

Planning Commission

Staff Report

March 15, 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
- **Waivers:**
 1. **Waiver** of Land Development Code (LDC), section 10.2.4 to 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
 2. **Waiver** of Land Development Code (LDC), section 10.2.4 to omit the required 8' screen along north, west, and east property lines
 3. **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
 4. **Waiver** of LDC, section 10.2.12 to omit the required 7.5% interior landscape area (ILA) in parking areas
 5. **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 adjoining the site on all sides, with one exception for an office. Nearby commercial corridors, traditional corner commercial structures, and a scattering of non-residential uses are present 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, evergreen screen or berm, the chain link fence abutting parking areas will have a heavy-duty woven mesh screen installed to reduce glare from headlights. Tree plantings exceeding the requirements of the LDC will be concentrated in areas adjoining the outdoor 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 the existing conditions of the vehicle use area, 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 an alternative landscape plan as well.

STAFF FINDING

The requested zoning map amendment is in conformance with the Comprehensive Plan. The proposed zoning district allows for the revitalization of an underutilized and conveniently located neighborhood place providing for the types of uses proposed and permitted by the zoning district. The combination of preserved structures and proposed inviting outdoor dining and casual gathering spaces in conjunction with the remaining open space provides a park-like atmosphere for the surrounding community's enjoyment. The proposal is well-connected to the surrounding urban neighborhood and encourages multi-modal interaction. The proposal exceeds the minimum tree canopy requirements through the planting of new trees alone and concentrates these trees along the perimeter of outdoor gathering spaces to create an aesthetically pleasing and natural environment on this proposed commercial property.

The waivers and detailed district development plan appear to be adequately justified based on the staff analysis contained in the standard of review. The concentration of new trees in excess of the minimum tree canopy requirements of Chapter 10 adjoining outdoor entertainment, dining, and recreation areas serve not only as an environmentally conscious screening tool, but also to reduce the impacts of the urban heat island effect and reduce noise. The existing conditions of the parking presents multiple constraints to the full application of landscaping as the installation of an evergreen screen or berm would not be possible without the loss of needed parking. The addition of a heavy-duty woven mesh screen around the parking areas prevents an equivalent transfer of light onto residential property compared with a standard privacy fence as required by the LDC. Many improvements in the way of landscaping are being provided which meet the "spirit and intent" of the landscaping requirements by greatly improving the existing conditions of the site and becoming an integral part of the development plan by providing aesthetic appeal and contributing to the overall health, safety, and general welfare of the community.

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.

- A landscape plan matching the alternative landscape plan will be submitted to properly enforce and keep record of Chapter 10 compliance, specifically the requirements of tree canopy (LDC 10.1).

Parking

- A total of 50% in parking reductions is available to the subject site, but these have not been included in the minimum parking calculations.
- 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.

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.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of 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

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 subject site is appropriately located to accommodate a mix of neighborhood-serving uses. The proposed uses and the zoning district are not uncommon in the area. The zoning district allows for the revitalization of a large structure intended to provide for the types of uses proposed and permitted by the zoning district. The remainder of the subject site is of a size that is able to accommodate uses permitted by the zoning district and allow for appropriate transitions and mitigation of nuisances. The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as existing facilities are being revitalized, improvements will have positive drainage, and the combination of structures and open space provides a park-like atmosphere for the community.

The proposal preserves and renovates existing buildings in a manner consistent with the neighborhood's character and improves the existing appearance of the subject site. The proposed plan and existing conditions of the subject allow for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios. The subject site is currently underutilized in its current condition for its location along a minor arterial, proximity to supportive population, and nearby commercial corridors that are well-connected for all modes of transportation. The proposed district and use will facilitate interaction and support the community by providing additional mixed-uses.

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 as the existing open space areas are being respected and repurposed for community enjoyment and the site is being opened to provide a street presence to promote pedestrian interaction. 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 as bike parking in excess of the minimum requirements are being conveniently located, the subject site is located within proximity of a major transit corridor, and the proposal is being developed in a walkable and well-connected urban neighborhood. The proposal includes adequate parking spaces to support the use as 125 parking spaces are present on-site.

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 as parking facilities are existing conditions and improvements are being to enhance the existing surface. Loading areas are away from residential properties as the primary structure is 25' from the primary street. 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 have been provided as the landscape buffers are being provided surrounding outdoor areas and the tree canopy requirements are being met by new canopy alone which is concentrated in these buffer areas. Existing conditions of the parking lot present a lack of conformance with current regulations, but mitigation measures have been taken to provide tree planting and screening to reduce the glare from headlights

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

1. LDC section 10.2.4 to 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

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

STAFF: The waiver will not adversely affect adjacent property owners as the existing conditions currently allow for the parking of vehicles up to the property lines and the two accessory structures proposed in the buffer are complimentary to the overall use of the property.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The renderings and development plan demonstrate a vast improvement over the existing conditions of the subject site in a manner consistent with the character of the area and provides for the appropriate transitions between the proposed district and surrounding community. The landscape design aids in reducing the urban heat island effect and enhances the public roadway frontage.

- (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 as existing conditions and the minimum parking, as well as parking spaces sufficient to meet the demand of the proposed use would be eliminated through the provision of the buffer along parking areas.

- (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 as they applicant would lose necessary parking to meet the needs of the use and meet minimum parking requirements.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

2. LDC section 10.2.4 to omit the required 8' screen along north, west, and east property lines

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

STAFF: The waiver will not adversely affect adjacent property owners as the majority of the linear distance of the area required to be screened contains a high concentration of the site's total tree canopy compliant with Ch. 10, Part 1. The density of tree plantings in these areas serves not only the purpose of providing screening, but also reducing the urban heat island

effect and maintaining a natural environment on the property. Garden structures along the rear property line abutting the open space/outdoor dining area also provide an 8' trellis which is the maximum height of the required screening. Tree plantings are dispersed in gaps between these structures. The type of screening necessary to fully prevent the trespass of noise upon property owners would far exceed the requirements of the Land Development Code. A typical fence to meet the screening requirements of the Chapter 10 would be a commonly found wood privacy fence for residential application, while a fence intended to prevent noise would need to be thick, contain heavy wood or be mass-loaded vinyl, and be solid across the entirety of the length of the perimeter. Constraints of the existing parking lot and the demand for off-street parking do not allow for the installation of an evergreen screen or berm. The heavy-duty woven mesh screen proposed by the applicant has the ability to prevent an equivalent amount of light trespass as would be prevented by a common privacy fence. The primary benefit of providing a privacy fence would be aesthetic.

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

STAFF: Guideline 3, Policy 4 of Cornerstone 2020 calls for an evaluation of impacts, including; traffic, parking, signs, lighting, noise, odor, and storm water. Guideline 3, Policies 7 & 8 of the call for the mitigation of the impact of noise and light on existing communities. Policy 22 calls for mitigation to reduce the impact of incompatible developments when they occur adjacent to one another. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. The proposal to eliminate the required minimum 8' screen is compatible with these guidelines as multiple mitigation measures have been proposed by the applicant which meet the spirit and intent of the landscaping guidelines contained in chapter 10 of the LDC, specifically the concentration of trees along property lines to serve not only as a screen but to reduce the impacts of the urban heat island effect, as well as the addition of a heavy-duty woven mesh screen that prevents an equivalent transfer of light onto residential property compared with a standard privacy fence. Further, the existing conditions of the subject limit the ability to provide a buffer to appropriately reduce noise before reaching a screen and any such screen required by the Land Development Code without the provision of a buffer would be negligible in preventing the transfer of noise.

(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 as consideration has been given to the existing conditions of the subject site and many improvements are proposed which are aesthetically pleasing, environmentally conscious, are in conformance with comprehensive plan, and do not present an adverse impact upon adjoining properties.

(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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived which result in a net beneficial effect as the required tree canopy is being exceeded through the provision of new trees only and concentrated along the perimeter property lines, garden structures have been increased in height to enhance screening, and the primary concern of headlight glare is adequately mitigated at an equivalent rate to a privacy fence through the provision of a heavy-duty woven mesh screen that will be kept in good repair.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

3. 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

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed improvements to the frontage are aesthetically pleasing compared to the existing conditions and Lynn Street is an arterial roadway which produces a greater nuisance than the existing parking lot.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The proposed improvements along the roadway enhance the aesthetics of the corridor while providing a landscape area in the space between the existing parking lot and public ways.

(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 as the existing conditions of the parking lot would require the removal of pavement and loss of needed parking.

(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 as the proposed improvements to the frontage are aesthetically pleasing compared to the existing conditions and Lynn Street is an arterial roadway which produces a greater nuisance than the existing parking lot. Additionally, the existing conditions of the parking lot would require the removal of pavement and loss of needed parking to install the VUA LBA.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

4. LDC section 10.2.12 to omit the required 7.5% interior landscape area (ILA) in parking areas

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

STAFF: The waiver will not adversely affect adjacent property owners as adjacent users as the parking lot is an existing condition with no interior landscaping and the applicant has proposed tree plantings in locations that preserve the needed parking to meet demand.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. the parking lot is an existing condition with no interior landscaping and the applicant has proposed tree plantings in locations that preserve the needed parking to meet demand. Landscaping along the frontage reduced the impact of parking surfaces along the roadway.

- (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 as additional parking may be lost that is necessary in meeting demand of the proposed use and minimum parking requirements. The applicant has proposed tree plantings in underused portions of the parking lot in a manner consistent with the neighborhood.

- (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 as the parking lot is an existing condition and no additional asphalt is being added to increase the negative impact of parking surfaces upon the environment.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

5. 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.

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

STAFF: The waiver will not adversely affect adjacent property owners as the provision of this requirement has no impact on adjacent property owners as nothing is required to be built or improved to meet this element.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The applicant will hire an arborist and take on much of the planting in accordance with an alternative landscape plan that has been reviewed by the Planning Commission and will be reviewed again by staff after a decision is rendered by the Planning Commission to double-check that all landscape detail is being provided and that the applicant is made fully aware of their obligations.

- (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 as this required would essentially require that they expend additional funds to hire a landscape architect for existing conditions which have triggered this requirement.

- (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 as this required would essentially require that they expend additional funds to hire a landscape architect for existing conditions which have triggered this requirement.

STANDARD OF REVIEW FOR DETAILED DISTRICT DEVELOPMENT PLAN

- 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: The proposed plan and existing conditions of the subject site allows for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios for customers. Drainage will be directed towards existing drains of the parking lot through grading.

- 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 as the area is well-connected and walkable. Bike parking in excess of the minimum requirements and located along the roadway corridor are being provided in addition to an ample amount of conveniently located ADA parking. Existing curb-cuts will be utilized.

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

STAFF: The proposed plan and existing conditions of the subject site allows for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios for customers

- 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 provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. Drainage will be directed towards existing drains of the parking lot through grading.

- 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 surrounding area as the proposal preserves and renovates existing buildings in a manner consistent with the neighborhood's character and improves the existing character of the subject site. The proposed plan and existing conditions of the subject site allows allow for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios for customers and the community.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Analysis* for the change in zoning request contained in *Attachment 3* of the staff report.

REQUIRED ACTIONS

- **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 **APPROVED or DENIED**
- **Waivers:**
 1. **APPROVE** or **DENY** the **Waiver** of LDC, section 10.2.4 to 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.
 2. **APPROVE** or **DENY** the **Waiver** of LDC, section 10.2.4 to omit the required 8' screen along north, west, and east property lines
 3. **APPROVED** or **DENY** the **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.
 4. **APPROVED** or **DENY** the **Waiver** of LDC, section 10.2.12 to omit the required 7.5% interior landscape area (ILA) in parking areas

5. **APPROVED** or **DENY** the **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.

- **APPROVED** or **DENY** the **Alternative Landscape Plan**
- **APPROVED** or **DENY** the **Detailed District Development Plan**

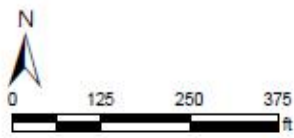
NOTIFICATION

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

ATTACHMENTS

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

1. Zoning Map

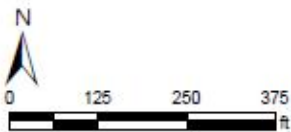
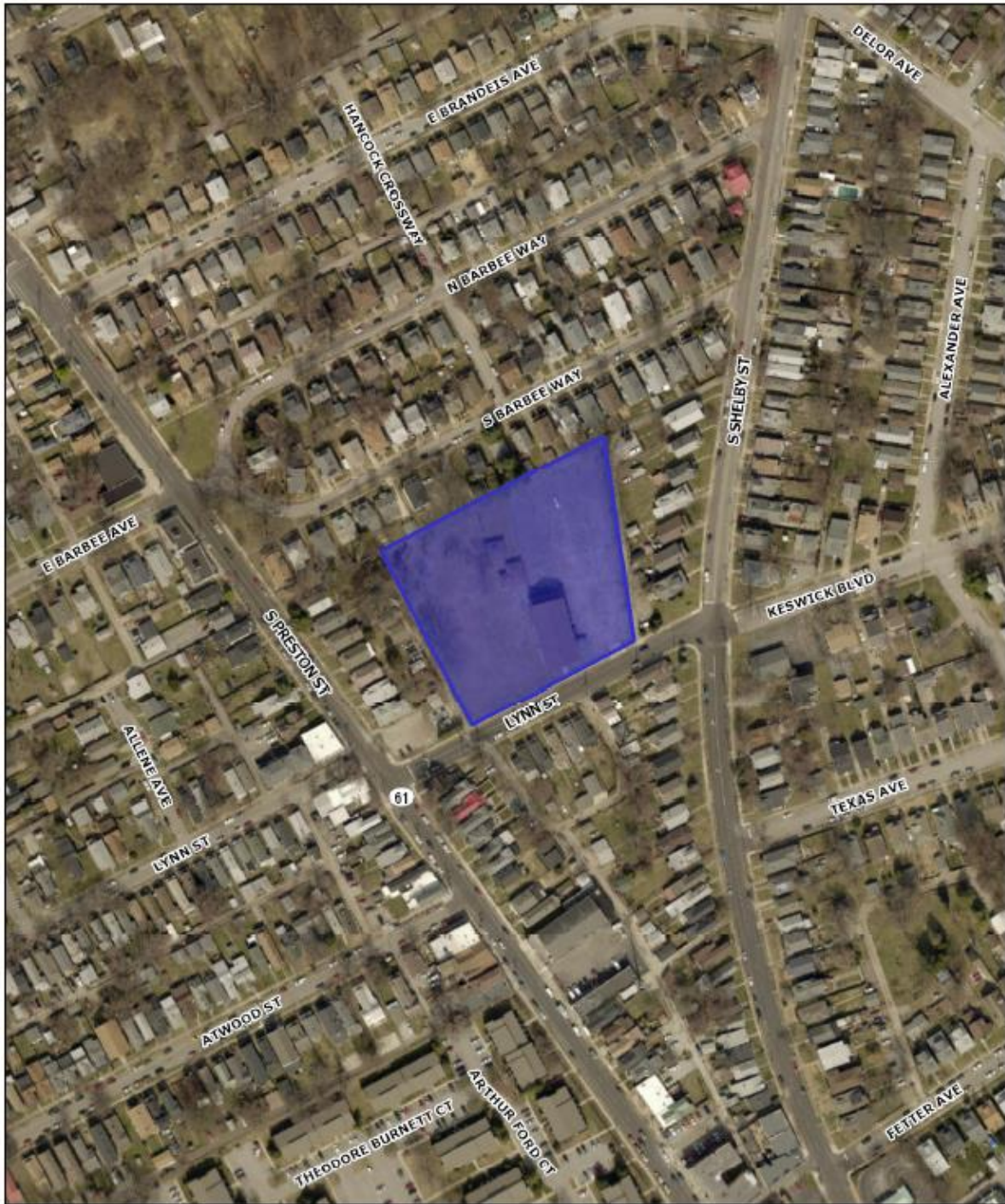


Friday, December 8, 2017 | 11:51:43 AM



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2. Aerial Photograph



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



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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 Analysis
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 preserves the existing grid pattern of streets, sidewalks and alleys as no changes to the existing network is proposed and current curb-cuts to the network are being used. The sidewalks will maintain and pedestrian access to the site encourage through site design.
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 subject site is appropriately located to accommodate a mix of neighborhood-serving uses. The proposed uses and the zoning district are not uncommon in the area. The zoning district allows for the revitalization of a large structure intended to provide for the types of uses proposed and permitted by the zoning district. The remainder of the subject site is of a size that is able to accommodate uses permitted by the zoning district and allow for appropriate transitions and mitigation of nuisances.
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 proposal does not contain public open space as the site will provide for the operation of a private business. The proposed plan and existing conditions of the subject site does however allow for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios for customers
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.	✓	The proposal preserves and renovates existing buildings in a manner consistent with the neighborhood's character and improves the existing character of the subject site.
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.	✓	The proposal is located in the traditional neighborhood form district and includes the reuse of existing buildings to provide commercial and recreational opportunities to the community.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	✓	A sufficient population in the area is capable of supporting a large variety of non-residential uses.
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 proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as existing facilities are being revitalized, improvements will have positive drainage, and the combination of structures and open space provides a park-like atmosphere for the community.
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 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 as the existing open space areas are being respected and repurposed for community enjoyment and the site is being opened to provide a street presence to promote pedestrian interaction. Bike parking in excess of the minimum requirements is provided to encourage this mode of transport.
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.	✓	A commercial zoning district allows for residential and office uses above retail and other mixed-uses.
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.	✓	The proposed zoning district and mix of uses are design to encourage a multi-purpose use of the property from casual eating and drinking to concert attendance and recreational open space. The existing green space is being revitalized and oriented around recreational open space for customers and the community.
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.	✓	No change to the existing infrastructure has been proposed. Connection to adjacent properties is inappropriate due to their classification. Any new access to the site would be inappropriate due to intensity of adjacent areas.
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.	✓	Utility connection would appear to be available as the site is currently in operation as a private club and located in the Urban Services District.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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 proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. The area is well-connected and walkable. Bike parking in excess of the minimum requirements and located along the roadway corridor are being provided in addition to an ample amount of conveniently located ADA parking.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The exterior of the current primary structure will remain and the existing outdoor structures will be integrated into the outdoor space that reflects a park-like setting.
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 proposal does not constitute a non-residential expansion into a residential area as the current site is used for non-residential purposes. The zoning district is not uncommon in the area and the types of uses being proposed are supportive and integrated within the community. Tree canopy and other landscaping elements to improve upon the existing conditions are being provided.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The existing parking lot contains roughly 130 parking spaces and no additional spaces are being added which would generate additional emissions. The tree canopy provided on site will aid in off-setting vehicle exhaust for parking areas. No offensive odors are expected by the proposed use.
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 parking lot contains roughly 130 parking spaces and no additional spaces are being added which would generate additional traffic. Lynn Street is a one-way arterial roadway which feed immediately to an arterial providing access to the interstate in nearby communities.
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.	✓	Lighting will be directed downward and away from residential properties and in compliance with Land Development Code regulations.
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.	✓	The proposal is located along a minor arterial roadway in a well-connected walkable and transit oriented neighborhood.

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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.	✓	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 have been provided as the landscape buffers are being provided surrounding outdoor areas and the tree canopy requirements are being met by new canopy alone which is concentrated in these buffer areas. Existing conditions of the parking lot present lack of conformance with current regulations, but mitigation measures have been taken to provide tree planting and screening to reduce the glare from headlights.
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 development respects the existing neighborhood character and provides mitigation on site that reduces potential nuisance to the surrounding community. Streetscape beautification is proposed to enhance the attraction of pedestrians and revive the corridor. Outdoor recreation is encouraged in conjunction with dining and entertainment which is designed to be aesthetically pleasing and non-restrictive.
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.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.
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.	✓	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 as parking facilities are existing conditions and improvements are being to enhance the existing surface. Loading areas are away from residential properties as the primary structure is 25' from the primary street.
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.	✓	The proposal includes the screening of parking areas to reduce headlight glare and enlivens the public roadway with plantings.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	NA	No parking garages proposed
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.	✓	Freestanding signs will be monument or columnar style and any additional signage will be compliant with LDC Chapter 8.
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.	✓	The proposed plan and existing conditions of the subject site allows for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios for customers
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposed plan and existing conditions of the subject site allows for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios for customers
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.	✓	The proposed plan and existing conditions of the subject site allows for the preservation and creation of an inviting space for recreation and leisure in open areas, gardens, and patios for customers
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 includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as the proposal preserves and renovates existing buildings in a manner consistent with the neighborhood's character and improves the existing character of the subject site.
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.	✓	The development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	✓	The subject site is well-connected to surrounding population and nearby employment centers.
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.	✓	While the subject site is not located downtown, it is located in an urban neighborhood near downtown and constitutes redevelopment and revitalization consistent with the form district pattern.

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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.	NA	Not an industrial development
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.	✓	The subject site is currently underutilized in its current condition for its location along a minor arterial, proximity to supportive population, and nearby commercial corridors that are well-connected for all modes of transportation. The proposed district and use will facilitate interaction and support the community by providing additional mixed-uses.
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.	NA	Not an industrial development
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.	✓	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 as sidewalks will be maintain in good condition and free of debris.
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 proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as bike parking in excess of the minimum requirements are being conveniently located and the subject site is located within proximity of a major transit corridor.
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.	✓	The existing roadway network is sufficient to support the use. Connection to adjacent lands would be inappropriate.

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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.	✓	Right-of-way dedicated is not required of this proposal.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use as 125 parking spaces are present on-site.
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.	✓	Due to the intensity of the proposed land use and surrounding uses, connection to adjacent lands would be inappropriate.
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.	NA	No stub streets required per this application
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.	✓	Shelby Street provides Northbound access to the subject site and handles traffic moving from one commercial corridor through residential areas to another commercial corridor. Preston street handles Southbound access and its function is similar. Access to the subject site does not create conflict with lower zoned properties given the function of these roadways with Lynn Street.
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.	✓	The development does not necessitate any new roadways.
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.	✓	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 as bike parking in excess of the minimum requirements are being conveniently located, the subject site is located within proximity of a major transit corridor, and the proposal is being developed in a walkable and well-connected urban neighborhood.

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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.	✓	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area
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.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality
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.	✓	No natural corridors are apparent on-site
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities as it is located in the urban services district
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.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.as it is located in Urban Services District
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.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

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, and similar uses) within the confines of the existing primary structure/Swiss Hall, micro-brewery, bar/tavern/saloon, 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.