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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: L & I, LLC, a Kentucky limited liability company

Location: 1101 and 1103 Lydia Street

Proposed Use: Restaurant & Residential

Engineers, Land Planners and
Landscape Architects: Milestone Design Group

Request: Zone Change from R-5 to C-2

INTRODUCTION

The business currently using the property identified as 1101 Lydia Street and a portion of 1103 Lydia Street, of which there is a proposed zoning change request, is called the Lydia House. This bar/restaurant has been operated at the location since being purchased by the current owner on October 9, 2014. Prior to then, the property was operated as “Flabby’s”, which was a local Germantown bar/restaurant specializing in selling beer, authentic German food and fried chicken. Flabby’s had been in continuous operation since around 1951 when it was originally opened by James Devine.

The Property is currently zoned R-5, but the majority of the site in the rezoning proposal (and all of 1101 Lydia St.) has non-conforming rights to operate as it has for years. Flabby’s began using the back yard area of 1103 Lydia Street around 2006 when under different ownership. This portion is currently under lease by the owner/operator of the Lydia House. The adjoining outdoor space under lease for lot 1103 Lydia St. is fenced in privately with the outdoor space at 1101 Lydia Street.

At the time the current owner purchased 1101 Lydia St. and continued the lease under 1103 Lydia St, the business of Flabby’s was failing and the property was falling into disrepair. The current owner has invested significantly into improving the site, changed the name of the business, and has run the restaurant/bar without any complaints from her neighbors. The primary problem of the business model of Flabby’s which continues with the current operation of the Lydia House is caused by the inability to sell alcohol in addition to malt beverages. The primary purpose of the zoning change is to provide the ability to sell alcohol in addition to beer and thus make the business more economically viable.

The applicant has requested this rezoning and submitted the Detailed District Development Plan to avoid the issue with non-conforming rights, to bring both properties which are being used into compliance with current zoning, and to allow the bar/restaurant business which has existed for nearly seven decades to continue profitably into the foreseeable future,

thereby preventing an abandoned property which would become an eyesore in the neighborhood and depress property values. The structure at 1101 Lydia St. would be virtually impossible, economically, to return to residential use which it presumably had prior to the 1950's. When this zoning change was first explored by the owner of the Lydia House, it was learned that the owner of 1103 Lydia St. had converted the home into a duplex, which is a use it apparently had many years ago. Consequently, this zoning change will also correct the changes the other owner has instituted. This zoning request will not involve any substantive changes to the property or new building which has not for the most part existed for decades, with the exception of the duplex. It will allow for the continued operation of and economic viability of it as a bar/restaurant business which has existed in the neighborhood for nearly seventy years, as well as the duplex at 1103 Lydia St.

PROPOSED BINDING ELEMENTS

At the neighborhood meeting held on August 22, 2016, the applicant agreed to present binding elements to avoid potential uses not in keeping with the Germantown neighborhood. The proposed binding elements are as follows:

The Subject Property shall only be used for the following uses:

1. Those allowed in the C-N Neighborhood Commercial District;
2. Those allowed in the R-5B Residential Two Family District;
3. Restaurants, where dancing or entertainment is allowed, outside as well as inside a building, and including drive-in restaurants where all or part of the service or consumption is inside a vehicle (Indoor and outdoor alcohol sales and consumption with proper ABC license); and,
4. Tavern, bar, saloon.

Any amendment to this binding element shall require approval from Louisville Metro Planning Commission.

GUIDELINE 1 – COMMUNITY FORM

The subject property is located in the Traditional Neighborhood Form District, which is characterized by predominately residential uses from low to high density, with neighborhood serving low-intensity commercial located together at activity centers on corners, as is the case in this area of Germantown and as is the case in this proposal. The proposed rezoning is sought to allow the previously existing bar/restaurant, which has served the neighborhood since around 1951 and the expanded foot-print it has occupied on a portion of 1103 Lydia St. for the past 10 years, to viably operate as a bar/restaurant with the ability to sell alcohol in addition to beer. It is also sought to incorporate the duplex at 1103 Lydia St., which is a use common to Traditional Neighborhood Form Districts.

GUIDELINE 2 – CENTERS

The proposed zoning change request complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, and 15 of Guideline 2 for these reasons.

This Guideline encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient use of land and investment in existing infrastructure. The proposed project is at the corner of Lydia Street and Hickory Street, with a similar neighborhood commercial center one block to the west at Hickory Street and Burnett with commercial uses, including a dental office on the corner. The infrastructure is already in place for the proposed project, with additional bike racks being provided and parking being provided with off-street parking spaces.

Policies 1 of this Guideline suggest locating activity centers at street intersections like this one. Policy 2 of this Guideline is met as this is a continuation of the current corner activity center in existence since 1951. The restaurant and duplex will continue to serve the population surrounding the site and avoid expansion of new retail in outlying areas without an activity center.

GUIDELINE 3 – COMPATIBILITY

The proposed zoning change request complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 11, 12, 14, 15, 20, 21, 22, 23, 24, 28, and 29 of Guideline 3 for these reasons.

This zoning change to allow for the restaurant and duplex housing is compatible with the current mix of land uses in this Traditional Neighborhood Form District of Germantown and it preserves the character of the existing neighborhood. The proposal adds to the mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials currently in use in Germantown. The proposed zoning change does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area or at the specific location as the bar/restaurant has been operated from this location since around 1951. The parking and traffic issues should involve any substantive change since the property has long been in operation in its current form. The property currently has a tall fence separating its commercial use from the adjoining residential properties serving as a transition and a buffer. The sign currently on the property is compatible with the neighborhood and surrounding areas. The site plan and neighborhood meeting PowerPoint and to be later reviewed with this application demonstrate the aforesaid compatibility matters.

GUIDELINES 4 AND 5 – OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

The proposed zoning change request does not incorporate any substantial changes to the current open space or building footprint features, so Guideline 4 does not apply. The proposed zoning change complies with applicable Intents and Policies 1, 2 and 3 of Guideline 5 for these reasons.

This site continues to use and preserves the current buildings original to the site, ensuring that they are compatible in height, bulk and scale, architecture and placement located in the

neighborhood. The zoning change also avoids any substantial changes to the topography and minimizes property damage.

GUIDELINE 6 – MARKETPLACE

The proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 5, and 11 of Guideline 6 for these reasons:

This project will provide an existing restaurant/bar business and a residential duplex. This zoning change will ensure the viability of the current uses to facilitate commercial and residential uses, which for the most part have been used in their present form for nearly 70 years. The duplex is common to the area and will provide additional residential use without any substantial changes to the exterior, while providing access of people to the existing business.

GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY

The proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, and 18 of Guideline 7; Policies 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 for these reasons.

This project is situated at a corner where an existing restaurant/bar business is located which will continue to serve the neighborhood thus causing little additional impact for traffic, etc. The location is served by six (6) on-street parking spaces. Additionally, the applicant is providing two (2) off-street parking spaces in a garage and two (2) off alley-parking spaces, for a total of ten (10) parking spaces to address the parking needs of the area. The applicant is also going to provide three times the bike racks required, providing a 10% reduction in the spaces required, which will encourage alternative transportation important in this area. The project is located along TARC traffic lines allowing easy of access. No additional right of way is requested for dedication. All utilities to serve the project already exist to serve the proposed project. Further, this project must be reviewed by Metro Transportation Planning Services personnel, who must stamp the preliminary plan for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC).

The bar/restaurant is an existing business and the duplex to serve the area will not negatively impact traffic as people coming to the project can walk. Thus, all negative traffic impacts are avoided with this development. And, as noted, the current design of the site, as shown on the detailed district development plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties which already exists.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

The proposed project complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 for these reasons.

MSD will require that post-development peak rates of stormwater runoff do not exceed pre-development peak flows. Little, if any, additional impervious surface is being proposed. Thus, new impervious areas, if any, will not have a negative impact on existing stormwater systems. Also, MSD will have to stamp for preliminary approval the development plan before it is set for Planning Commission review. And at time of construction, the proposed zoning change request will need to include water quality measures to address the new MSD water quality standards. Any new construction will have to comply with MSD's soil erosion and sediment control standards.

GUIDELINE 13 – LANDSCAPE CHARACTER

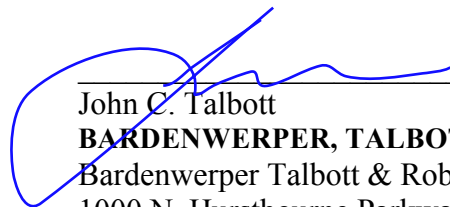
The proposed zoning change request complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 for these reasons.

The local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses. Accordingly, the LDC will be fully complied with to the extent it is required.

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For all of these and other reasons set forth on the site plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,



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