

**PLANNING COMMISSION MINUTES  
MARCH 15, 2018**

**PUBLIC HEARING**

**CASE NUMBER 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

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

**01:20:10** Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Adam Watson, 2344 Valley Vista Road, Louisville, KY 40205  
Mitchell Kersting, 231 N 19th St, Louisville, KY 40203  
Melissa Roadcap, 719 Lynn Street, Louisville, KY 40217  
Corey McAfee, 1718 S Preston Street, Louisville, KY 40217  
Antz Wettig, 2100 S Preston Street, Louisville, KY 40217  
Jon Wettig, 2100 S Preston Street, Louisville, KY 40217  
John Ronayne, 2227 S Preston Street, Louisville, KY 40217  
Nicholas Johnson, 2144 Crittenden Drive, Louisville, KY 40217

**Summary of testimony of those in favor:**

**01:33:08** Applicant Adam Watson summarized the proposal and showed a presentation. He responded to questions from the Commissioners.

**01:40:37** Architect Mitchell Kersting spoke about the development plan.

**01:47:14** Melissa Roadcap read a statement on behalf of Tim Pike, President of FOP Lodge #25. He is in support of the request because the applicant plans to preserve the existing structure, and he feels the development will make a positive impact on the community.

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**01:48:22** Corey McAfee owns a home and a commercial building on S Preston Street and is in support of the proposal. He works for Sony Music Publishing and added that an 8ft. privacy fence would be ineffective as sound mitigation.

**01:49:40** Jon and Antz Wettig are co-owners of Zanzabar, which is a bar/restaurant near the subject site. They stated they are in support of the request and are excited for Against the Grain to join the neighborhood. They think a wall would not be effective for sound mitigation and would provide a target for graffiti.

**01:50:57** John Ronayne is the owner of Brewgrass Homebrew Supply, which is another small business located near the subject site. He is in support of the project, and he agrees that a fence is a bad idea for the property.

**01:52:54** Nicholas Johnson is an environmental activist and feels that this project would fall in line with Louisville's environmental goals.

**01:55:04** Mr. Watson responded to questions from the Commissioners. He and Mr. Dock discussed the 8' screening waiver, sound mitigation, and landscaping. Mr. Watson noted that the woven mesh screen to be provided along the chain link fence can still be tagged with graffiti, but it is easier and less expensive to replace.

**The following spoke in opposition to this request:**

Wayne Rentschler, 2062 S Shelby Street, Louisville, KY 40217

**Summary of testimony of those in opposition:**

**02:12:40** Wayne Rentschler is a neighbor whose property is adjacent to the subject site. He stated that contrary to what was said by the applicant, there was only one meeting held within the community; others may have been conducted somewhere else. He is mainly concerned that nightly outdoor drinking and live music will be too noisy in a residential area.

**Rebuttal:**

**02:19:54** Mr. Watson spoke in rebuttal. They feel like they are addressing the reasonable sound concerns of their neighbors and they cannot be successful if the neighbors are not supportive of their project. Mr. Watson stated that the upstairs space will be marketed as a wedding reception hall, but could be used for local stand-up groups, local historical societies, or local bands. Outdoor music will be performed in the outdoor recreation area and will be pointed towards the building.

**02:22:40** In response to concerns from Commissioner Carlson regarding other future ownership, Mr. Dock referenced binding elements #2 and #9-14. These are not standard binding elements, and they were agreed upon by the applicant to satisfy concerns regarding the property being sold in the future.

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**Deliberation:**

**02:27:15**

Commissioner Peterson feels that the rezoning seems appropriate for the proposed use, which fits with the character of the neighborhood. He recognizes that it is surrounded by residential, but concerns have been addressed with the fence and landscape screening. He would prefer an 8 ft., solid structure, but recognizes the potential for problems with that. The waivers are appropriate based on the existing parking lot. This will be good use of the area and good for the neighborhood.

Commissioner Smith is concerned with noise, but she understands that the proposal is in keeping with other establishments of this type in the neighborhood. She feels this is a good reuse of a private club being made available to the public. She feels that the rezoning is justified, but she would like to hear what the other Commissioners have to say.

Commissioner Brown does not think he can support the change in zoning to C-2 in the center of an R-5 area, especially with the uses and hours being proposed. 11:00 p.m. is too late for noise disturbance this close to residential without additional sound mitigation. He could support the request if they prohibited outdoor entertainment and amplified music and pulled back on the hours.

Vice Chair Lewis is also concerned for noise disturbance and the hours that outdoor music is being proposed in the center of a residential area. She has not heard enough evidence to justify the waiver to omit the requirement of the 8 ft. screen. She appreciates the proposal to reuse the property and structure, but neighbors shouldn't have to listen to music until midnight. She has mixed feelings about the rezoning.

Commissioner Lindsey is also uncomfortable with the change in zoning considering this is a traditional neighborhood and residential area. This would be a great plan in a different location. She is not comfortable with the hours of operation in this area.

Commissioner Ferguson is leaning more towards approval of the rezoning and waivers, but she does share concerns with the other Commissioners about the noise. She suggested that the Commissioners discuss these concerns further with the applicant. She appreciates what they are proposing with the existing fence and the proposed landscaping.

Commissioner Carlson agrees that this is not a good fit for the neighborhood at this time, but he could support the proposal if hours of operation are changed and if the applicant could further accommodate the neighbors' concerns. He feels the proposed fence would be just as attractive to spray painting as a privacy fence.

Chair Jarboe has mixed feelings about the proposal. He likes some of what is being proposed, but it is difficult for him to envision what the predominant use of this location will be. He feels that the hours of operation and the noise are inappropriate for the neighborhood. He has mixed feelings about granting a waiver for a chain link fence in place of a privacy fence.

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**02:39:10** There was further discussion between Mr. Dock and the Commissioners about the local noise ordinance, which regulates noise between 7:00 a.m. and to 9:00 p.m. Mr. Dock stated that the property is currently being used as a private proprietary club. Events such as concerts and wedding receptions can already be held on the property.

**02:45:54** The Commissioners gave the applicant the option to defer the case to come up with something that complies more with the neighborhood. Mr. Watson stated that if they don't purchase the property, it can be sold to someone else and they could do many of the things discussed today that will bother the neighbors without having to come before the Planning Commission. He feels that Against the Grain is offering a better alternative that will allow them to succeed economically while providing something positive for the neighborhood. They are a small, local company trying to do something good with what is available to them. The sound ordinance already prohibits offensive sound. He could change the hours of operation, but he doesn't want to constrain their ability to provide a quality experience at other times. They would be liable for any violations made to the sound ordinance.

**02:48:35** Commissioner Carlson and Commissioner Lindsay are still opposed. Commissioner Brown cannot support the zoning change without further mitigation and a change to the hours of operation. Vice Chair Lewis said there could still be a potential for noise disturbance even with a noise ordinance in place. Commissioner Smith stated that she is inclined to agree with most her fellow Commissioners after hearing their opinions.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Change in Zoning**

**02:50:40** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the character of the traditional neighborhood area in this R-5 zoning district would not be compatible with the proposed uses that go along with the C-2 and the hours of operation for the site; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-5 Single-Family Residential to C-2 Commercial on property described in the attached legal description be **DENIED**.

**The vote was as follows:**

**YES: Brown, Lindsey, Carlson, Jarboe, Smith, and Lewis**

**NO: Peterson and Ferguson**

**NOT PRESENT: Howard and Tomes**