

**Planning Commission  
Staff Report**  
March 2, 2017



<b>Case No:</b>	<b>16ZONE1050</b>
<b>Request:</b>	<b>Change in zoning from R-5 to C-2 with Waivers</b>
<b>Project Name:</b>	<b>Lydia House</b>
<b>Location:</b>	<b>1101 &amp; 1103 Lydia St.</b>
<b>Owner:</b>	<b>L&amp;I, LLC</b>
<b>Applicant:</b>	<b>L&amp;I, LLC</b>
<b>Representative:</b>	<b>Bardenwerper Talbott &amp; Roberts, Milestone Design Group</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>10 - Mulvihill</b>
<b>Case Manager:</b>	<b>Brian Mabry, AICP, Planning &amp; Design Supervisor</b>

**REQUEST**

- Change in zoning from R-5 to C-2 for .165 acres
- Detailed District Development Plan
  - Waiver #1 from Chapter 10, Part 2, Table 10.2.4 to not provide a property perimeter LBA for the west side of the duplex property (1103 Lydia St.)
  - Waiver #2 from Chapter 10, Part 2, Table Section 10.2.10 to not provided a 5 foot VUA LBA for the two parking spaces at the rear of the duplex property (1103 Lydia St.)

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant requests the rezoning in order to allow an existing restaurant to have indoor and outdoor alcohol sales and consumption and to allow all types of alcohol to be served, rather than beer only. No exterior modifications are proposed on the property if the rezoning is granted.

Adjacent properties are residentially zoned and used. The nearest commercially zoned property is a little less than 600 feet to the southwest at the intersection of E. Burnett Avenue and Hickory Street. The nearest C-2 property is the Monnik Beer Company, approximately 270 additional feet to the southwest. A tavern, the Old Hickory Inn, is diagonal to the subject property and is zoned R-5. It operates as a nonconforming use.

Two parcels are subject to this rezoning request. The parcel with the existing 2,029 square-foot restaurant is at the corner of Lydia Street and Hickory Street. A 1,253 square-foot residence is directly above the restaurant, on the second story. The other parcel is immediately adjacent and has a 1,900 square-foot duplex on it; however, the restaurant uses a portion of this property for associated outdoor dining. Thus, the duplex property is included in this request as well. The properties combined are a total of 50 feet in width and 7,202 square feet.

A minimum of 14 parking spaces would normally be required for the restaurant and the residential uses. The applicant has taken advantage of three 10% reductions in the land development code related to: (1) proximity to retail uses; (2) provision of additional bike racks; and (3) mixing residential and nonresidential uses in the same project. The reductions decrease the minimum parking requirement to 10 spaces. The applicant proposes satisfying these requirements through on-street and off-street parking.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Upper-Story Residential / Restaurant and Duplex	R-5	TN
<b>Proposed</b>	Upper-Story Residential / Restaurant with indoor & outdoor alcohol sales and consumption and Duplex	C-2	TN
<b><i>Surrounding Properties</i></b>			
<b>Northeast (across alley)</b>	Single-family residential	R-5	TN
<b>Southwest (across Lydia Street)</b>	Single-family residential	R-5	TN
<b>Southeast</b>	Single-family residential	R-5	TN
<b>Northwest (across Hickory Street)</b>	Single-family residential	R-5	TN
<b>East (diagonal across the intersection of Lydia and Hickory)</b>	Tavern	R-5	TN

**PREVIOUS CASES ON SITE**

18670 – In January 2013, Planning and Design Services staff determined that the subject property had nonconforming rights for beer only with no outdoor consumption.

**INTERESTED PARTY COMMENTS**

None

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW FOR REZONING AND FORM 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 REZONING AND FORM DISTRICT CHANGES**

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

The site is proposed to be 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 proposal to rezone the property from R-5, residential, to C-2, commercial, would result in a long-standing restaurant / bar and duplex becoming conforming uses. The proposal is to allow sales and consumption of all types of alcohol, rather than just beer, at an appropriately scaled neighborhood restaurant with a second-story residential unit and a duplex next door. The proposal does not interfere with the current layout of streets, alleys, or sidewalks. The proposal is located in a relatively dense area that is increasing in affluence. The proposal is for the preservation/renovation of an existing structure that is consistent with the overall look and history of the surrounding neighborhood. This is a nonresidential use in a residential area however it appears to have functioned as an accepted part of the community for decades and the ability to service a wider variety of alcohol should not change the business's status in the neighborhood. The proposal is compact and uses existing infrastructure. The site and existing building do not have adequate space to provide buffering or setbacks.

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

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

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: LOJIC shows no natural resources or environmental constraints on the site. The building is a historic resource that is being preserved and renovated.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Landscape buffering and screening cannot be completely provided as required by the LDC due to existing conditions on site and so Waivers are requested.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1  
from Chapter 10, Part 2, Table 10.2.4 to not provide a property perimeter LBA for the west side of the  
duplex property (1103 Lydia St.)**

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

STAFF: The waiver will not adversely affect adjacent property owners because the existing duplex has been in place for decades without an LBA between it and the single-family property to the southeast with no known problems.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The proposed lack of an LBA does not violate any of these policies.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because there is no room on the duplex lot to provide any type of meaningful LBA between the

duplex and the single-family property to the southeast. In addition, a six-foot wood fence exists between the duplex and the single-family property.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because in order to establish the required LBA, over half of the duplex would have to be demolished.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2  
from Chapter 10, Part 2, Table Section 10.2.10 to not provided a 5 foot VUA LBA for the two parking  
spaces at the rear of the duplex property (1103 Lydia St.)**

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

STAFF: The waiver will not adversely affect adjacent property owners because the existing restaurant and duplex has been in place for decades without a VUA LBA and with no known problems.

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

STAFF: Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. The proposed lack of a VUA LBA does not violate this policy.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the VUA to the rear of the duplex, adjacent to the alley, is too small to provide an LBA of any size.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the VUA is too small to provide a VUA LBA. The applicant has already utilized many parking reduction provisions in the LDC in order to have adequate parking on-street and off-street. If the proposed VUA is not allowed, due to a lack of room for the VUA LBA, then the site will not be able to provide required parking.

**TECHNICAL REVIEW**

- All agency comments have been addressed.

**STAFF CONCLUSIONS**

The proposal to rezone the property from R-5, residential, to C-2, commercial, would result in a long-standing restaurant / bar and duplex becoming conforming uses. The proposal is to allow sales and consumption of all types of alcohol, rather than just beer, at an appropriately scaled neighborhood restaurant with a second-story residential unit and a duplex next door. The proposal does not interfere with the current layout of streets, alleys, or sidewalks. The proposal is located in a relatively dense area that is increasing in affluence. The proposal is for the preservation/renovation of an existing structure that is consistent with the overall look and history of the surrounding neighborhood. This is a nonresidential use in a residential area however it appears to have functioned as an accepted part of the community for decades and the ability to service a wider variety of alcohol should not change the business's status in the neighborhood. The proposal is compact and uses existing infrastructure. The site and existing building do not have adequate space to provide buffering or setbacks.

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

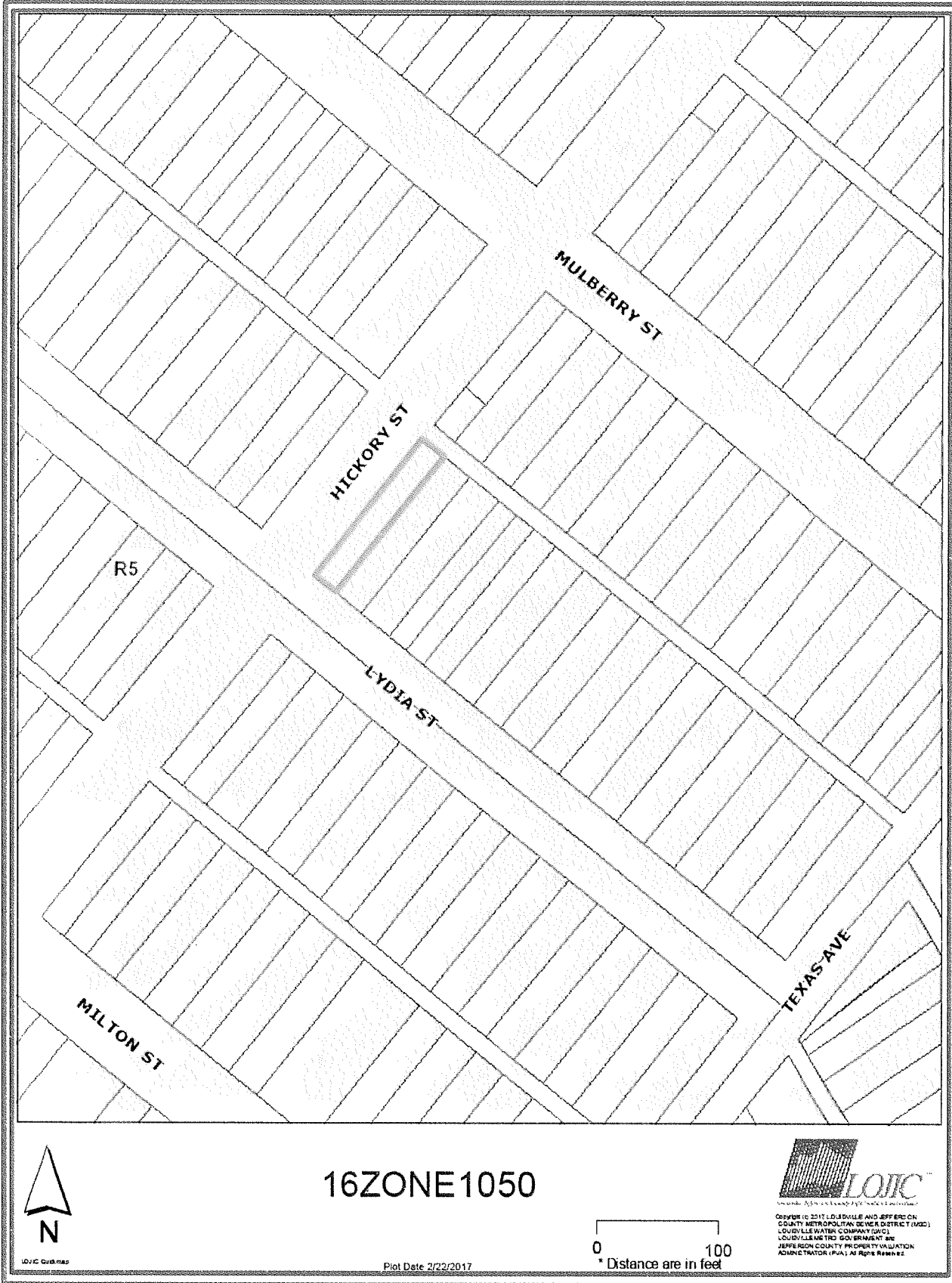
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1/26/17	Meeting before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
2/14/17	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
2/15/17	Hearing before PC	Sign Posting on property
2/18/17	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph





**3. Cornerstone 2020 Staff Checklist**

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

**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 will not change the existing grid pattern of the neighborhood.
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.	✓	The proposal is to allow sales and consumption of all types of alcohol, rather than just beer, at an appropriately scaled neighborhood restaurant.
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 subject property is ~1,200 feet from a public park.
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.	✓	No exterior construction is proposed.
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.	N/A	The proposal does not create a new neighborhood center.
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.	✓	The proposal is located in a relatively dense area that is increasing in affluence.
7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposal is compact and uses existing infrastructure.
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 proposal includes a restaurant proposing sales and consumption of all types of alcohol, rather than just beer, and a residential unit on the second floor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The proposal includes a restaurant proposing sales and consumption of all types of alcohol, rather than just beer, and a residential unit on the second floor.
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.	N/A	The proposal is not a large development.
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.	N/A	Sharing with adjacent uses would not be feasible for this proposal.
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.	N/A	Sharing with adjacent uses would not be feasible for this proposal.
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 adjacent Hickory Street is a Neighborway bike path and Texas Avenue, 500 feet to the southeast, is a TARC route.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	N/A	Building materials are proposed to remain the same.
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 nonresidential use is in a residential area however it appears to have functioned as an accepted part of the community for decades. The ability to service a wider variety of alcohol should not change the business's status in the neighborhood.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	N/A	No potential emissions or odors should be associated with the proposal.
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 existing business is a long-standing part of the neighborhood.
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.	✓	All lighting should comply with Louisville Metro Code.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	The reason for the zoning change request is to enable the restaurant on site to serve a wider variety of alcohol.
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.	-	The site and existing building do not have adequate space to provide buffering or setbacks.
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 site and existing building do not have adequate space to provide buffering or setbacks.
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.	✓	Lot dimensions and height are compatible. The front setback of the existing building is slightly out of character with its surroundings; however, traditionally corner commercial structures have been pulled up closer to the street than their residential neighbors.
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.	N/A	The subject property lacks these features.
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.	N/A	The subject property lacks off-street parking.
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.	N/A	The only garage on-site is for the upper story residence.
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.	✓	Any new signs will need to comply with the provisions of the Louisville Metro Code.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	No open space is proposed or required.
28	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	N/A	No open space is proposed or required.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	N/A	No natural features are on the subject property.
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.	N/A	No nature features are on the subject property.
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.	✓	The proposal seeks to increase the viability of a business preserving and reusing an older building.
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.	N/A	The site has none of these features.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	N/A	Irrelevant to the proposal.
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.	N/A	The subject property is not downtown.
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.	N/A	The proposal is not industrial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	The proposal is not retail and should not be a large traffic generator.
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.	N/A	The proposal has less than 100 employees.
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.	N/A	Irrelevant to the proposal.
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.	✓	The adjacent Hickory Street is a Neighborway bike path and Texas Avenue, 500 feet to the southeast, is a TARC route.
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	Irrelevant to the proposal.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The applicant is using parking reductions that are built into the LDC in order to provide adequate parking.
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.	N/A	Sharing with adjacent uses would not be feasible for this proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	The proposal is not a new subdivision or shopping center.
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 blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	N/A	The site has none of these features.
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 has reviewed and commented.
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.	N/A	The site has none of these features.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities currently serve the property.
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.	✓	Utilities currently serve the property.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Utilities currently serve the property.

#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved detailed development plan, all applicable sections of the Land Development Code and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The nonresidential use shall not exceed 2,029 square feet of gross floor area at 1101 Lydia Street. The residential use shall not exceed 1,253 square feet of gross floor area at 1101 Lydia Street. The outdoor dining area shall not exceed 345 square feet of gross floor area at 1103 Lydia Street. The residential use shall not exceed 1,900 square feet of gross floor area at 1103 Lydia Street.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. Use of the subject site shall be limited to the following uses:
  - a. Those allowed in the C-N Neighborhood Commercial District;
  - b. Those allowed in the R-5B Residential Two Family District;
  - c. 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,
  - d. Tavern, bar, saloon.
8. There shall be no other use of the property other than those uses listed in item 7 above unless prior approval is obtained from the Planning Commission. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.



**Land Development & Transportation Committee**  
**Staff Report**  
February 9, 2017



<b>Case No:</b>	<b>16ZONE1050</b>
<b>Request:</b>	<b>Change in zoning from R-5 to C-2</b>
<b>Project Name:</b>	<b>Lydia House</b>
<b>Location:</b>	<b>1101 &amp; 1103 Lydia St.</b>
<b>Owner:</b>	<b>L&amp;I, LLC</b>
<b>Applicant:</b>	<b>L&amp;I, LLC</b>
<b>Representative:</b>	<b>Bardenwerper Talbott &amp; Roberts, Milestone Design Group</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>10 - Mulvihill</b>
<b>Case Manager:</b>	<b>Brian Mabry, AICP, Planning &amp; Design Supervisor</b>

**REQUEST**

- Change in zoning from R-5 to C-2 for .165 acres
- Detailed District Development plan
  - Waiver from Chapter 10, Part 2, Table 10.2.4 to not provide a property perimeter LBA for the west side of the duplex site (1103 Lydia St.)
  - Waiver from Chapter 10, Part 2, Table Section 10.2.10 to not provided a 5 foot VUA LBA for the two parking spaces at the rear of the property

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant requests the rezoning in order to allow an existing restaurant to have indoor and outdoor alcohol sales and consumption. No exterior modifications are proposed on the property if the rezoning is granted.

Surrounding properties are zoned and used residential. The nearest commercially zoned property is a little less than 600 feet to the southwest at the intersection of E. Burnett Avenue and Hickory Street. The nearest C-2 property is the Monnik Beer Company, approximately 270 additional feet to the southwest. A tavern, the Old Hickory Inn, is diagonal to the subject property and is zoned R-5. It operates as a nonconforming use.

Two parcels are subject to this rezoning request. The parcel with the existing 2,029 square-foot restaurant is at the northeast corner of Lydia Street and Hickory Street. A 1,253 square-foot residence is directly above the restaurant, on the second story. The other parcel is immediately adjacent and has a 1,900 square-foot duplex on it; however, the restaurant uses a portion of this property for associated outdoor dining. Thus, the second property is included in this request as well. The properties combined are a total of 50 feet in width and 7,202 square feet.

A minimum of 14 parking spaces would normally be required for the restaurant and the residential uses. The applicant has taken advantage of three 10% reductions in the land development code related to proximity to retail uses, provision of additional bike racks, and mixing residential and nonresidential uses in the same project. The reductions decrease the minimum parking requirement to 10 spaces. The applicant proposes satisfying these requirements through on-street and off-street parking.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential / Restaurant	R-5	TN
<b>Proposed</b>	Residential / Restaurant with indoor & outdoor alcohol sales and consumption	C-2	TN
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	R-5	TN
<b>South</b>	Single-family residential	R-5	TN
<b>East</b>	Single-family residential	R-5	TN
<b>West</b>	Single-family residential	R-5	TN

**PREVIOUS CASES ON SITE**

18670 – In January 2013, Planning and Design Services staff determined that the subject property had nonconforming rights for beer only with no outdoor consumption.

**INTERESTED PARTY COMMENTS**

None

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

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

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

**STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES**

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

The site is proposed to be 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 proposal to rezone the property from R-5, residential, to C-2, commercial, would result in a long-standing restaurant / bar and duplex becoming conforming uses.

**TECHNICAL REVIEW**

- All agency comments have been addressed.

**STAFF CONCLUSIONS**

The proposal is ready for a public hearing date to be set.

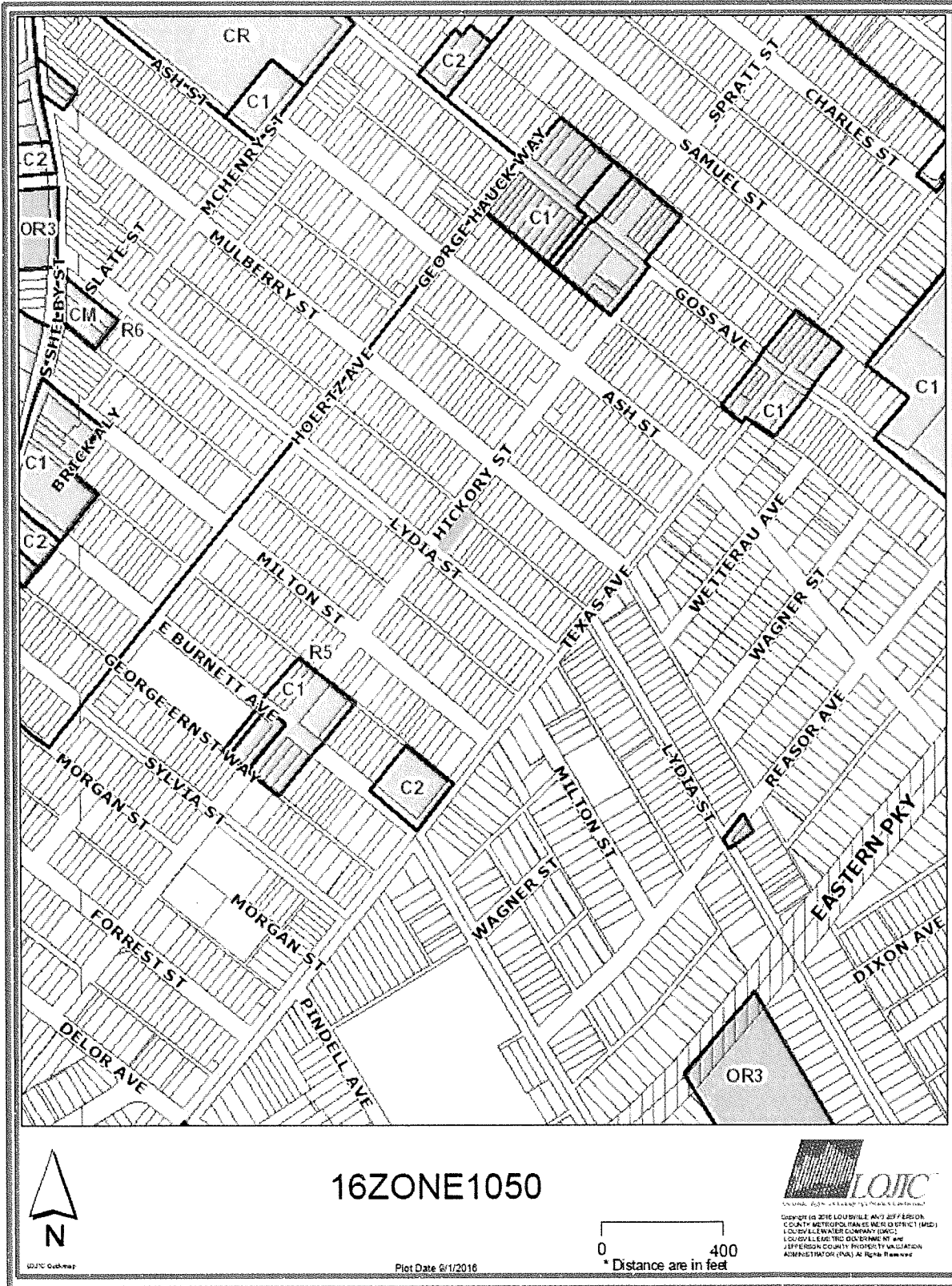
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1/26/17	Meeting before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 15 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. **Zoning Map**



2. **Aerial Photograph**



### 3. Proposed Binding Elements

1. The development shall be in accordance with the approved detailed development plan, all applicable sections of the Land Development Code and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The nonresidential use shall not exceed 2,029 square feet of gross floor area at 1101 Lydia Street. The residential use shall not exceed 1,253 square feet of gross floor area at 1101 Lydia Street. The residential use shall not exceed 2,500 square feet of gross floor area at 1103 Lydia Street.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. Use of the subject site shall be limited to the following uses:
  - a. Those allowed in the C-N Neighborhood Commercial District;
  - b. Those allowed in the R-5B Residential Two Family District;
  - c. 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,
  - d. Tavern, bar, saloon.
9. There shall be no other use of the property other than those uses listed in item 8 above unless prior approval is obtained from the Planning Commission. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.

**Pre-Application  
Staff Report**  
September 2, 2016



<b>Case No:</b>	<b>16ZONE1050</b>
<b>Request:</b>	<b>Change in zoning from R-5 to C-2</b>
<b>Project Name:</b>	<b>1101 Lydia Street</b>
<b>Location:</b>	<b>1101 Lydia Street</b>
<b>Owner:</b>	<b>L&amp;I, LLC</b>
<b>Applicant:</b>	<b>L&amp;I, LLC</b>
<b>Representative:</b>	<b>Bardenwerper, Talbott &amp; Roberts, PLLC</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>10-Mulvihill</b>
<b>Case Manager:</b>	<b>Brian Mabry, AICP, Planning &amp; Design Supervisor</b>

**REQUEST**

- Change in zoning
- Waiver from Sec. 10.2.4 to not require a property perimeter landscape buffer area

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

Existing Zoning District: R-5  
 Proposed Zoning District: C-2  
 Existing Form District: TN  
 Existing Use: Residential / Restaurant  
 Proposed Use: Residential / Restaurant with indoor and outdoor alcohol sales and consumption  
 Minimum Parking Spaces Required: 10 (depending on how many residential units are on the second floor)  
 Maximum Parking Spaces Allowed: 19  
 Parking Spaces Proposed: 6  
 Plan Certain Docket #: None

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant requests the rezoning in order to allow the existing restaurant to have indoor and outdoor alcohol sales and consumption. Surrounding properties are zoned and used residential. The nearest commercially zoned property is a little less than 600 feet to the southwest at the intersection of E. Burnett Avenue and Hickory Street. The nearest C-2 property is the Monnik Beer Company, approximately 270 additional feet to the southwest. No modifications are proposed on the property if the rezoning is granted. A tavern, the Old Hickory Inn, is diagonal to the subject property and operates as a grandfathered use.

The building has a foot print of 2,450 square feet, a total square footage of 3,282 square feet and is located on a 3,312 square-foot lot (floor area ratio of .99). The building has housed a grocery store, tavern, restaurant, and, after a short period of being closed, is now the Lydia House restaurant.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Residential / Restaurant	R-5	TN

	Land Use	Zoning	Form District
<b>Proposed</b>	Residential / Restaurant with indoor & outdoor alcohol sales and consumption	C-2	TN
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	R-5	TN
<b>South</b>	Single-family residential	R-5	TN
<b>East</b>	Single-family residential	R-5	TN
<b>West</b>	Single-family residential	R-5	TN

### PREVIOUS CASES ON SITE

18670 – In January 2013, Planning and Design Services staff determined that the subject property had nonconforming rights for beer only with no outdoor consumption.

### INTERESTED PARTY COMMENTS

None received.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW FOR REZONING AND FORM 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 REZONING AND FORM DISTRICT CHANGES

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

The site is proposed to be located in the Traditional Neighborhood Form District

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

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses



as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

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

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

#### TECHNICAL REVIEW

See agency comments for development plan review comments that need to be considered when preparing a plan for formal submittal.

#### STAFF CONCLUSIONS

The proposal is ready to be formally filed.

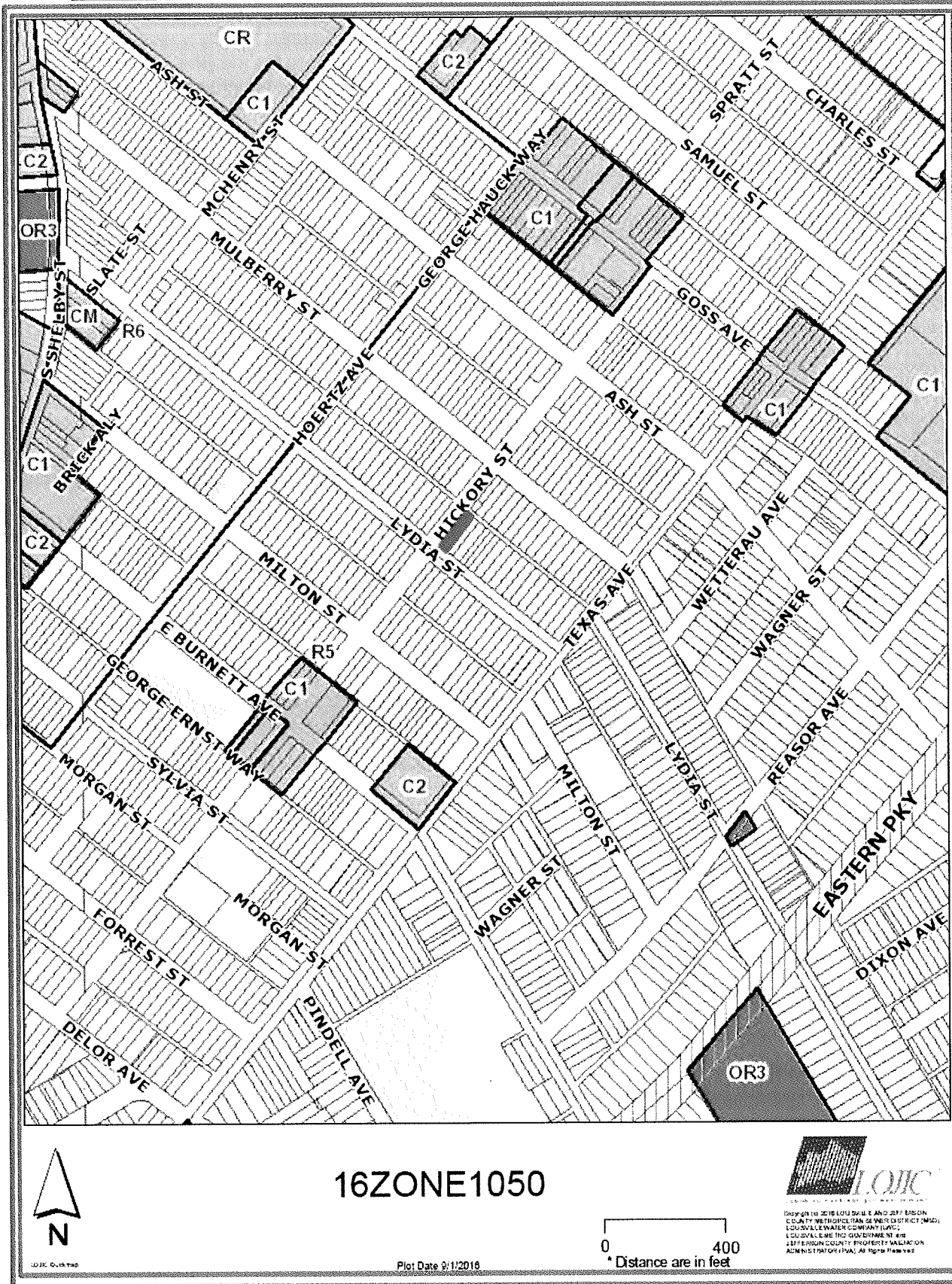
#### NOTIFICATION

Date	Purpose of Notice	Recipients
	Meeting before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

#### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Pre-Application Staff Comments

1. **Zoning Map**



16ZONE1050



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Plot Date 9/1/2016

0 400  
\* Distance are in feet

2. Aerial Photograph



**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 will not change the existing grid pattern of the neighborhood.
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.	✓	The proposal is to allow sales and consumption of all types of alcohol, rather than just beer, at an appropriately scaled neighborhood restaurant.
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 subject property is ~1,200 feet from a public park.
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.	✓	No exterior construction is proposed.
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.	N/A	The proposal does not create a new neighborhood center.
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.	+/-	More Information Needed
7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposal is compact and uses existing infrastructure.
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 proposal includes a restaurant proposing sales and consumption of all types of alcohol, rather than just beer, and a residential unit on the second floor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The proposal includes a restaurant proposing sales and consumption of all types of alcohol, rather than just beer, and a residential unit on the second floor.
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.	N/A	The proposal is not a large development.
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.	N/A	Sharing with adjacent uses would not be feasible for this proposal.
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.	N/A	Sharing with adjacent uses would not be feasible for this proposal.
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 adjacent Hickory Street is a Neighborway bike path and Texas Avenue, 500 feet to the southeast, is a TARC route.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	N/A	Building materials are proposed to remain the same.
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 nonresidential use is in a residential area however it appears to have functions as an accepted part of the community for decades. The ability to service a wider variety of alcohol should not change the business's status in the neighborhood.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	N/A	No potential emissions or odors should be associated with the proposal.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	More Information Needed
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.	✓	All lighting should comply with Louisville Metro Code.
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.	N/A	The reason for the zoning change request is to enable the restaurant on site to serve a wider variety of alcohol.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	-	The site and existing building do not have adequate space to provide buffering or setbacks.
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 site and existing building do not have adequate space to provide buffering or setbacks.
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.	✓	Lot dimensions and height are compatible. The front setback of the existing building is slightly out of character with its surroundings; however, traditionally corner commercial structures have been pulled up closer to the street than their residential neighbors.
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.	N/A	The subject property lacks these features.
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.	N/A	The subject property lacks off-street parking.
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.	N/A	The only garage on-site is for the upper story residence.
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.	✓	Any new signs will need to comply with the provisions of the Louisville Metro Code.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	No open space is proposed or required.
28	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	N/A	No open space is proposed or required.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	N/A	No natural features are on the subject property.
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.	N/A	No nature features are on the subject property.
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.	✓	The proposal seeks to increase the viability of a business preserving and reusing an older building.
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.	N/A	The site has none of these features.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	N/A	Irrelevant to the proposal.
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.	N/A	The subject property is not downtown.
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.	N/A	The proposal is not industrial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	The proposal is not retail and should not be a large traffic generator.
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.	N/A	The proposal has less than 100 employees.
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.	N/A	Irrelevant to the proposal.
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.	✓	The adjacent Hickory Street is a Neighborway bike path and Texas Avenue, 500 feet to the southeast, is a TARC route.
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	Irrelevant to the proposal.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	-	Parking reductions and/or waivers will be 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.	N/A	Sharing with adjacent uses would not be feasible for this proposal.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	The proposal is not a new subdivision or shopping center.
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.	N/A	The proposal is not a new subdivision or shopping center.
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 blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	N/A	The site has none of these features.
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 has reviewed and commented.
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.	N/A	The site has none of these features.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities currently serve the property.
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.	✓	Utilities currently serve the property.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Utilities currently serve the property.

**4. Pre-Application Staff Comments**



**Louisville-Jefferson County Metro Government**  
**Louisville Forward Develop Louisville**  
 Planning and Design Services  
 444 S. 5th Street, Suite 300 - Louisville, KY 40202  
 Phone: 502.574.6230 Web Site: louisvilleky.gov/planningdesign/

**A g e n c y R e v i e w C o m m e n t s**

**Project Number:** 16ZONE1050

**Submittal Date:** 07/25/2016

**Address:** 1101 LYDIA ST

**Contact Phone:** (502)426-6688

**Contact Name:** John Talbott

**Contact Email:** john@bardlaw.net

**Project Name:** 1101 Lydia Street

**Type of Work:** ZONE

**Project Description:** A change in zoning from R-5 to C-2 to allow a nonconforming restaurant to come into compliance on .07 acres.

The following report represents a comprehensive set of agency comments for the above mentioned development proposal. Please review and address the comments provided in order to respond appropriately and move this case forward in this review process. Questions may be directed to your case manager.

**Case Manager**

Brian Mabry

**Phone**

(502)574-5256

**EMAIL**

brian.mabry@louisvilleky.gov

**Air Pollution (Pre-Application)**

COMPLETED	BCOOMES	Email: bradley.coomes@louisvilleky.gov	8/1/16 9:11 am
			1

**Metro DPW (Pre-Application)**

COMPLETED	TMARKERT	Email: tammy.markert@louisvilleky.gov	8/4/16 12:00 pm
246996	TPOTHER		1

The residential on this lot meets the mixed use so 10% of the min can be used for a mixed used credit for parking.

246993	TPOTHER		1
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The garage is listed as parking for the residence however there is no curb cut for this garage. There is a small 10' cut, skewed from the garage door. There will need to be an encroachment permit requested for an official curb cut for the garage use. Sidewalk must be ADA compliant with max 2% cross slope. Also, I recommend the ramp be repaired since it's all broken at the alley.

246995	TPOTHER		1
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The residential part on this site should be a min of 1.5 a dwelling unit. I see TBD but for this parking waiver it will be important to decide on the unit or units to factor in parking requirements.

246998	TPMEETING		1
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If there are questions regarding Metro Public Works comments, please feel to meet with staff for clarification. We are located on the 2nd floor of the Metro Development Center. Appointments are not required but may reduce your wait time and are appreciated. If you would like to schedule a specific time please contact Tammy Markert at Tammy.Markert@louisvilleky.gov or at (502)574-3875.

246997	TPOTHER		1
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Please add "on street" next to standard parking spaces in the parking summary.

246994	TPOTHER		1
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Is there an existing outdoor seating permit for the outdoor seating along Hickory Street? If there is, please send in a copy. If not, there will need to be an application and note on the plan regarding.

**MSD Preliminary (Pre-Application)**

COMPLETED	00685	Email: kelly@louisvillemso.org	8/8/16 2:53 pm

Comments Generated on: 08/10/2016

PDS (Pre-Application)				
	COMPLETED	bmabry	Email: brian.mabry@louisvilleky.gov	8/10/16 2:56 pm
247340	DPEASE			1

Code Violation Text: Please show and label any existing or proposed easements on the plan.

247334	DPOTHER			1
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If no new construction is proposed, please remove irrelevant General Notes.

247089	DPOTHER			1
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From TARC: The nearest transit stop is located on Texas Avenue at Lydia Street (Route 43).

From Metro Emergency Services: Metro Emergency Services has reviewed the site plan for Docket# 16Zone1050 located at 1101 Lydia Street. We have no concerns with the plan. Please feel free to contact me if you have questions. Thank you.