

Development Review Committee

Staff Report

January 18, 2023



Case No:	22-AMEND-0008
Project Name:	2425 Portland Avenue
Location:	2425 Portland Avenue
Owner(s):	Gemma Properties, LLC
Applicant:	Gemma Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

Amendment to Binding Elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to amend binding element #5 to allow for taverns, bars, saloons and package liquor stores. No exterior changes to the building are proposed. A change in zoning from R-6 to C-2 was approved in 2012 under case number 15045 to allow for a mixed-use office and retail building with a binding element to prohibit alcohol sales on the site. In 2014 a revised detailed district development and amendment to binding elements were approved under case number 14DEVPLAN1104 to amend the binding element related to alcohol sales on the site. In 2017 the same binding element was amended to limit the uses to all C-2 uses except taverns, bars, saloons and package liquor stores.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments for this case.

STANDARD OF REVIEW for AMENDMENT TO BINDING ELEMENTS

- 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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

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

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

STAFF: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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 and to requirements of the Land Development Code.

REQUIRED ACTIONS:

APPROVE or DENY the Binding Element Amendments

NOTIFICATION

Date	Purpose of Notice	Recipients
01/06/23	Hearing before DRC	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 5

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



4. Existing and 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within a historic preservation district) is requested:
 - 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.
 - 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.
3. 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.
4. The curb cut and sidewalk along Portland Avenue adjacent to the subject site shall be removed and restored per Public Works standards. Construction plans, bond, and encroachment permit are required prior to construction approval by Public Works.
5. ~~All C-2 uses are permitted on the subject site with the following exceptions:~~
 - ~~Package liquor stores~~
 - ~~Taverns, bars, saloons~~
 - ~~Used Car Sales~~
 - ~~Restaurants, tea rooms and cafes are specifically authorized as defined: A Commercial establishment, the main business of which is serving food, which may include the sale of alcoholic beverages; Provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of alcoholic beverages exceed the total receipts from the sale of food shall be a tavern~~