

Land Development and Transportation

Staff Report

February 13, 2014



Case No:	13zone1014
Project Name:	Eiderdown
Location:	979/983 Goss Avenue
Owner(s):	Nineeightthree LLC
Applicant:	Nineeightthree LLC
Representative(s):	James Gunnoe
Project Area/Size:	0.29 Acres
Existing Zoning District:	R-6
Existing Form District:	TN
Jurisdiction:	Louisville Metro
Council District:	10- Jim King
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Change in zoning from R-6 to C-2
- Variance from table 5.2.2 to permit encroachments into the 5' side yard setback
- Landscape Waivers:
 1. Chapter 10.2.4 to reduce the 15' LBA along the northeast property line to 5'.
 2. Chapter 10.2.4 to eliminate the 15' LBA along the northwest property line where the site is adjacent to R-6.
 3. Chapter 10.2.9 to permit encroachments into the 5' LBA where the site is adjacent to a non-residential zoned lot with 1st floor residential use.
 4. Chapter 10.2.9 to eliminate the required 5' LBA along Krieger Street.
- District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a change in zoning from R-6 to C-2 to permit a restaurant on the site to sell liquor by the drink and to have outdoor dining and alcohol sales. The restaurant is located in an existing structure that dates to over a century old. The site currently has non-conforming rights to have a restaurant that sells beer and wine. The proposal calls for the demolition of the rear warehouse portion of the site for parking. 10 on site and 9 on street parking spaces are being provided.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Restaurant, Office, Residential	R-6	TN
Proposed	Restaurant, Office, Residential	C-2	TN
Surrounding Properties			
North	Residential	C-2/R-6	TN
South	Residential	R-6	TN
East	Residential	R-6	TN
West	Residential	R-6	TN

PREVIOUS CASES ON SITE

B-10-06- An Appeal of a refusal issued by the Louisville Metro Department of Inspections, Permits and Licenses concerning nonconforming rights. The Board found that the appellant had non-conforming rights to sell beer and wine at a restaurant.

B-145-02- A variance was applied for but then later withdrawn.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

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

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

STAFF ANALYSIS FOR REZONING

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

The site is located in the Traditional Neighborhood Form District

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

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

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

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

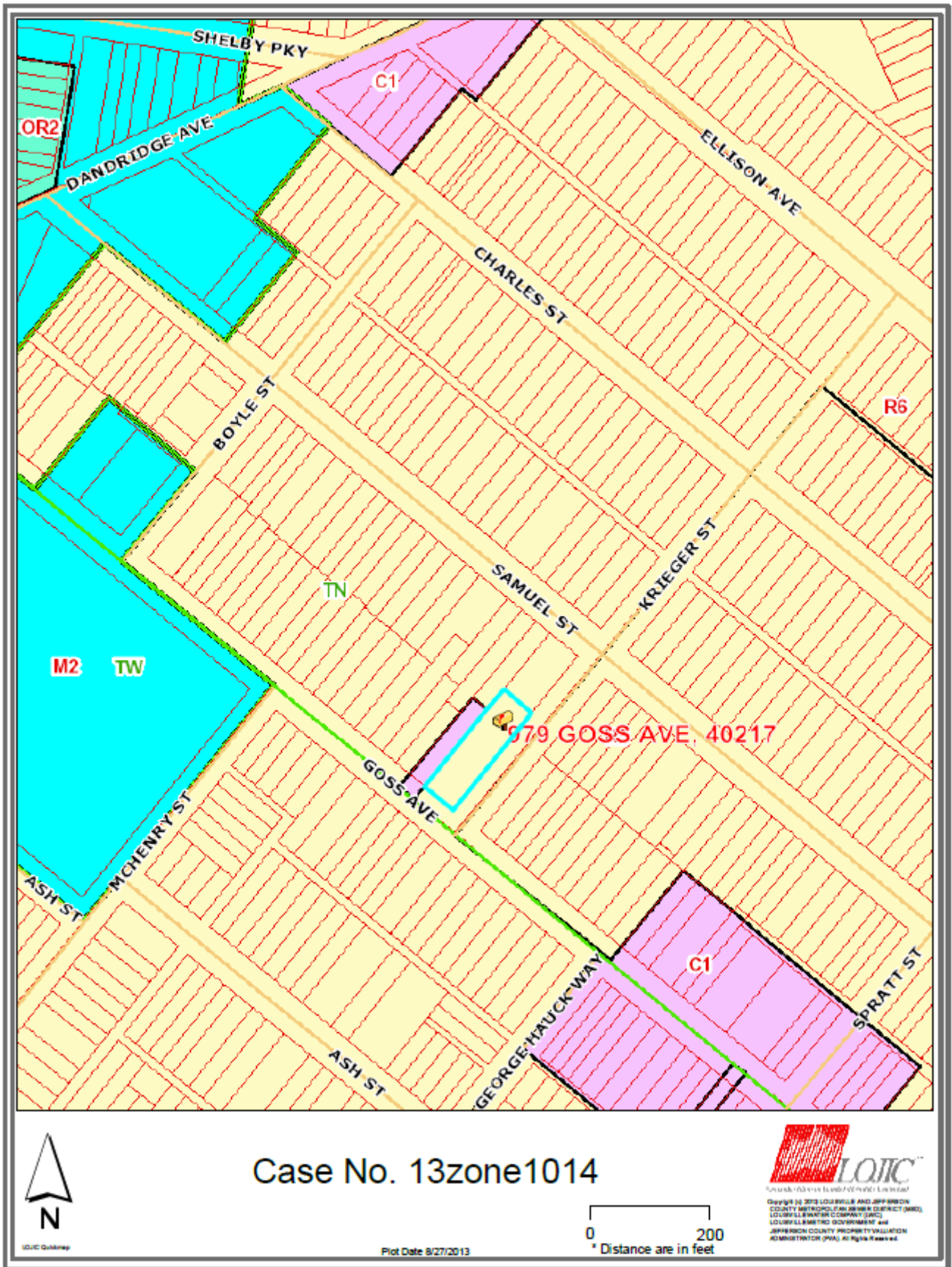
NOTIFICATION

Date	Purpose of Notice	Recipients
1/30/14	Hearing before LD&T on 2/13/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners 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

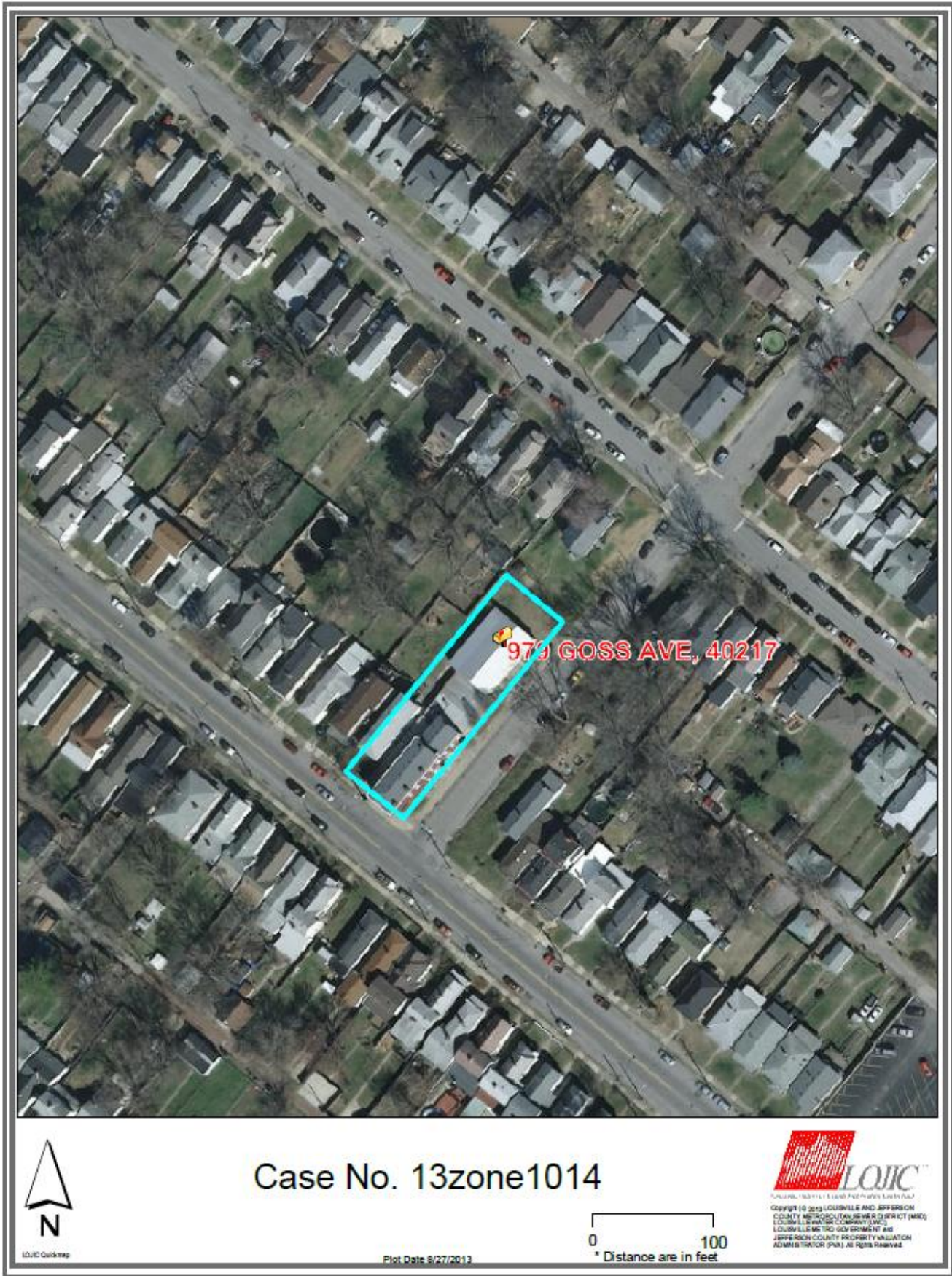
ATTACHMENTS

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

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 9,694 square feet of gross floor area.
3. 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.
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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
Time frame for compliance to be negotiated with applicant.
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. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
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.