

**Board of Zoning Adjustment
Staff Report**
August 3, 2015



Case No(s):	15CUP1021
Project Name:	Louvino Restaurant
Location:	11400 Main Street
Owner(s):	MO Blankenbaker, LLC
Applicant(s):	CNL Coulter Properties, LLC
Representative(s):	Kevin Young
Project Area/Size:	4,630 square feet
Existing Zoning District:	C-1, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Douglass Hills
Council District:	19 – Julie Denton
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Conditional Use Permit to allow outdoor alcohol sales/consumption in a C-1 zoning district.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct an 8,540 square feet on story structure on undeveloped property in the city of Douglass Hills. The proposed use is restaurants. The applicant/developer will be operating one of the restaurants which will be called Louvino. The outdoor area will have a low wall around it for definition and screening. Container landscaping will be provided for aesthetics. The area will be for approximately 90 outdoor diners' among the three restaurants.

SITE CONTEXT

The site is irregular in shape and located on the south side of Main Street. The subject site is the last undeveloped outparcel of the Wal-Mart Neighborhood Center located at the intersection of Blankenbaker Parkway and Main Street near Shelbyville Road. The subject site is zoned C-1 and is located in the Suburban Marketplace Corridor.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	SMC
Proposed	/Restaurant/Outdoor Alcohol Sales	C-1	SMC
Surrounding Properties			
North	Various Commercial	C-1	SMC
South	Various Commercial	C-1	SWC
East	Office Apartments	OR-2	SMC
West	Commercial/Parking	C-1	SMC

PREVIOUS CASES ON SITE

- 15DEVPLAN1091** A request for a Revised Detailed District Development Plan to allow the construction of an 8,540 square feet one story structure. This request will be heard by DRC on August 5, 2015.
- 9-38-94** Change in zoning from R-4 to OR-3 and C-1 on property fronting on Main Street and U.S. 60. The Ordinance was approved by Douglass Hills on July 8, 1996.

INTERESTED PARTY COMMENTS

Staff did not receive any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal meets all applicable policies of the Comprehensive Plan. Lighting and landscaping will be code compliant.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The subject site is located in a commercial area that has a mix of commercial uses and is a focal point for several surrounding neighborhoods. All the commercial uses in the area have similar, scale, intensity, traffic, noise, and lighting.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The proposal has been reviewed by Public Works and MSD and both have approved the plan. The Middletown Protection District did not comment on the proposal.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested? There are 8 requirements and 2 items will be met which are items A. and F. Items B., C., D., and G. do not apply. The applicant is in the process of obtaining item E.

Outdoor alcohol sales and consumption 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

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.

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).

H. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.

TECHNICAL REVIEW

There are no outstanding technical review issues.

STAFF CONCLUSIONS

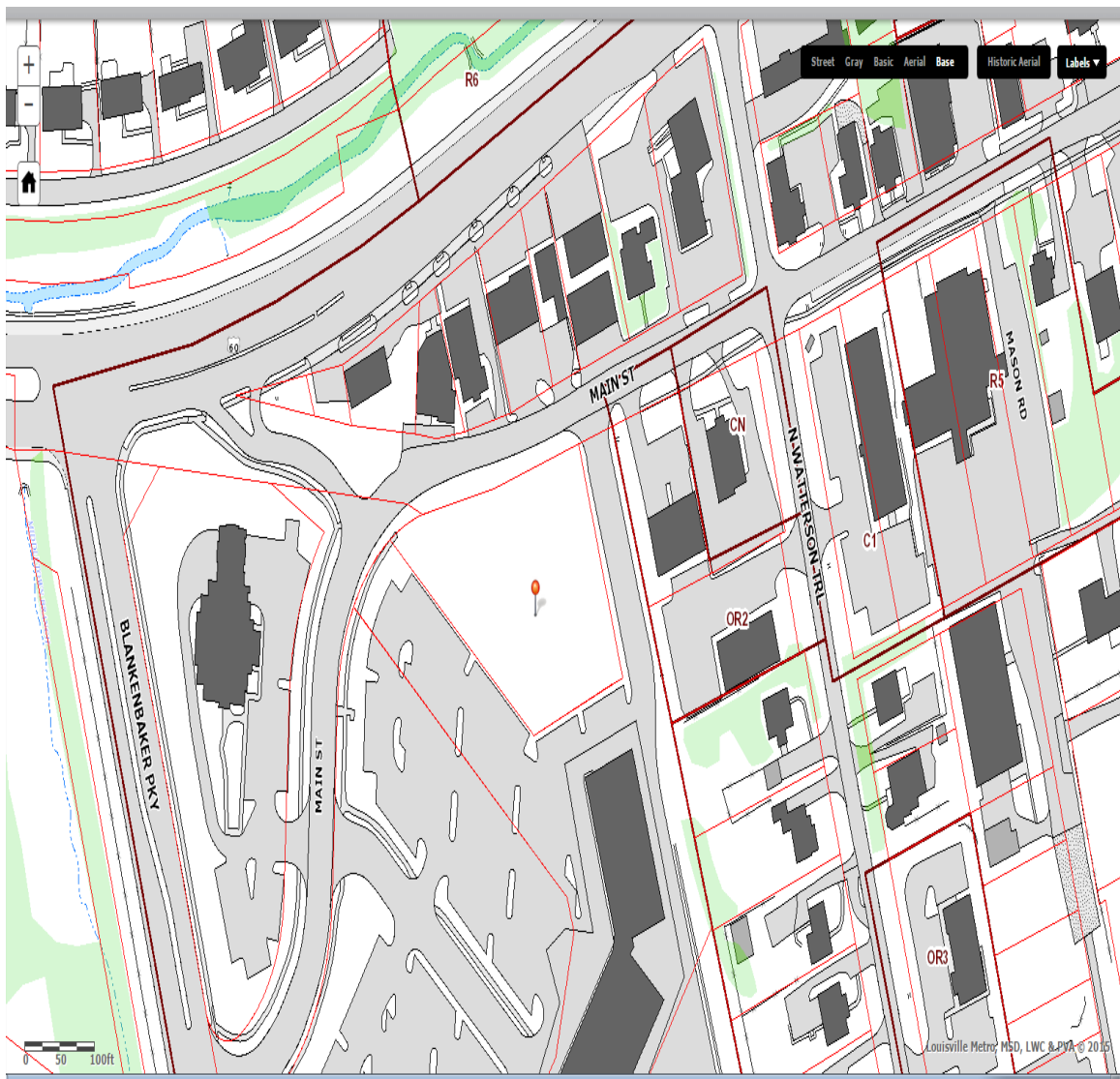
- This proposal is compatible with the surrounding commercial area.
- The nearest residential use is to the east of the site and over 50 feet away.
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the Conditional Use Permit and waivers established in the LDC

NOTIFICATION

Date	Purpose of Notice	Recipients
07/17/15	APO Notice	First tier adjoining property owners Neighborhood notification recipients
07/17/15	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Applicant's Justification Statement and Proposed Findings of Fact

LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502) 426-9374 FAX (502)426-9375

Louvino
Letter of Explanation
15CUP1021
Conditional Use Permit, Detailed District Development Plan and Waiver request
(Submitted: June 15, 2015)

The Applicant is proposing to construct an 8,540 s.f. one story building on undeveloped property located at 11400 Main Street in the city of Douglass Hills. The subject site is the last undeveloped outparcel of the Wal-mart Neighborhood Center located at the intersection of Blankenbaker Parkway and Main Street near Shelbyville Road. The subject site is zoned C-1 and is located in the Suburban Marketplace Corridor.

A Detailed District Development Plan review is requested because the subject site has been shown on the previous development plans for Docket: 9-38-94 as an undeveloped outparcel and has been referenced in the Docket: 9-38-94 Binding Elements. No development plan has been found in the Docket: 9-38-94 file showing a development proposed for the subject site.

The proposed use is restaurants. The applicant / developer will be operating one of the restaurants to be called Louvinos. Louvinos will have an outdoor dining area and a Conditional Use Permit is being requested for Outdoor Alcohol Sales and Consumption for a restaurant in the C-1 Zoning District by Section 4.2.42 of the Louisville Land Development Code. The requested Conditional Use Permit includes proposed outdoor dining areas for all of the restaurants in the remainder of the building.

The outdoor dining areas will have a low wall around them for definition and for screening. Container landscaping will be provided for aesthetics and to provide screening. Louvino anticipates approximately 40 to 50 outdoor diners. 30 to 40 outdoor diners is anticipated for the other two restaurants. At this time, Louvinos is planning on having an outdoor fire pit in their outdoor dining area.

The proposed application will be compliant with the Louisville Land Development Code Section 4.2.42 Conditional Use Permit requirements as follows:

- A. **All outdoor areas for the sale and consumption of alcohol must have designated boundaries.** Low walls will be constructed around the outdoor dining area.
- B. **Outdoor dining areas within the public right-of-way must receive approval from the agency responsible.** There will be no dining areas within the public right-of-way.
- 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**

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- designed to permit existing legal access from building to the adjacent right-of-way. The outdoor dining areas are not adjacent to the public right-of-way.*
- D. ***Outdoor dining areas that include the sale and consumption of alcohol within 50 ft 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 ft of residentially used of zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementations Standards). The proposed outdoor dining areas are not within 50 ft of a residentially zoned property. The property within 50 ft is zoned C-1.***
- E. ***This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABD Licenses: 1. Restaurant liquor license by the drink for 100 plus seats 2. Restaurant wind license by the drink for restaurants with seating for 100 and receives at least 70% gross receipts from food sales. The applicant is in the process of obtaining a restaurant liquor license by the drink for 100 plus seats for Louvinos.***
- F. ***The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 a.m. Louvinos will close at 11:00 p.m. or 12:00 a.m. The restaurants operating in the remainder of the building will comply with this requirement for their outdoor dining areas where liquor is served and/or consumed.***
- G. ***The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). There will be no outdoor entertainment activities.***
- H. ***The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.***

A waiver is requested from Section 10.3.6 to reduce the Main Street 25 ft Scenic Corridor Buffer area to 20 ft. and to waive the required visually continuous berm. The waiver requests are justified because providing a 20 ft Scenic Corridor Parkway Buffer Area without a berm will be in keeping with the established development pattern on the adjacent properties as well as with the developed properties in the general area. None of the adjacent properties provided a berm along their Main Street frontage as well as none of the properties in the general area. Main Street is developed as in a urban streetscape pattern with the buildings and parking areas abutting or close to the Main Street right-of-way. The Wal-mart Neighborhood Center for which the subject site is an outparcel located their parking approximately 20 feet from the Main Street right-of-way and Louvinos is requesting a waiver to allow them to continue this established pattern. The required Scenic Corridor Buffer Area tree and shrub requirements will be complied with.

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May 27, 2015

Neighborhood Meeting Notification

To: Bonnie Jung, Mayor of Douglass Hills, Julie Denton, District 19 Metro Council Person, 1st and 2nd Tier adjoining property owners and Interested Parties of 11400 Main Street Louisville, KY. 40243

From: Chad Coultier CNL Coultier Properties, LLC.

Re: Conditional Use Permit

An application for a Conditional Use Permit for Outdoor Alcohol Sales and Consumption for a restaurant is proposed to be filed with the Louisville Metro Planning and Design Services for property located at 11400 Main Street in the City of Douglass Hills. We are inviting you to a Neighborhood Meeting to discuss the proposal.

This will be an informal meeting to give you an opportunity to view the proposed site layout and to discuss the proposal with the developer and their representative. The purpose of the meeting is to increase your understanding of the proposal and give you an opportunity to ask questions and share any concerns you may have about the proposal. The meeting is held in addition to the Louisville Metro Planning and Design Services Board of Zoning Adjustment meeting and the City of Douglass Hills meeting.

The Neighborhood Meeting will be held on:

Date: June 9, 2015
Time: 6:00 p.m.
Where: Douglass Hills City Hall
219 Moser Road
Louisville, KY. 40223

Please call Kevin Young, Land Planner, Land Design & Development, Inc. should you care to discuss prior to the meeting. Kevin Young (502) 426-9374.

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LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502) 426-9374 FAX (502)426-9375

**Louvino Conditional Use Permit
June 9, 2015 Neighborhood Meeting Summary**

The Conditional Use Permit Neighborhood Meeting was held on June 9, 2015 at 6:00 p.m. at the Douglass Hills City Hall. The attendance sign-in sheet is attached along with a copy of the meeting invitation.

Chad and Lauren Coutler, the developers, were in attendance with their representatives Kevin Young with Land Design and Development, Doug Karnes, architect, with Kelley Construction and LoriAnn Dattilo, real estate agent. Bonnie Jung, the Mayor of Douglass Hills, and several Douglass Hills city council members were in attendance.

Kevin Young opened the meeting with an introduction of the proposed development and the floor was opened up for questions from the neighbors.

The following questions were asked:

1. What type of lighting will be installed? Answer: The lighting will be compliant with the regulations of the Louisville Land Development Code and will not be disruptive to the neighbors.
2. Can the dumpster be located to not be visible to the surrounding area? Answer: Yes, the dumpster location will be revised as requested.
3. Will the building design be Colonial Williamsburg as required by binding element? Answer: Doug Karnes will revise the building façade design to incorporate colonial features.

Kevin Young described the Louisville Planning and Design Services Conditional Use Permit review process and the meeting was adjourned.

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Night Meeting

6/9/15

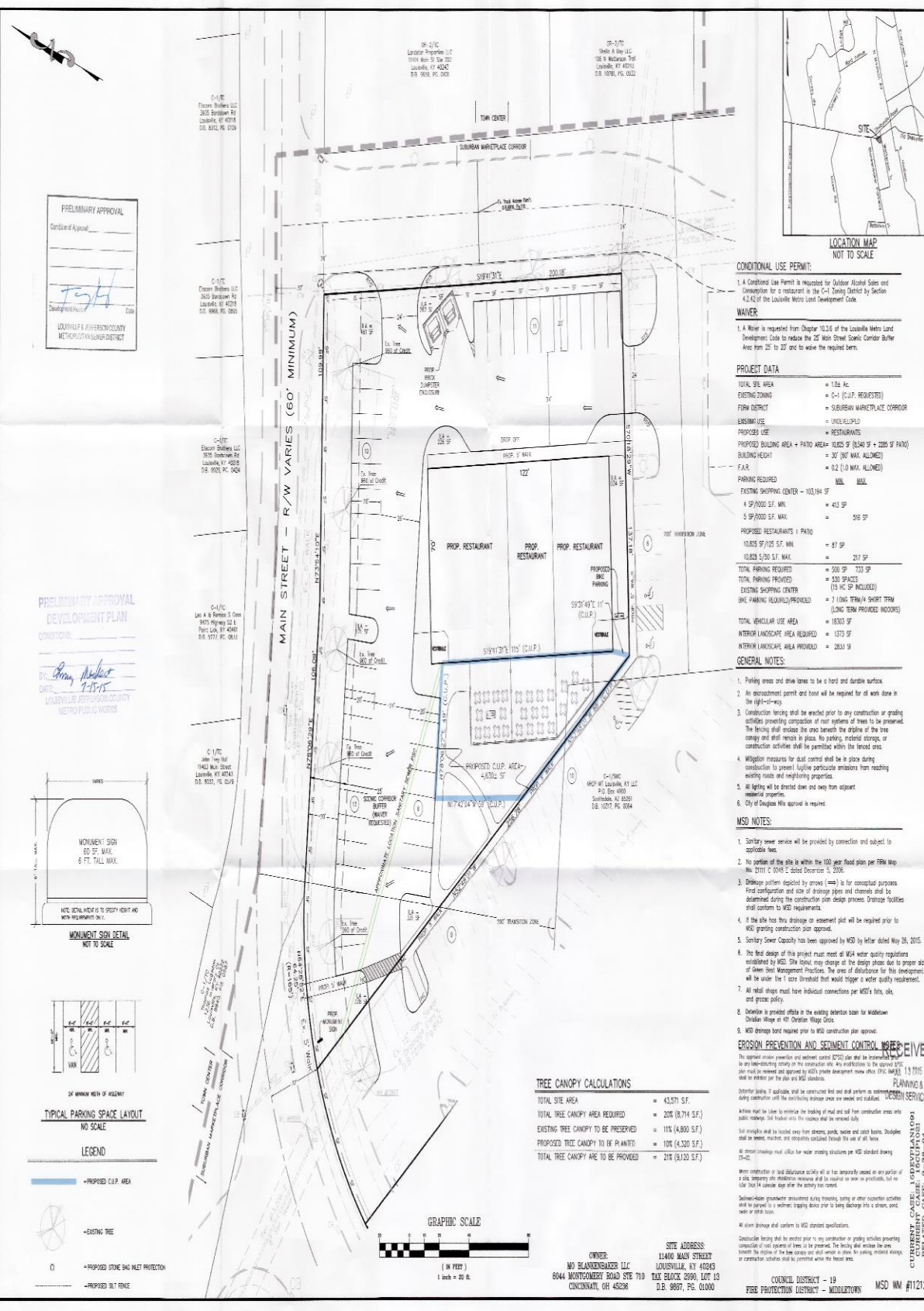
Name	Email address
Reed Davis	108 N. Waterson Tr. 40243
Bonnie Jung	douglasshillsnayar@gmail.com
Bill Hunter	Ashkeh3@yahoo.com
Jerry McGraw	jerry@jmcgrawlaw.com

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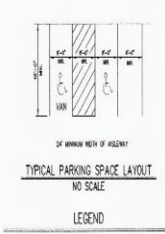
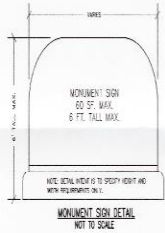
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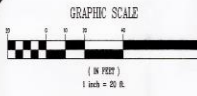
PRELIMINARY APPROVAL
 Conditional Approval
 [Signature]
 Designer: [Signature]
 Date: _____

PRELIMINARY APPROVAL
DEVELOPMENT PLAN
 CONDITIONS
 [Signature]
 DATE: 7-15-15
 LOUISVILLE DEVELOPMENT DISTRICT
 METRO PLANNING DISTRICT



TREE CANOPY CALCULATIONS

TOTAL SITE AREA	= 43,571 S.F.
TOTAL TREE CANOPY AREA REQUIRED	= 208 (8.74 S.F.)
EXISTING TREE CANOPY TO BE PRESERVED	= 115 (4,800 S.F.)
PROPOSED TREE CANOPY TO BE PLANTED	= 108 (4,320 S.F.)
TOTAL TREE CANOPY ARE TO BE PROVIDED	= 218 (8,120 S.F.)



OWNER:
 MO BLANKENBACH LLC
 8044 MONTGOMERY ROAD STE 710
 CINCINNATI, OH 45236

SITE ADDRESS:
 11410 MAIN STREET
 LOUISVILLE, KY 40243
 TAX BLOCK 2690, LOT 13
 D.B. 8697, PG. 01000

CONDITIONAL USE PERMIT:
 1. A Conditional Use Permit is requested for Outdoor Alcohol Sales and Consumption for a restaurant in the C-1 Zoning District by Section 4.2.4.2 of the Louisville Metro Land Development Code.

WAIVER
 1. A Waiver is requested from Chapter 10.3.6 of the Louisville Metro Land Development Code to reduce the 25' Main Street Seismic Corridor Buffer Area from 25' to 20' and to waive the required berm.

PROJECT DATA

TOTAL SITE AREA	= 1.04 Ac.
EXISTING ZONING	= C-1 (C.U.P. REQUESTED)
FORM DISTRICT	= SUBURBAN MARKETPLACE CORRIDOR
EXISTING USE	= UNDEVELOPED
PROPOSED USE	= RESTAURANTS
PROPOSED BUILDING AREA + PATIO AREA	= 10,825 SF (8,240 SF + 2,585 SF PATIO)
BUILDING HEIGHT	= 30' (30' MAX. ALLOWED)
F.A.R.	= 0.2 (0.0 MAX. ALLOWED)
PARKING REQUIRED	MIN. MAX.
EXISTING SHOPPING CENTER	= 103,184 SF
4 SP/1000 SF. MAX.	= 413 SP
5 SP/1000 SF. MAX.	= 518 SP
PROPOSED RESTAURANTS + PATIO	MIN. MAX.
10,825 SF/125 SF. MAX.	= 87 SP
10,825 SF/250 SF. MAX.	= 217 SP
TOTAL PARKING REQUIRED	= 500 SP 733 SP
TOTAL PARKING PROVIDED	= 530 SPACES
EXISTING SHOPPING CENTER	(15 SP. SP. INCLUDED)
ONE PARKING REQUIRED/PROVIDED	= 1 LONG TERM / SHORT TERM (LONG TERM PROVIDED INDOORS)
TOTAL VEHICULAR USE AREA	= 18,903 SF
INTERIOR LANDSCAPE AREA REQUIRED	= 1,373 SF
INTERIOR LANDSCAPE AREA PROVIDED	= 2,833 SF

- GENERAL NOTES:**
- Parkway areas and drive lanes to be a hard and durable surface.
 - An encroachment permit and bond will be required for all work done in the "R" zone.
 - Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip-line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
 - Wildlife measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching nearby roads and neighboring properties.
 - All utilities will be located down and away from adjacent residential properties.
 - City of Douglas Hills approval is required.

- MSD NOTES:**
- Sanitary sewer service will be provided by connection and subject to applicable fees.
 - No portion of this site is within the 100 year flood plain per FEMA Map No. 22111 C 0049 C dated December 5, 2006.
 - Drainage pattern depicted by arrows (====) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
 - If the site has thru drainage or easement that will be required prior to MSD granting construction plan approval.
 - Sanitary Sewer Capacity has been approved by MSD by letter dated May 28, 2015.
 - The final design of this project must meet all MS4 water quality regulations established by MSD. The final design of the project shall be subject to approval of the MS4. Any modifications to the approved SDC plan must be reviewed and approved by MSD's storm department review office (SDR) before construction begins for the site or MSD standards.
 - All retail shops must have individual connections per MSD's fire, oil, and grease policy.
 - Detention is provided on-site in the existing detention basin for Wastewater Division West of Mt. Vernon High School.
 - MSD drainage bond required prior to MSD construction plan approval.

EROSION PREVENTION AND SEDIMENT CONTROL PLAN RECEIVED
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Developer/owner shall be responsible for the installation and maintenance of all erosion prevention and sediment control measures on any portion of a site, temporary site stabilization measures shall be required as well as possible, but no later than 14 calendar days after the activity has ceased.

Stormwater treatment structures during grading, boring or other excavation activities shall be provided in a manner, trapping debris prior to being discharge into a stream, pond, wet or other basin.

All storm drainage shall conform to MSD standard specifications.

Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip-line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.

COUNCIL DISTRICT - 19
FIRE PROTECTION DISTRICT - MIDDLETOWN MSD #N 11212

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT DATA

DATE: 7-15-15
 SHEET: 1 OF 1
 DRAWING NO.: 15056

ENGINEER'S SEAL
 [Signature]
 [Stamp]

SURVEYOR'S SEAL
 [Signature]
 [Stamp]

DETAILED DISTRICT DEVELOPMENT PLAN & CONDITIONAL USE PERMIT

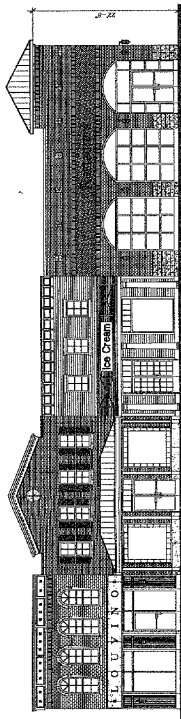
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CNL COULTER PROPERTIES LLC
 11410 MAIN STREET
 LOUISVILLE, KY 40243

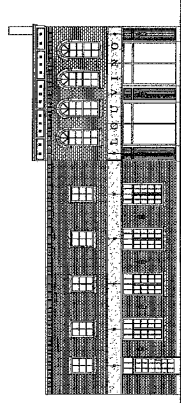
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NEW BUILDING FOR
NEW RETAIL CENTER
 14100 MAIN STREET
 DOUGLASS MILLS, KY 40223



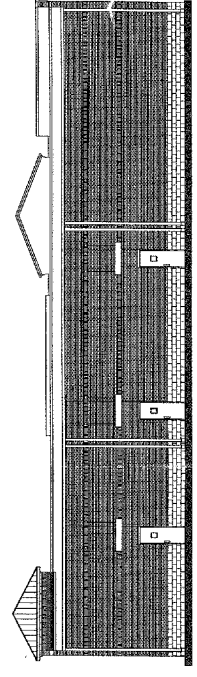
1 WEST (FRONT) ELEVATION
 SCALE = 1/8" = 1'-0"



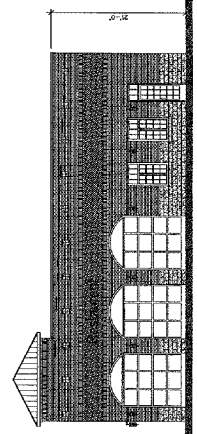
2 NORTH (MAIN ST) ELEVATION
 SCALE = 1/8" = 1'-0"

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4 EAST (REAR) ELEVATION
 SCALE = 1/8" = 1'-0"



3 SOUTH (SIDE) ELEVATION
 SCALE = 1/8" = 1'-0"

1	CONCEPT DESIGN	6.22.15
2	REVISED CONCEPT DESIGN	6.22.15
3	CONCEPT DESIGN	6.22.15

DOUG KARNES, AIA
 ARCHITECT
 1400 W. MAIN STREET, SUITE 100
 DOUGLASS MILLS, KY 40223
 PHONE: 502-254-0202 FAX: 502-254-0200
 doug@dkarchitect.com

BUILDING ELEVATIONS

DATE	DK	DK	DK	DK
BY	DK	DK	DK	DK
CHECKED	DK	DK	DK	DK
DATE	DK	DK	DK	DK

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Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for outdoor alcohol sales and consumption without further review and approval by the Board.