

Planning Commission

Staff Report

July 17, 2014



Case No:	14zone1017
Project Name:	Old Hickory Inn
Location:	1036/1038 Lydia Street
Owner(s):	1038 Lydia LLC
Applicant:	1038 Lydia LLC
Representative(s):	Dunaway Engineering Inc.
Project Area/Size:	0.165 Acres
Existing Zoning District:	R-5
Existing Form District:	Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	10- Jim King
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Change in zoning from R-5 to C-2
- Waiver from Chapter 10.2.4.A to permit encroachments into the required 15' LBA along the north property line and to provide the 8' screen in the buffer behind the building as indicated on the development plan
- Parking waiver to reduce the required amount of parking for the site from 11 spaces to 4 spaces (64% waiver) and to use on-street parking spaces that are not directly adjacent or abutting the site to fulfill the parking requirements
- District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The building was constructed as a non-residential structure and has been used commercially overtime but has never been zoned correctly. The commercial non-conformity of the structure still exists. The site is surrounded on all sides by residential development with the exception of the property located to the southeast and across Hickory Street diagonally. That user is a non-conforming bar. 1038 Lydia Street has non-conforming rights for parking. 4 spaces are provided for the expansion of the tavern in the structure on 1036 Lydia Street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Tavern/Single Family Residential	R-5	TN
Proposed	Tavern	C-2	TN
Surrounding Properties			
North	Residential	R-5	TN
South	Residential	R-5	TN
East	Residential/Tavern	R-5	TN
West	Residential	R-5	TN

PREVIOUS CASES ON SITE

None found.

INTERESTED PARTY COMMENTS

I own and live at 1032 Mulberry St., which backs up to the properties of 1036 and 1038 Lydia Street. I have business meetings which prevent me from appearing at the hearing but I still want to voice **my opposition to changing the zoning at the properties**. Fridays and Saturdays are loud enough with the bands and carousing that goes on until 1am and 2am regularly. To add more commercial endeavors (like another bar) would make a bad situation worse. Please read this email into the record.

Thanks,
Larry Ledford

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those

neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

The proposal is part of an existing non-residential center at the intersection of Hickory and Lydia. The proposal is not appropriately located due to the surrounding properties being residential, the overall area being single family residential, and the level of the roadways serving local traffic. CR is a more appropriate zoning district for the site because it is intended to be used in the situation where there is an existing mixed use structure in an urban residential area.

The proposal will be part of an existing center to the TNFD in this area but with the inappropriate C-2 zoning that serves patrons outside the neighborhood. A CR proposal would be more in keeping with the corner commercial that serves the neighborhood but is also predominate in the area. The proposal is for the re-use of an existing building for mixed use.

C-2 uses serve a broader population than what is represented in the area. While some of the population within the neighborhood would be served by C-2 others would not as C-2 appeals to more regional serving uses. CR would be a more appropriate zoning classification for a neighborhood of this size and would offer neighborhood serving uses instead of regional serving uses.

The proposal is compact but does not result in an efficient land use pattern as there are no other C-2 zoning classifications in the area and along a local level roadway. There are other non-conforming commercial uses located on the southeast corner of Hickory and Lydia. The building to the southwest and across Hickory was built as a commercial structure but is now residential.

The proposal includes a mix of land uses but will not reduce trips as C-2 uses draw the majority of patrons from outside the neighborhood and surrounding area. Transit is not available along the local level roadways that surround the site. It is available along East Burnett which is the closest arterial to the site and is 2 blocks away. With C-2 uses attracting the broader community to the area the current sense of place is challenged because of patrons outside the area and neighborhood being attracted to the use.

The proposal is a non-residential expansion into a residential area. A waiver is being requested to reduce the buffer from the adjacent single family residential. Most parking will be located on street.

The proposal is a high intensity commercial use that is not located along a transit corridor. It is located in an existing non-conforming activity center within an existing single family residential neighborhood with only local level roads leading to the building. The closest arterial is East Burnett which is several blocks away.

The full buffer cannot be complied with due to the existing structure. An 8' fence will be provided at the rear of the property to screen the parking. While all the planting requirements will be met 5' is not a sufficient transition from the adjacent low density R-5 to the high intensity C-2. The buffer waiver has not been mitigated as the C-2 use within the structure has not been addressed.

Two employee spaces and one customer space are located behind the building where a 5' LBA with an 8' screen separates the residential site from the parking. 5' is not enough space to mitigate noise negatively impacting the adjacent residential.

The proposed C-2 is located in an existing activity center that contains all non-conforming uses. The proposal will not generate large amount of traffic.

Adequate parking is not proposed to support the C-2 zoning. The adjacent site has non-conforming parking rights while the expanded site can only provide 3 on-site parking spaces (with the granting of a landscape waiver). 1 space is provided on-street. 11 are required for only the 1036 Lydia Street site.

Access to the site is by way of local level roads where there is the less intense residential development. The proposal is for high intensity C-2 which would create an access nuisance because C-2 draws patrons from outside the neighborhood. Traffic from outside the neighborhood would be added to the existing local level roadways.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the reduction in parking.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DEVELOPMENT PLAN

- 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: The site is eligible as a qualifying structure should the neighborhood seek National Register status. There are no other natural features evident on the site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Existing sidewalks and streets provide for vehicles and pedestrians.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space on the site is provided along the frontage of the properties as well as within the patio and rear yard areas of the site.

- 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: MSD has preliminarily approved the proposal.

- 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 site design is not compatible with the existing land uses in the area. A waiver is being requested to being the use and parking closer to the existing residential property to the north. Also a parking waiver is being requested which expands the tavern use into the existing residential neighborhood where the majority of parking will occur in front of adjacent residential homes.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal does not meet the guidelines of the Comprehensive Plan or the requirements of the Land Development Code as indicated in the attached staff checklist.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER

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

STAFF: The waiver will adversely affect adjacent property owners as the reduction of buffer brings the proposed use of the site closer to the existing residential home to the north.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The full buffer cannot be complied with due to the existing structure. An 8' fence will be provided at the rear of the property to screen the parking. While all the planting requirements will be met 5' is not a sufficient transition from the adjacent low density R-5 to the high intensity C-2. The buffer waiver has not been mitigated as the C-2 use within the structure has not been addressed. Two employee spaces and one customer space are located behind the building where a 5' LBA with an 8' screen separates the residential site from the parking. 5' is not enough space to mitigate noise negatively impacting the adjacent residential.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The parking could be removed from the site and a portion of the 15' buffer (with the exception of the existing structure) could be complied with. The applicant is requesting a parking waiver to reduce the parking on the site adding the buffer would increase the percentage of parking waiver that would need to be requested.

- (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: No other design measures have been offered as mitigation for non-compliance and the strict application of the requirements would not prevent the applicant of reasonable use of the land as providing the full 15' buffer along the rear of the property would further protect the existing residential property from the proposed uses permitted within C-2 zoning districts.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER

In granting a General Parking Waiver to allow a 64% reduction in parking spaces the Planning Commission must find that:

- a. All General Parking Waivers

1. The Parking Waiver is in compliance with the Comprehensive Plan; and

Staff: The majority of the parking for the site is located on the street. The adjacent site has non-conforming parking rights while the expanded site can only provide 3 on-site parking spaces (with the granting of a landscape waiver). 1 space is provided on-street. 11 are required for only the 1036 Lydia Street site.

2. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions;

Staff: The applicant is utilizing available credits for reducing the parking on the site (green design credit and National Register eligibility). However, the parking provided on the site is compromising the required buffering along the property line shared with the adjacent single family residential.

b. Waivers to Reduce the Minimum Number of Required Parking Spaces

1. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

Staff: The waiver is the smallest possible with the granting of the landscape waiver. Because 1038 Lydia has non-conforming rights to parking it is unclear that the 3 on-site and 7 on street spaces are sufficient for the use.

2. Adjacent or nearby properties will not be adversely affected; and

Staff: There are a sufficient number of on street parking spaces in the area as indicated in the applicants parking study. However, with the on street parking spaces being utilized by tavern patrons the tavern use is extended from its point of service further into the residential neighborhood. Patrons parking down street from the use bring noise, public intoxication, and other nuisances into the neighborhood and further from the source.

3. The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

Staff: The requirements in Table 9.1.2 reflect the parking needs and requirements for 1036 Lydia but do not take into account the non-conforming parking rights of 1038 Lydia.

4. That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand;

Staff: There is sufficient parking in the area which would accommodate the additional spaces needed if necessary but at the cost of extending the tavern use further into the residential neighborhood.

TECHNICAL REVIEW

All agency comments have been addressed.

STAFF CONCLUSIONS

The Commission should discuss proposed binding element #9 and the applicant's proposed binding element #13 to determine what makes the most sense for the neighborhood.

The Planning Commission has the option to approve or deny the proposal. If the proposal is denied the site at 1038 Lydia will maintain its non-conformity and can continue its existing use while 1036 would remain residential.

The proposal does not meet the guidelines of Cornerstone 2020 or the requirements of the Land Development Code. Staff recognizes the non-residential nature of the site, however C-2 zoning is too intense for the site and for the residential neighborhood.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

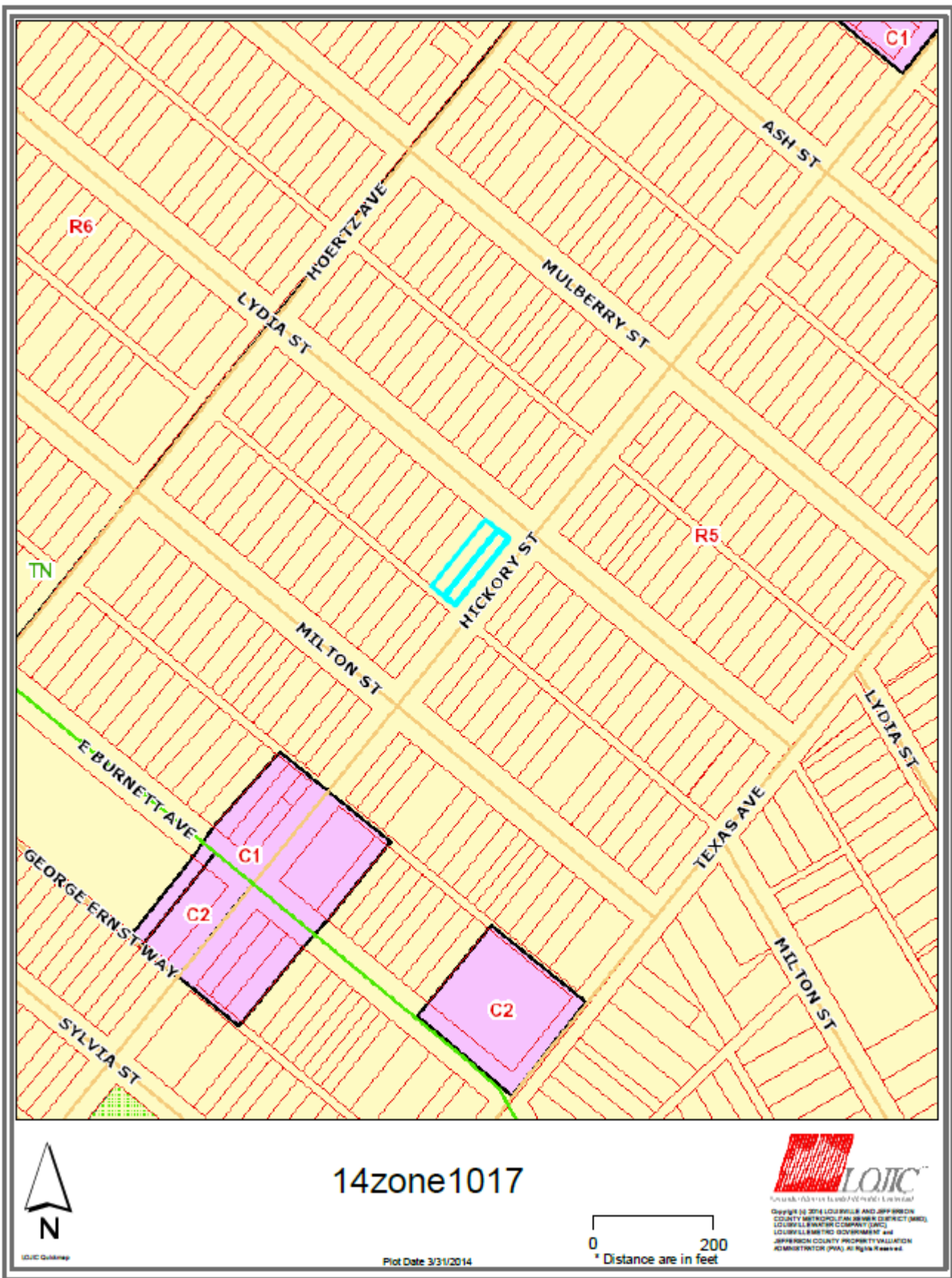
NOTIFICATION

Date	Purpose of Notice	Recipients
6/13/14	Hearing before LD&T on 6/26/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
7/2/14	Hearing before PC ON 7/17/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
7/2/14	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

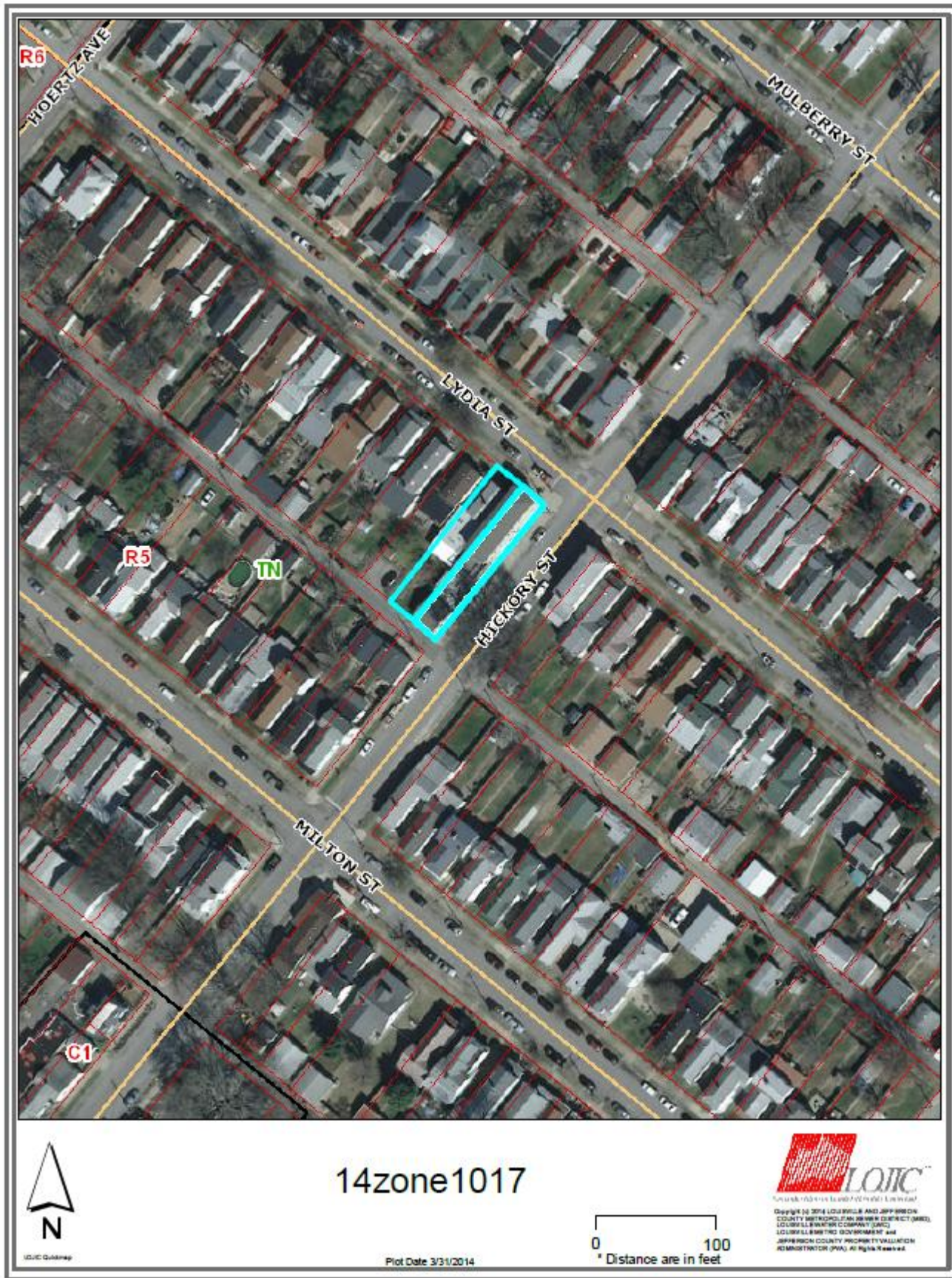
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Inspection Report
5. Proposed Binding Elements
6. Staffs Proposed Findings of Fact

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal will not affect the grid pattern of the ROW.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	-	The proposal is part of an existing non-residential center at the intersection of Hickory and Lydia. The proposal is not appropriately located due to the surrounding properties being residential, the overall area being single family residential, and the level of the roadways serving local traffic. CR is a more appropriate zoning district for the site because it is intended to be used in the situation where there is an existing mixed use structure in an urban residential area.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	√	The proposal has no effect on existing open spaces or other public areas. Emerson Park is located nearby at the corner of Hickory and Sylvania.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	√	The proposal is for the preservation of existing buildings. The building design of the principal structures is not consistent with the materials found in the area but has had the stone façade for some time.
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	-	The proposal will be part of an existing center to the TNFD in this area but with the inappropriate C-2 zoning that serves patrons outside the neighborhood. A CR proposal would be more in keeping with the corner commercial that serves the neighborhood but is also predominate in the area. The proposal is for the re-use of an existing building for mixed use.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	-	C-2 uses serve a broader population than what is represented in the area. While some of the population within the neighborhood would be served by C-2 others would not as C-2 appeals to more regional serving uses. CR would be a more appropriate zoning classification for a neighborhood of this size and would offer neighborhood serving uses instead of regional serving uses.

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7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	-	The proposal is compact but does not result in an efficient land use pattern as there are no other C-2 zoning classifications in the area and along a local level roadway. There are other non-conforming commercial uses located on the southeast corner of Hickory and Lydia. The building to the southwest and across Hickory was built as a commercial structure but is now residential.
8	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	-	The proposal includes a mix of land uses but will not reduce trips as C-2 uses draw the majority of patrons from outside the neighborhood and surrounding area. Transit is not available along the local level roadways that surround the site. It is available along East Burnett which is the closest arterial to the site and is 2 blocks away. With C-2 uses attracting the broader community to the area the current sense of place is challenged because of patrons outside the area and neighborhood being attracted to the use.
9	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	√	The proposal is for mixed use.
10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	√	The proposal shares on street parking with the adjacent residential uses. One of the sites has non-conforming rights for parking while the other is providing 4 of the required 11 spaces.
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	Utilities are existing.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The proposal has easy access by bicycle and pedestrians due to the sidewalks and roadways.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	No new construction is proposed.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	-	The proposal is a non-residential expansion into a residential area. There is no evidence that the site will be buffered from the adjacent single family residential. Most parking will be located on street.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has approved the proposal.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Transportation Planning has not indicated any issues with traffic.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Lighting will meet LDC requirements.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	-	The proposal is a high intensity commercial use that is not located along a transit corridor. It is located in an existing non-conforming activity center within an existing single family residential neighborhood with only local level roads leading to the building. The closest arterial is East Burnett which is several blocks away.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	-	The full buffer cannot be complied with due to the existing structure. An 8' fence will be provided at the rear of the property to screen the parking. While all the planting requirements will be met 5' is not a sufficient transition from the adjacent low density R-5 to the high intensity C-2.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	-	The full buffer cannot be complied with due to the existing structure. An 8' fence will be provided at the rear of the property to screen the parking. While all the planting requirements will be met 5' is not a sufficient transition from the adjacent low density R-5 to the high intensity C-2. The buffer waiver has not been mitigated as the C-2 use within the structure has not been addressed.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	NA	There is no new construction that would affect setbacks or building heights.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	-	Two employee spaces and one customer space are located behind the building where a 5' LBA with an 8' screen separates the residential site from the parking. 5' is not enough space to mitigate noise negatively impacting the adjacent residential.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	√	Parking is mainly located on street where screening is not required.
25	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed.
26	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	No new signage has been indicated on the plan.
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	No new construction is proposed that would affect the current open space on the site.
28	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	√	No new construction is proposed that would affect the current open space on the site.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	No new construction is proposed that would affect any natural features on the site.
30	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	√	No new construction is proposed that would affect any natural features on the site.
31	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	√	The proposal involves the preservation of a contributing structure to a potential national register district.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
31	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	Soils are not an issue with the proposal.
32	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	NA	The proposal is not an employment center.
33	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located within a downtown.
34	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for industrial development.
35	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	-	The proposed C-2 is located in an existing activity center that contains all non-conforming uses. The proposal will not generate large amount of traffic.
36	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for industrial development.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	Transportation Planning has not indicated a need for roadway improvements.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	√	The proposal promotes pedestrian and bicycle use due to the existing sidewalks and added bike racks.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	No new roadways are proposed.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	Transportation Planning has not indicated a need for ROW dedication.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	-	Adequate parking is not proposed to support the C-2 zoning. The adjacent site has non-conforming parking rights while the expanded site can only provide 3 on-site parking spaces (with the granting of a landscape waiver). 1 space is provided on-street. 11 are required for only the 1036 Lydia Street site.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	The proposal is not providing vehicular access to the site. There is existing pedestrian access by way of the existing sidewalk.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No new roadway is being created with the proposal.
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	-	Access to the site is by way of local level roads where there is the less intense residential development. The proposal is for high intensity C-2 which would create an access nuisance because C-2 draws patrons from outside the neighborhood. Traffic from outside the neighborhood would be added to the existing local level roadways.
45	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	No new roadway is being created with the proposal.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	Existing sidewalks provide for pedestrians to access the site. There are bike racks for the bicycle users but otherwise bicyclists would use the roadway same as other vehicles.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
44	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has preliminarily approved the proposal.
45	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has approved the proposal.
44	Livability, Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no natural features evident on the property.
46	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities will serve the site.
47	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	An adequate water supply is available to the site.
48	Livability Goal B1, Objective B1.3	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	The health department has no issues with the proposal.

4. **Site Inspection Report**

Site Inspection Committee Report

Date: 7/9/14

Case Number: 14ZONE1017

Address: 1036 & 1038 Lydia St

Attendees: Jeff Brown

Observations:

Describe subject property

- Existing bar at the corner of Hickory & Lydia, expanding use into the abutting residentially zoned shotgun house

Describe surrounding area

- Surrounded completely by residential

Questions/ Concerns:

- Noise in the surrounding residential area
- Parking

5. 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. The residential character of the 1036 Lydia Street structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission's designee:
 - a) Roof line
 - b) Building material
 - c) Porch
 - d) Windows
3. The development shall not exceed 4,619 square feet of gross floor area.
4. No pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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. Landscaping shall be installed before receiving a certificate of occupancy for the change in use of the structure on 1036 Lydia Street.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
8. 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.

9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
10. 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.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

Proposed Binding Elements agreed to at the neighborhood meeting:

12. The following uses shall not be permitted on site: boarding and lodging houses, community residences, community service facility, day care center, nurseries, kindergartens, extended stay lodging, pawn shop, residential care facilities, transitional housing, homeless shelter, and fraternities and sororities. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. A committee of the Planning Commission may require a public hearing to amend this binding element.
13. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
14. No outdoor consumption of alcohol on the site past midnight on weeknights (Sunday-Thursday) and no outdoor consumption on the site past 1am on weekends (Friday and Saturday)

6. Staffs Proposed Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds that the rezoning does not comply with the Comprehensive Plan Guideline 1 because the proposal is part of an existing non-residential center at the intersection of Hickory and Lydia. The proposal is not appropriately located due to the surrounding properties being residential, the overall area being single family residential, and the level of the roadways serving local traffic. CR is a more appropriate zoning district for the site because it is intended to be used in the situation where there is an existing mixed use structure in an urban residential area.

WHEREAS, the Louisville Metro Planning Commission further finds that the rezoning does not comply with the Comprehensive Plan Guideline 2 because the proposal will be part of an existing center to the TNFD in this area but with the inappropriate C-2 zoning that serves patrons outside the neighborhood. A CR proposal would be more in keeping with the corner commercial that serves the neighborhood but is also predominate in the area. The proposal is for the re-use of an existing building for mixed use. C-2 uses serve a broader population than what is represented in the area. While some of the population within the neighborhood would be served by C-2 others would not as C-2 appeals to more regional serving uses. CR would be a more appropriate zoning classification for a neighborhood of this size and would offer neighborhood serving uses instead of regional serving uses. The proposal is compact but does not result in an efficient land use pattern as there are no other C-2 zoning classifications in the area and along a local level roadway. There are other non-conforming commercial uses located on the southeast corner of Hickory and Lydia. The building to the southwest and across Hickory was built as a commercial structure but is now residential. The proposal includes a mix of land uses but will not reduce trips as C-2 uses draw the majority of patrons from outside the neighborhood and surrounding area. Transit is not available along the local level roadways that surround the site. It is available along East Burnett which is the closest arterial to the site and is 2 blocks away. With C-2 uses attracting the broader community to the area the current sense of place is challenged because of patrons outside the area and neighborhood being attracted to the use.

WHEREAS, the Louisville Metro Planning Commission further finds that the rezoning does not comply with the Comprehensive Plan Guideline 3 because the proposal is a non-residential expansion into a residential area. A waiver is being requested to reduce the buffer from the adjacent single family residential. Most parking will be located on street. The proposal is a high intensity commercial use that is not located along a transit corridor. It is located in an existing non-conforming activity center within an existing single family residential neighborhood with only local level roads leading to the building. The closest arterial is East Burnett which is several blocks away. The full buffer cannot be complied with due to the existing structure. An 8' fence will be provided at the rear of the property to screen the parking. While all the planting requirements will be met 5' is not a sufficient transition from the adjacent low density R-5 to the high intensity C-2. The buffer waiver has not been mitigated as the C-2 use within the structure has not been addressed. Two employee spaces and one customer space are located behind the building where a 5' LBA with an 8' screen separates the residential site from the parking. 5' is not enough space to mitigate noise negatively impacting the adjacent residential.

WHEREAS, the Louisville Metro Planning Commission further finds that the rezoning does not comply with the Comprehensive Plan Guideline 6 because the proposed C-2 is located in an existing activity center that contains all non-conforming uses. The proposal will not generate large amount of traffic.

WHEREAS, the Louisville Metro Planning Commission further finds that the rezoning does not comply with the Comprehensive Plan Guideline 7 because adequate parking is not proposed to support the C-2 zoning. The adjacent site has non-conforming parking rights while the expanded site can only provide 3 on-site parking spaces (with the granting of a landscape waiver). 1 space is provided on-street. 11 are required for only the 1036 Lydia Street site.

WHEREAS, the Louisville Metro Planning Commission further finds that the rezoning does not comply with the Comprehensive Plan Guideline 8 because access to the site is by way of local level roads where there is the less intense residential development. The proposal is for high intensity C-2 which would create an access

nuisance because C-2 draws patrons from outside the neighborhood. Traffic from outside the neighborhood would be added to the existing local level roadways.