

Land Development & Transportation Committee
Staff Report
March 8, 2018



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

REQUEST(S)

- **Change-in-Zoning** from R-5, Single-Family Residential to C-2, Commercial
- **Landscape Waiver** of Land Development Code (LDC), section 10.2.4 to omit the required 8' screen along north, west, and east property lines, omit the required 35' Landscape buffer area (LBA) along property lines abutting parking areas, and to allow two accessory structures to encroach upon the provided 35' LBA along the north property line.
- **Landscape Waiver** of LDC, section 10.2.10 to omit the required 10' vehicle use area (VUA) LBA adjacent to Lynn Street, alley to the east, and adjoining single-family zoning districts.
- **Landscape Waiver** of LDC, section 10.2.12 to omit the required 7.5% interior landscape islands (ILA) in parking areas
- **Waiver** of LDC, section 10.2.15 to eliminate the requirement to provide a landscape architect seal in instances where the size of the VUA exceeds 30,000 sq. ft.
- **Alternative Landscape Plan**
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning from R-5, single-family residential to C-2, commercial for an event hall, micro-brewery, and restaurant/bar with outdoor dining and entertainment is proposed. The subject site is located between S. Shelby Street and S. Preston Street along Lynn Street, north of Eastern Parkway. Residential single-family properties with a scattering of multi-family residential uses occupy the majority of land in the area and adjoin the site on all sides, with one exception for an office. Nearby commercial corridors are present. One such corridor begins at Lynn Street moving South on Preston Street before reaching and crossing Eastern Parkway, others begin on Preston and Shelby Streets further north from Lynn Street. There are many instances of traditional corner lot commercial uses and structures scattered throughout the surrounding neighborhoods.

The existing facilities on-site currently and historically have served as a private proprietary club/lodge known as Swiss Hall. These facilities will be repurposed and improved to accommodate the proposed uses, including: the main event space (Swiss Hall); existing parking areas improved with plantings and screening; two accessory structures to be converted to bar, nano-brewery, and kitchen space; and the utilization of the existing open space for gardens, seating and common areas, and recreation.

Multiple landscape waivers have been requested to accommodate for existing conditions, specifically those conditions exhibited by the parking facilities. An existing chain link fence wraps the property on all sides. In lieu of removing the existing fencing and providing an eight foot privacy fence or evergreen screen, portions of the chain link fence abutting parking areas will have a heavy-duty mesh screen installed to reduce glare from headlights, additional tree plantings will be concentrated in areas adjoining the outdoors space and fence line within the landscape buffer areas, and garden plots with an eight foot trellis will be provided. The chain link along the frontage will be removed and replaced with vegetation and decorative fence as demonstrated in the applicant's renderings. As a result of these existing conditions, a waiver has also been requested to eliminate the requirement to provide a landscape architect seal on a landscape, essentially requiring the hiring of a landscape architect to produce a plan. Given the existing conditions, unique waiver, and design of the landscaping, staff found that it was most appropriate to request the Planning Commission's consideration of the landscape plan as well.

STAFF FINDINGS

The applicant's development plan and application are in order. Notice of a public hearing before the Planning Commission was sent concurrently with the notice for this public meeting and scheduled for next Thursday's hearing, March 15, 2018.

TECHNICAL REVIEW

Preliminary approvals have been received from MSD and Transportation Planning staff.

Landscaping

- Alternative Landscape Plans (LDC 10.2.14): A developer may submit an alternative landscape plan for approval which conforms to the "spirit and intent" of Chapter 10. It is stated, "It is not the intent of this article to discourage innovative, aesthetically pleasing landscaping design."
- The tree canopy provided on the plan to meet the requirements of Chapter 10, Part 1 is being achieved by the planting of new trees alone. In doing so, a separate tree preservation plan is not required as existing tree canopy is not being counted towards meeting the minimum requirements (LDC 10.1.6). A minimum of 10% tree canopy is required. New tree canopy in the amount of 12.5% is provided.
- The owner will hire an arborist to inspect existing trees and suggest pruning, trimming and/or removal.
- Portions of unused parking surfaces will be removed and tree islands will be installed with Elm.
- Shrubs and plants along the frontage of the property will consist of plantings selected from the preferred plant list (LDC Ch. 10, Appendix A) at the time of installation.
- A landscape plan matching the alternative landscape plan provided to the Planning Commission will be required to properly enforce and keep record of Chapter 10 compliance, specifically the requirements of tree canopy (LDC 10.1).

Parking

- Parking has been calculated based on the gross floor area of finished/functioning space within the existing Swiss Hall building at 1 space per 100 square feet; the minimum for an event hall.
- Parking for outdoor areas or passive open areas and outdoor dining space has been calculated using the minimum number of spaces required for a “restaurant” or 1 space per 250 square feet. Staff found this calculation to be most appropriate given that the outdoor space is intended to be primarily informal gathering space with smaller sections of semi-permanent dining.
- A total of 50% in parking reductions is available to the subject site, but these have not been included in the minimum parking calculations.
- Three times the minimum amount of bike parking is being provided and six motorcycle spaces are also being made available.
- A parking lease agreement was entered into between Zanzabar, a restaurant/bar/event venue at 2100 S. Preston Street and Sheriffs Lodge No. 25 to provide the Zanzabar the use of 5 spaces on the subject site. The Zanzabar is currently in the process of proposing an affiliated use at 2070 S. Preston Street (17ZONE1058) and will pursue an expansion to the current lease agreement to add an additional 7 spaces. Any such expanded agreement shall be in conformance with LDC 9.1.5.B and the approved district development plan. It would appear that sufficient spaces are available to accommodate an expanded lease agreement.

This case has been scheduled for Planning Commission on March 15, 2018 at the request of the applicant in order to meet contractual obligations set by the seller.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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

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

NOTIFICATION

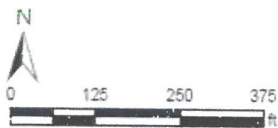
Date	Purpose of Notice	Recipients
2/21/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in District 10 & 15
2/21/18*	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in District 10 & 15
3/1/18*	Hearing before PC	Sign Posting on property
3/3/18*	Hearing before PC	Legal Advertisement in the Courier-Journal

*Notice of LD&T and Planning Commission was sent concurrently.

ATTACHMENTS

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

1. **Zoning Map**



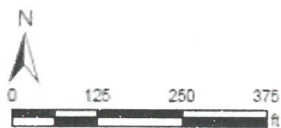
Friday, December 8, 2017 | 11:51:43 AM



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

2. Aerial Photograph



Friday, December 8, 2017 | 11:52:35 AM



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

3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan/alternative landscape 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. Use of the subject site shall be limited to an event hall (dance hall, billiard parlor, game rooms, bingo hall, theater, reception hall) within the confines of the existing primary structure, micro-brewery, bar/tavern/saloon, and restaurant with outdoor dining and entertainment, and those accessory uses as indicated on the approved district development plan. C-1, commercial zoning district uses are permitted subject to a revised detailed district development plan. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or designee. 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 or designee may require a public hearing on the request to amend this binding element.
3. There shall be no direct vehicular access to S. Barbee Way via the stub roadway along the northern property line or to either of the alleys along the east and west property lines.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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 Codes and Regulations Construction Permits, Transportation Planning Review, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for all work within the right-of-way.
 - c. 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.
7. 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.

8. 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.
9. Live entertainment and amplified music shall be prohibited outdoors after 10 PM Sunday through Thursday and 11 PM Friday and Saturday. Indoor live entertainment shall not be audible from the outdoors any time after 12 AM.
10. Deliveries, loading or unloading shall not occur between 7 PM and 7 AM, except that entertainers/booked events may load or unload at the nearest entrance/exit to the facility prior to or immediately following an event.
11. The frontage of the subject site along Lynn Street shall be kept free and clear of debris and maintained in good condition, including but not limited to the upkeep of the sidewalk, removal of plants/weeds, and trash removal.
12. All landscaping, plant material, and tree plantings as depicted on the approved district development plan/alternative landscape plan shall be installed prior to the use of any existing or constructed outdoor facilities, unless specifically waived in writing by the Planning Director or designee. Plantings and maintenance of said plantings shall be in accordance with all planting details and notes as set forth on the approved alternative landscape plan.
13. The existing chain link fence shall be repaired as needed and kept in good condition, except for those portions to be removed along Lynn Street. Installation of the woven mesh screening on the existing fence adjoining the parking areas shall be completed prior to occupancy of the primary structure. Said screen shall be maintained in good condition and repaired or replaced as needed to reduce the transfer of light upon residential properties and provide adequate screening.
14. The materials and design of proposed improvements shall be substantially the same as depicted in the rendering as presented at the March 15, 2018 Planning Commission public hearing of the Louisville Metro Planning Commission.