

Change in Zoning Pre-Application Staff Report



Case No:	17ZONE1066
Project Name:	Against the Grain
Location:	719 Lynn Street
Owner(s):	Sheriffs Lodge No. 25 Fraternal
Applicant:	Against the Grain, LLC – Adam Watson
Representative(s):	Against the Grain, LLC – Whitney Darnall
Project Area/Size:	2.7 acres
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-5, Single-Family Residential to C-2, Commercial
- **District Development Plan**

CASE SUMMARY

A change in zoning has been requested from R-5 to C-2 for a proposed entertainment center, micro-brewery, and restaurant/bar with outdoor dining. No new construction (increased building square footage) is proposed. The subject property is currently being used as a private proprietary club. It is located between S. Shelby Street and S. Preston Street along Lynn Street, North of Eastern Parkway. Residential single-family properties with a scattering of multi-family residential are the predominate use in the area and abut the site on all sides, with a few exceptions. Nearby commercial corridors are present. One such corridor begins at Lynn Street moving South on Preston Street, others begin on Preston and Shelby Streets further North from Lynn Street. There are multiple instances of traditional corner lot commercial in the area. The subject site fronts a minor arterial roadway that is one-way heading West from Shelby to Preston Street.

STAFF FINDINGS

The proposed use and zoning district is not uncommon in the area. The proximity of this land use to residential properties needs to be considered moving forward. Mitigation and transition methods, scale of development and outdoor activities, and operational details are all matters to be considered when developing this site and limiting adverse impact on surrounding residential properties. The C-2, Commercial zoning district should be minimized to limit future non-neighborhood serving uses that may be too intense for the subject site as it abuts residential property on all sides, and that may also adversely impact the character of this walkable, well-connected traditional neighborhood.

TECHNICAL REVIEW

A detailed development plan of sufficient detail shall be provided upon formal filing. At a minimum it should include:

North arrow	Existing and/or proposed structures shown and identified	Typical dimensions of parking spaces and aisles
Vicinity map	Required building setbacks with dimensions	Off-street loading areas
Site address	Internal pedestrian walkways with dimensions	Accessory structures shown with required screening (dumpsters)
Tax Block and Lot Number	Sidewalks in right-of-way with dimensions	ILA / VUA calculations
Zoning of property	Location, ownership, Deed Book & Page # of adjacent property owners	Landscape buffer areas in accordance with Chapter 10 of the LDC
Zoning of adjacent properties	Net and Gross acreage of site	Form District and Form District boundaries
Existing Use	Dimensions of drive lanes	Revision Date Box
Proposed Use	Height of structures	point of ingress and egress
Street names	Plan Date	Off-street parking including ADA parking spaces shown
Right-of-way width		
Parking Calculations		
Gross building footprint area		
Gross Floor Area of Buildings		
Existing tree masses		
Property lines with dimensions		

Additional items may be required as needed to demonstrate conformance with the Comprehensive Plan and Land Development Code.

All agency comments should be addressed prior to proceeding to a public hearing.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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 CHANGE IN ZONING

The Following is a summary of 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

This form 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 subject site is appropriately located to accommodate a mix of neighborhood-serving uses. No new structures are proposed. Existing facilities will be revitalized and the site is located in a Traditional Neighborhood. The scope of outdoor activities and other uses permitted in a C-2 zoning district should be compact in order to limit nuisances. The development should respect the existing neighborhood character and provide mitigation for any development that may cause a nuisance to the area. The increase in intensity on the subject site necessitates appropriate transitions and buffers to limit impacts upon abutting single-family residential properties.

The applicant should demonstrate that despite an increase in intensity from the previous use at this location the impacts are mitigated through landscaping, screening, operational details, lighting, noise, compactness or limited increase in scale, and other appropriate forms of mitigation to limit nuisance upon single-family residential uses abutting the site.

The area is well-connected and walkable. Bike racks should be provided to allow for the safe keeping of this mode of transportation. The site is located along a roadway designated for the movement of high volumes of traffic. The existing parking lot is being utilized. It should be screened from view and buffered from residential property owners. Enhancement of the street frontage should be considered. This may include vegetation, architectural features, or other means to improve the frontage and limit impact along public ways.

A checklist containing staff's complete analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. 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.

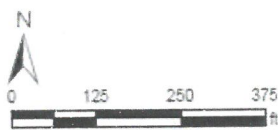
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15
	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

1. Zoning Map



Friday, December 8, 2017 | 11:51:43 AM



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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



Friday, December 8, 2017 | 11:52:36 AM



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3. Cornerstone 2020 Staff Checklist

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

Traditional Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal utilizes the existing grid pattern by providing access to public streets and the rear alley
2	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.	+/-	<p>The subject site is appropriately located to accommodate a mix of neighborhood-serving uses. The proposed uses and the zoning district are not uncommon in the area, but the proximity of these uses and the district to residential properties needs to be considered moving forward. Mitigation, scale, and operation are items that should be considered.</p> <p>The scale of the requested C-2 zoning district should be limited to minimize future adverse non-neighborhood serving uses on portions of the site not currently developed that may be too intense for the neighborhood or negatively impact the character of the area.</p>
3	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 does not eliminate existing open space on-site. A more detailed plan will need to be provided to demonstrate the function and design of the open space.
4	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 revitalizes the existing facilities on-site.
5	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.	✓	No new structures are proposed. Existing facilities will be revitalized and the site is located in a Traditional Neighborhood.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	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.	✓	Sufficient population in the area exists to support a large variety of non-residential uses.
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.	+/-	There is no new proposed development on the subject that would increase the footprint of the existing facilities. The scope of outdoor activities and other uses permitted in a C-2 zoning district should be compact in order to limit nuisances
8	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 proposed land use and the subject site are located in an area well connected with sidewalks and to public transportation. These forms of transportation will be beneficial to the use of the subject site no matter the district or use. The preservation of the existing facilities aid in preserving and encouraging vitality and sense of place.
9	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.	✓	A commercial zoning district allows for residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings. The proposal is not creating any new structures; therefore, meeting this element at this time would not be necessary.
10	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.	+/-	There is no new proposed development on the subject that would increase the footprint of the existing facilities. The scope of outdoor activities and other uses permitted in a C-2 zoning district should be compact in order to limit nuisances
11	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.	✓	No change to the existing infrastructure has been proposed. Connection to adjacent properties is inappropriate due to their classification. Any new access to the site would be inappropriate due to intensity of adjacent areas.
12	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.	✓	Utility connection would appear to be available as the site is currently in operation as a private club and located in the Urban Services District.
13	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 area is well-connected and walkable. The applicant should demonstrate connectivity from the site to the public ways on a development plan of sufficient detail.

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14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	<u>Will there be exterior changes to the existing buildings?</u> If so, renderings should be provided showing exterior work.
15	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 does not constitute a non-residential expansion into a residential area as the current site is used for a non-residential use. The proposed use and zoning district are, however, an increase in intensity of the existing non-residential use. The applicant should demonstrate that despite such an increase in intensity from the previous use the impacts are mitigated through landscaping, screening, operational details, lighting, noise, compactness or limited increase in scale, and other appropriate forms of mitigation to limit nuisance upon single-family residential uses abutting the site.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	Refuse collection should be provided in a manner that does not create nuisances upon abutting residential properties. It should also be screened as required.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The site is located along a roadway designated for the movement of high volumes of traffic.
18	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 shall be provided as necessary to provide safety and security while not trespassing and generating adverse effects onto residential properties.
19	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 located along a minor arterial roadway in a well-connected walkable neighborhood.
20	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.	+/-	Landscaping shall be provided per Chapter 10 of the LDC as the increase in intensity on the subject site necessitates transitions to limit impacts upon abutting single-family residential properties.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
21	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 development should respect the existing neighborhood character and provide mitigation for any development on site that may cause a nuisance to the area
22	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.	+/-	A development plan of sufficient detailed will be required upon formal filing.
23	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.	+/-	The existing parking lot is being utilized. Due to the increase in intensity on the subject site the lot should be screened from view and buffered from residential property owners.
24	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.	+/-	Enhancement of the street frontage should be considered. This may include vegetation, architectural features, or other means to improve the frontage and limit impact along public ways.
25	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	No parking garages proposed
26	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.	+/-	Freestanding signs shall be monument or columnar style only.
27	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.	+/-	Adjoining property owners have inquired about the use of open space for the public. Ultimately, the opens space will remain intact whether for private or public use and help meet the needs of the community.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no apparent natural features on-site

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
30	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.	✓	There are no apparent natural features on-site
31	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.	✓	Existing structures that are eligible for National Register are being revitalized.
32	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.	✓	The development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	✓	The subject site is well-connected to surrounding population and nearby employment centers.
34	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.	✓	While the subject site is not located downtown, it is located in an urban neighborhood near downtown and constitutes redevelopment and revitalization.
35	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	Not an industrial development
36	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 subject site is underutilized in its current status for its location along a minor arterial, proximity to supportive population, and nearby commercial corridors that are well-connected for all modes of transportation.
37	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	Not an industrial development

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38	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.	+/-	Any contributions required to facilitate development will be required
39	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.	+/-	Bike racks should be provided to allow for the safe keeping of this mode of transportation.
40	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.	✓	The existing roadway network is sufficient to support the use. Connection to adjacent lands would be inappropriate.
41	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.	+/-	Right-of-way shall be dedicated as required by transportation planning staff
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	+/-	Parking calculations are needed and improvement to designate spaces on the existing pavement is needed.
43	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.	✓	Due to the intensity of the proposed land use and surrounding uses connection to adjacent lands would be inappropriate.
44	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 stub streets required per this application
45	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.	✓	Shelby Street provides Northbound access to the subject site and handles traffic moving from one commercial corridor through residential areas to another commercial corridor. Preston street handles Southbound access and its function is similar. Access to the subject site does not create conflict with lower zoned properties given the function of these roadways with Lynn Street.

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46	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.	✓	The development does not necessitate any new roadways.
47	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.	+/-	A plan of sufficient detail should demonstrate the appropriate movement of pedestrians and transit users.
48	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 blueline 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.	+/-	All MSD comments should be addressed prior to setting a hearing date
49	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 had no immediate concerns
50	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.	✓	No natural corridors are apparent on-site
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities are available
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	There would appear to be an adequate supply of water as it is located in the Urban Services District
53	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.	✓	There would appear to be an adequate means of sewage treatment as it is located in the Urban Services District