is the traditional business center for Downtown while the Transition Area includes more of a mix of traditional commercial and residential uses. The Transition Area features policies that mandate shorter building heights and reduced density when compared to the Core Area. This approach facilitates the transition of buildings between the commercial core and the nearby residential neighborhoods.



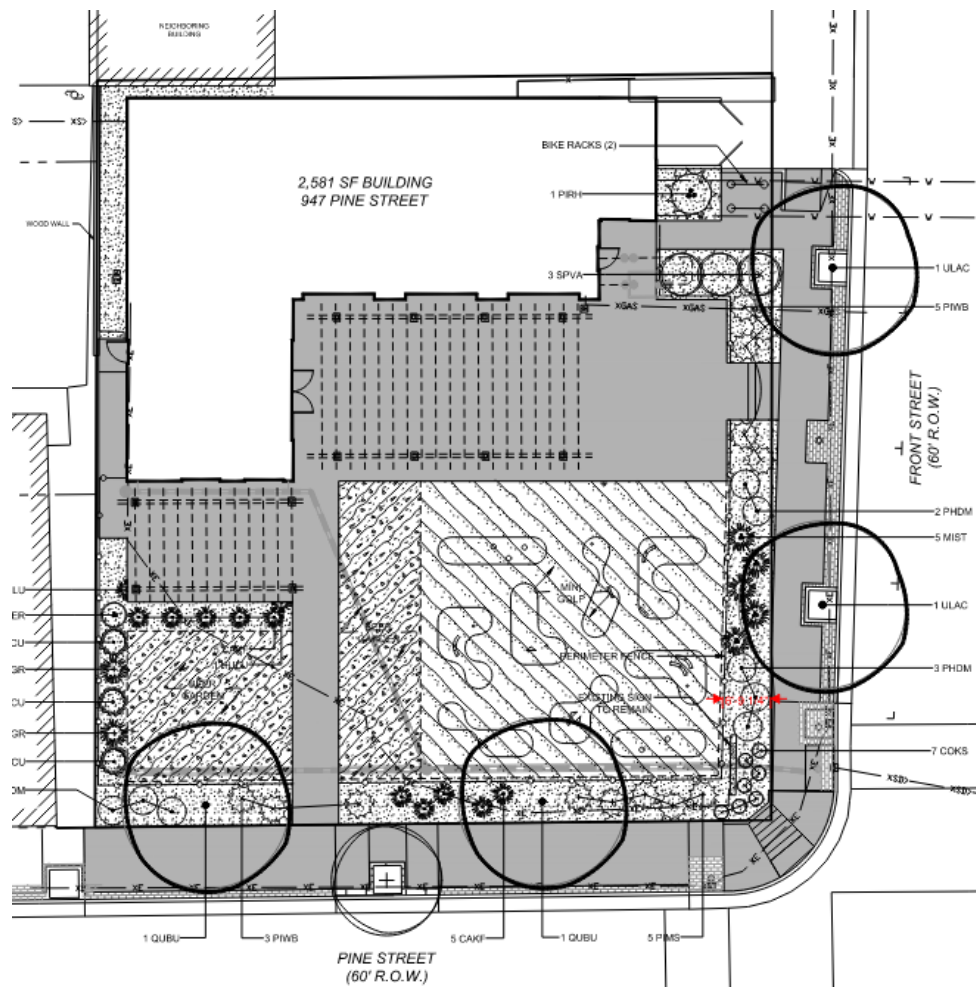
Downtown Map with Core Area in Blue and Transition Area is Crosshatch

PROPOSAL:

PUD/SRU Proposal

The applicant has proposed a 728 square-foot addition to the existing structure for a total building size of 2,608 square feet. The expanded structure will house indoor virtual golf with a bar and small eatery. Exterior improvements will include dining and seating areas, as well as a 1,634 square-foot miniature golf course, with landscaping and additional hardscape improvements.

The subject property is a corner lot with frontage on both Pine Street and Front Street which holds a prominent location near a highly trafficked entry point to Downtown Louisville. The proposed addition on the west side of the site will bring the building closer to Pine Street with activated exterior space proposed behind the public sidewalks on both street-adjacent sides of the site. Pergolas are proposed on the south side of the buildings which will provide additional visual interest and further activate the exterior space, according to the applicant. A low, decorative, open-style fence will be installed within a six – seven-foot landscape buffer around the site which the applicant has designed to define the edge of the pedestrian way.



Site plan

Current conditions on site include two vehicle curb cuts on Pine Street, and a vehicle curb cut and five head-in parking spaces on Front Street. The parking spaces on Front Street are configured such that existing vehicles would back out over the sidewalk and into the street right-of-way, which would not be permitted under currently adopted standards. When combined with the curb cut, the total length of vehicular access points is roughly 84 feet of a 105-foot property line on Front Street, and roughly 50 feet of 95-foot property line on Pine Street. Twelve parking spaces are currently present on site.

According to Louisville Municipal Code (LMC) [Sec. 17.20.025](#), developments in Downtown Louisville must provide one off-street parking space for every 500 square feet of nonresidential floor area, except that the first 999 square feet of new or additional floor area are exempt from parking requirements. Because the addition is 728 square feet, parking ratio requirements will be applied to the existing building square footage of 1,880 square feet. As such, four off-street parking spaces are required.

In an effort to increase walkability in Downtown Louisville and reduce the likelihood of vehicle-pedestrian conflicts near the site, staff recommended that the applicant satisfy the parking requirement with a nonrefundable parking improvement fee in lieu (LMC [Sec. 17.20.025.G](#)) to be paid into the



Site rendering

Downtown Parking Improvement Fund. The fee is \$23,521 per required parking space to be paid in full when the first building permit is issued for construction. The applicant has agreed to pay the parking improvement fee and has designed the site accordingly. No off-street parking is proposed with this development.

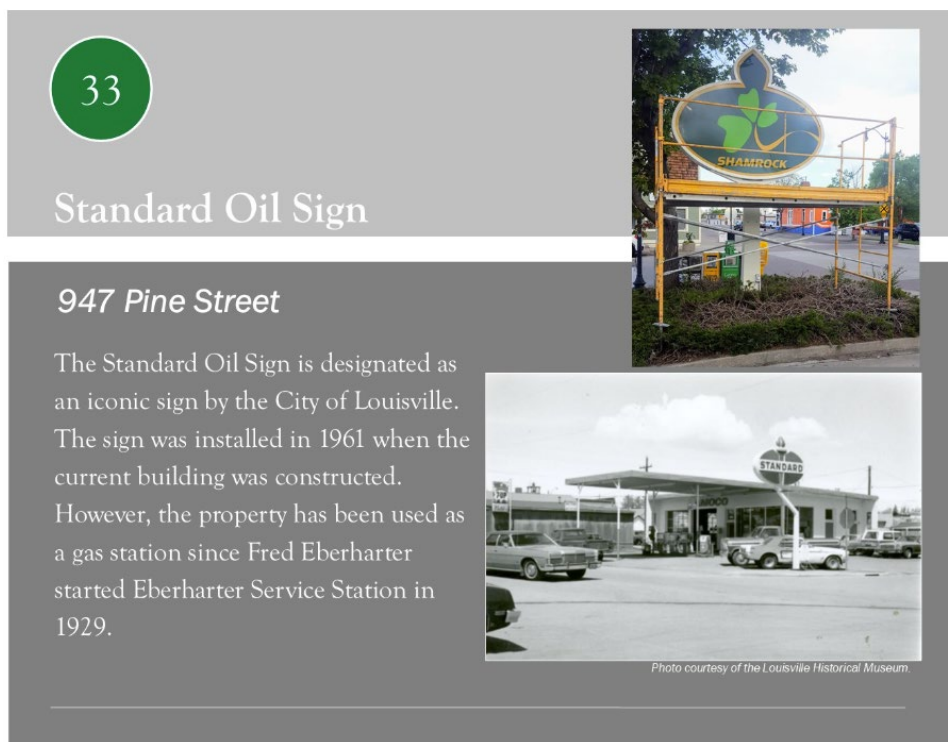
The closure of vehicle access points on the site will permit the construction of full-width, unimpeded sidewalks that will match existing public improvements in the direct vicinity of the site. Additional streetlights and street trees will be installed on both Pine Street and Front Street, and seven to eight new on-street, public parking spaces will be provided directly adjacent to the site.

Staff support the applicant's intent to pay into the Downtown Parking Improvement Fund to satisfy the off-street parking requirement.

Additional site improvements include four bicycle parking spaces and an enclosed trash container in the northeast corner of the site. Site lighting includes downcast and shielded fixtures, with low wattage, low temperature string lights mounted above the outdoor dining and miniature golf area.

Pursuant to Louisville Municipal Code (LMC) [Sec. 17.12.030](#), outdoor eating and drinking establishments and outdoor commercial amusement (miniature golf) are permitted as SRUs in the C-C zone district. The applicant has provided rationale for the use, and staff have provided further analysis below. Staff recommend approval of both SRUs.

The property includes a Landmarked sign on the southeast corner of the site. The sign currently bears the Shamrock logo from the most recent fueling station/convenience store use. However, it is Landmarked as the [Standard Oil Sign](#). The sign will remain in place with this development proposal, and the applicant may change the sign copy with an alteration certificate from the Historic Preservation Commission.



Landmarked sign

The applicant has requested two waivers to facilitate redevelopment of this site. The first waiver request is for relief from the 20-foot rear setback standard that applies to the north property line. The existing building setback on the north side of the property is 2.5 feet. The applicant intends to extend the building by 8.3 feet on the south while maintaining the existing setback on the north, therefore the waiver request is necessary.

The second waiver request is for relief from the 10-foot side interior setback on the west side of the site. The existing building setback is 4.3 feet, and the applicant intends to extend the building by 28 feet while maintaining the existing setback.

ANALYSIS:

Staff analysis includes a review of applicable Design Louisville Design Handbook policies followed by the waiver criteria, and the SRU criteria. The PUD review criteria are included as an appendix.

Design Handbook for Downtown Louisville

Any PUD within Downtown is subject to the Design Handbook policies. Staff have highlighted the following policies that are applicable to the project, along with staff's analysis in italics. Policies are broken out by categories of General Standards and Guidelines ("G") applicable to all areas of Downtown and Core Area Standards and Guidelines ("C"). Not all policies need to be met for approval or support of a project, but all projects should seek to meet all applicable policies when appropriate. Please reference pg. 4 of the Design Handbook for further discussion on how the policies are structured as either mandatory or only encouraged. Each policy is followed by staff's analysis in italics.

G1. All projects should respect the traditional context of downtown.

- 1) In all cases, consideration should be given to the broader context of the block and the town at large.

This block of Front Street is comprised of a mix of commercial uses, including offices, retail, and a restaurant. Pine Street includes bars, restaurants and entertainment uses with structures pulled directly to the street. Building heights and form vary significantly from historic one-story structures to two-story modern office and commercial buildings. The applicant has considered directly adjacent building forms and site improvements in their design.

G4. Develop the street and alley edges of a property to be at a pedestrian scale.

- 1) Provide visual interest on all facades which will be seen from streets, alleys and pedestrian ways.
- 3) Buildings should express human scale, through materials and forms that are familiar building elements in town.
- 4) Use varied building setbacks and changes in materials to create interest and reduce the perceived scale of buildings along alleys.

The building materials at the ground level is predominantly smooth wood siding with a traditional 6-inch exposure and brick. Both street front elevations utilize large glass and storefront displays to engage pedestrians and allow visual connection to interior activities. No parking is proposed on site, allowing for expanded and continuous sidewalks where they did not exist previously. The addition to the existing structure created varied setbacks with material variation.

G10. Minimize the visual impacts of site and architectural lighting.

- 1) Prevent glare onto adjacent properties by using shielded and focused light sources that direct light onto the ground.
- 2) Un-shielded, high intensity light sources and those which direct light upward will not be permitted.
- 3) Shield lighting associated with service areas, parking lots and parking structures.
- 4) Avoid placing lights in highly visible locations, such as on the upper walls of buildings.

All lighting is full cut off to minimize glare, while the proposed string lights are low wattage and low temperature.

G11. Provide site lighting that encourages pedestrian activity at night.

- 1) Site lighting should be at a pedestrian scale and help define different functional areas of the property.

The development will include additional streetlights along Front Street and Pine Street to encourage pedestrian street activity.

G13. Where appropriate, design a parking area to be accessed from an alley rather than the street.

- 1) In a residential context, the use of a detached garage, located along the alley, is especially encouraged.

The project includes no parking on site and is instead adding public street parking.

G15. Locate parking such that it will be subordinate to other site features.

- 1) An on-site parking area should be located inside or behind a building, where its visual impacts will be minimized.

No parking is included on site.

G20. New construction should appear similar in mass and scale to structures found traditionally in the area.

The design takes inspiration from the flat/low-slope roof form of 637 Front Street and the gable roof form of 702 Front St, not directly adjacent to the site. The proposed height of the structure is 24 feet, which is similar to or less than existing heights on Front Street.

G24. New interpretations of traditional building styles are encouraged

- 1) A new design that draws upon the fundamental similarities among traditional buildings in the community without copying them is preferred. This will allow them

to be seen as products of their own time yet compatible with their older neighbors.

Staff find the new construction is differentiated from the existing, historic buildings in Downtown and appears as a product of its own time while maintaining historic elements.

G29. Maintain the existing range of exterior wall materials found in downtown.

- 1) Appropriate materials for primary structures include horizontal and vertical siding, shingles and brick.
- 2) The lap dimensions of siding should be similar to those found traditionally. Typically 4-6 inches exposed.
- 6) For larger buildings, consider a combination of appropriate materials as a means to reduce the apparent size of the project.

Staff find brick is an appropriate material for the primary façade of a Downtown building. The façade also include smooth lap siding similar to traditional siding in Downtown. The use of materials that includes brick and pedestrian-scale windows. The colors were selected from a historic colors preservation palette.

G31. New materials may be considered, if they appear similar in character and detailing to those used traditionally.

- 3) Details of hard board siding, and their joints, should match that of traditional wood siding.

Staff find the use of brick and horizontal siding matches traditional materials and form in Downtown.

C3. Maintain the average scale of one-story buildings at the sidewalk.

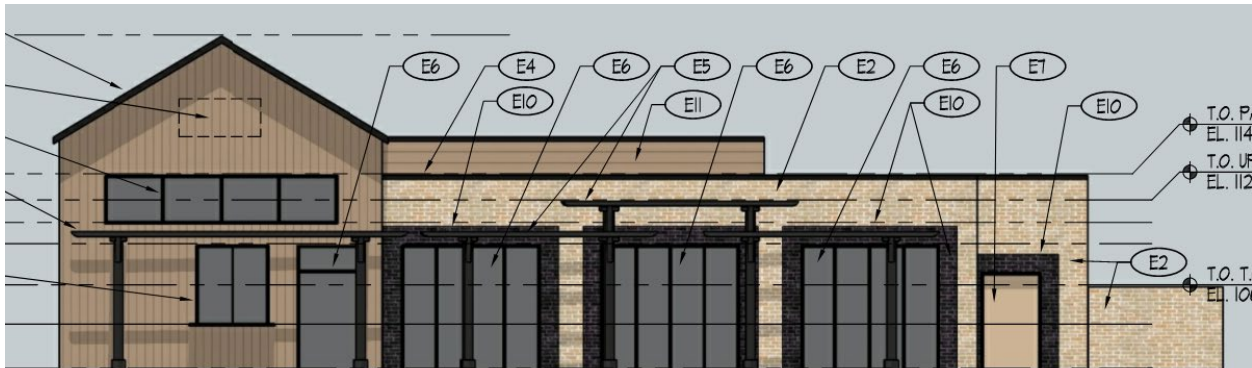
- 1) Traditionally, most commercial storefronts in this area were one- or two-stories in height and, while each block contained a mix of these heights, an overall sense of unity in scale was established.
- 2) In larger projects, a mix of one- and two-story modules should be used to maintain variety in heights.
- 3) New construction should present a tall one-story or two-story facade at the front property line. This facade height should not exceed 30 feet.
- 4) Floor-to-floor heights should also appear similar to those buildings seen traditionally.

The use of the storefront windows and horizontal wood siding help to provides a one-story visual element to help reinforce the pedestrian scale of the building. Staff finds the intent of this policy is met with the building design.

C7. Rectangular forms should be dominant on Core Area facades.

- 1) The facade should appear as predominantly flat, with any decorative elements and projecting or setback “articulations” appearing to be subordinate to the dominant form.

The building and building elements are predominantly rectangular in form.



C9. Use a flat roof line as the dominant roof form.

- 1) Historically, commercial roof forms were flat, sloped or gabled, but each had a false front that gave the appearance of a flat roof as seen from the street.
- 2) False fronts and parapets should be considered for new buildings with gabled roof forms.
- 3) Parapets on side facades should step down towards the rear of the building.

The dominate roof form is flat, though gable designs are included.

Waiver Criteria

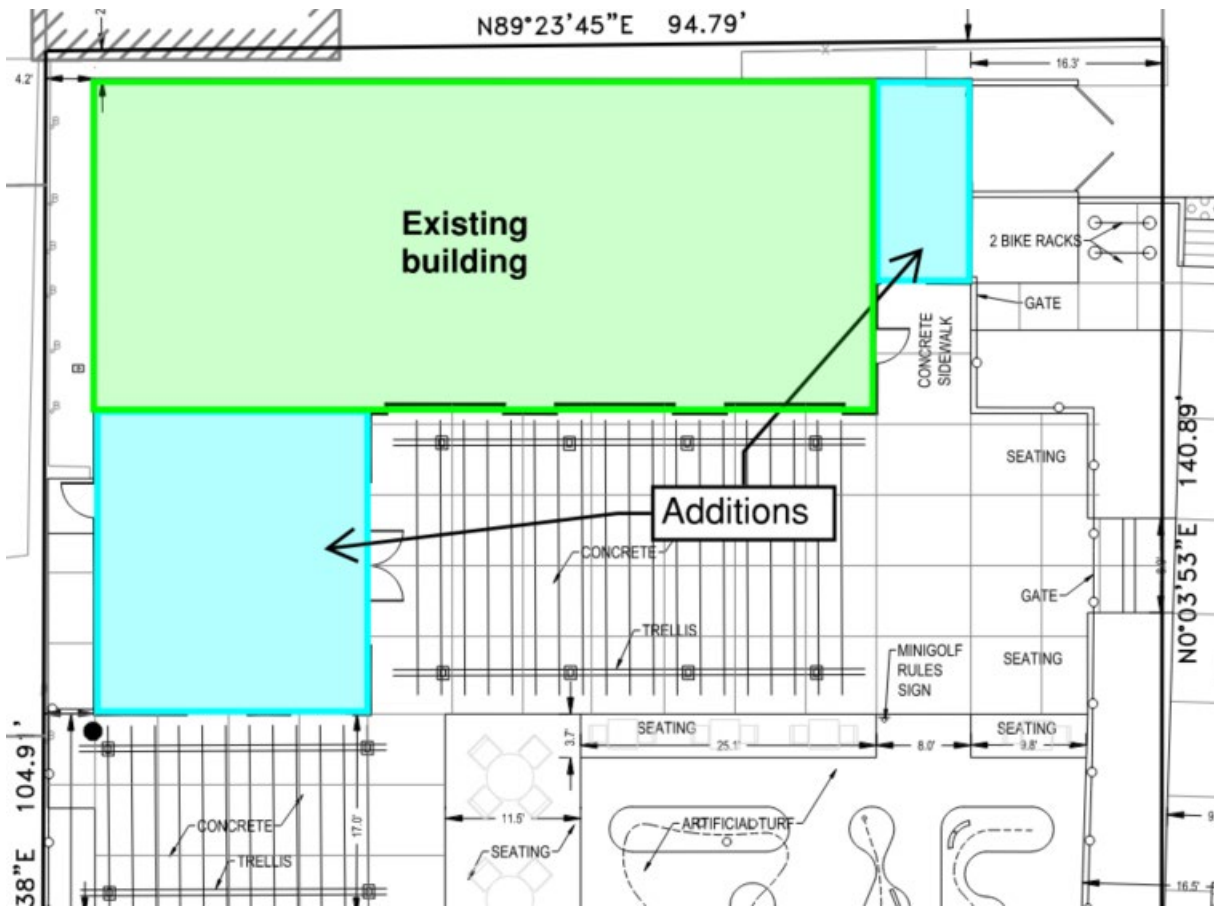
The applicant has requested two waivers to support the redevelopment of the site.

The first waiver seeks relief from the 20-foot rear setback requirement along the north side property line. The existing building is setback 2.5 feet on the north side, and the applicant plans to extend the building by 8.3 feet while retaining the existing setback.

The second waiver requests relief from the 10-foot side interior setback on the west side of the site. The existing setback is 4.3 feet, and the applicant intends to extend the building by 28 feet while retaining the current setback.

Staff find that the side interior and rear setbacks applicable to the C-C zoning district are limiting for this corner property in Downtown Louisville. Existing and historic development patterns in the core area of downtown include conditions with minimal side and rear setbacks, which support the traditional development context present.

The requested waivers will allow for the adaptive reuse of the existing building while retaining a large portion of the site as functional and activated open space. Adjacent property impacts are anticipated to be limited as the applicant is continuing an existing condition on site. Staff recommend approval of the waivers as requested.



Proposed additions – waiver exhibit

Special Review Use

Pursuant to Louisville Municipal Code (LMC) Sec. 17.12.030, outdoor eating and drinking establishments and outdoor commercial amusement (miniature golf) are permitted as SRUs in the C-C zoning district.

SRUs shall be reviewed against the criteria listed in LMC Sec. 17.40.100 to determine whether the proposed use is compatible with the surrounding area and if any conditions on the use may be appropriate. Staff's analysis of the SRU review criteria is provided below.

1. That the proposed use/development is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and that it would not be contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;

The Comprehensive Plan (Plan) envisions "a healthy and vibrant Downtown"

(Policy LU-4.2) with a “mix of uses that bring new revenue generation to the Downtown area” (Policy ED-5.3). The Comprehensive Plan classifies Downtown Louisville as Center type development and describes Center development by the following:

Centers are defined by their mixture of uses (retail, commercial, and residential), street interconnectivity, and integrated public spaces. A center’s physical design is that of a destination or gathering point for city-wide activities. Centers are connected to and oriented toward their adjacent land uses. Centers typically have the greatest retailing opportunities. Centers feature integrated public spaces with a recognized public space, or focal point.

*The Downtown Louisville Framework Plan includes a goal to “Maintain downtown as a vibrant, mixed-use activity center”. The use and activation of this previously vacant site will improve economic activity and vibrancy of downtown while also improving the streetscape and pedestrian scale development patterns. **Staff find the proposal meets this criterion.***

2. That such use/development will lend economic stability, compatible with the character of any surrounding established areas;

*The proposed uses will support continued economic activity and investment in the area. The building design is consistent with Design Handbook policies, including creating an inviting pedestrian scale to Downtown. Surrounding development includes office, retail, restaurant and the public library, and some residential, which are all compatible with an outdoor dining and outdoor amusement use in the downtown area. **Staff find the proposal meets this criterion.***

3. That the use/development is adequate for internal efficiency of the proposal, considering the functions of residents, recreation, public access, safety and such factors including storm drainage facilities, sewage and water facilities, grades, dust control and such other factors directly related to public health and convenience;

*Public Works has reviewed the drainage plan and is coordinating the utility plans for the development and is in support of the proposal. The Fire District has also reviewed the plans and has no conflict with the proposal. **Staff finds the proposal meets this criterion.***

4. That external effects of the proposal are controlled, considering compatibility of land use; movement or congestion of traffic; services, including arrangement of signs and lighting devices as to prevent the occurrence of nuisances; landscaping and other similar features to prevent the littering or accumulation of

trash, together with other factors deemed to effect public health, welfare, safety and convenience;

*External effects of the proposed uses are anticipated to be limited and similar to nearby uses with outdoor dining areas. Lighting plans meet the Design Handbook Standards, though staff do propose conditions to ensure that lighting does not become a nuisance. The site is fenced and landscaped, providing a buffer from the public way. Staff are also recommending a condition prohibiting amplified music be limited between the hours of 10:00pm and 8:00am, as has been proposed for other outdoor dining uses in the vicinity. **Staff find the proposal meets this criterion.***

5. That an adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.

*The applicant has removed all parking from the site allowing for continuous, unimpeded improvements of the pedestrian way around the full extent of the site. The site will be updated with landscaping and decorative fencing creating a clear and defined public way. **Staff find the proposal meets this criterion.***

DEVELOPMENT CAP IN WESTERLY PORTION OF DOWNTOWN

Section 17.12.060 of the LMC allows a maximum of 475,000 sq. ft. of floor area for the westerly portion of Downtown. Recent analysis of the total floor shows that the current sum total 347,467 square feet. With the proposed 728 square-foot addition, the new total floor area for the westerly portion of downtown 348,195 square feet, which is within the maximum floor area allowed.

PUBLIC COMMENTS:

No public comments have been received as of the date of this report.

STAFF RECOMMENDATION:

Staff recommend approval of Resolution 9, Series 2024, recommending approval of a Planned Unit Development (PUD) Amendment and Special Review Use to allow a bar and restaurant with outdoor dining and miniature golf.

ATTACHMENTS:

1. Resolution 9, Series 2024
2. Application Materials

APPENDIX: PUD Criteria Analysis

Criteria 17.28.120 (A)	Finding	Narrative
1. An appropriate relationship to the surrounding area.	Compliant	The design is appropriate for the area and permitted in the CC zone district. The site and building design are compatible with the Design Handbook for Downtown Louisville
2. Circulation in terms of the internal street circulation system, designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control. Proper circulation in parking areas in terms of safety, convenience, separation and screening.	Compliant	The application provides for adequate and safe internal circulation. The City's engineering division and Fire District have reviewed the proposal and have no concerns.
3. Consideration and provision for low and moderate-income housing	Compliant	The proposed housing is not designated for low or moderate income housing, but does provide a greater variant of housing choices for the City.
4. Functional open space in terms of optimum preservation of natural features, including trees and drainage areas, recreation, views, density relief and convenience of function	Compliant	The PUD complies with landscape requirements in the Design Handbook.
5. Variety in terms of housing types, densities, facilities and open space	Complaint	The proposed housing provides a greater variant of housing density and types.

6. Privacy in terms of the needs of individuals, families and neighbors	Compliant	The housing proposed is intended for a downtown urban environment. The outdoor spaces designed into the units adequately separate units to be reasonably private.
7. Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness	Compliant	The PUD provides pedestrian amenities, creates pedestrian scale development in Downtown and adds bicycle parking.
8. Building types in terms of appropriateness to density, site relationship and bulk	Compliant	The application is compatible with surrounding development and appropriate for Downtown and meets Design Handbook policy for density, height and massing. The project has a Floor Area Ratio (FAR) of 1.0, while an FAR of 2.0 is allowed in the Core Area.
9. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting	Compliant	The PUD complies with the architectural design and site planning requirements in the Design Handbook.
10. Landscaping of total site in terms of purpose, such as screening, ornamental types used, and materials used, if any; and maintenance, suitability and effect on the neighborhood	Compliant	The PUD complies with landscape requirements in the Design Handbook.
11. Compliance with all applicable development design standards and guidelines and all applicable regulations pertaining to matters of state interest, as specified in <u>chapter 17.32</u>	Compliant	The PUD complies with all applicable development design standards and guidelines.
12. None of the standards for annexation specified in <u>chapter 16.32</u> have been violated	Not applicable	The property was previously annexed.
13. Services including utilities, fire and police protection, and other such services are available or can be made available to adequately serve the development specified in the final development plan	Compliant	The Public Works Department and Louisville Fire District reviewed the PUD and meets their requirements.

Criteria 17.28.120 (B)	Finding	Narrative
1. Development shall be in accordance with the adopted elements of the comprehensive development plan of the city, and in accordance with any adopted development design standards and guidelines.	Compliant	The PUD complies with the adopted elements of the comprehensive plan, and the adopted development design standards and guidelines.
2. No structures in a planned unit development shall encroach upon the floodplain. Existing bodies of water and existing stream courses shall not be channelized or altered in a planned unit development plan.	Compliant	The property is not located in a floodplain, nor are there any existing bodies of water in the area.
3. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved specifically by the city.	Compliant	There is no known subsidence on the property.
4. The proposal should utilize and preserve existing vegetation, land forms, waterways, and historical or archeological sites in the best manner possible. Steep slopes and important natural drainage systems shall not be disrupted. How the proposal meets this provision, including an inventory of how existing vegetation is included in the proposal, shall be set forth on the landscape plan submitted to the city.	Compliant	The PUD is appropriate for the context of the existing conditions of the property and downtown.
5. Visual relief and variety of visual sitings shall be located within a development in the overall site plan. Such relief shall be accomplished by building placements, shortened or interrupted street vistas, visual access to open space and other methods of design.	Compliant	The PUD complies with site planning requirements in the Design Handbook, ensuring proper building placement and orientation.

6. Open space within the project shall be located in such a manner as to facilitate pedestrian use and to create an area that is usable and accessible to residents of surrounding developments.	Compliant	The proposal includes pedestrian access and an accessible area for use by the occupants of the site.
7. Street design should minimize through traffic passing residential units. Suggested standards with respect to paving widths, housing setbacks and landscaping are set forth in public works standards of the city and applicable development design standards and guidelines. The system of streets, including parking lots, shall aid the order and aesthetic quality of the development.	Compliant	The PUD complies with requirements in the Design Handbook, ensuring properly designed orientation to the adjacent street network.
8. There shall exist an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels as well as to parks, open space or recreation facilities within the development. Pedestrian links to trail systems of the city shall be provided.	Compliant	The PUD complies with bicycle and pedestrian requirements in the Design Handbook and municipal code, ensuring adequate pedestrian and bicycle access.
9. The project and development should attempt to incorporate features which reduce the demand for water usage.	Compliant	The PUD proposes appropriate use of water, with minimal landscaping and no turf included in the proposal.
10. Landscape plans shall attempt to reduce heating and cooling demands of buildings through the selection and placement of landscape materials, paving, vegetation, earth forms, walls, fences, or other materials.	Compliant	The proposal includes added two new street trees and new trees in the parking lot to aid in shading and cooling paved areas and pedestrian ways.
11. Proposed developments shall be buffered from collector and arterial streets. Such buffering may be accomplished by earthen berms, landscaping, leafing patterns, and other materials. Entrance islands defining traffic patterns along with landscaping	Not applicable	The PUD complies with the requirements of the Design Handbook, which does not require buffering from adjacent streets.

shall be incorporated into entrances to developments.		
12. There shall be encouraged the siting of lot arrangement, building orientation and roof orientation in developments so as to obtain the maximum use of solar energy for heating.	Compliant	The PUD provides unshaded roof structures so that solar energy may be utilized in the future.
13. The overall PUD shall provide a variety of housing types.	Not applicable	The proposal increases housing variety in the City and in Downtown.
14. Neighborhoods within a PUD shall provide a range of housing size.	Not applicable	The proposal is not for a neighborhood scale PUD.
15. Architectural design of buildings shall be compatible in design with the contours of the site, compatible with surrounding designs and neighborhoods, shall promote harmonious transitions and scale in character in areas of different planned uses, and shall contribute to a mix of styles within the city.	Compliant	The PUD proposes architecture that is compatible in design with the contours of the site, with surrounding designs and neighborhoods.