

**Development Review Committee**  
**Staff Report**  
May 9, 2018



<b>Case No:</b>	18DEVPLAN1028
<b>Project Name:</b>	Hometown Brewery
<b>Location:</b>	4031 Preston Hwy
<b>Owner(s):</b>	Thomas Brown
<b>Applicant:</b>	Thomas Brown
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- Revised District development Plan

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a 2458 SF addition onto an existing 17130 SF mixed use center to add a microbrewery operation to an existing restaurant on site. There is an existing conditional use permit for parking in a residential zoned area associated on the site, and no changes are proposed to that portion of the site. All of the proposed changes are in the area at the intersection of Short St and Preston Hwy.

**STAFF FINDING**

The request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

The applicant has requested a parking waiver to reduce the required parking spaces from 57 to 53, which is under staff review.

Two variances related to front and street-side setbacks will be considered by the Board of Zoning Adjustment on May 21, 2018.

The applicant will need to maintain encroachment agreements with Louisville Metro for the encroachment of existing parking along Morgan Ave and with Kentucky Transportation Cabinet for encroachment of proposed parking along Preston Highway.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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 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.

- 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.

- 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 Development Code, with the exception of the parking waiver request under staff review, and the variances being considered by the Board of Zoning Adjustment.

**REQUIRED ACTIONS:**

- **APPROVED** or **DENY** the **Revised District Development Plan**

**NOTIFICATION**

Date	Purpose of Notice	Recipients
4-26-18	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 10

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing and/or Proposed Binding Elements/Conditions of Approval

1. **Zoning Map**





2. Aerial Photograph



**4. Existing Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The development shall not exceed **15,500** square feet of gross floor area.~~
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from ~~Louisville Metro Department of Inspections, Permits and Licenses~~ **Develop Louisville**, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways **and Louisville Metro Public Works.**
  - 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.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.

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. No overnight idling of trucks shall be permitted on-site.
10. Landscaping shall be planted minimally as shown on the approved plan.
11. Applicant shall work with staff landscape architect on plantings between the existing parking lot and existing fence at the rear of the lot.
12. Applicant will work with Metro Staff, KTC and Public Works on a plan for a barrier for the outdoor dining area along Preston Highway.
13. The lighting on the property will meet the lighting requirements in the Land Development Code.
14. The closing time will be 1:00 am for the outdoor seating and dining area.
15. **The applicant shall remove the curb cut along Preston Highway in front of the building and restore the curb, verge and sidewalk there.**

### **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.
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  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways and Louisville Metro Public Works.
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