

Land Development and Transportation Committee Staff Report March 25, 2021



Case No:	21-DDP-0005
Project Name:	Hogfather
Location:	1301 Story Ave
Owner(s):	Utcherbay Owntay, LLC.
Applicant:	Andy Blieden
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Luckett, AICP, Planner I

REQUEST(S)

- Revised Detailed District Development plan with replacement of existing binding elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 1,800 SF of exterior deck and outdoor dining space on an existing 8,306 SF restaurant. The site is located at the intersection of Story Ave and Cabel St in the Butchertown area of Louisville Metro. It is zoned C-3 in the Traditional Marketplace Corridor form district. The building was originally constructed as a restaurant under docket 9-43-77. The applicant is also proposing to restripe the existing parking lot to accommodate angled parking along the rear of the site.

STAFF FINDING

The request is adequately justified and meet the standards of review. The additional outdoor dining space will allow the site to remain a restaurant serving the Butchertown neighborhood, while the existing binding elements are outdated and in some parts conflict with requirements of the Land Development Code.

TECHNICAL REVIEW

The Butchertown Architectural Review Committee reviewed aspects of exterior changes related to this project at the 3-17-21 meeting.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

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: There do not appear to be any environmental constraints or historic resources on the subject site.

- 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 Transportation Planning Staff has approved the preliminary development plan.

- 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 has approved the preliminary development plan and 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. Buildings and parking lots will meet all required setbacks. The Butchertown Architectural Review Committee will ensure compliance with neighborhood architectural standards.

- 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.

REQUIRED ACTIONS:

- **APPROVED or DENY the Revised Detailed District Development Plan with replacement of existing Binding Elements**

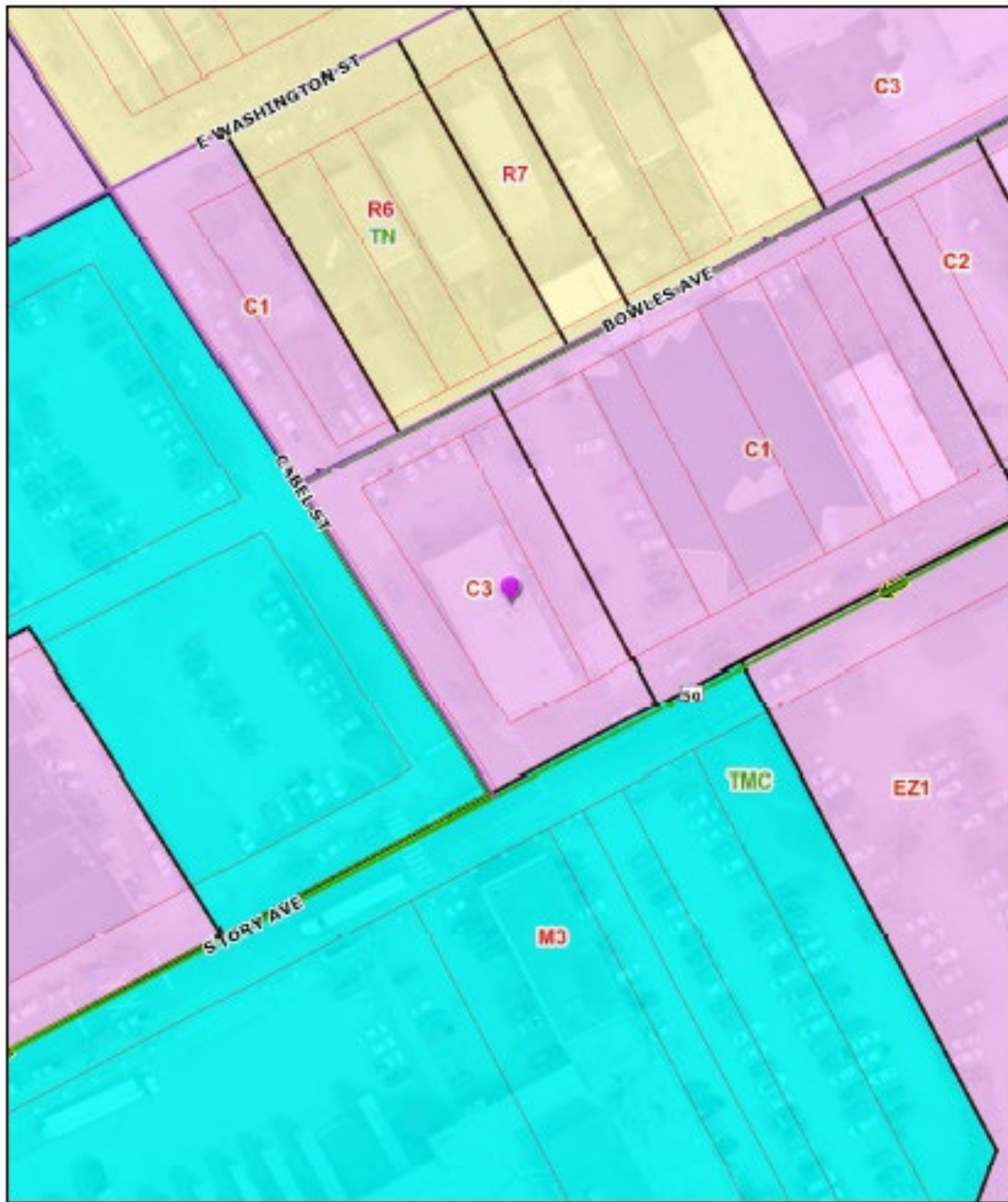
NOTIFICATION

Date	Purpose of Notice	Recipients
3-10-21	Hearing before LD&T	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



21-DDP-0005

Tuesday, March 16, 2021 | 2:04:14 PM



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2. Aerial Photograph



21-DDP-0005

Tuesday, March 16, 2021 | 2:02:53 PM



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3. **Existing Binding Elements to be replaced**

1. ~~Access from Story Ave will be one-way in. The exit will be to Cabel St.~~
2. ~~No access will be permitted from the site to the alley along the rear property line.~~
3. ~~At least 19 parking spaces will be provided.~~
4. ~~The size and location of any sign will be submitted and approved by the Planning Commission prior to construction.~~
5. ~~No live entertainment will be permitted.~~
6. ~~The plan must be approved by the Water Management Section of the Jefferson County Works Department and the Traffic Engineering Department before building permits are issued.~~
7. ~~Unless the use in accordance with the approved plan and binding elements has been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such a time as a district development plan has been approved by the Planning Commission.~~

4. Proposed 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. 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 is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the State right-of-way.
5. 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.