

Board of Zoning Adjustment Staff Report

April 21, 2014



Case No:	14CUP1002
Project Name:	Valley Commons II- Restaurant
Location:	10626 Dixie Hwy.
Owner(s):	Valley Commons II, LLC.
Applicant:	Nicklies Development
Representative(s):	Same
Project Area/Size:	.722 Acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Latondra Yates, Planner II

REQUEST

- Conditional Use Permit (CUP) under Sec. 4.2.42 of the LDC to allow outdoor alcohol sales and consumption/entertainment activity for restaurants in the C-1 zoning district.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Outdoor alcohol sales and consumption in a proposed 500 sf. outdoor dining area is proposed. The CUP is related to a Category 2B (docket No. 2-35-13) for construction of a 5,260 sf. restaurant.

The site is zoned C-1 in the Suburban Marketplace Corridor (SMC) Form District and is surrounded by commercial uses.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-1	SMC
Proposed	Restaurant w/ outdoor seating	C-1	SMC
<i>Surrounding Properties</i>			
North	Commercial	C-2	SMC
South	Commercial	C-1	SMC
East	Commercial	C-2	SMC
West	Commercial	C-2	SMC

PREVIOUS CASES ON SITE

- Docket No. 2-35-13, Category 2B Plan for construction of a 5,260 sf. restaurant

INTERESTED PARTY COMMENTS

- Staff received a phone call of inquiry from an adjoining property owner who expressed no concerns.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020- See checklist attached.
- Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal meets the applicable guidelines of the Comprehensive Plan.

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 proposed patio will be compatible with the surrounding character because it is located within a commercial development along a commercial corridor.

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 plan has received preliminary approval from the reviewing agencies.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

4.2.42 Outdoor Alcohol Sales and Consumption/Indoor Entertainment Activity for a Restaurant in the C-1 Zoning District

A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.

STAFF: The plan outlines the boundaries of the outdoor patio and alcohol sales.

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.

STAFF: The outdoor dining area is not located within the public right-of-way. The plan has Transportation Planning Review Team preliminary approval.

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.

STAFF: The required screening will be provided. Additionally, the applicant may provide a barrier around the outdoor dining area.

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).

STAFF: N/A. Not adjacent to residential

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

STAFF: The applicant is required to obtain the appropriate licensing to allow alcohol sales.

F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.

STAFF: A condition of approval is proposed to address this requirement.

G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

STAFF: A condition of approval is proposed to address this requirement.

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.

STAFF: The proposal meets the applicable standards above.

TECHNICAL REVIEW

No outstanding technical review items.

STAFF CONCLUSIONS

The CUP for outdoor alcohol sales and consumption meets the applicable guidelines of the Comprehensive Plan.

Some of the guidelines can be addressed during construction review, such as lighting and sign details.

Staff's analysis of the standards of review support the granting of the CUP

Based upon the information in the staff report, the testimony and evidence provided, the Development Review Committee must determine if the proposal meets the standards for approval of a Conditional Use Permit as established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
4/2/14	BOZA Meeting	Adjoining property owners, applicant, representative, case manager, neighborhood groups

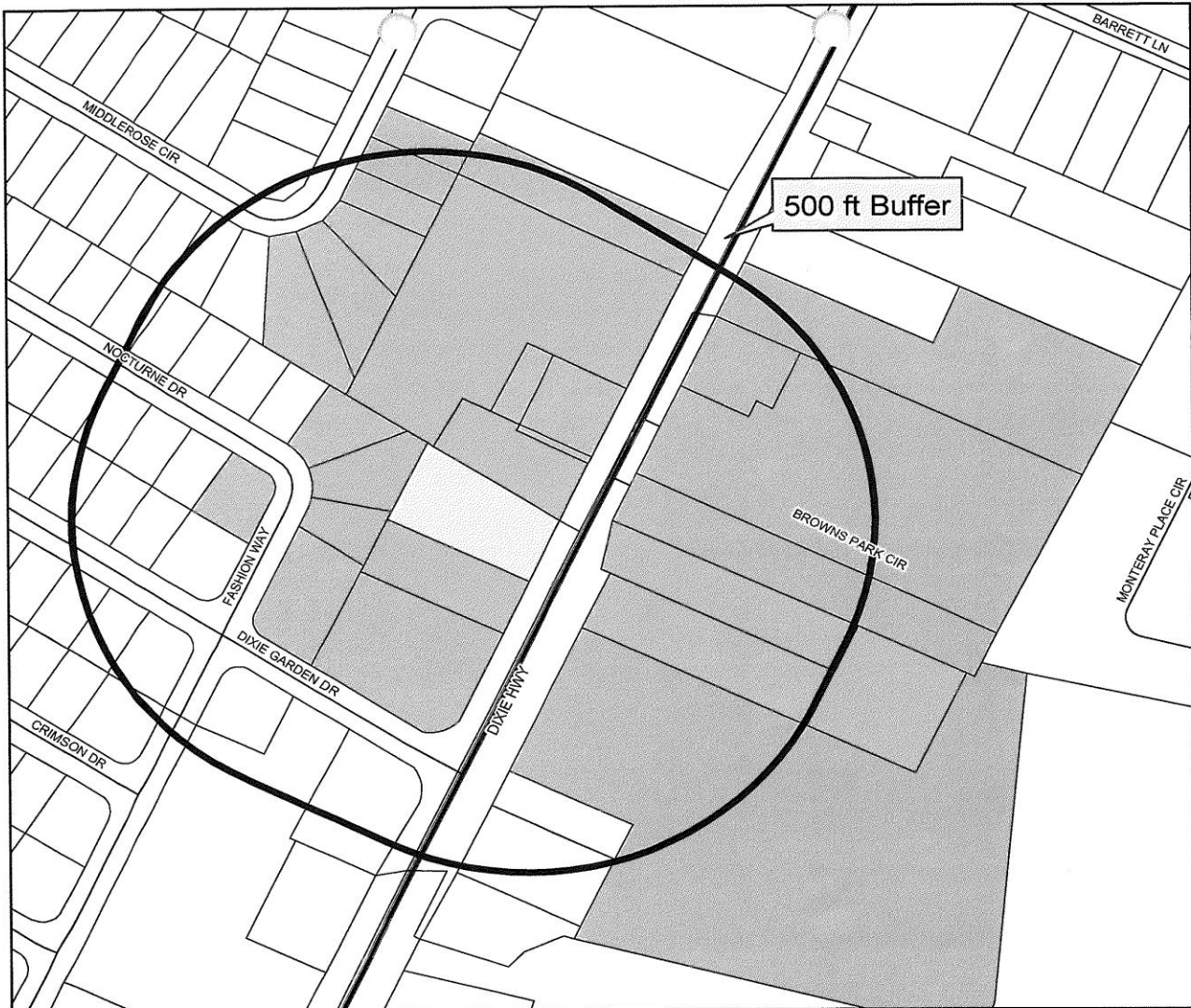
ATTACHMENTS

1. Proposed Conditions of Approval
2. Zoning Map
3. Aerial Photo
4. Site Plan
5. Cornerstone 2020 Staff Checklist
6. Neighborhood Meeting Documents
7. Applicant's Justification Statement

1. Proposed 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 without further review and approval by the Board.
3. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
4. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).




2. Zoning Map



KRS 100.214 (2)


Notice of the hearing shall be given at least thirty (30) days in advance of the hearing by first-class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed, to the mayor and city clerk of any city of the fifth or sixth class so affected, to an owner of every parcel of property adjoining at any point the property the classification of which is proposed to be changed, to an owner of every parcel of property directly across the street from said property, and to an owner of every parcel of property which adjoins at any point the adjoining property or the property directly across the street from said property; provided, however, that no first-class mail notice, required by this subsection, shall be required to be given to any property owner whose property is more than five hundred (500) feet from the property which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning commission the names and addresses of the owners of all property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

Legend

-  Subject Site
-  1st Tier Property
-  2nd Tier Property



Pre-App Tax Map Case # 14CUP1002

feet

 250
 Map Created: 2/12/2014



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3. Aerial Photo



BOZA Meeting Date: April 21, 2014

5. Cornerstone 2020 Comprehensive Plan Staff Checklist

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Final Comments		
1	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium-to high-density uses.		√	Commercial proposed in an existing commercial area.
5	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.		√	Proposed redevelopment of commercial will be within the SMC Form District.
7	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.		√	Proposed development located in an activity center.
8	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.		√	Commercial proposed in an existing commercial area.
12	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.		√	The proposal appears to share access with adjacent development.
13	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.		√	Utility hookups and service entrances will be shared.
14	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.		√	Site is served by the required parking.
15	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.		√	The proposed building materials appear to be compatible with the surrounding area.
16	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately		√	Proposed development is in an existing commercial area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Final Comments			
			mitigated.				
17	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.			√	Plan has APCD approval with note.
18	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.			√	Plan has Transportation Planning Review approval.
19	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.			+/-	Lighting details should be provided, when known.
20	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.			√	Proposed development is located along a transit corridor and in an activity center.
23	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.			√	The proposed setbacks and building height appear to be compatible with other development in the area.
24	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.			√	The required plantings will be provided within the LBAs.
25	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.			√	The required plantings will be provided within the LBAs.
27	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.			+/-	Sign details should be provided, when known.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.			√	Plan has Transportation Planning Review approval.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Final Comments			
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.			√	Site served by mass transit and sidewalks.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.			√	The plan has Transportation Planning Review preliminary approval.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.			√	The required parking is proposed.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.			√	Joint and cross access is appears to be facilitated.
47	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.			√	Site served by sidewalks and mass transit.
48	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.			+/-	Subject to MSD construction approval.
49	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.			√	Plan has APCD approval with note.
51	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.			√	Site served by existing utilities.
52	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.			+/-	Subject to construction review.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Final Comments			
53	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.			+/-	Subject to MSD construction approval.

+ Exceeds Guideline
 √ Meets Guideline
 +/- More Information Needed
 - Does Not Meet Guideline
 NA Not Applicable

5. Neighborhood Meeting Documents

The logo for Nicklies Development, featuring the word "NICKLIES" in a large, serif font above the word "DEVELOPMENT" in a smaller, sans-serif font, all contained within a dark rectangular box.

NICKLIES DEVELOPMENT

**Nicklies Development
6060 Dutchmans Lane, Suite 110
Louisville, KY 40205**

February 25, 2014

Re: El Nopal Restaurant located at 10626 Dixie Highway

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our plan for an El Nopal restaurant to be located as above. The owner is applying for a Conditional Use Permit to allow for an outdoor patio with alcohol sales.

A meeting will be held on, March 11, 2014, at 6:00 p.m. in the upstairs board room of the Forcht Bank located at 8492 Dixie Highway to discuss the project with you.

As a neighbor, you are invited to this meeting so that we may show you what we plan and address any questions or concerns that you or your neighbors may have.

If you cannot attend the meeting but have questions or concerns, please call me at (502)-931-0600. We look forward to seeing you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Calvery", with a stylized, flowing script.

Jim Calvery

Cc: Hon. Cindi Fowler, Metro Councilwoman, District 14
John Campbell, Land Planner, Heritage Engineering

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ROMA & SHIRLEY HOGAN
1905 DIXIE GARDEN DRIVE
LOUISVILLE KY 40272

MICHAEL & DIANE MELLONS
1903 DIXIE GARDEN DRIVE
LOUISVILLE KY 40272

CARL LOVO
1901 DIXIE GARDEN DRIVE
LOUISVILLE KY 40272

JEM VALLEY STATION PROPERTIES
134 N EVERGREEN ROAD
SUITE 200
LOUISVILLE KY 40243

NTI DIXIE GARDEN LLC
7102 COMMERCE WAY
BRENTWOOD TN 37027

DOUGLAS & SHAWNA HOLLADAY
1904 DIXIE GARDEN DRIVE
LOUISVILLE KY 40272

MAXINE DANLEY
1902 DIXIE GARDEN DRIVE
LOUISVILLE KY 40272

LARRY & GISELLE PETERSON
P.O. BOX 1035
ELKHART IN 46515

SUNSET HILL DEVELOPMENT CO LLC
2100 GARDINER LANE
SUITE 207
LOUISVILLE KY 40205

SUNSET HILL DEVELOPMENT CO
10700 DIXIE HIGHWAY
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RINEYVILLE KY 40162

CHARLES & LINDA BELL
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ANTHONY & RITA KING
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1907 NOCTURNE DRIVE
LOUISVILLE KY 40272

KRISTEN ABELL
1905 NOCTURNE DRIVE
LOUISVILLE KY 40272

MAX STURGEON
3337 MCCOY ROFF ROAD
WESTVIEW KY 40178

JAMES & MARTHA TOOHEY
1901 NOCTURNE DRIVE
LOUISVILLE KY 40272

VALLEY CHURCH OF CHRIST
1803 DIXIE GARDEN DRIVE
LOUISVILLE KY 40272

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VIREN & KALAVATI PATEL
10615 DIXIE HIGHWAY
LOUISVILLE KY 40272

KROGER LIMITED PARTNERSHIP
1600 ORMSBY STATION COURT
LOUISVILLE KY 40223

ROSE ETTA MACKIN FAMILY TRUST
1524 DAWN DRIVE
LOUISVILLE KY 40216

COMPASS CAPITAL LLC
2285 EXECUTIVE DRIVE
SUITE 310
LEXINGTON KY 40505

WH CAPITAL LLC
3290 NORTHSIDE PARKWAY
SUITE 385
ATLANTA GA 30327

ROPPEL PROPERTIES
829 LOGAN STREET
LOUISVILLE KY 40204

TWIN DIXIE LANES INC
10526 DIXIE HWY
LOUISVILLE KY 40272

VIRGINIA WARD
11706 SUN BEAM CT
LOUISVILLE KY 40272

RUTH COLSTON
6239 MIDDLE ROSE CIRCLE
LOUISVILLE KY 40272

ROY MOSELEY
6237 MIDDLE ROSE CIRCLE
LOUISVILLE KY 40272

LOIS K MARTIN REVOCABLE LIVING TRUST
363 HARRISON AVE
CAMPBELL CA 95008

DIXIE BAKER & ROXANNE RHODES
6235 MIDDLE ROSE CIRCLE
LOUISVILLE KY 40272

BONNIE TRENT
116 EASTLAND DRIVE
BARDSTOWN KY 40004

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Neighborhood Meeting

For

Valley Commons II

10626 Dixie Hwy

Case # 14CUP1002

Name _____

Street Address

Zip

Name Dudley Zear

Street Address Zip
1803 Vine Court Dr 40272

40272

El Nopal Conditional Use Permit

Neighborhood Meeting Notes

Date: Tuesday, March 11, 2014, 6:00 P.M.

Location: Forcht Bank Lobby, 8492 Dixie Highway

Attendees: Jim Calvery, Nicklies Development; Bill Sanders, Heritage Engineering, Dudley Spears, Michael Bowan (Assistant to Councilwoman Fowler)

Notes:

- Jim Calvery made a brief presentation
- Mr. Calvery explained that Nicklies was, on behalf of El Nopal, requesting a conditional use permit to allow alcohol to be served outdoors.
- Mr. Calvery explained the general site layout and explained the development plan had already been approved by Louisville Metro
- Mr. Spears noted that he had no objections to the request
- Mr. Bowman stated that he was there to observe the request

6. Applicant's Justification Statement

HERITAGE ENGINEERING, LLC

March 17, 2014

Latondra Yates
Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

Re: Conditional Use Permit – Letter of Explanation / Justification Letter

Dear Latondra:

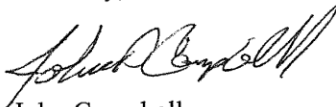
On behalf of Valley Commons II we are submitting the attached Conditional Use Permit (CUP) Plan for a restaurant to be constructed on a 0.722 Acre parcel located at 10,626 Dixie Hwy. This CUP Application request is to allow for the serving of alcohol on the outdoor patio. With CUP approval the operator of the property will obtain the ABC license for a *Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales.*

The Category 2B Development Plan and Landscape Plan have been approved for the proposed restaurant. Proposed hours of operation are 9am to 12am (Midnight) with no indoor entertainment.

Compliance with the Comprehensive Plan and Section 4.2.42 (Conditional Use – Outdoor Alcohol Sales/Indoor Entertainment Activity for Restaurants in the C-1 Zoning District) is achieved both through site design and type of use with the restaurant being a family friendly establishment with site design features limiting any impacts to the neighborhood. Design features include placement of the outdoor patio in relationship to commercial activities along Dixie Hwy and commercial uses adjacent to the site. Both a landscape buffer along Dixie highway and a metal rail is provided around the patio area where the sale and consumption will occur.

Thank you for your review of the submitted CUP; we request that you consider advancing this application to the next available Board of Zoning Adjustments agenda as we have already obtained Category 2B approval for the restaurant use, addressed all pre-application comments from the agencies and are only seeking approval for the serving of alcohol on the outdoor patio area. In the meantime, please advise us immediately if additional information is needed.

Sincerely,


John Campbell

Encl. CUP Application and Plan

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