

Docket No. 19ZONE1015

Proposed zone change from R-5 to R-6 to allow a condominium community on approximately 2.65 acres of property known as the “Swiss Hall” site at 719 Lynn Street

Swiss Village, LLC  
c/o Jeff Underhill



INDEX

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Previous Proposed Development Plan
6. Current Proposed Development Plan
7. Building elevations
8. Statement of Compliance filed with the original zone change application with all applicable plan elements, goals, objectives, and policies of the 2040 Plan and Variance Justification
9. Proposed findings of fact pertaining to compliance with the 2040 Plan and Variance criteria

Tab 1

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# LOJIC Zoning Map

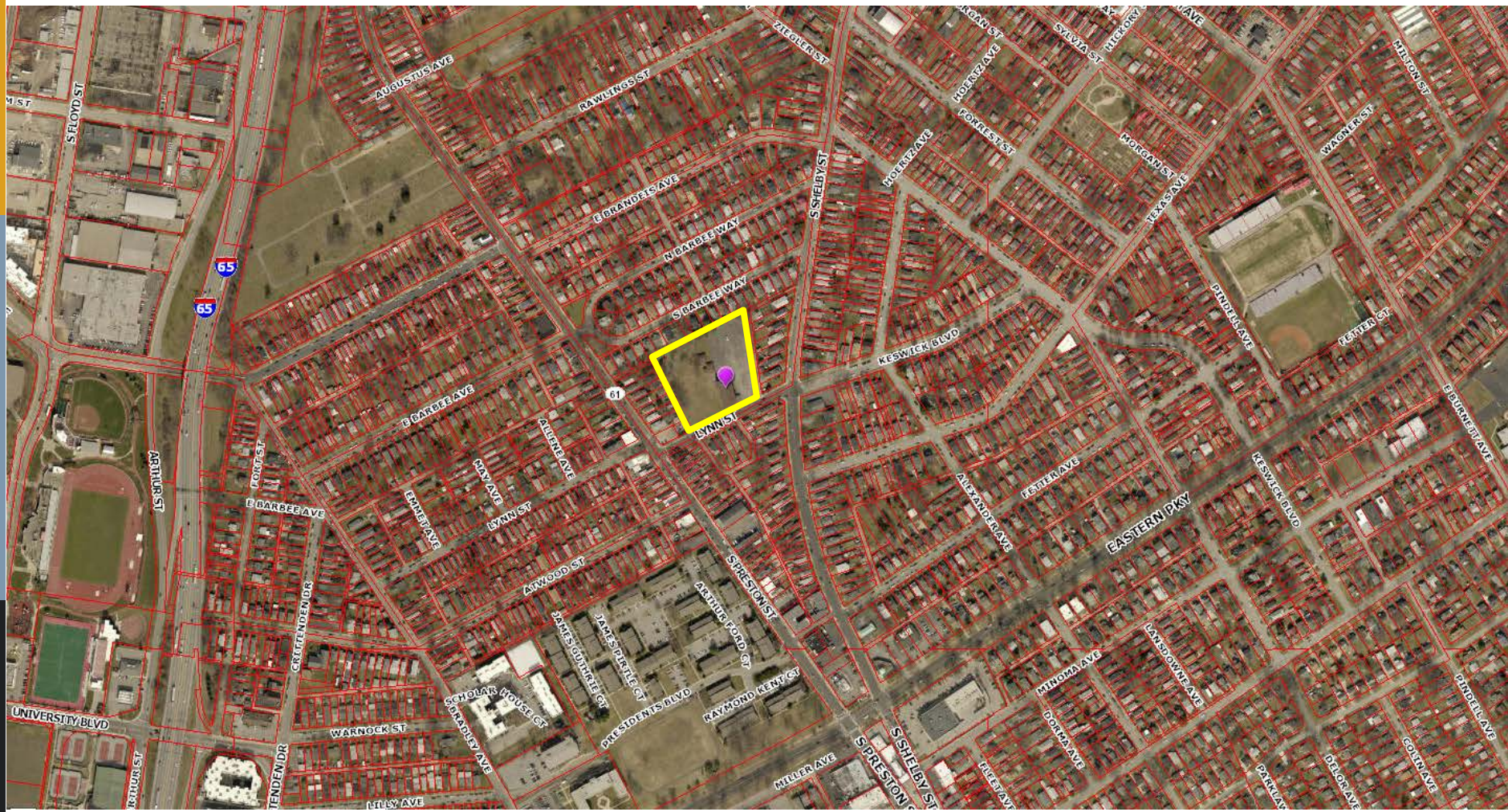


## Tab 2

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Aerial photograph of the site and surrounding area













N BARBEY WAY

S BARBEY WAY

S BARBEY WAY

S SHELBY ST

S. Shelby Street

Preston Street

Lynn Street

LYNN ST

61

# Tab 3

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Ground level photographs of the site  
and surrounding area





View of Lynn Street, looking west towards Preston Street. Site is to the right.



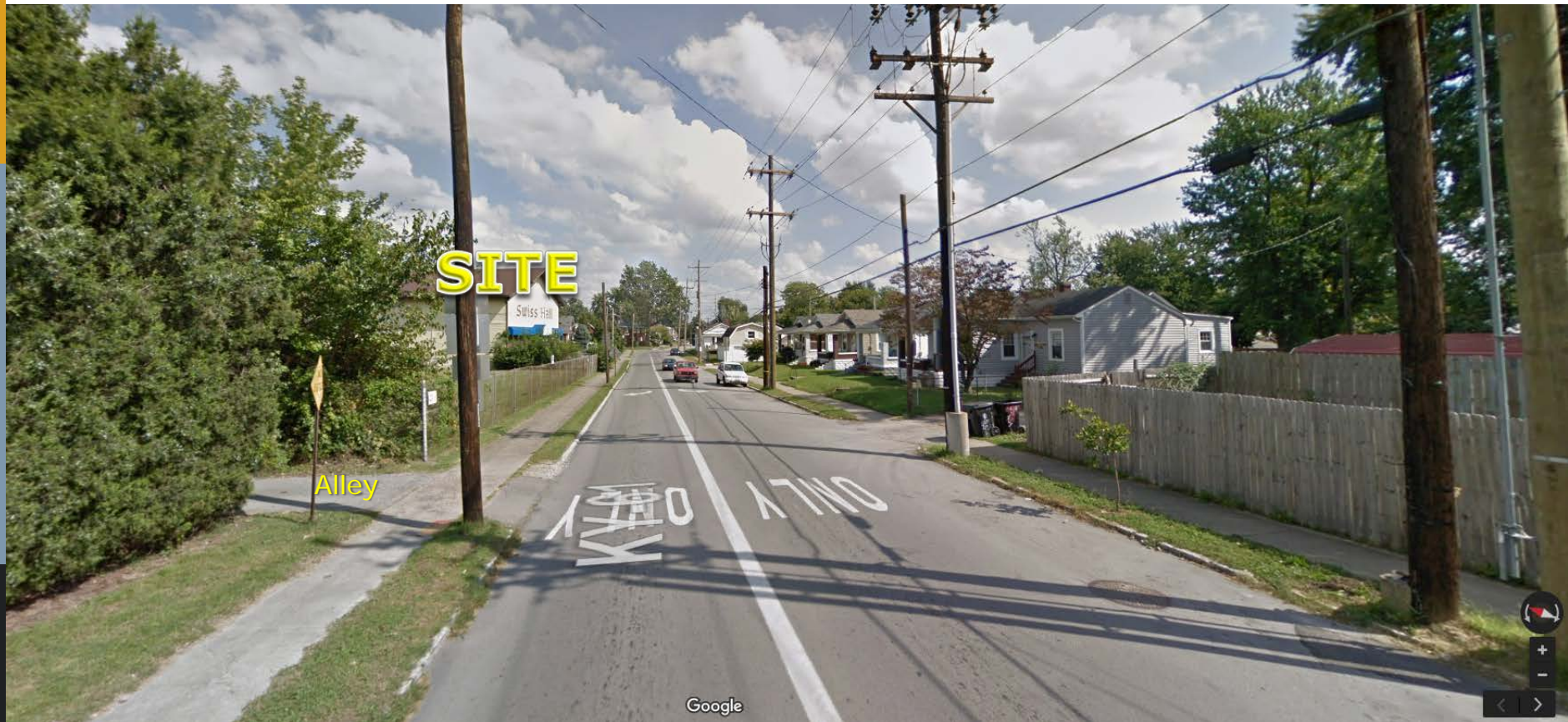
View of site from Lynn Street.





View of site from Lynn Street.





View of Lynn Street looking east toward S. Shelby Street. Site is to the left.



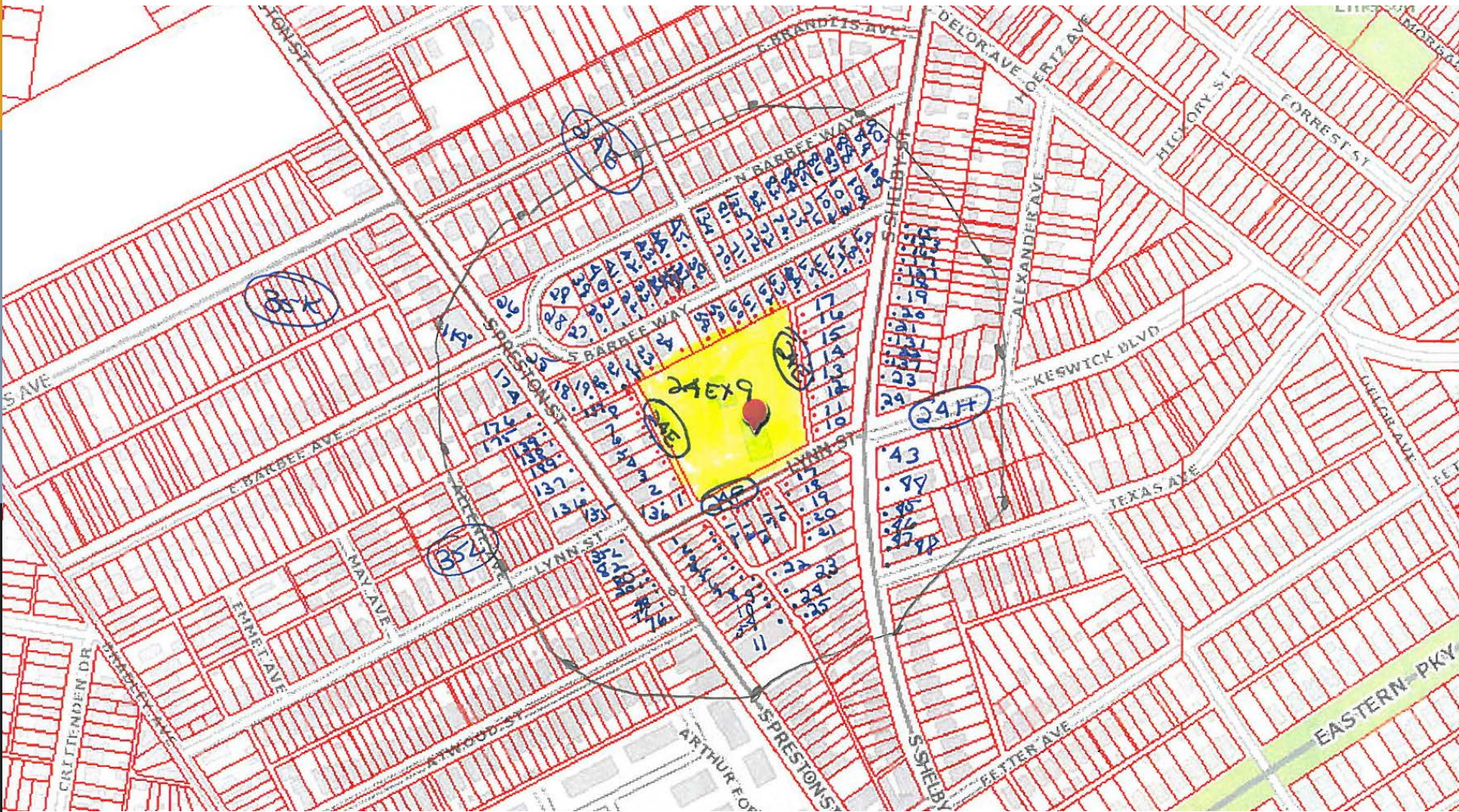
## Tab 4

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Neighborhood Meeting notice list map,  
letter to neighbors inviting them to the  
meeting and summary of meeting



Adjoining property owner notice list map wherein 160 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.





# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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January 22, 2018

Dear Neighbor,

**RE: Proposed condominium community on approximately 2.65 acres of property known as the "Swiss Hall" site at 719 Lynn Street**

We are writing to invite you to a meeting we have scheduled to present neighbors with our R-5 to R-6 rezoning plan to allow a 40-unit residential condominium community to be located within the existing Swiss Hall and on the balance of the site.

We have rough draft plans and building elevations to show you, but haven't filed these yet with any agencies. So you will be nearly the first to see them. As you may know, the Sheriff's Fraternal Order of Police Lodge No. 25 recently owned the building, which was occupied for many years in similar ways. In 2018, a bar and restaurant attempted a rezoning at this location. Our client is now proposing owner-occupied residential uses instead, both within a to-be-converted existing Swiss Hall building and within new patio homes proposed to be located along the perimeter.

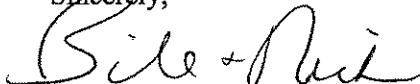
After our neighborhood meeting, we expect to file a plan for pre-application review with Louisville Forward's Division of Planning and Design Services (DPDS) that will be assigned a case manager and case number. We would like to show and explain to neighbors our draft plans and elevations now so we can make further decisions about what exactly to file.

In that regard, a meeting will be held on **Tuesday, February 5<sup>th</sup> at 7:00 p.m. at the Eastern Parkway Baptist Church** located at **601 Eastern Parkway**.

If you cannot attend the meeting but have questions or concerns, please call either of us at the numbers noted above.

We look forward to seeing you.

Sincerely,

  
William B. Bardenwerper  
Nicholas R. Pregliasco

cc: Jeff Underhill, Developer with Underhill and Associates  
Mose Putney, Architect with Putney Architecture, PLLC  
John Campbell, Land Planner with Heritage Engineering, LLC  
Hon. Pat Mulvihill, Metro Councilman, District 10  
Hon. Kevin Triplet, Metro Councilman, District 15  
Brian Davis, Planning Supervisor with Metro Division of Planning & Design Services

## Neighborhood Meeting Summary

A neighborhood meeting was held on Tuesday, February 5th at 7:00 p.m. at the Eastern Parkway Baptist Church located at 601 Eastern Parkway. Those in attendance included the applicant's representatives, Bill Bardenwerper and Nick Pregliasco, attorneys with Bardenwerper, Talbott & Roberts, Mose Putney, architect with Putney Architecture, and John Campbell, land planner and engineer with Heritage Engineering, as well as the applicant Jeff Underhill with Underhill & Associates.

The meeting was called to order by applicant's counsel Bill Bardenwerper. He introduced two other applicant representatives, Jeff Underhill (who, he said, has already purchased the property) and architect Mose Putney.

Mr. Bardenwerper began by showing a PowerPoint presentation of existing site conditions, proposed development plan and anticipated residential buildings. The images he showed included aerial photographs, several versions of the site plan, a couple conceptual streetscapes, logic maps of lotting patterns, streets and alleys, plus various elevation drawings of anticipated buildings. He together with Jeff Mr. Underhill and Mr. Putney explained all of these images in significant detail.

Mr. Underhill also explained his experience in development over many years all around Louisville and particularly in this area of the city. He and Mr. Bardenwerper also explained their eagerness to hold additional meetings, over and above this one, with area neighborhood associations in order to explain the developer's intentions and to solicit input. Mr. Underhill and Mr. Putney also explained that the designs that they showed on this occasion were not final but rather were open for comments and new ideas.

After that presentation, Mr. Bardenwerper opened the floor to questions from the room full of neighbors in attendance.

Questions included ones involving use of alleys, alley connections, anticipated traffic on local streets, building materials, heights and setbacks, use of the existing Swiss Hall building, compatibility of new development with the neighborhoods, density, anticipated price ranges of units, whether the units will be for sale or for lease, environmental sustainability, drainage and tree coverage, landscaping, screening and buffering.

As to use and connection of alleys, the applicant representatives explained that 2 alleys are proposed to be utilized and a new one will be created that can be public or private. They explained that the width and connectivity of these alleys will be determined by Metro Public Works and DPDS transportation planning.

As to traffic anticipated on local streets, they explained that the existing Swiss Hall event space generates traffic at times when it is in use, which is regularly every day but rather which is significantly on various occasions on various dates. In contrast to that, this proposed residential development will not generate intense traffic usage at any given time but instead steady usage over the course of a day.



So arguably this use could be considered a traffic trade-off, they said, but in any event not problematic at peak hours.

As to building materials, they explained that they will be quality ones consistent with nearby neighborhoods. The old Swiss Hall renovation, they explained, could involve a somewhat different use of materials given that it is an existing building that will be restored to a look and feel discovered in early photographs of it.

Density, they said, will be within the R6 zoning range, which is essential in order to afford the cost of the necessary infrastructure on this relatively small site and in order to allow for the renovation of Swiss Hall. Also, the density is relatively compatible with nearby neighborhoods where a mix of uses and densities already exist.

As to price points, they said that this is anticipated to be a market rate development, meaning that prices will be comparable to those in the neighborhoods and that it should be affordable by people who are already attracted to this neighborhood as it continues to transition as a go-to/"fixer-upper" one of increasing interest especially to young people, while it also remains attractive to people who have spent their lifetimes living here.

As to environmental sustainability, Mr. Putney explained that decisions hadn't been fully made in that regard, except that insulation, window types, HVAC, appliances, etc. will assure energy efficiency.

The applicant representatives also explained that, as to drainage, vault storage is presently planned instead of an above ground detention basin.

As to trees, landscaping, screening and buffering, they noted that communal space is included on the plan, which will be attractively landscaped with new trees. They also pointed out that, because the site is partly already an asphalt parking lot and given the placement of existing trees, the site is likely to be cleared yet replaced with new trees and other vegetation that will enhance its look immediately and over the long haul.

They said they would leave it to adjoining neighbors to help determine the kind of screening, buffering and landscape that works best along property perimeters where some existing tree growth exists and where some old fencing also can be found which can be removed and replaced or retained and enhanced.

Tab 5

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Previous Proposed Development Plan

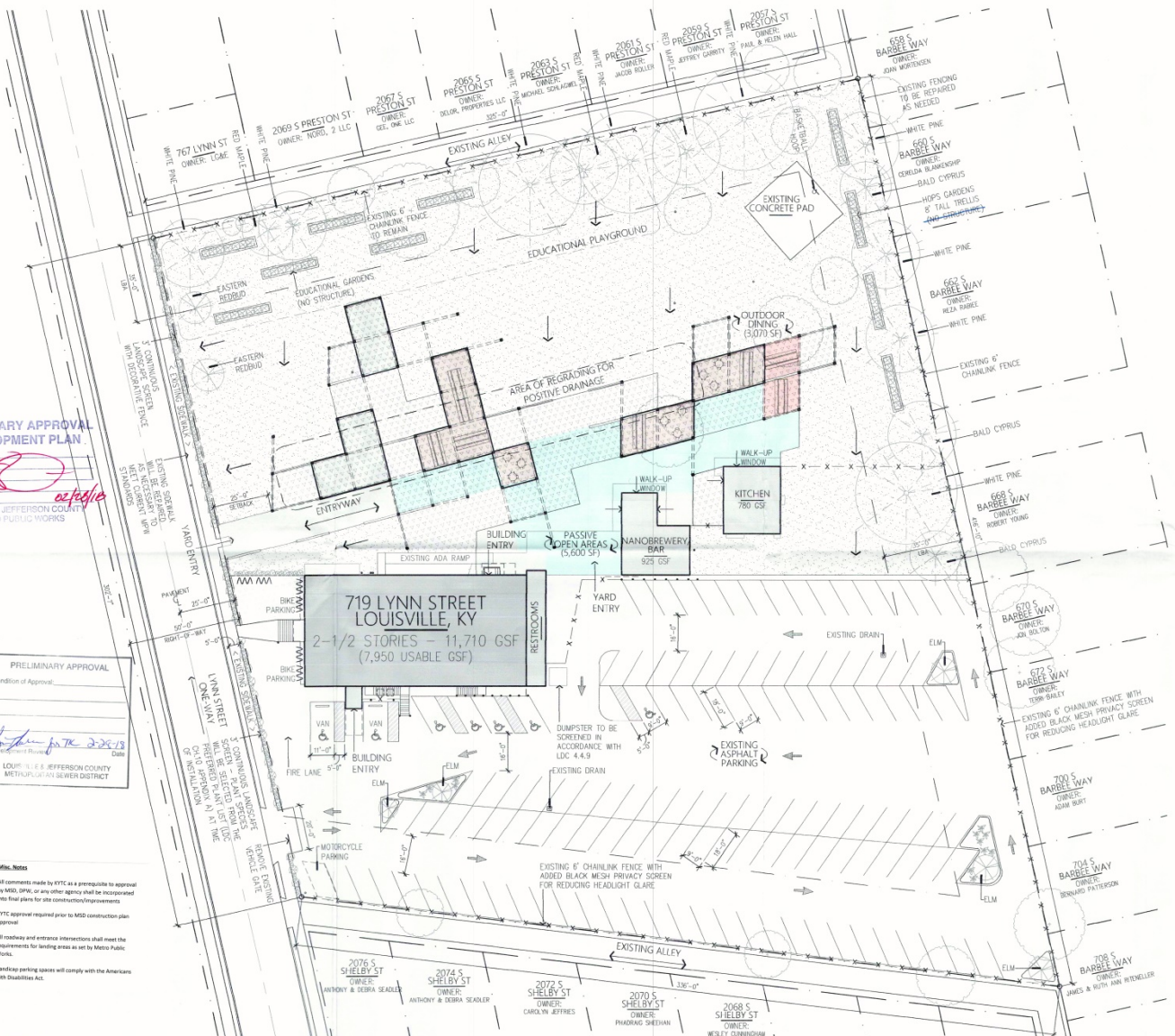


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**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
 CONDITIONS:  
 1. THE LOUISVILLE JEFFERSON COUNTY METRO PUBLIC WORKS

**PRELIMINARY APPROVAL**  
 Condition of Approval:  
 Date: *1/28/2018*  
 Louisville, KY  
 METRO PUBLIC WORKS

**Misc. Note**  
 All materials made by KYTC as a prerequisite to approval by MSD, DPW, or any other agency shall be incorporated into final plans for site construction/implementation.  
 KYTC approval required prior to MSD construction plan approval.  
 All roadway and entrance intersections shall meet the requirements for landing areas as set by Metro Public Works.  
 Handicap parking spaces will comply with the Americans with Disabilities Act.



DETAILED DISTRICT DEVELOPMENT PLAN AND ALTERNATIVE LANDSCAPE PLAN

**GENERAL SITE PLAN NOTES**

1. AUTHORITY HAVING JURISDICTION: ALL CONSTRUCTION DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND Jefferson COUNTY METROPOLITAN SEWER DISTRICTS DESIGN MANUAL AND STANDARD SPECIFICATIONS.
2. EROSION PREVENTION AND SEDIMENT CONTROL: THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPC) PLAN SHALL BE ENFORCED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE AND MAINTAINED THROUGHOUT THE PROJECT. EPC SHALL BE REVIEWED AND APPROVED BY METRO PUBLIC WORKS BEFORE CONSTRUCTION. EPC SHALL BE RE-EVALUATED AND MODIFIED AS NECESSARY. EPC SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS INTENDED THROUGHOUT CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT THE PROJECT AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND ADJACENT PROPERTIES. EPC SHALL BE MAINTAINED AND ADEQUATELY CONTAINED THROUGHOUT THE PROJECT. EPC SHALL BE CONSTRUCTED AND MAINTAINED THROUGHOUT THE PROJECT. EPC SHALL BE CONSTRUCTED AND MAINTAINED THROUGHOUT THE PROJECT. EPC SHALL BE CONSTRUCTED AND MAINTAINED THROUGHOUT THE PROJECT.
3. ALL WELLS, BODIES MUST HAVE INDIVIDUAL CONNECTIONS FOR WASTEWATER AND GREASE POLICE.
4. THE PROJECT IS SUBJECT TO AREA WATER QUALITY REGULATIONS AND THE REGULATORY AREA OF DISTURBANCE SHALL BE EQUAL TO OR GREATER THAN THE AREA OF DISTURBANCE FOR THIS PRELIMINARY DEVELOPMENT PLAN. THE AREA OF DISTURBANCE IS AT LEAST 20 FEET FROM THE EXISTING CHAINLINK FENCE.
5. CONSTRUCTION SHALL REPAIR ALL EXISTING CONDITIONS (E.g. FLOOR ELEVATIONS, UTILITIES, MATERIALS, SLOPES, AND OVERHANGS) IN THE FIELD PRIOR TO COMMENCEMENT OF WORK. REPAIR ANY DISPARITIES TO THE ARCHITECT AND OWNER.
6. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES. THIS GATE TO PROTECT UTILITIES SHALL BE REMOVED UPON AND FINISHED ACCORDING TO LOCAL STANDARDS AND AT THE CONTRACTOR'S EXPENSE. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY.
7. THE CONTRACTOR SHALL CONFORM TO ALL LOCAL CODES AND REGULATE APPROVALS WHERE NECESSARY BEFORE CONSTRUCTION.
8. EXISTING UTILITY SHARPS SHALL BE PROTECTED IN AS REQUIRED TO MAINTAIN EXISTING SERVICES. PREVENT STOPS OF SERVICE BY PROTECTING EXISTING SERVICES AND SEWERLINES SHALL BE 2000 FT TO CONDUIT.
9. ANY WORK UNREPRESENTATIVE TO THE OWNER'S REPRESENTATIVE OR TO THE ARCHITECT HAVING JURISDICTION SHALL BE STOPPED OR REFUSED BY THE CONTRACTOR WITH NO ADDITIONAL EXPENSE TO THE OWNER.
10. ACCESSIBLE WALKWAYS SHALL HAVE A MAXIMUM SLOPE OF 1:12.
11. ALL CONSTRUCTION MATERIALS AND INSTALLATION SHALL CONFORM TO LATEST CITY CODES AND MANUFACTURER'S SPECIFICATIONS AND SPECIFICATIONS.
12. ALL GRASS OR GRASS COVER SHALL BE PLANTED ON ALL PORTIONS OF THE LANDSCAPE BUFFER AREA NOT OCCUPIED BY OTHER LANDSCAPE MATERIAL.

**SITE DATA**

- SITE AREA: 2.3 ac
- FORM: GROUND: 7%
- EXISTING: BARBELLE HALL/THE GRAIN
- PROPOSED: CHANGING 42
- PROPOSED USE: RESTAURANT/PAVILION
- OCCUPANCY: AS (INDOOR AND OUTDOOR)
- INDOOR: BRACKET FLOOR: 1,000 USABLE (11,710 sq ft)
- OUTDOOR: BRACKET FLOOR: 6,070 USABLE (6,070 sq ft)
- LANDSCAPING: 30,000 sq ft
- PROPOSED IMPROVEMENTS: 10,000 sq ft (INCREASE: 15,000 sq ft)
- EXISTING: WEDGE USABLE AREA (WUA): 42,175 sq ft

**PARKING CALCULATIONS**

- TOTAL PARKING REQUIRED: 105 SPACES
- TOTAL PARKING PROVIDED: 114 SPACES
- EXCESS: 9 SPACES
- MINIMUM PARKING REQUIRED: 105 SPACES
- MINIMUM PARKING PROVIDED: 114 SPACES
- EXCESS: 9 SPACES
- MINIMUM PARKING REQUIRED: 105 SPACES
- MINIMUM PARKING PROVIDED: 114 SPACES
- EXCESS: 9 SPACES

**BICYCLE PARKING**

- MINIMUM BICYCLE PARKING REQUIRED: 5 SPACES
- MINIMUM BICYCLE PARKING PROVIDED: 5 SPACES

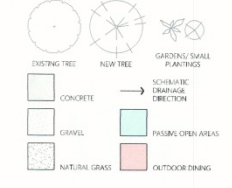
**MOTORCYCLE PARKING**

- MINIMUM MOTORCYCLE PARKING REQUIRED: 5 SPACES
- MINIMUM MOTORCYCLE PARKING PROVIDED: 5 SPACES

**TREE CANOPY**

- OWNER TO TAKE PRECAUTION TO PROTECT EXISTING TREES AND SUCCESSFUL PLANTING, TREEMING, AND FOR REPLACEMENT.
- TREE CANOPY INCREASE REQUIRED ON 11,710 sq ft (CLASS A)
- 3 TYPE A TREES FOR 10,000 sq ft (CLASS B)
- TYPE C TREES PROVIDED: 20 (CLASS A)
- TYPE C TREES PROVIDED: 2 (CLASS B)
- TYPE C TREES PROVIDED: 2 (CLASS B)
- TOTAL CANOPY PROVIDED (NEW) = 22.5% OR 14,402 sq ft

**LANDSCAPING LEGEND**



**WORK**  
 architecture + design  
 Louisville, KY  
 502.632.2432  
 info@work.com  
 www.work.com

DETAILED DISTRICT DEVELOPMENT PLAN AND ALTERNATIVE LANDSCAPE PLAN  
 719 Lynn Street  
 Louisville, KY 40217

02.26.18  
 RECEIVED  
 FFR 2 6 2018  
 PLANNING & DESIGN SERVICES  
 ATG1801  
 WM# 11728  
 S0.1

DESIGN DEVELOPMENT

Existing Building Renovation and Site Improvements  
**ATG1801**  
 Louisville, KY

Development plan for Against the Grain, which was recommended for denial by the Planning Commission and denied at Metro Council.





Lynn Street view of the Against the Grain





Birds-eye view of the Against the Grain

Tab 6

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# Current Proposed Development Plan



# Proposed Detailed District Development Plan





# Proposed Detailed District Development Plan





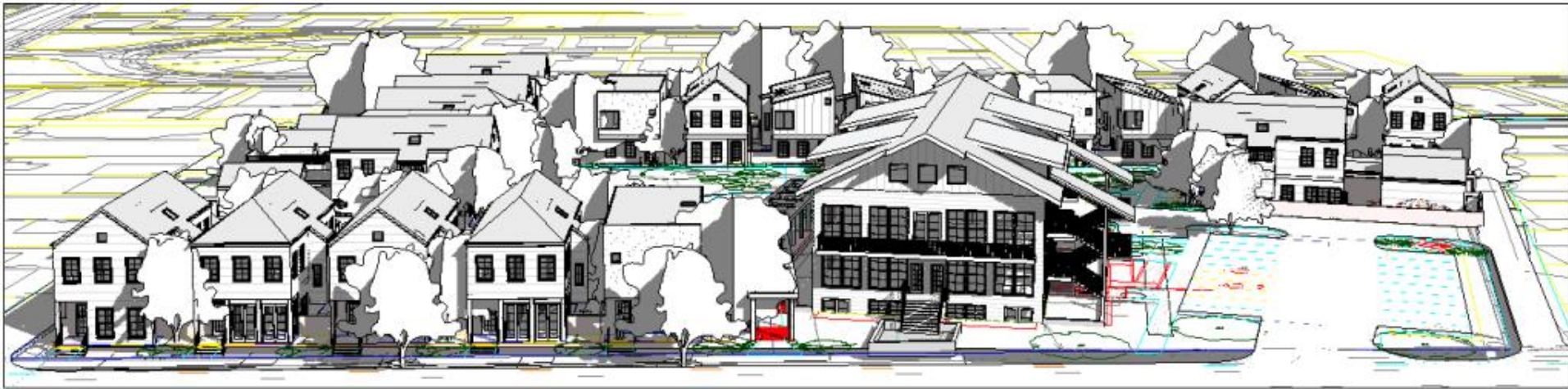


Tab 7

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# Building Elevations





Birdseye view looking north - Lynn Street frontage



View from Lynn Street





Birdseye view looking south



Birdseye view looking west





Lynn and S. Shelby Streets view

## Tab 8

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Statement of Compliance filed with the original zone change application with all applicable plan elements, goals, objectives and policies of the 2040 Plan and Variance Justification



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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN**

<u>Applicant &amp; Owner:</u>	Swiss Village, LLC c/o Jeff Underhill
<u>Location:</u>	719 Lynn Street
<u>Proposed Use:</u>	Residential condominium community
<u>Engineers, Land Planners and Landscape Architects:</u>	Heritage Engineering
<u>Request:</u>	Zone change from R-5 to R-6

Once the Fraternal Order of Sheriff's made the decision to sell this property, which had served as their lodge and meeting place, the question was no longer whether the property would be redeveloped, but instead when it would and for what use? After a proposed C-2 rezoning for Against the Grain brewery and restaurant failed in 2017, mainly due to lack of screening and buffering, another brewery/restaurant again proposed a similar rezoning and use for the subject property. In so doing, the Louisville Metro Planning Commission agreed to waive the two-year rule set forth in the Planning Commission Policies and Procedures in order to allow the second brewery/restaurant to file a rezoning application. While the second C-2 zoning application was ultimately never filed for various unrelated reasons, the market demand for this property appeared to be for a brewery/restaurant.

Ultimately, the current applicant was able to reach an agreement on the purchase of the subject property with the Fraternal Order of Sheriff's, but with a very different vision for the property. The current proposal is for a maintenance free residential townhome project providing a housing option in very limited supply in this older established area of Schnitzelburg/St. Joseph. As any older established area of Louisville Metro developed a century ago, there is a limited supply of properties for redevelopment and/or development to meet the current market demands in the area. Rather than attempting to provide adequate screening and buffering for the current Swiss Hall building's use as a bar/restaurant/event venue, this proposal is to keep and improve the historic Swiss Hall building while changing the use as an event venue and meeting location to upscale residential condominiums. In so doing, the current proposed R-6 zoning is in keeping with the R-5/R-6 residential properties in the surrounding area.

### **COMMUNITY FORM**

*Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 2, 7 and 9 of Goal 1, for these reasons:

This application and the revised detailed district development plan (“RDDDP”) comply with this Goal because the site is located in the Traditional Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be condominiums as herein proposed. This proposed development and the rezoning from R-5 to R-6 is compatible and in keeping with the current zoning and use of the surrounding properties and those in the area. The majority of the properties in the area, and specifically the properties west of Preston highway are all currently zoned R-6. The redevelopment and renovation of the existing Swiss Hall building to convert the use to residential condominiums will not only be compatible with the surrounding area, but through the renovation work much of the original character of the building will be restored. The townhomes proposed on the balance of the subject property will be very similar to the surrounding single family residential homes, with the main difference being the townhomes will not be located on separate lots as those in the area. However, because the single family homes are located on very small lots, the proposed townhomes will be compatible and similar to the surrounding area, even including access off of the existing residential alleys like the adjoining properties. The two-story proposed residential townhomes fit with the adjoining two story residential homes.

This proposed residential development is located along the TARC service line on Lynn Street, as well as the existing TARC service line on Preston Street and Shelby Street, providing immediate access to transportation facilities to for residents to have easy access to employment centers throughout Louisville Metro and easy access to downtown Louisville. As a result, the parking spaces have been kept to a minimum due to this transit service accessibility. Access to these transit services will help reduce the vehicle miles traveled for these proposed new residences as will the central location of this subject site in Louisville Metro. Because the proposed use fits within and is compatible with the surrounding properties, such that no screening or buffering would practical be expected based upon the area, the RDDDP demonstrates that the proposal attempts to provide screening and buffering, to the extent possible. By way of example, the adjoining properties, and those in the area, have garage access off of alleys to the rear of those properties. The RDDDP proposes the same with this development, including the widening of two existing alleys and the creation of a third alley to continue the pattern of development in the area. The existing Swiss Hall parking lot is proposed to be reduced in size with the new proposed covered parking to be added to be screened from Lynn Street.

*Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 9 of Goal 2, for the following reasons:

The proposed development is an infill development providing new housing within the central portion of Louisville Metro, and proposes renovation and rehabilitation of the historic Swiss Hall building.



*Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 7 and 9 of Goal 3, for these reasons:

The proposed development has been designed to preserve the open space at the center of the property providing the development with a set pattern and sense of place, and make the property more compatible with the surrounding area. Being a proposed condominium development, this open space will be owned by the proposed owners in common and maintained by the condominium association. There are no wet or highly permeable soils, severe, steep or unstable slopes on the subject property that would create erosion problems. The protection of the existing Swiss Hall building, as shown on the RDDDP, also provides for the protection of the natural features on the site to the extent possible.

*Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.*

The proposed zone change complies with all of the applicable Objectives and Policies 1, 2 and 3, of Goal 4, for these reasons:

As shown on the RDDDP, the old Swiss Hall building is proposed to be renovated and rehabilitated rather than being demolished. As will be shown at the public hearing, the applicant is proposed significant renovations to not only preserve the historic elements of this building, but to undertake improvements to restore some historic elements no longer existing.

## **MOBILITY**

*Goal 1 – implement an accessible system of alternative transportation modes.*

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4 of Goal 1, for the following reasons:

This proposed rezoning and RDDDP will cater to those potential condominium purchasers that enjoy a healthy lifestyle through pedestrian travel and through bicycle as a means of transit. Sidewalks are being added to the property to provide pedestrian connections between the proposed townhomes, the common open area, and the Swiss Hall building. The existing sidewalks on the subject property are being improved to promote pedestrian transportation to those services in the immediate vicinity, including the retail uses along Preston Highway. As shown on the RDDDP, bicycle parking is being proposed to promote this means of travel throughout the area. As previously stated, this proposed higher density residential use is located in very close proximity to the marketplace corridors along Preston Highway and Poplar Level Road, as well as the employment centers in the immediate area, the University of Louisville, and downtown Louisville.

*Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 3, 4, 5, and 6 of Goal 2, for the following reasons:

This proposed development includes the improvement of the existing alleys on two sides of the property, as well as the creation of an alley across the northwest portion of the subject property providing not only stub connections, but also improving the existing roadway network in the immediate area. Due to the zoning of the properties in the surrounding area, the access to this site off Lynn Street and the alleys will not enter through less areas of lower intensity. All appropriate site distance standards will be met, and the existing site distance conditions on the properties surrounding the subject property will be improved through widening of the alleys.

*Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of Goal 3, for these reasons:

The proposed redevelopment of the underutilized Swiss Hall property and undeveloped land into a new and vibrant residential community will provide new housing stock critically needed by Louisville Metro to allow its continued growth and also reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options. The subject properties close proximity to the above will also help eliminate multiple automobile trips for such services. Due to this development's close proximity to public transportation options, as well as the opportunity for pedestrian and bicycle travel, this proposal will have a fraction of the demand on the public transportation network that a new development in the outer portions of Louisville Metro would have on this network. The additional residential units this development would provide would also help create a larger demand for the existing public transportation options.

## **COMMUNITY FACILITIES**

*Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1, 2, and 3 of Goal 2, for these reasons:

The subject property is currently served by existing utilities and has adequate capacity for this proposed development as will be confirmed through all utility providers through this rezoning process. These confirmations specifically include the Louisville Water Company's confirmation of sufficient water service capacity and the Metropolitan Sewer District's confirmation of adequate sanitary capacity.



## **LIVABILITY**

*Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 5, 10, 17, 21, 31, 32, and 35 of Goal 1, for these reasons:

The proposed development will add new native species landscaping as shown on the RDDDP and as demonstrated on the landscape plan that will ultimately be prepared and submitted for approval. There are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition as an unplanned parking lot through the detention and water quality as shown on the RDDDP. The added detention and water quality unit will not only help mitigate the impacts of this development but likely help with the existing floodplains in the area to the extent same exist.

## **HOUSING**

*Goal 1 – Expand and ensure a diverse range of housing choices.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 1 of Goal 1, for these reasons:

As stated previously, the proposal is for a new and different housing option for the area, being new construction residential with maintenance free living lacking in this older area of Louisville Metro. The proposed rezoning will also be an additional option for those looking to age in place, i.e., in the community in which they have lived, through providing a maintenance free living option.

*Goal 2 – Facilitate the development of connected, mixed-use neighborhoods.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1 and 2 of Goal 2, for these reasons.

The condominium form of development, accompanied by its maintenance free living, provides a housing option for a mixture of residents, including the millennial working downtown that wants to live in close proximity to services and areas, baby boomers that no longer want to cut their grass, and those persons of all ages that want to live where there are multiple accessible modes of transportation.

*Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.*

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including Policies 1, 2, and 3, for these reasons:

The proposed development will be a different housing option than the single family residential lot that predominates throughout the surrounding area, and thus will have a different price point. The proposed development will also have a mixture of housing options, which includes the small

and more affordable condominium units within the Swiss Hall building as well as the townhomes as shown on the RDDDP. These two types of housing options will also help by providing multiple options for the existing residents in the area that want to age in place and in their community. While the applicant considered a mixed-use development for this site, the one way traffic along Lynn Street and the decision to permanently protect the Swiss Hall building made additional uses other than residential impractical.

\* \* \*

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision 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 2040 Comprehensive Plan.

Respectfully submitted,

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**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
Bardenwerper Talbott & Roberts, PLLC  
1000 N. Hurstbourne Parkway, Second Floor  
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(502) 426-6688



### **Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.2.2.C.2, Table 5.2.2, to allow the 15 ft min. setback along Lynn Street to be 10 ft.

1. The variance will not adversely affect the public health, safety or welfare because this variance is merely to be consistent with the homes in the immediate vicinity and does not affect any public health or safety issues.

2. The variance will not alter the essential character of the general vicinity because this area is in a traditional neighborhood where there is no general consistency to the building setbacks throughout the neighborhood. The shorter front yard setback will also help provide the feel of a more pedestrian friendly block due to the shorter setback. Many buildings in the area are located closer to the street, or at the street in the front, such that the reduced setback will blend in well.

3. The variance will not cause a hazard or a nuisance to the public because this variance is merely aesthetic and does not affect any hazards or nuisance issues.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the variance is justified since it is consistent with the character of the traditional neighborhood, it does not affect safety or health matters, but is merely one of aesthetics allowing the property to be compatible with the rest of the area and provide a better sense of pedestrian connectivity.

Additional consideration:

1. The variance is justified since it is consistent with the character of the Traditional Neighborhood Form District. The variance also will not affect safety or health matters and is merely one of aesthetics. Also, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an adaptive reuse of a partially developed lot in a traditional neighborhood with pre-existing, as built conditions being retained and preserved.

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant is attempting to develop in accordance with the pattern created by the surrounding development.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is an adaptive reuse of a partially developed lot in a traditional neighborhood with pre-existing, as built conditions built prior to the adoption of the Traditional Neighborhood Form District.



## Tab 9

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Proposed findings of fact pertaining to compliance with the 2040 Plan and Variance criteria

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant & Owner: Swiss Village, LLC c/o Jeff Underhill

Location: 719 Lynn Street

Proposed Use: Residential condominium community

Engineers, Land Planners and  
Landscape Architects: Heritage Engineering

Request: Zone change from R-5 to R-6

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on June 6, 2019 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

**WHEREAS**, the current proposal is for a maintenance free residential townhome project providing a housing option in very limited supply in this older established area of Schnitzelburg/St. Joseph; as an older established area of Louisville Metro, there is a limited supply of properties for redevelopment and/or development to meet the current market demands in the area; this proposal is to keep and improve the historic Swiss Hall building for use as residential condominiums; and in so doing, the current proposed R-6 zoning is in keeping with the R-5/R-6 residential properties in the surrounding area; and

### COMMUNITY FORM

*Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 2, 7 and 9 of Goal 1, because the site is located in the Traditional Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings including condominiums as herein proposed; this proposed development and the rezoning from R-5 to R-6 is compatible and in keeping with the current zoning and use of the surrounding properties and those in the area; many of the properties in the area are currently zoned R-6; the redevelopment and renovation of the existing Swiss Hall building to convert the use to residential condominiums will not only be compatible with the surrounding area, but through the renovation work much of the original character of the building will be restored; the townhomes proposed on the balance of the subject property will be similar to the surrounding single family residential homes, with the main difference being the townhomes will not be located on separate lots as many of those in the area; however, because the existing single family homes are located on very small lots, the proposed townhomes will be compatible and similar to the surrounding area, even including access off of

the existing residential alleys like the adjoining properties; and the two-story proposed residential townhomes fit with the adjoining two-story residential homes; and

**WHEREAS**, this proposed residential development is located along the TARC service line on Lynn Street, as well as the existing TARC service line on Preston Street and Shelby Street, providing immediate access to transportation facilities for residents to have easy access to employment centers throughout Louisville Metro and access to downtown Louisville; as a result, the number of parking spaces have been kept low; access to these transit services will help reduce the vehicle miles traveled for these proposed new residences as will the central location of this subject site in Louisville Metro; because the proposed use fits within and is compatible with the surrounding properties, such that no screening or buffering would practical be expected based upon the area, the RDDDP demonstrates that the proposal attempts to provide screening and buffering, to the extent possible; by way of example, the adjoining properties, and those in the area, have garage access off of alleys to the rear of those properties; the RDDDP proposes the same with this development, including the widening of two existing alleys and the creation of a third alley to continue the pattern of development in the area; and the existing Swiss Hall parking lot is proposed to be reduced in size with the new proposed covered parking to be added to be screened from Lynn Street; and

*Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 9 of Goal 2, because the proposed development is an infill development providing new housing within the central portion of Louisville Metro, and proposes renovation and rehabilitation of the historic Swiss Hall building; and

*Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 7 and 9 of Goal 3 because the proposed development has been designed to preserve the open space at the center of the property providing the development with a set pattern and sense of place; being a proposed condominium development, this open space will be owned by the proposed owners in common and maintained by the condominium association; there are no wet or highly permeable soils, severe, steep or unstable slopes on the subject property that would create erosion problems; and the protection of the existing Swiss Hall building, as shown on the RDDDP, also provides for the protection of the natural features on the site to the extent possible; and

*Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies 1, 2 and 3, of Goal 4 because as shown on the RDDDP, the old Swiss Hall building is proposed to be renovated and rehabilitated rather than being demolished; as shown at the public hearing, the applicant is proposing renovations to preserve the historic elements of this building and to restore some historic elements no longer existing; and



## **MOBILITY**

*Goal 1 – implement an accessible system of alternative transportation modes.*

**WHEREAS**, the proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4 of Goal 1, because this proposed rezoning and RDDDP will be attractive to those potential condominium purchasers that enjoy a healthy lifestyle through pedestrian travel and through bicycle as a means of transit; sidewalks are being added to the property to provide pedestrian connections between the proposed townhomes, the common open area, and the Swiss Hall building; the existing sidewalks on the subject property are being improved to promote pedestrian transportation to those services in the immediate vicinity, including the retail uses along Preston Highway; as shown on the RDDDP, bicycle parking is being proposed to promote this means of travel throughout the area; and this proposed higher density residential use is located in very close proximity to the marketplace corridors along Preston Highway and Poplar Level Road, as well as the employment centers in the immediate area, the University of Louisville, and downtown Louisville; and

*Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 3, 4, 5, and 6 of Goal 2, because this proposed development includes the improvement of the existing alleys on two sides of the property, as well as the creation of an alley across the northwest portion of the subject property providing stub connections and improving the existing roadway network in the immediate area; due to the zoning of the properties in the surrounding area, the access to this site off Lynn Street and the alleys will not enter through less areas of lower intensity; and all appropriate site distance standards will be met, and the existing site distance conditions on the properties surrounding the subject property will be improved through widening of the alleys; and

*Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of Goal 3, because the proposed redevelopment of the underutilized Swiss Hall property and undeveloped land into a new residential community will provide new housing stock needed by Louisville Metro to allow its continued growth and also reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options; the subject properties close proximity to the above will also help eliminate multiple automobile trips for such services; due to this development's close proximity to public transportation options, as well as the opportunity for pedestrian and bicycle travel, this proposal will not tax the public transportation network the same as a new development in the outer portions of Louisville Metro; and the additional residential units this development would provide would also help create a larger demand for the existing public transportation options; and

## **COMMUNITY FACILITIES**

*Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1, 2, and 3 of Goal 2, because the subject property is currently served by existing utilities and has adequate capacity for this proposed development as will be confirmed through all utility providers through this rezoning process; these confirmations specifically include the Louisville Water Company's confirmation of sufficient water service capacity and the Metropolitan Sewer District's confirmation of adequate sanitary capacity; and

### **LIVABILITY**

*Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 5, 10, 17, 21, 31, 32, and 35 of Goal 1, because the proposed development will add new native species landscaping as shown on the RDDDP and as demonstrated on the landscape plan that will ultimately be prepared and submitted for approval; there are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition as an unplanned parking lot through the detention and water quality as shown on the RDDDP; and the added detention and water quality unit will not only help mitigate the impacts of this development but likely help with the existing floodplains in the area to the extent same exist; and

### **HOUSING**

*Goal 1 – Expand and ensure a diverse range of housing choices.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 1 of Goal 1, because the proposal is for a new and different housing option for the area, being new construction residential with maintenance free living lacking in this older area of Louisville Metro; the proposed rezoning will also be an additional option for those looking to age in place, i.e., in the community in which they have lived, through providing a maintenance free living option; and

*Goal 2 – Facilitate the development of connected, mixed-use neighborhoods.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1 and 2 of Goal 2, because the condominium form of development, accompanied by its maintenance free living, provides a housing option for a mixture of residents, including the millennial working downtown that wants to live in close proximity to services and areas, baby boomers that no longer want to cut their grass, and those persons of all ages that want to live where there are multiple accessible modes of transportation; and

*Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.*

**WHEREAS**, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including Policies 1, 2, and 3, because the proposed development will be a different housing option than the single family residential lot that predominates throughout the surrounding area, and thus will have a different price point; the proposed development will also

have a mixture of housing options, which includes the small and more affordable condominium units within the Swiss Hall building as well as the townhomes as shown on the RDDDP; these two types of housing options will also help by providing multiple options for the existing residents in the area that want to age in place and in their community; while the applicant considered a mixed-use development for this site, the one way traffic along Lynn Street and the decision to permanently protect the Swiss Hall building made additional uses other than residential impractical; and

\* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-5 to R-6 and approves the Detailed District Development Plan.



### Variance Findings of Fact

Variance of Section 5.2.2.C.2, Table 5.2.2, to allow the 15 ft min. setback along Lynn Street to be 10 ft.

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because this variance is merely to be consistent with the homes in the immediate vicinity and does not affect any public health or safety issues; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because this area is in a traditional neighborhood where there is no general consistency to the building setbacks throughout the neighborhood; the shorter front yard setback will also help provide the feel of a more pedestrian friendly block due to the shorter setback; and many buildings in the area are located closer to the street, or at the street in the front, such that the reduced setback will blend in well; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because this variance is merely aesthetic and does not affect any hazards or nuisance issues; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the variance is justified since it is consistent with the character of the traditional neighborhood, it does not affect safety or health matters, but is merely one of aesthetics allowing the property to be compatible with the rest of the area and provide a better sense of pedestrian connectivity; and

**WHEREAS**, the variance is justified since it is consistent with the character of the Traditional Neighborhood Form District; the variance also will not affect safety or health matters and is merely one of aesthetics; and the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an adaptive reuse of a partially developed lot in a traditional neighborhood with pre-existing, as built conditions being retained and preserved; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant is attempting to develop in accordance with the pattern created by the surrounding development; and

**WHEREAS**, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is an adaptive reuse of a partially developed lot in a traditional neighborhood with pre-existing, as built conditions built prior to the adoption of the Traditional Neighborhood Form District; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Variance.