

# Board of Zoning Adjustment Staff Report

August 29, 2016



<b>Case No:</b>	16CUP1024
<b>Project Name:</b>	Gander Restaurant
<b>Location:</b>	111 South English Station Road
<b>Owners:</b>	Landis, LLC
<b>Applicant:</b>	A.C. Mike, LLC
<b>Representative(s):</b>	Ann and Chris Mike
<b>Project Area/Size:</b>	718 square feet
<b>Existing Zoning District:</b>	C-1, Commercial
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Jon Crumby, Planning & Design Coordinator

## REQUEST

- Conditional Use Permit to allow outdoor alcohol sales and consumption in a C-1 zoning district.

## CASE SUMMARY

The applicant is opening a full service restaurant in Landis Lakes Towne Center with a seating capacity of 165. They would like to add an outdoor area that will allow alcohol sale and consumption. The hours of operation are as follows, Monday through Thursday 11:00 a.m. – 10:00 p.m.; Friday and Saturday 11:00 a.m. – 11:00 p.m.; and Sunday 9:00 a.m. – 10:00 p.m. The area will seat 30 patrons and allow for 9 tables. The area will be wired for music.

## SITE CONTEXT

The site has an existing structure on it, which is to remain. The existing structure is part of the Landis Lakes Town Center that includes various retail, restaurant, general office, and medical office uses. The site has residential/commercial uses to the north, commercial uses to the west, residential to the south, and residential multi-family to the east.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Commercial	C-1	N
<b>Proposed</b>	Restaurant/Outdoor Alcohol	C-1	N
<b>Surrounding Properties</b>			
<b>North</b>	Commercial, Residential	C-1	N
<b>South</b>	Residential	R-5A	N
<b>East</b>	Residential, Commercial	R-4	N
<b>West</b>	Commercial	C-1	N

### PREVIOUS AND ASSOCIATED CASES ON SITE

**14CUP1005** CUP to allow outdoor alcohol sales and consumption in a C-1 zoning district. This request was approved on May 19, 2014.

**B-16035-11** CUP to allow outdoor alcohol sales and consumption in a C-1 zoning district. This request was approved on March 19, 2012.

### INTERESTED PARTY COMMENTS

A neighborhood meeting was held on July 11, 2016 at 5:00 p.m. One person was present at the meeting. Questions were asked about the number of seats inside the restaurant, which is 150 and when the restaurant will open, mid to late August.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
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 all applicable policies of the Comprehensive Plan. A landscape plan has been approved and implemented.

#### 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 subject site is located in a commercial area that has a mix of business services, retail, restaurants, medical office, and is a focal point for several surrounding neighborhoods. All the commercial uses in the area have similar, scale, intensity, traffic, noise, and lighting.

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 proposal has been reviewed by Public Works and MSD and both have approved the plan. The Middletown Fire Protection District has reviewed and approved the proposal.

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

4.2.41 Outdoor Alcohol Sales and Consumption/Indoor Entertainment Activity for a Restaurant in the C-1 Zoning District Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C-1 zoning district upon the granting of conditional use permit and compliance with the listed requirements. There are eight requirements and item A., E., F., and G. will be met. Item B., C., and D. do not apply.

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

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.

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.

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).

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

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

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

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.

## **TECHNICAL REVIEW**

There are no outstanding technical review items.

### STAFF CONCLUSIONS

This proposal is compatible with the surrounding commercial area which includes several restaurants with outdoor patio areas.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

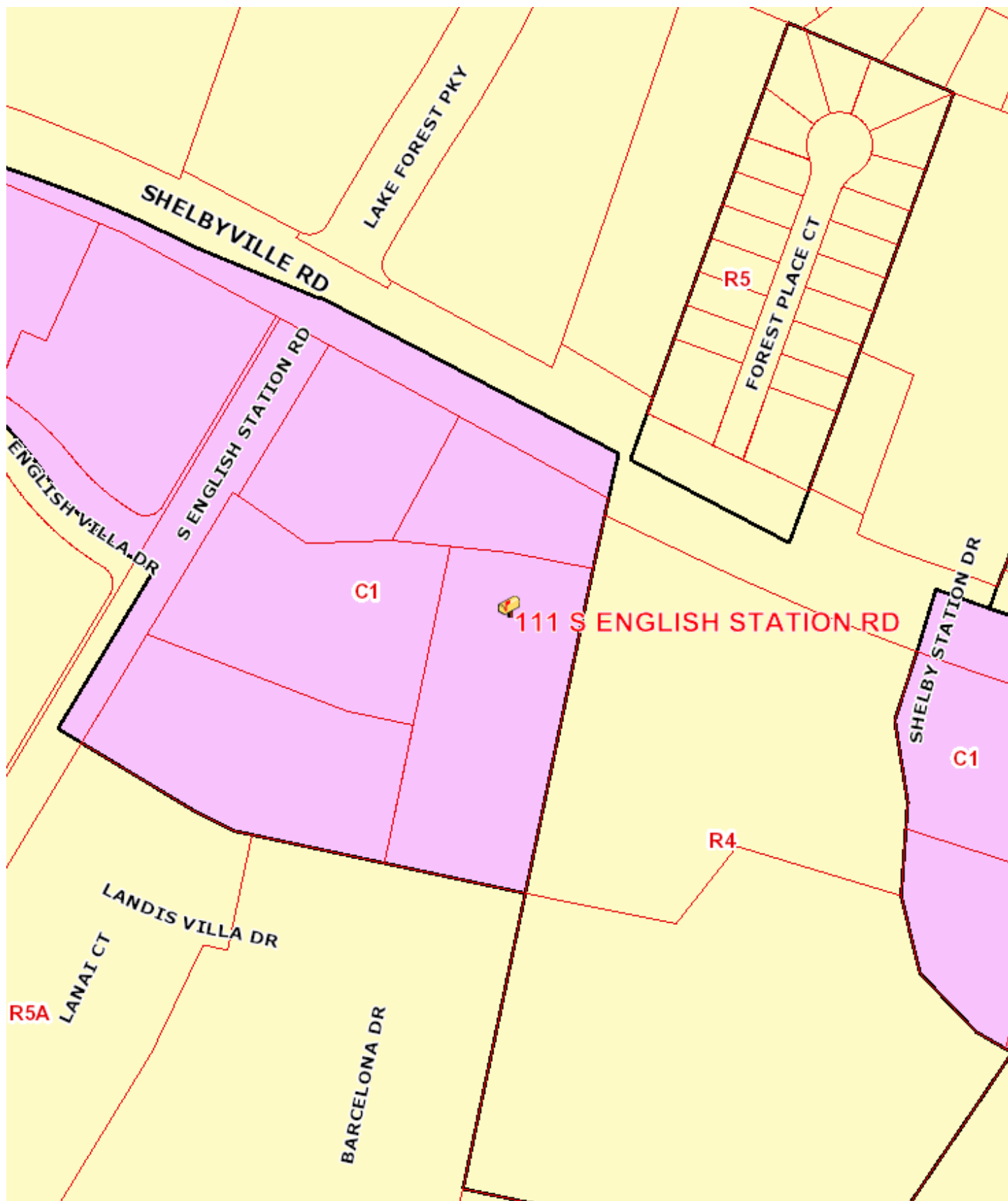
### NOTIFICATION

Date	Purpose of Notice	Recipients
8/11/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
8/12/16	Sign Posting	Subject Property

### ATTACHMENTS

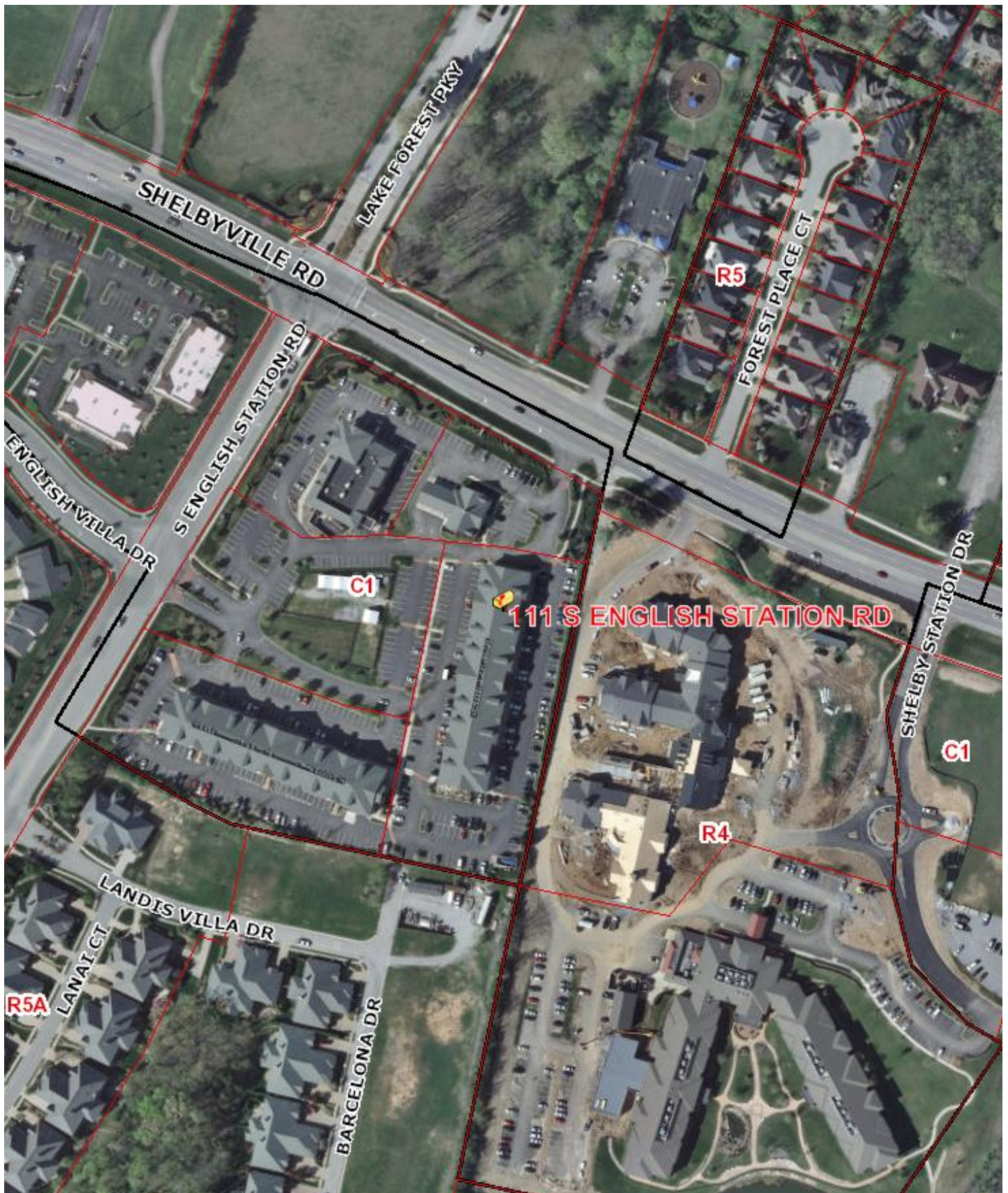
1. Zoning Map
2. Aerial Photograph
3. Pending Liquor License
4. Conditions of Approval

1. **Zoning Map**





2. Aerial Photograph



3. Comment


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## Permit Detail



Louisville-Jefferson County Metro Government

### Department of Codes and Regulations

Licenses &amp; Permits /ABC

444 S. 5th Street

Louisville, KY 40202

502.574.6230

[www.louisvilleky.gov/ip/LNP/](http://www.louisvilleky.gov/ip/LNP/)

## ABC License Detail

License Number	16ABC1093	Issued Date		Expiration Date	02/28/2017
Contractor:	A C MIKE LLC 2923 GOOSE CREEK RD LOUISVILLE, KY 40241-	Owner:	A C MIKE LLC 2923 GOOSE CREEK RD LOUISVILLE, KY 40241-		
Application Name	GANDER	Category Type	Restaurant / Cafe	Zoning	C1
Own/Lease		Lease Expires			
Comments:	PER METRO ZONING NO OUTDOOR COMSUMPTION OR ENTERTAINMENT IS ALLOWED				

## Endorsement List

Endorsement Type	Status	Issue Date	Initial By	Initial Date	Comments
NQ2 Retail Drink (Restaurant)	Pending				
Sunday Drink	Pending				

## Inspection History

Inspection Number	Inspection Date	Type	Inspector	Complete Date	Result	Inspector Comments
1943777	06/15/2016	ROUTINE	DANIELEMBRY	06/15/2016	COMPLETED	Location is not ready, will be opening in Aug.
1943388		FIELD				NQ2 RETAIL DRINK LICENSE & SUNDAY DRINK CONTACT: CHRIS MIKE AT 502-339-8070

## Print Options

### **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 and consumption without further review and approval by the Board.