

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## DETAILED STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Owner: BCCN Real Estate Holdings, LLC

Applicant: Goss Avenue Restaurant, LLC

Location: 1031, 1035, 1037 and 1041 Goss Ave

Proposed Use: Restaurant

Requests: Conditional Use Permit to allow outdoor sales and consumption of alcoholic beverages

### INTRODUCTORY STATEMENT

The applicant is requesting a Conditional Use Permit (CUP) to allow outdoor sales and consumption of alcoholic beverages for the proposed restaurant on the existing zoned C-1 lots. Included in the CUP is also a Category 2B plan as this proposal adjoins a law office to the east. The existing law office and proposed restaurant will share parking.

As to the LDC provision requiring a CUP for the outdoor sale and consumption of alcoholic beverages, this use is now standard with virtually all restaurants in light of the smoking ordinance in Metro Louisville. Whereas some bars and restaurants previously had “alfresco” dining, many did not. As said, the smoking ban made it almost a necessity for bars and restaurants to have outdoor seating areas because patrons do not want to leave their drinks inside when they go outside to smoke. But that does not mean that these areas are exclusively for smokers, just that it becomes now more of a necessity than an option.

A neighborhood meeting was held on July 31, 2018 and another is likely to be scheduled to provide more detail to some of the issues raised at the first meeting. Unlike some examples of bars and restaurants with outdoor seating areas for sale and consumption of alcoholic beverages, this area is set to be largely screened by the building from the nearest residential, which incidentally is also zoned C-1.

### GUIDELINE 1 – COMMUNITY FORM

The Community Form for this property is the Traditional Neighborhood Form District which is characterized by both residential as well as neighborhood centers with a mixture of uses, such as that found on Goss Ave. This application complies with this Guideline because this is a neighborhood center by all accounts, with a mixture of neighborhood serving uses with accessibility, not just to customers visiting in automobiles, but also via transit, pedestrian walkways and bicycles.

Works standards governing access, internal circulation and so on.

### **GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT**

This application complies with the Intents and applicable Policies 1, 2, 3 and 4 of this Guideline because transit is available along Goss Avenue at this location. Also, this center is accessible by people using bicycles and those walking.

### **GUIDELINE 10 – FLOODING AND STORMWATER**

This application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline because, the development plan must receive the stamp of approval from MSD in advance of docketing for BOZA review, thus demonstrating compliance with MSD regulations regarding stormwater management. Furthermore, no additional impervious surfaces are being created as a consequence of the areas set aside for outdoor seating for the sale and consumption of alcoholic beverages.

### **GUIDELINE 11 – WATER QUALITY**

This application complies with the Intents and applicable Policy 3 of this Guideline because, to the extent that any additional construction is required, and none is expected, it would be required to comply with the MSD soil erosion and sedimentation control ordinance.

### **GUIDELINE 12 – AIR QUALITY**

This application complies with the Intents and applicable Policies, 1, 2, 3, 4, 6, 7, 8 and 9 of this Guideline because, if anything, locating an additional amenity in this area for the sale and consumption of alcoholic beverages outside the proposed restaurant, should reduce vehicle miles traveled for people looking to visit restaurant facilities with outdoor seating.

### **GUIDELINES 14 AND 15 – INFRASTRUCTURE AND COMMUNITY FACILITIES**

This application complies with the Intents and applicable Policies of these Guidelines because infrastructure already exists and utilities are available at the site.

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For all of the above reasons and others identified on the Detailed District Development Plan submitted with this application, including conditions of approval to be addressed with neighbors and presented by the time of LD&T review, this application complies with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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