

Development Review Committee

Staff Report

October 28, 2020



Case No:	20-AMEND-0006
Project Name:	Bar of Soap
Location:	2070 S Preston Street
Owner(s):	Antz Wettig
Applicant:	Chris Brown, AICP, BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. Binding Element Amendment

CASE SUMMARY/BACKGROUND

The subject site is zoned C-2 Commercial in the Traditional Neighborhood form district. It is located in the St Joseph neighborhood on the northwest corner of the intersection of S Preston Street and Lynn Street.

Under 17ZONE1058, the applicant proposed to demolish an existing one-story structure on the subject site and construct a 2-story laundromat, arcade, and tavern. Currently, the structure has been demolished but the proposed structure has not yet been constructed. There is an existing Conditional Use Permit, 16CUP1025, for a 14-space off-street parking area at 2071 S Preston Street to be utilized by the laundry, tavern, and arcade.

The applicant is proposing a temporary activity area of 2,887 square feet with a maximum occupancy of 150 patrons. There is an associated Temporary Activity Permit (20-TAP-0017) for an outdoor concert area with stage and socially distanced pod seating. They are requesting two (2), 30-day periods for 2020 with event hours between 6PM – 10PM on Friday and Saturday.

Binding Element #5 in 17ZONE1058 prohibits outdoor music and entertainment on the site:

5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

The applicant is requesting to amend this binding element as follows:

- Outdoor activity shall only be permitted on the site in compliance with 20-TAP-0017, and restricted to the hours of 6PM – 10PM on Friday and Saturday.

Previous cases:

- 17ZONE1058: Change in zoning from R-6 Residential Multi-Family to C-2 Commercial

STAFF FINDINGS

The binding element amendment is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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 natural resources or environmental constraints on the subject site. The applicant is proposing a temporary activity space on this vacant lot. Future development will meet tree canopy requirements of the Land Development Code.

- 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 and the Fire Department have approved the proposed 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 associated with this request.

- 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.

- 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 proposal conforms to the Comprehensive Plan and the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Binding Element Amendment**

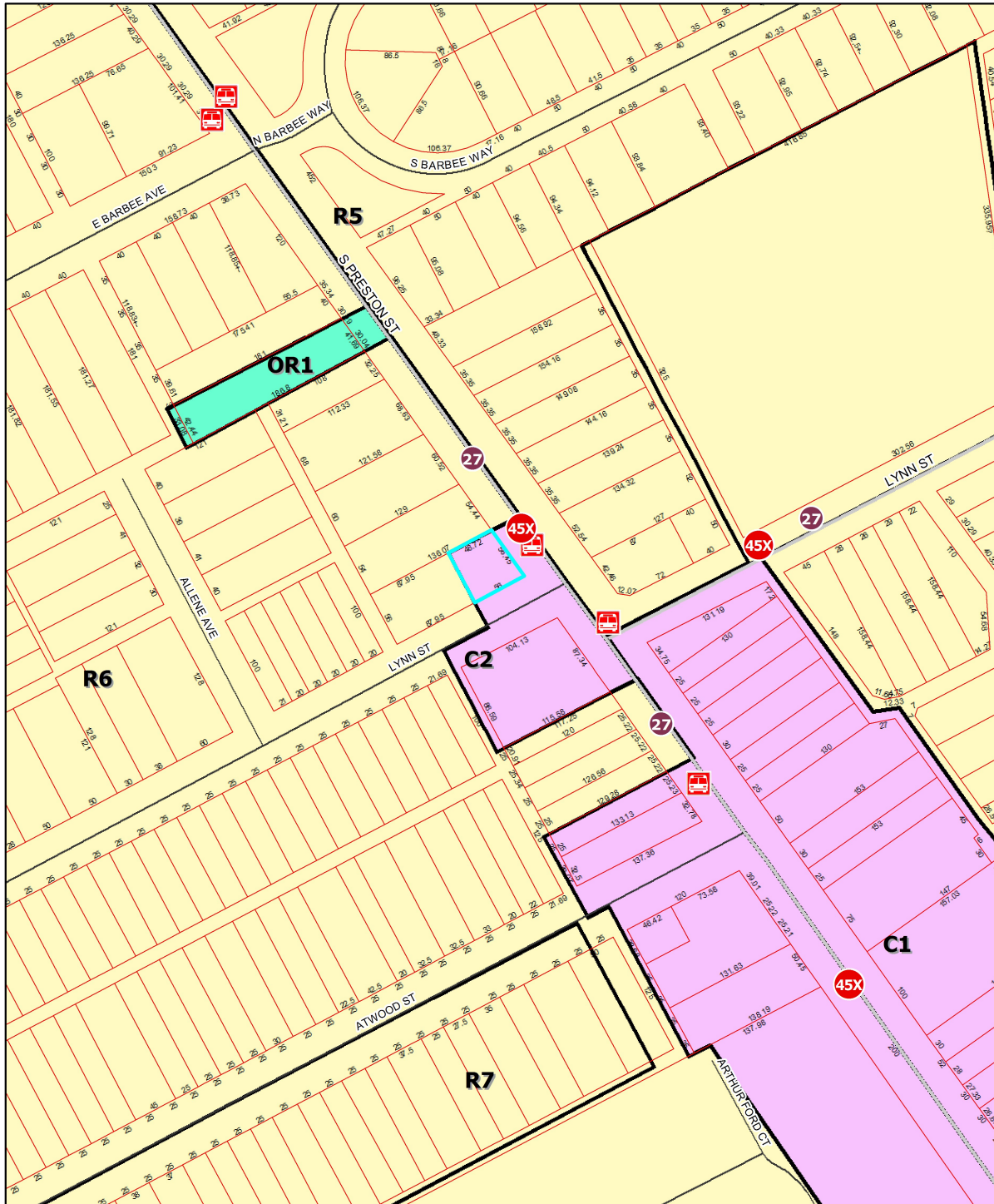
NOTIFICATION

Date	Purpose of Notice	Recipients
10-28-2020	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15

ATTACHMENTS

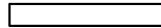
1. Zoning Map
2. Aerial Photograph
3. Binding Elements (17ZONE1058)

1. **Zoning Map**



2070 S PRESTON STREET

feet



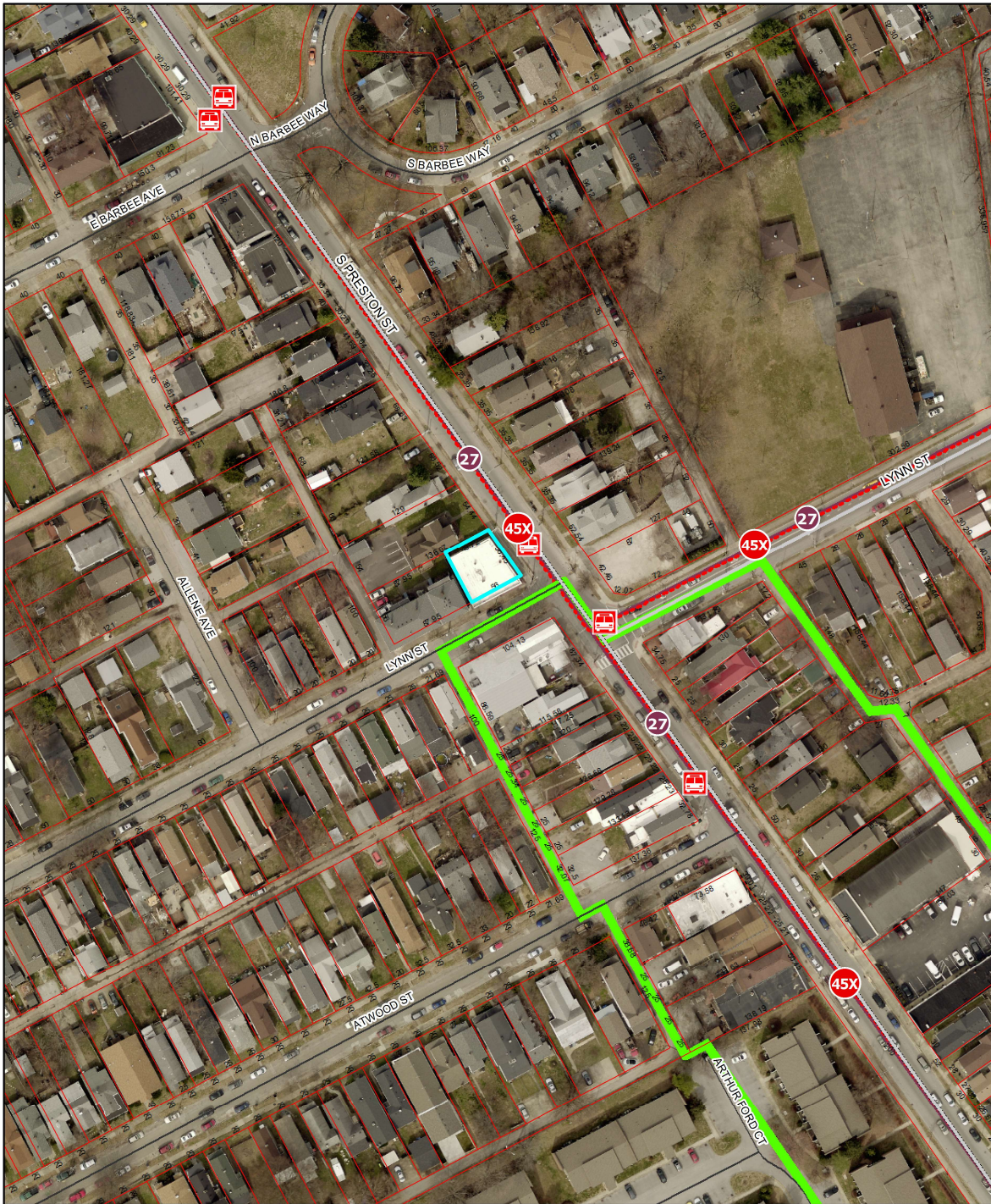
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Map Created: 10/13/2020



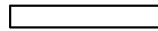
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2. Aerial Photograph



2070 S PRESTON STREET

feet



125

Map Created: 10/13/2020



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3. Binding Elements (17ZONE1058)

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 so not referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, 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 (if applicable).
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.~~
6. 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.
7. A license agreement for the bike rack within the public right-of-way shall be obtained prior to issuance of a Certificate of Occupancy.