

# Planning Commission Staff Report

Meeting Date: 3/20/14



<b>Case:</b>	14AMEND1000
<b>Project Name:</b>	LDC Text Amendment – W-1 & W-2 Waterfront Districts
<b>Applicant:</b>	Louisville Metro Planning Commission
<b>Jurisdiction:</b>	Louisville Metro
<b>Case Manager:</b>	Michael Hill, AICP, Planning Coordinator

## REQUEST

- Land Development Code Text Amendment
  - Section 2.6.4.A (W-1) & 2.6.5.A (W-2)
    - To allow “taverns” as a permitted use in the W-1 and W-2 Waterfront Districts.
    - Language added clarifying that indoor and outdoor sales and consumption of alcohol at restaurants is permitted with the appropriate ABC license.

## CASE SUMMARY/BACKGROUND

The Waterfront Development Corporation has requested the staff of Planning & Design Services to initiate this Land Development Code text amendment that will allow taverns as a permitted use in the W-1 and W-2 Waterfront zoning districts. The Planning Commission agreed at their 1/16/14 meeting to be the applicant for this request.

The Land Development Code definition of tavern is as follows: *A commercial establishment wherein alcoholic beverages are sold for consumption on the premises; a bar, a saloon; 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 food exceed the total receipts from the sale of alcoholic beverages shall be a restaurant.*

Restaurants are currently allowed in the W-1 & W-2 zones, but if an establishment does not obtain at least 50% of their sales from food sales, then technically the LDC defines it as a tavern rather than a restaurant. Again, taverns are not currently a permitted use in the W-1 & W-2 zoning districts. This amendment will increase development opportunities within these mixed-use zoning districts as growth occurs in the future.

A map of the current W-1 & W-2 zoning districts (attached to this report) illustrates how these areas are located along the waterfront in the downtown area. These areas also fall within the boundaries of the Waterfront Review Overlay (WRO) District and any development proposed within the WRO District must also comply with the Waterfront Design Guidelines.

PDS staff also proposes adding language to clarify that restaurants within the W-1 & W-2 zoning districts are allowed to have indoor and outdoor alcohol sales and consumption upon obtaining the appropriate ABC license. The intent has always been to allow this activity at restaurants in the W-1 & W-2 zones, but the LDC is not clear on the issue.

On 2/13/14 the Planning Committee reviewed this proposal and unanimously recommended a Planning Commission public hearing date be scheduled.

## APPLICABLE PLANS AND POLICIES

These amendments to the Land Development Code are in accordance with the following Goals and Objectives of Cornerstone 2020.

1. Community Form Strategy, B. Downtown Form District
  - a. Goal B1 – Support development and redevelopment in the downtown district, establishing it as the heart of the city and the economic center of the region.
  - b. Goal B3 Land Use – Develop downtown as a unique and active destination with a variety of land uses that attract and accommodate visitors, businesses, shoppers and residents.
  - c. Objective B3.2 – Encourage a variety of housing and retail development in downtown districts.
2. Marketplace Strategy – Business Climate
  - a. Objective D1.6 - Expand the Louisville area's hospitality and tourism industry.
3. Plan Element B. Marketplace – Provide a positive culture for attracting and sustaining businesses within Louisville and Jefferson County.

## NOTIFICATION

Notification of the Planning Commission public hearing has been conducted in accordance with KRS 100 requirements.

## STAFF CONCLUSIONS

Staff feels that this proposal would:

- 1) Increase the land use options available for future development in these mixed-use zoning districts by also allowing taverns as a permitted use alongside restaurants and other commercial uses, and
- 2) Clarify that the original intent of the W-1 & W-2 zoning districts was not to specifically prohibit restaurant uses that include indoor and outdoor alcohol sales and consumption, but rather show that the intent was to allow these particular activities in restaurant uses in the waterfront zoning districts similarly to how the Land Development Code allows them in the commercial zoning districts. This proposed language clears up any confusion on this issue.

**PROPOSED TEXT AMENDMENTS**

**2.6.4 W- 1 Waterfront District**

The following provisions shall apply in the W-1 Waterfront District unless otherwise provided:

A. Permitted Uses:

- Dwellings, Multiple family
- Hotel, motel and accessory commercial including restaurants
- Public and private docking
- Public assembly and festival gathering
- Public parks and recreation
- River-theme retail commercial uses including restaurants **(indoor and outdoor seating with alcohol sales and consumption is permitted with proper ABC license)** and other retail establishments complementary to uses listed above
- Taverns**
- Vehicular parking structures when part of a larger development including a mix of above uses

B. Prohibited Uses:

All uses other than those listed as permitted or similar to those permitted are prohibited. Specifically prohibited are adult entertainment uses and advertising signs/billboards (off-premises advertising).

C. Permitted Uses With Special Standards\*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Community Service Facility
2. Transitional Housing
3. Homeless Shelter

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....None
2. Maximum Density:
  - a. For 0 bedroom dwelling units only.....435 dwellings per acre
  - b. For 1 bedroom dwelling units only.....217 dwellings per acre
  - a. For 2 or more bedroom dwelling units only...145 dwellings per acre

**2.6.5 W-2 Waterfront District**

The following provisions shall apply in the W-2 Waterfront District unless otherwise provided:

A. Permitted Uses:

- Automobile service stations, convenience stores and branch banks when located on parcels without river frontage
- Dwellings, Multiple family
- Governmental services
- Hotels, motels; including accessory docking facilities
- Offices: professional, general
- Pleasure boat sales and boat service if contained within a building or performed in the water
- Private river-oriented recreational facilities, including boat charter, private boat docking, sight seeing
- Public assembly facilities and festival gathering places
- Public parks and recreation
- Restaurants; including accessory docking facilities
- River-theme retail commercial uses including restaurants **(indoor and outdoor seating with alcohol sales and consumption is permitted with proper ABC license)** and other retail establishments complementary to uses listed above
- Taverns**

B. Prohibited Uses:

All uses other than those listed as permitted or similar to those permitted are prohibited. Specifically prohibited are adult entertainment uses and advertising signs/billboards (off-premises advertising).

D. Permitted Uses With Special Standards\*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Community Service Facility
2. Transitional Housing
3. Homeless Shelter

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....8.0
2. Maximum Density:
  - a. For 0 bedroom dwelling units only.....435 dwellings per acre
  - b. For 1 bedroom dwelling units only.....217 dwellings per acre
  - c. For 2 or more bedroom dwelling units only...145 dwellings per acre



January 8, 2014

Mr. Michael D. Hill, AICP  
Louisville Metro Planning & Design Services  
444 South Fifth Street  
Louisville, Kentucky 40202

Re: Amendment to W-2 Zoning Regulations

Dear Mr. Hill:

We are hereby requesting Planning & Development Services to initiate an amendment to the W-1 and W-2 zoning regulations to add taverns as a permitted use. The primary purpose for the amendment is to strengthen the growing RiverPark Place development. The timing of this amendment is important because we now have a restaurant in the W-2 area that cannot sell drinks. If drinks were permitted, the neighborhood would enjoy increased visits from a demographic not fully represented in the past. Additional restaurant and café opportunities in RiverPark Place will soon be developed and could take advantage of this favorable change.

We are also requesting the Planning Commission under KRS 100.211(2) to be the applicant for the amendment.

Thank you for your prompt consideration.

Best Regards,

A handwritten signature in black ink, appearing to read 'Michael J. Kimmel'.

Michael J. Kimmel  
Waterfront Overlay District Administrator

C: John G. Carroll  
David K. Karem

**RECEIVED**

JAN 10 2014  
PLANNING &  
DESIGN SERVICES

14AMEND1000

Louisville Waterfront Development Corporation  
129 East River Road Louisville, Kentucky 40202  
(502) 574-3768 Fax (502) 574-4111 www.louisvillewaterfront.com

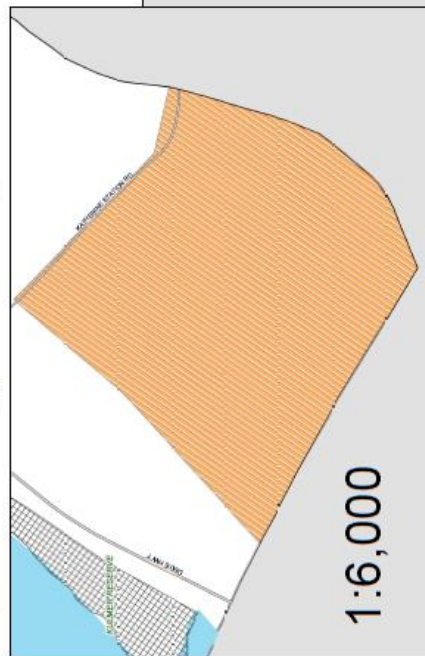
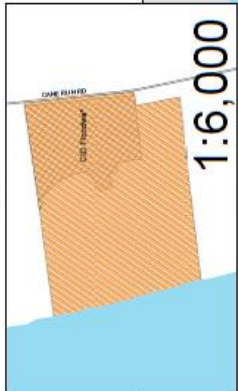
# WATERFRONT ZONING

ALL THREE MAPS ARE  
10 DEGREES ROTATION

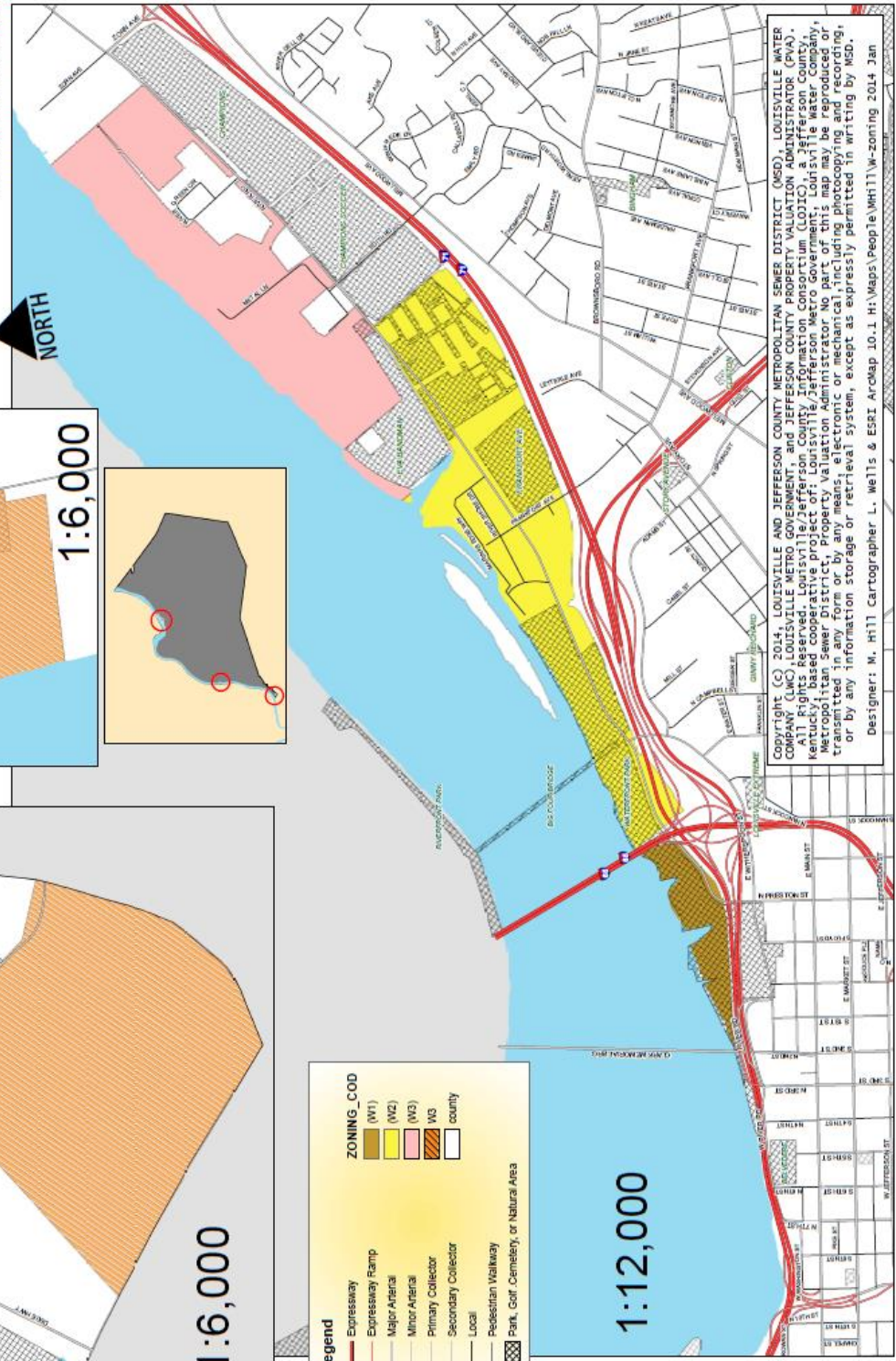
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Legend	
	Expressway
	Expressway Ramp
	Major Arterial
	Minor Arterial
	Primary Collector
	Secondary Collector
	Local
	Pedestrian Walkway
	Park, Golf, Cemetery, or Natural Area
	ZONING_COD (W1)
	(W2)
	(W3)
	(W3)
	county



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