

Docket No. 14CUP1005

Conditional Use Permit to allow sales and
consumption of alcoholic beverages on outdoor patio
for restaurant located in the Landis Lakes Town
Center on property located at
133 S. English Station Road



FAULKNER
REAL ESTATE

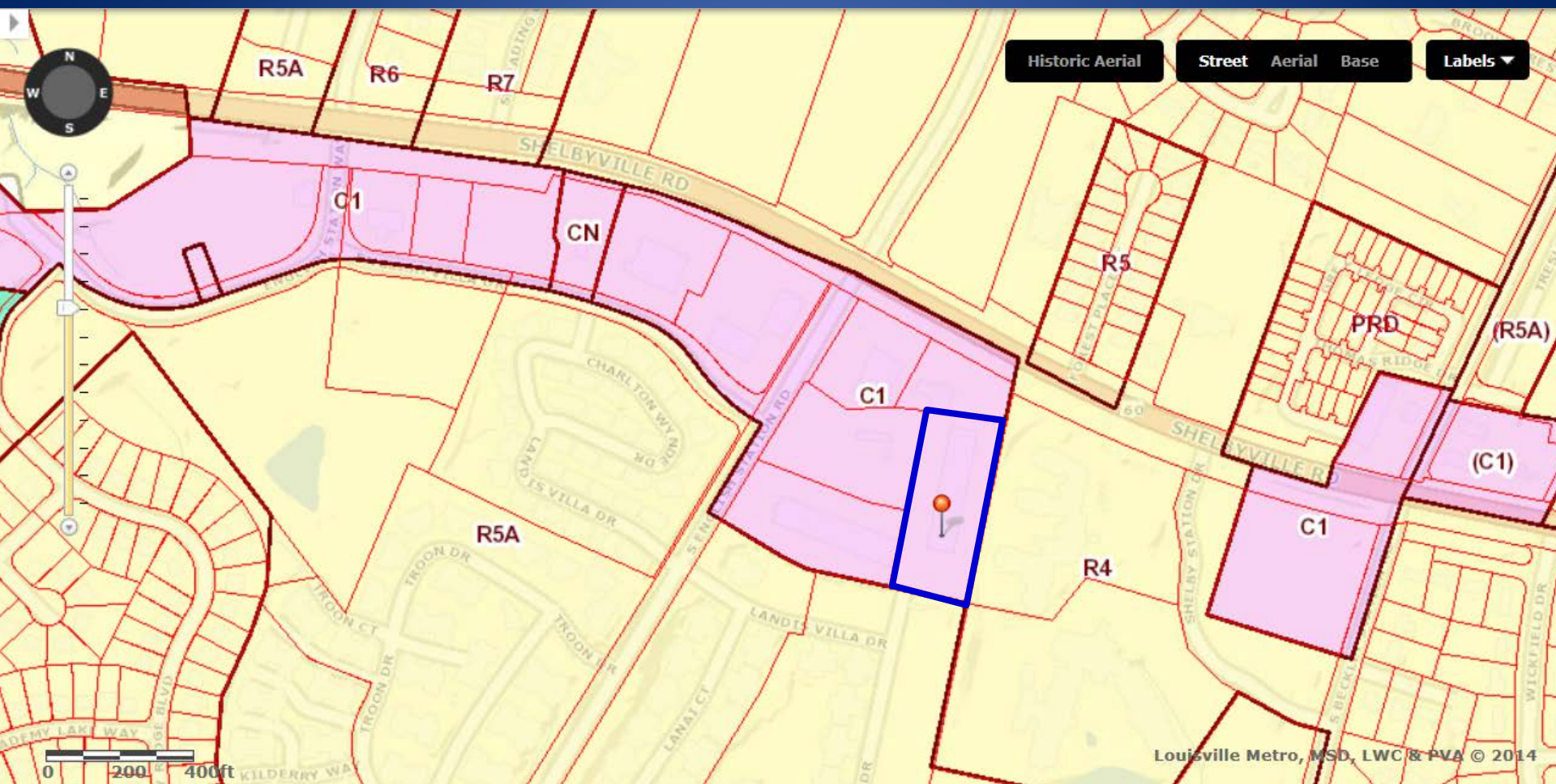
Attorneys: Bardenwerper Talbott & Robert, PLLC

Index

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Development Plan and Patio Area Detail
4. Applicants Statement of Compliance

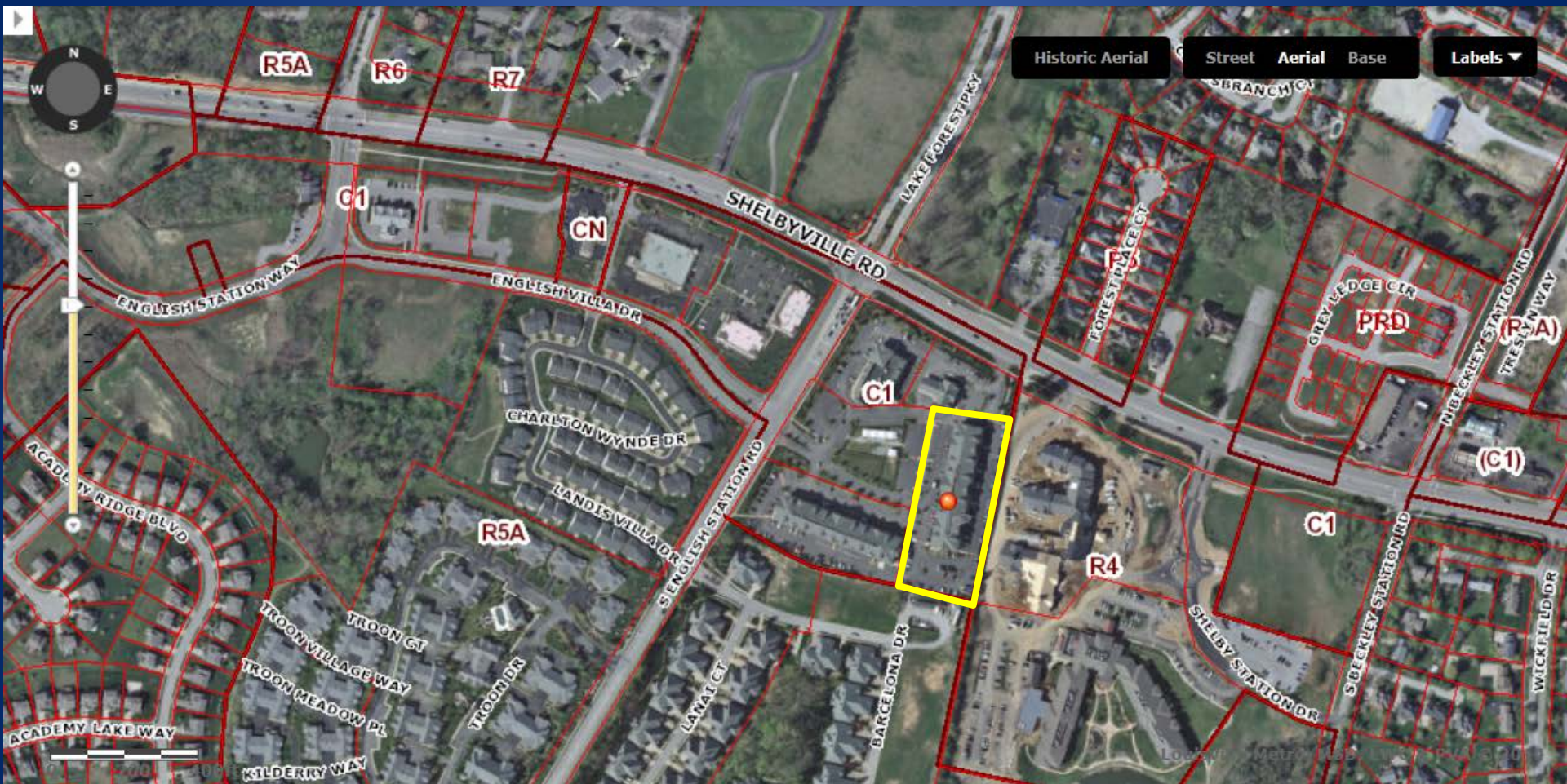
Tab 1

LOJIC Zoning Map



Tab 2

Aerial photograph of the site and
surrounding area



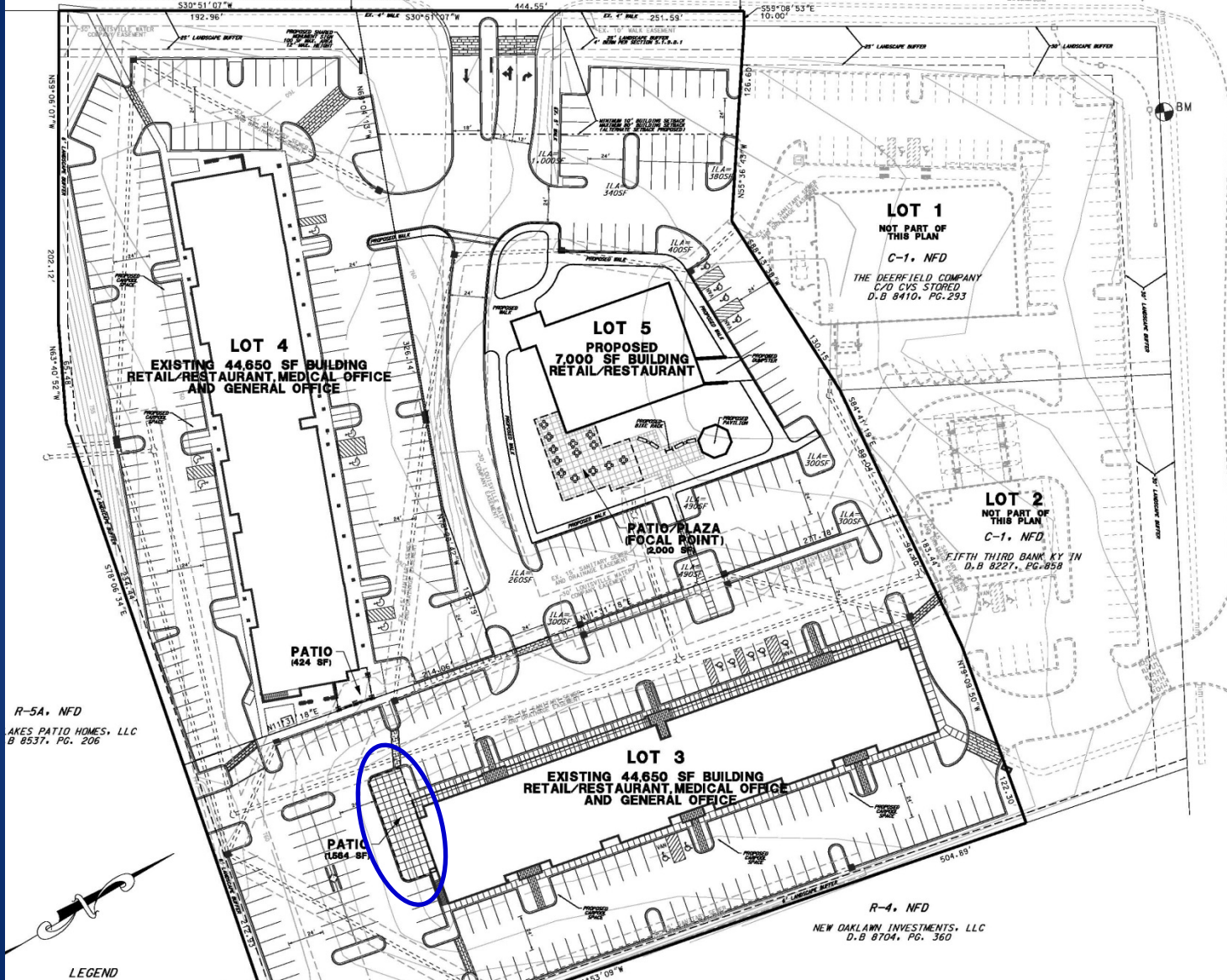
Tab 3

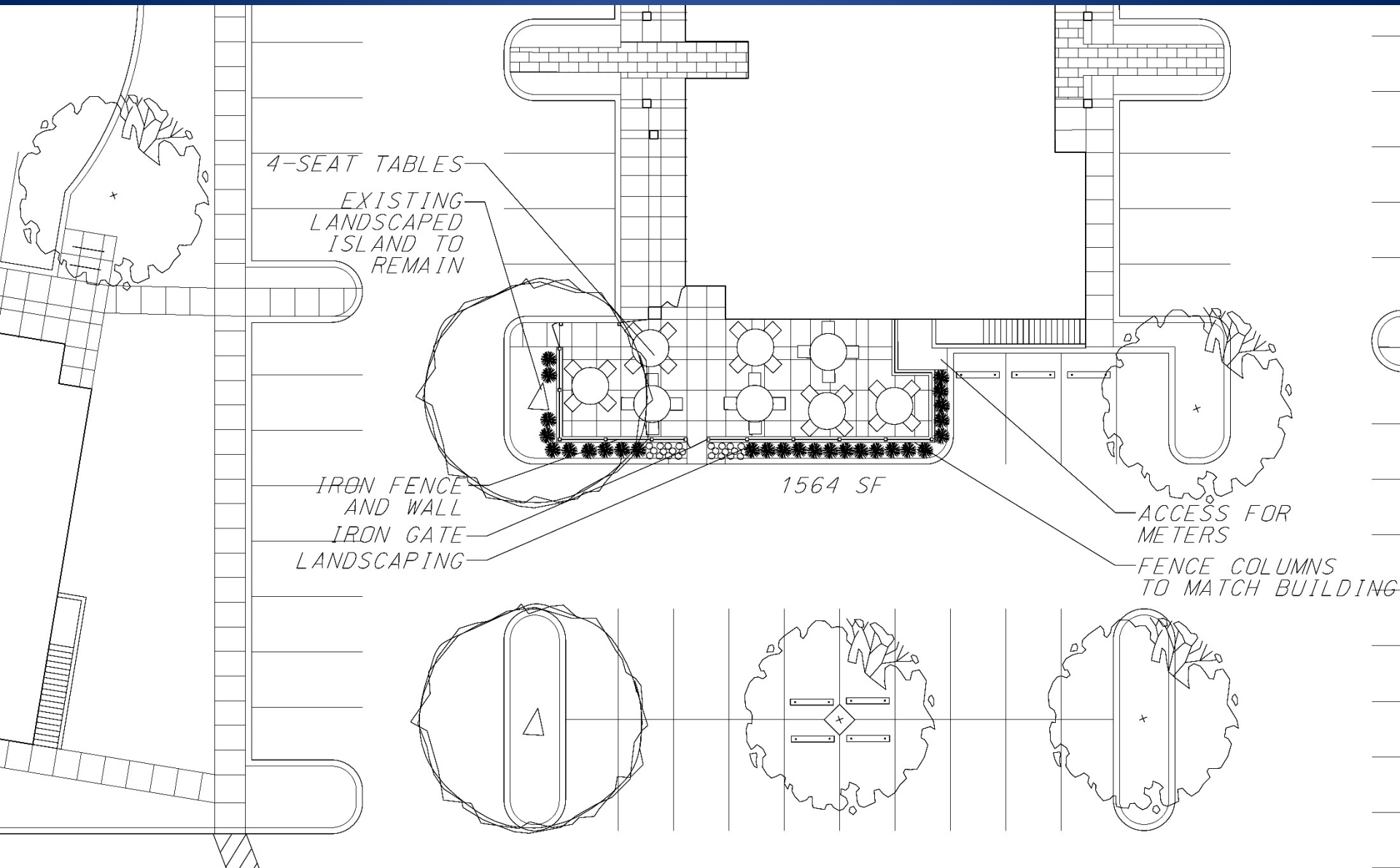
Development Plan and patio area detail

S. English Station Road

Shelbyville Road

SHELBYVILLE ROAD
R-4 VARIES





Tab 4

Applicants Statement of Compliance

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BUILDING • SECOND FLOOR •
LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

DETAILED STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Owner/Applicant:</u>	Faulkner Hinton Landis, LLC
<u>Location:</u>	133 S. English Station Road
<u>Proposed Use:</u>	Outdoor patio for alcohol sales and consumption in conjunction with new restaurant tenant in place of prior one
<u>Requests:</u>	Conditional Use Permit for outdoor patio to allow outdoor sales and consumption of alcoholic beverages in the Landis Lakes Towne Center

INTRODUCTORY STATEMENT

This shopping center, known as the Landis Lakes Towne Center, was rezoned in 2001 as part of docket number 9-20-01. The only request involved in this application is one for the outdoor seating to accommodate the sale and consumption of alcoholic beverages.

As to the LDC provision requiring a CUP for the outdoor sale and consumption of alcoholic beverages, that is now standard with virtually all restaurants in light of the smoking ordinance in Metro Louisville. Whereas some bars and restaurants previously had “alfresco” dining, many did not. As said, the smoking ban made it almost a necessity for bars and restaurants to have outdoor seating areas because patrons do not want to leave their drinks inside when they go outside to smoke. But that does not mean that these areas are exclusively for smokers, just that it becomes now more of a necessity than an option.

Nevertheless, as was determined at a neighborhood meeting held on March 24, 2014, there appears to be no opposition to this application. Actually, despite wide notice, no one showed up for that meeting. Unlike some examples of bars and restaurants with outdoor seating areas for sale and consumption of alcoholic beverages, where their adverse impacts might be felt by nearby neighbors, that would not be the case here because of the fact that this patio is in the interior of the shopping center, basically wedged between existing portions of the center with no part really exposed to any nearby neighborhoods.

GUIDELINE 1 – COMMUNITY FORM

The Community Form for this property is the Suburban Neighborhood Form District which is characterized by both residential as well as neighborhood centers with a mixture of uses, such as that found at the Landis Lakes Towne Center. This application complies with this Guideline

because this is a neighborhood center by all accounts, with a mixture of neighborhood serving uses with accessibility, not just to customers visiting in automobiles, but also in time via transit, and presently by pedestrian walkways and bicycles.

GUIDELINE 2 – CENTERS

This application complies with the Intents of this Guideline because it is an added use in an already existing shopping center, which promotes the efficient use of land and investment in existing infrastructure, also lowering utility costs by reducing the need for extensions and by reducing commuting time and transportation related air pollution. This added outdoor seating area should also better encourage vitality within this existing shopping center and more customers who desire to use it because of this added accommodation.

This application also complies with applicable Policies 1, 2, 3, 4, 5, 7 and 11 of Guideline 2 because this is an existing activity center, not an expansion of one, with this new use proposed for an existing center, which is also compactly developed, containing a wide variety of uses, including restaurants, various retail stores, branch banks, a pharmacy and office uses. This center has been designed to ensure compatibility, given its focus towards Shelbyville Road and not to the neighborhood.

This application also complies with applicable Policies 13 and 14 of this Guideline because it utilizes existing parking.

GUIDELINE 3 – COMPATIBILITY

This application complies with the Intents of this Guideline because it involves a wider mix of land uses than previously, with the new outdoor seating, and it does not involve locating this outdoor seating in an area that would violate accepted standards for noise, lighting, odors or similar nuisances. In fact, because it is located in the interior of the Landis Lakes Towne Center, it preserves the peace and quiet of those adjoining properties.

This application also complies with applicable Policies 5, 6, 7, 8 and 9 of this Guideline because the impacts of odors, traffic, noise, lighting and visual effects are mitigated by virtue of the location of this added outdoor seating area at the front of the center basically wedged between other portions of existing buildings so that they have no impacts on nearby neighborhoods.

This application also complies with applicable Policies 21, 22 and 23 of this Guideline because it does not require any additional landscaping, screening or buffering than already exists to protect nearby neighborhoods, which are protected as described hereinabove.

GUIDELINES 4, 5 AND 13 – OPEN SPACE, NATURAL AND SCENIC AREAS, AND LANDSCAPE CHARACTER

This application complies with the Intents and applicable Policies of these Guidelines because what is applied for here is simply outdoor seating to service existing restaurant uses where alcoholic beverages may be served outdoors. The shopping center has the requisite landscaping, both perimeter and interior, as was required at the time of original approval.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

This application complies with Intents and specifically applicable Policy 6 of this Guideline because, by expanding the functionality and use of this shopping center with this added outdoor seating area, the shopping center should become more popular to users, thus reducing commuting distances to farther away shopping centers that have restaurants with outdoor seating. Because this is an existing shopping center, the redevelopment of things such as this also helps reduce public and private cost for land development. Also, this is an existing activity center which is just being modified, not being expanded, but this should help the popularity and thus resulting business activity within this center.

GUIDELINES 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN

This application complies with the Intents of these two Guidelines because the center was long ago approved by applicable Metro Transportation Planning agencies for the safe and proper functioning of nearby streets and measures to assure that there was not traffic congestion or resulting air quality problems associated herewith and also to assure the safe and convenient accommodation of people with special mobility requirements.

This application specifically complies with applicable Policies 1, 2, 10, 11, 12, 13, 14, 15 and 16 of Guideline 7 and with applicable Policies 9, 10 and 11 of Guideline 8 because, as stated, this center was originally designed so as to receive the stamp of approval from applicable Transportation Planning officials. This application as well will need to receive the stamp of approval from Metro Transportation Planning in advance of docketing for Board of Zoning Adjustment (BOZA) review. That stamp will once again demonstrate compliance with all Metro Transportation Planning standards governing access, internal circulation and so on.

GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT

This application complies with the Intents and applicable Policies 1, 2, 3 and 4 of this Guideline because this center is accessible by people using bicycles and those walking.

GUIDELINE 10 – FLOODING AND STORMWATER

This application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline because, when first approved, it will again receive the preliminary stamp of approval from MSD, thus demonstrating compliance with MSD regulations regarding stormwater management. Furthermore, little if any additional impervious surface is being created as a consequence of the area set aside for outdoor seating for the sale and consumption of alcoholic beverages.

GUIDELINE 11 – WATER QUALITY

This application complies with the Intents and applicable Policy 3 of this Guideline because, to the extent that any additional construction is required, it will be required to comply with the MSD soil erosion and sedimentation control ordinance.

GUIDELINE 12 – AIR QUALITY

This application complies with the Intents and applicable Policies, 1, 2, 3, 4, 6, 7, 8 and 9 of this Guideline because, if anything, locating an additional amenity such as this in this center (for the sale and consumption of alcoholic beverages outside a restaurant), should reduce vehicle miles traveled for people looking to visit restaurant facilities with outdoor seating.

GUIDELINES 14 AND 15 – INFRASTRUCTURE AND COMMUNITY FACILITIES

This application complies with the Intents and applicable Policies of these Guidelines because infrastructure already exists, utilities are available at the site, and this facility is located near the Middletown Fire Department so that fire service is readily available.

* * *

For all of the above reasons and others identified on the Site Plan submitted with this application, this application complies with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
BARDENWERPER TALBOTT & ROBERTS, PLLC
Building Industry Association of Greater Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688
Counsel for Applicant/Property Owners