

Land Development and Transportation Committee

Staff Report

July 27, 2017



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| Case No: | 17MOD1005 |
| Project Name: | Farm to Fork Café & Catering |
| Location: | 2425 Portland Avenue |
| Owner(s): | PAF, LLC |
| Applicant: | Mosely Putney |
| Jurisdiction: | Louisville Metro |
| Council District: | 5 - Cheri Bryant Hamilton |
| Case Manager: | Joel Dock, Planner II |

REQUEST(S)

- **Amendment to Binding Element** of case 14DEVPLAN1014 to allow alcohol sales in association with a bona-fide restaurant

CASE SUMMARY/BACKGROUND

The subject site was rezoned from R-6 to C-2 under docket 15045 (2012) for a contractor's shop. A binding element restricting the C-2 uses to contractor's shop only and allowing all C-1 uses, except alcoholic beverage sales was added. In 2014 the development plan and binding elements were revised in case 14DEVPLAN1014 to allow for a greater variety of uses. The amendment allowed all C-2 uses, with the exception of auto sales/rental and ABC licensed establishments allowing consumption on-site. The requested amendment would allow for the sale and consumption of alcoholic beverages only in association with a bona-fide restaurant; meaning that the receipts from the sale of food are required to exceed the receipts from the sale of alcohol.

STAFF FINDING

The amendment to binding element to allow for the sale and consumption of alcoholic beverages in association with a bona-fide restaurant appears to be adequately justified based on the *Standard of Review and Staff Analysis*, as well as those uses ordinarily permitted in the C-2, commercial zoning district. Additionally, the Portland neighborhood plan supports the recruitment of sit-down restaurants. The proposal would allow for the café/restaurant component of the business to serve alcoholic beverages. This model is not uncommon in the current local food economy. The amendment would also add clarity to those uses permitted under the previous binding element while disallowing uses that may be perceived as odious or incompatible.

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: No changes to the exterior of the structure or site are proposed in this request

- 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 were established during the review and approval of the revised detailed district development plan in case 14DEVPLAN1014.

- 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.

- 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 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 as established in the review and approval of the revised detailed district development plan in case 14DEVPLAN1014. The amendment to binding element will not create conflict with zoning regulations (parking, landscaping, or setback).

- 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 amendment to binding element conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, as well as the economic development recommendations of the Portland Neighborhood Plan that encourage neighborhood-serving, locally owned business development. Promote “neighborhood-friendly” commercial uses and scale. Recruit locally-owned banks and credit unions to locate branches in Portland. Support existing, locally-owned businesses. Recruit sit-down restaurants. Recruit “high-profile, locally-trusted businesses” to improve Portland’s overall marketability. ABC licensed establishments allowing consumption of alcoholic beverages are a permitted use within the C-2, commercial zoning district.

REQUIRED ACTIONS:

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

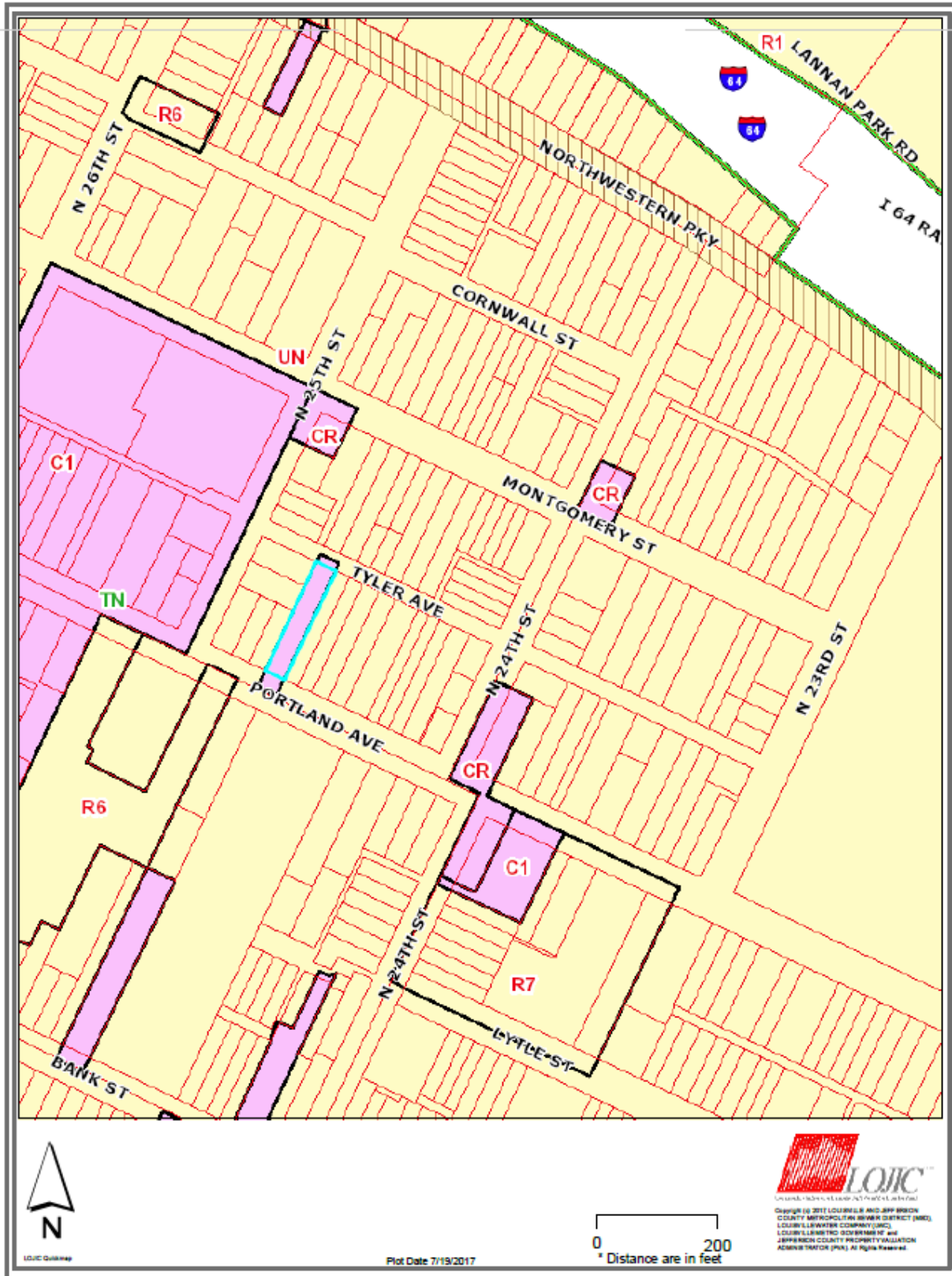
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|---------------------|--|
| 7/10/17 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 5 |

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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) 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.

3. 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.

4. The curb cut and sidewalk along Portland Avenue adjacent to the subject site shall be removed and restored per Public Works standards. Construction plans, bond, and encroachment permit are required prior to construction approval by Public Works.

5. All C-2 uses are permitted on the subject site with the following exceptions:

- Establishments holding a retail malt beverage license but that do not allow consumption on the premises
- Establishments holding a distilled spirits and wine retail package license but holding no other ABC licenses that allow consumption on the premises
- Used Car Sales
- Automobile Rental Agencies

3. Proposed Binding Elements

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- ~~Establishments holding a distilled spirits and wine retail package license but holding no other ABC licenses that allow consumption on the premises~~
- **Package liquor stores**
- **Taverns, bars, saloons**
- Used Car Sales
- Automobile Rental Agencies
- Restaurants, tea rooms and cafes are specifically authorized as defined:
A Commercial establishment, the main business of which is serving food, which may include the sale of alcoholic beverages; 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 alcoholic beverages exceed the total receipts from the sale of food shall be a tavern