

Development Review Committee
Staff Report
August 5, 2015



Case No(s):	15DEVPLAN1091
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

- Waiver from Chapter 10.3.6 of the Land Development Code to reduce the required landscape buffer from 25 feet to 20 feet and omit the required berming in the landscape buffer along Main Street
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

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.

Existing Zoning District: C-1, Commercial
Existing Form District: SMC, Suburban Marketplace
Existing Use: Vacant
Proposed Use: Restaurant
Minimum Parking Spaces Required: 500
Maximum Parking Spaces Allowed: 733
Parking Spaces Proposed: 530
Plan Certain Docket #: 9-38-94

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

15CUP1021: Conditional Use Permit to allow outdoor alcohol sales/consumption in a C-1 zoning district. The proposal was heard by BOZA on August 3, 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.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (Scenic Corridor along Main Street)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since extensive buffering and plantings will exist along the property perimeter.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7

calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the subject site will be developed in keeping with the established commercial development in the general vicinity.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because they could not develop the site in keeping with the established setbacks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP 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: The subject site is the only undeveloped outparcel in the development. Tree canopy requirements of the Land Development Code will be met.

- 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 has approved the preliminary development plan. Also the mayor of Douglass Hills has provided a letter of approval.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required.

- 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 provisions 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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 development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

There are no outstanding technical review issues that need to be addressed.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting Land Development Code Waivers and Detailed District Development Plans as established in the Land Development Code.

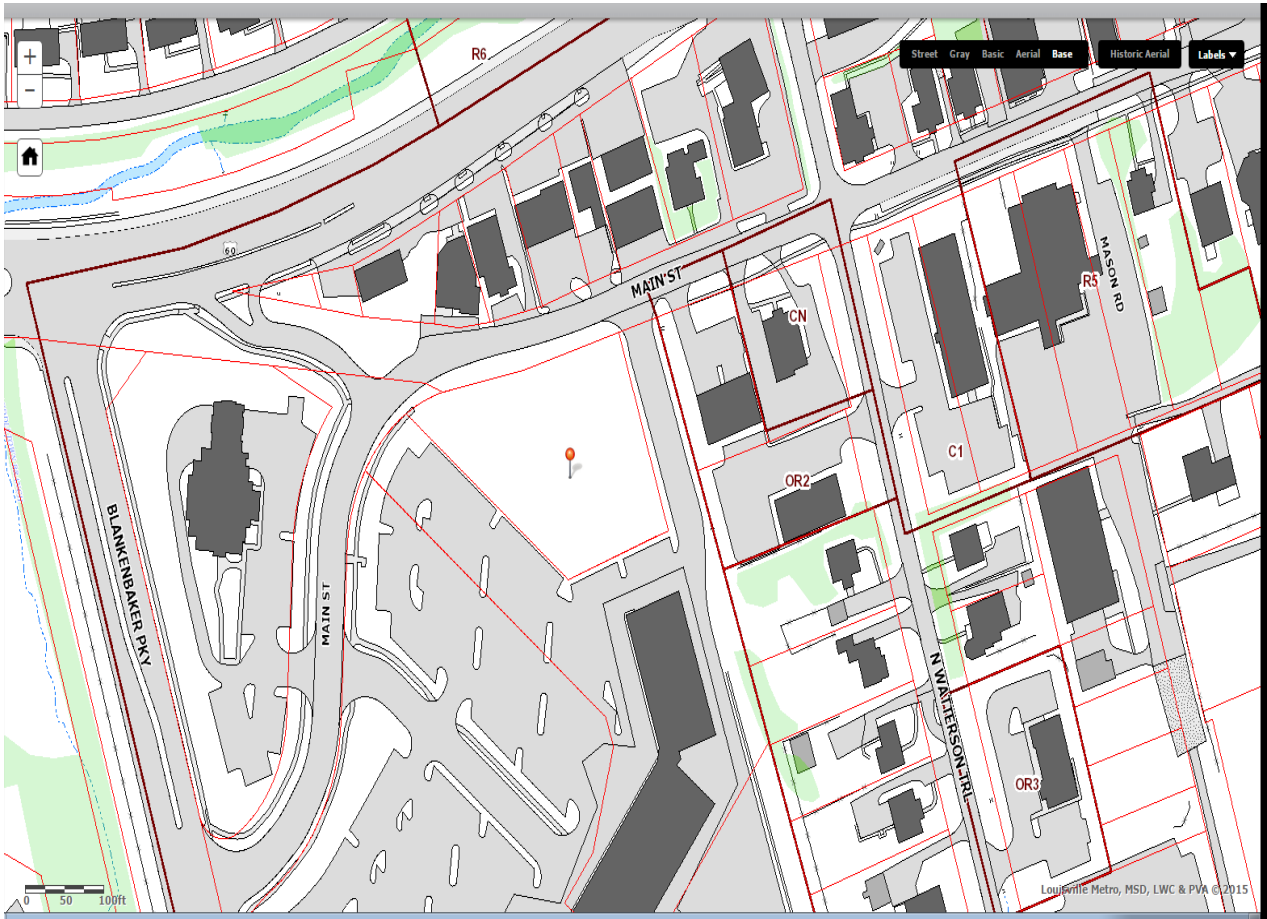
NOTIFICATION

Date	Purpose of Notice	Recipients
7/17/15	Hearing before DRC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 13 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Binding Elements

All binding elements from the approved General Development Plan are applicable to this site in addition to the following:

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 **(and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown)** for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The appropriate **(variances (or conditional use permit))** shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
(Note: if no new construction, time frame for compliance to be negotiated with applicant and inserted here).
5. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 6. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 7. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
 8. If a **certificate of occupancy (building permit)** is not issued within one **(two)** year(s) of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission. **(ONLY USE THIS FOR NON-LDC UPDATE SITES – UPDATES DICTATE 2 YEAR EXPIRATION SO NO B.E. NEEDED)**
 9. 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.
 10. There shall be no outdoor music (live, piped, radio or amplified) **or** outdoor entertainment **or** outdoor PA system **(audible beyond the property line or permitted on the site).**
 11. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 12. Directional style or attached signage is required on both lots stating that parking is permitted on both lots. **(for off-site only)**

13. 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.

City of Douglass Hills

P.O. Box 43284
Louisville, Kentucky 40253-0284

Office: 219 Moser Road

Telephone: 245-3600

To Whom It May Concern,

The City of Douglass Hills, a home rule (4th class) City located in Eastern Jefferson County is comprised of approximately 6,000 citizens.

Whereas, we are mostly a residential community, we do have a limited number of commercial property.

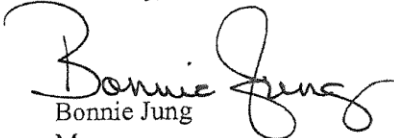
When the city was approached by Chad Coulter, the owner of Louvinos, we were indeed pleased that he has chosen 11400 Main Street, Douglass Hills, KY for the location of his second restaurant.

Unlike franchise and chain restaurants, Louvinos will bring an unique dining experience to our area.

Working with the whole team for the Douglass Hills Development Project has indeed been a pleasure. They understood all the binding elements for the property, and the Land Development Code. They have presented their initial request to the City Council and it was favorably received by the Council.

The City Council and Mayor of Douglass Hills, highly endorse this project, and ask that the Board of Zoning, and the Development Review Committees, approve the plans for this development.

Sincerely,


Bonnie Jung
Mayor
City of Douglass Hills

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"An Equal Opportunity Employer"

15DEVPLAN1091