

# Development Review Committee

## Staff Report

October 5, 2022



<b>Case No:</b>	22-DDP-0060
<b>Project Name:</b>	The Vernon
<b>Location:</b>	1575 Story Avenue
<b>Owner(s):</b>	Vernon LLC
<b>Applicant:</b>	The Vernon Club LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4-Jecorey Arthur
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

### REQUEST(S)

- Revised Detailed District Development plan with amendments to Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to add an outdoor patio to the front of the structure.

The site was rezoned from R-7 to C-2 in 2010 (9-12978). The property is within the Butchertown Historic Preservation District where 3 Certificates of Approval were granted for window replacement (21-COA-0037), pole sign approval (22-signpermit-0007), and the outdoor patio (22-COA-0200). Several binding elements are proposed to be amended to allow for the front of the structure to be used as an outdoor seating area, allow for the pole sign to remain, and to update the language to current standards.

### STAFF FINDING

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

### TECHNICAL REVIEW

Butchertown, Phoenix Hill, and NULU Neighborhood Plan (2022)

Transportation Planning and MSD have preliminarily approved the proposal.

### INTERESTED PARTY COMMENTS

None received.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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. The historic resources on the subject site are preserved.

- 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 has 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. 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:**

- **APPROVED or DENY the Revised Detailed District Development Plan with amendments to binding elements**

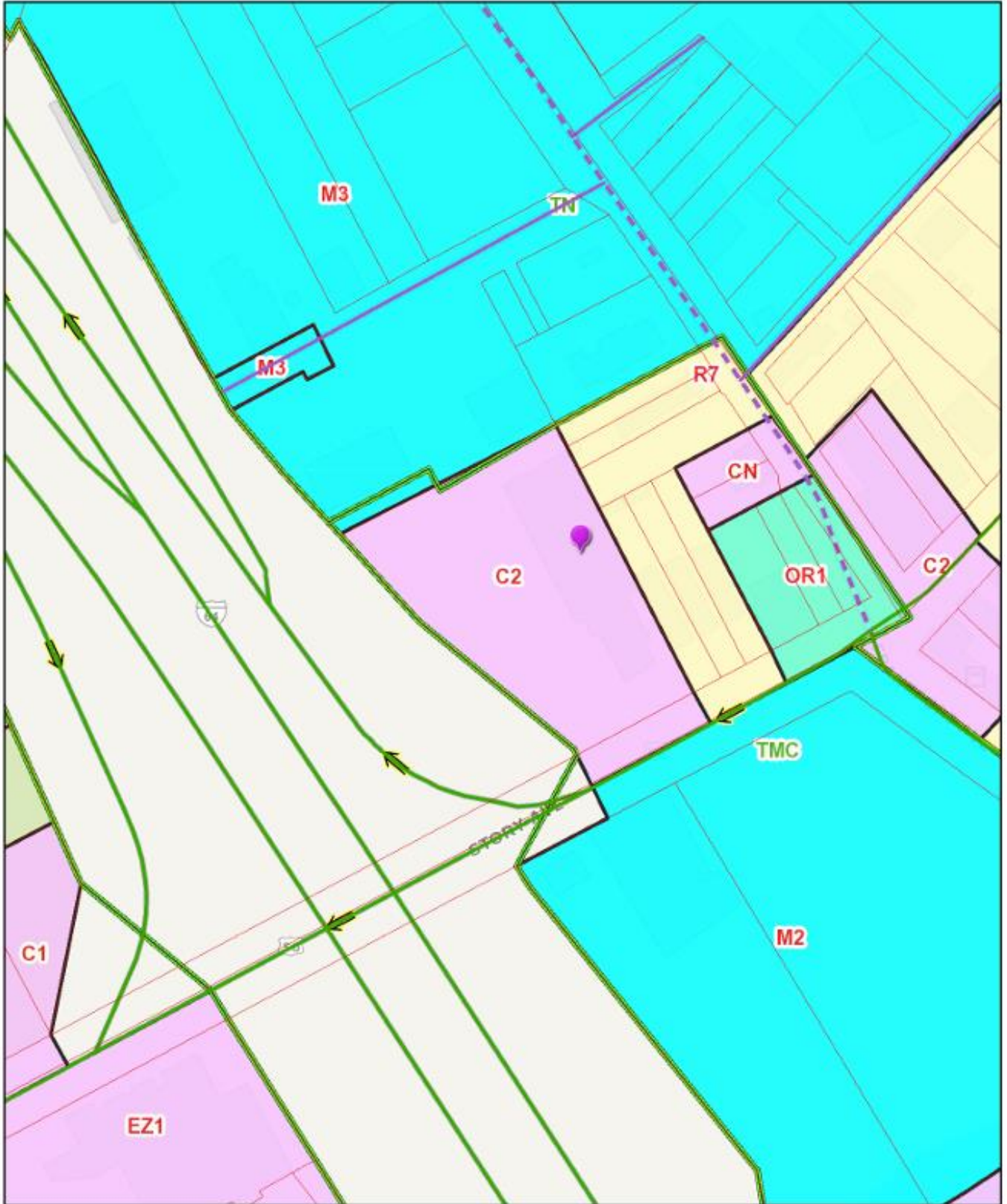
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
9/22/22	Hearing before DRC on 10/5/22	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4

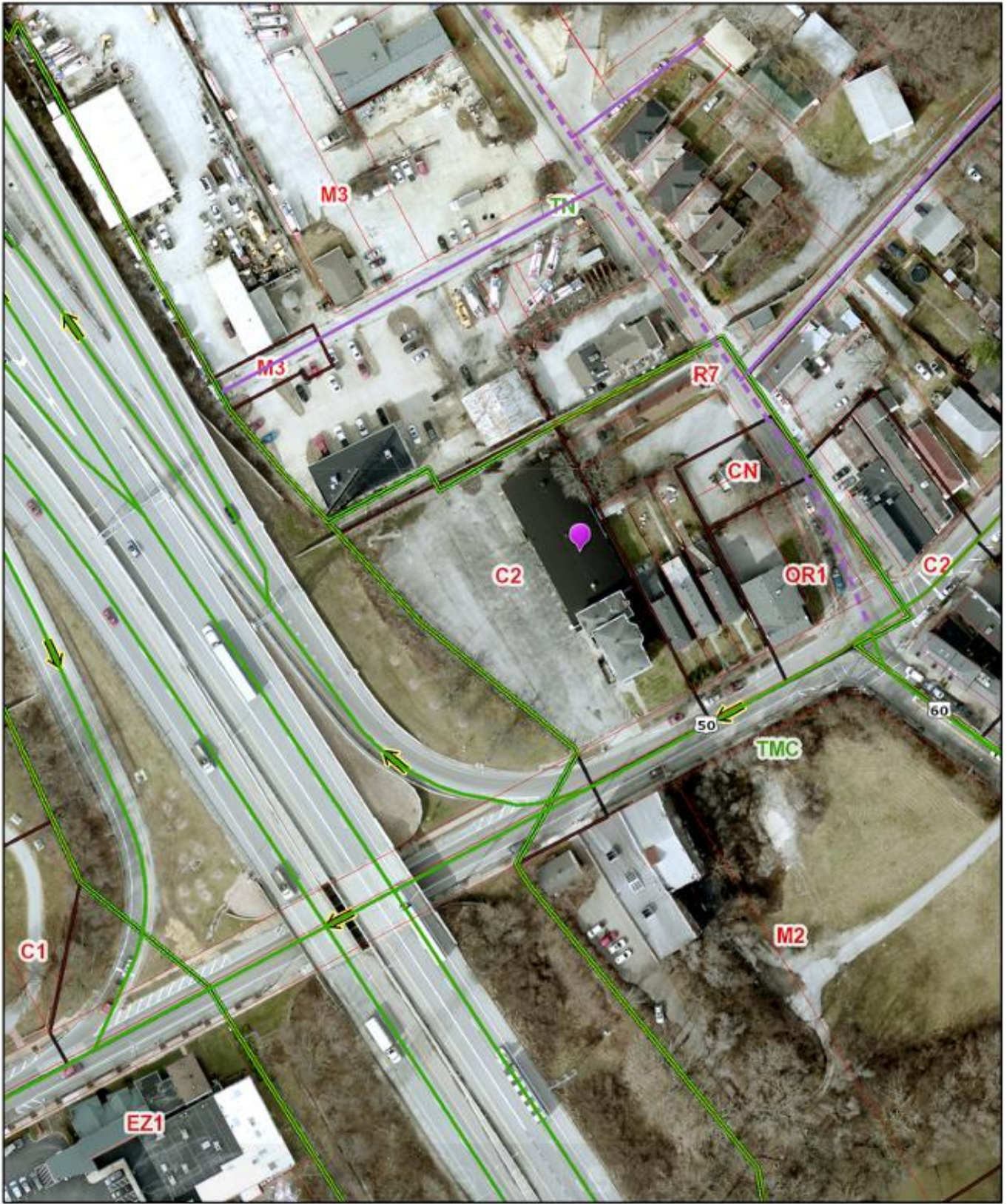
**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph



### 3. 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 19,518 square feet of gross floor area.~~
- ~~3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (30 sq. ft. in area and 20 ft. tall).~~
4. 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 Inspections, Permits and Licenses, Louisville Metro Public Works, and the Metropolitan Sewer District.~~
  - b. 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.~~
  - ~~c. 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.~~
5. 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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 18, 2010, Planning Commission public hearing.
7. Uses shall be restricted to a bowling alley, entertainment and events facility, offices and residential. Any other use of the property shall require review and decision by the Planning Commission.
- ~~8. Within 2 years of the date of zoning approval, the existing pole sign shall be removed, after which a new freestanding monument style sign shall be reviewed and approved by Planning and Design Services staff under standards of the Landmarks designation for the Butchertown neighborhood, with the design attached hereto and presented to the Planning Commission at the March 18, 2010 public hearing being a concept noted as worthy of consideration.~~
- ~~9. Within 1 year of the date of zoning approval, the front entranceway shall be reconstructed to conform to the design set forth in the photograph presented at the Planning Commission March 18, 2010 public hearing.~~
10. The present front yard setback shall be retained.

- ~~11. No alcoholic beverages shall be sold or served outdoors, although the consumption of alcoholic beverages shall be permitted in the designated outdoor smoking area directly behind (on the north side of) the bowling alley building.~~
12. There will be no outside music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system on site.
- ~~13. The applicant shall provide some combination of landscaping/fence at the common property line with 1550 Frankfort Avenue to buffer that property from the development site. Said buffer shall be indicated on a revised development plan to be submitted no later than 90 days following the final zoning approval by the legislative body. The revised development plan shall be approved by the Planning Commission or a committee thereof in the event there is no consensus between the applicant and the owner of 1550 Frankfort Avenue as to the appropriate buffer.~~

#### **4. 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to occupying the front patio. Such plan shall be implemented within 6 months of plan approval and shall be maintained thereafter.
  - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 18, 2010, Planning Commission public hearing.
4. 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.
5. Uses shall be restricted to a bowling alley, entertainment and events facility, offices and residential. Any other use of the property shall require review and decision by the Planning Commission.
6. The present front yard setback shall be retained.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system 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.