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August 24, 2020

Emily Liu, Director
Division of Planning and Design Services
444 South Fifth Street
Louisville, KY 40202

Re: 4508 Taylorsville Road – Conditional Use Permit Letter of Explanation

Dear Emily:

Please accept this letter as an explanation for the conditional use permit requested by KST Properties, LLC (the “applicant”). The proposed conditional use permit, as well as the applicant’s proposal to re-zone the property from R-4 Residential to C-1 Commercial, will allow the applicant to re-use the existing residential property 4508 Taylorsville Road as a restaurant with outdoor seating. The proposal calls for reusing the existing one and half story residential property as a restaurant with 500 square feet of outdoor dining space where alcoholic beverages will be served.

The subject property is in the Neighborhood Form District and is currently zoned R-4 Residential. The applicant proposes to re-zone the property to C-1 Commercial. Pursuant to Section 2.4.3(B) of the Land Development Code (“LDC”), the conditional uses in zone C-1 are set forth in Chapter 4, Part 2 of the LDC.

Section 4.2.41 of the LDC provides that “Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C-1 zoning district upon the granting of conditional use permit and compliance with the listed requirements.” Section 4.2.41 sets forth the following additional conditions for approval:

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the agency responsible for transportation engineering and shall be designed in accordance with agency standards.

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- C. Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards).
- E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses: (1) Restaurant liquor and wine license by the drink for 100 plus seats; (2) Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales.
- F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
- G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

Here, the proposal meets each of the requirements for a conditional use permit for outdoor alcohol sales within a C-1 zone, with limited exceptions based on its site context.

First, the proposed outdoor seating area will have a clearly designated boundary as it will have distinct flooring that will clearly designate the boundary of the outdoor dining space.

Second, proposed outdoor dining area will not be within the public right-of-way.

Third, the proposed outdoor dining area will comply with the screening requirements from both the public-right-of-way and the screening requirements for property within 50 feet of residentially used or zoned property that will be in compliance with Chapter 10, Part 4 Implementation Standards.

Fourth, the applicant will obtain the appropriate ABC license.

Fifth, the applicant will cease the sale and consumption of alcoholic beverages in the outdoor dining area by 1 A.M. or earlier.

Sixth, the applicant will comply with the Metro Noise Ordinance requirements related to any entertainment activity.

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For the foregoing reasons, the applicants' proposal meets all the requirements for the outdoor sale or consumption of alcohol within a C-1 zoning district. Thank you for your consideration, and please docket this case for consideration by the appropriate committee at your earliest convenience.

Sincerely,



Clifford H. Ashburner

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