

**Letter of Explanation  
Conditional Use Permit  
First Watch Restaurant – Holiday Manor  
4948 US Highway 42  
7/12/21**

The applicant is requesting approval of a Conditional Use Permit to allow outdoor alcohol consumption for a First Watch restaurant located at 4948 US Highway 42. PDS Staff (Molly Clark) approved a Category 2B Development Plan (21-CAT2-0001) for the proposed restaurant on 6/3/21, and BOZA approved waivers and a variance associated with the project on 5/3/21. The request is to allow alcohol consumption on the two outdoor patio areas shown on the approved development plan.

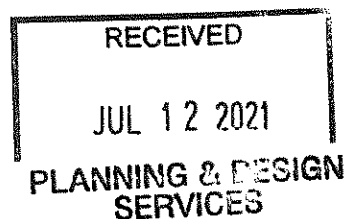
An existing Arby's building will be removed and a new First Watch building will be constructed in approximately the same location on the site, which is pre plan-certain. The applicant proposes to utilize the existing site features to the greatest extent possible. Existing parking, access, landscaping, stormwater management and signage will remain. The number of existing parking spaces on the site will not be increased.

The site is within Louisville Metro, is zoned C-1 and is within the Town Center Form District.

**Land Development Code Section 4.2.41 – Outdoor Alcohol Sales and Consumption for a Restaurant in a C-1 Zone**

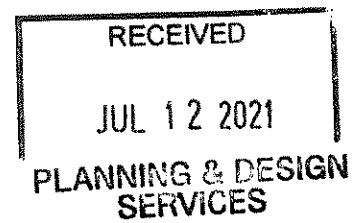
Outdoor Alcohol Sales and Consumption/Indoor Entertainment Activity for a Restaurant in the C-1 Zoning District Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C1 zoning district upon the granting of conditional use permit and compliance with the listed requirements:

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.
  - a. The outdoor patio areas shown on the development plan are the designated areas for outdoor alcohol consumption.
- 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.
  - a. The outdoor dining areas are not located within a public right-of-way.
- C. 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).
  - a. The outdoor dining areas are not located within 50' of residentially zoned or used property.



21 - M.C.U.P. - 0107

- D. This conditional use permit shall be limited to restaurant uses in the C-1 zone that hold the following types of ABC licenses:
- a. Restaurant liquor and wine license by the drink for 100 plus seats
  - b. Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales
    - a. The appropriate ABC license will be obtained prior to outdoor alcohol consumption in the designated areas.
- E. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
- a. The restaurant is only open for breakfast, brunch and lunch hours.
- F. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- a. All activities occurring on the property will be compliant with the Metro Noise Ordinance.



21 - III CUP - 0107

## Neighborhood Meeting Summary 7/8/21

Recording Present

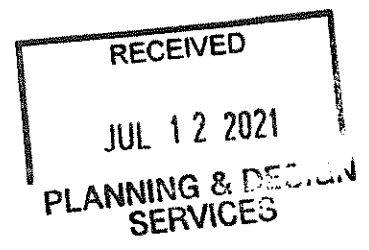
The Webex neighborhood meeting began at 6:00 pm.

Councilwoman Paula McCraney was the only individual who logged on to the Webex neighborhood meeting.

Members of the development team in attendance included Mike Hill from Land Design and Development, Inc., and Amanda Williams of HSH Holland, Inc.

A brief discussion with Councilwoman McCraney occurred. No significant concerns were raised and the Councilwoman expressed her support for the project.

The meeting ended at approximately 6:10 PM.

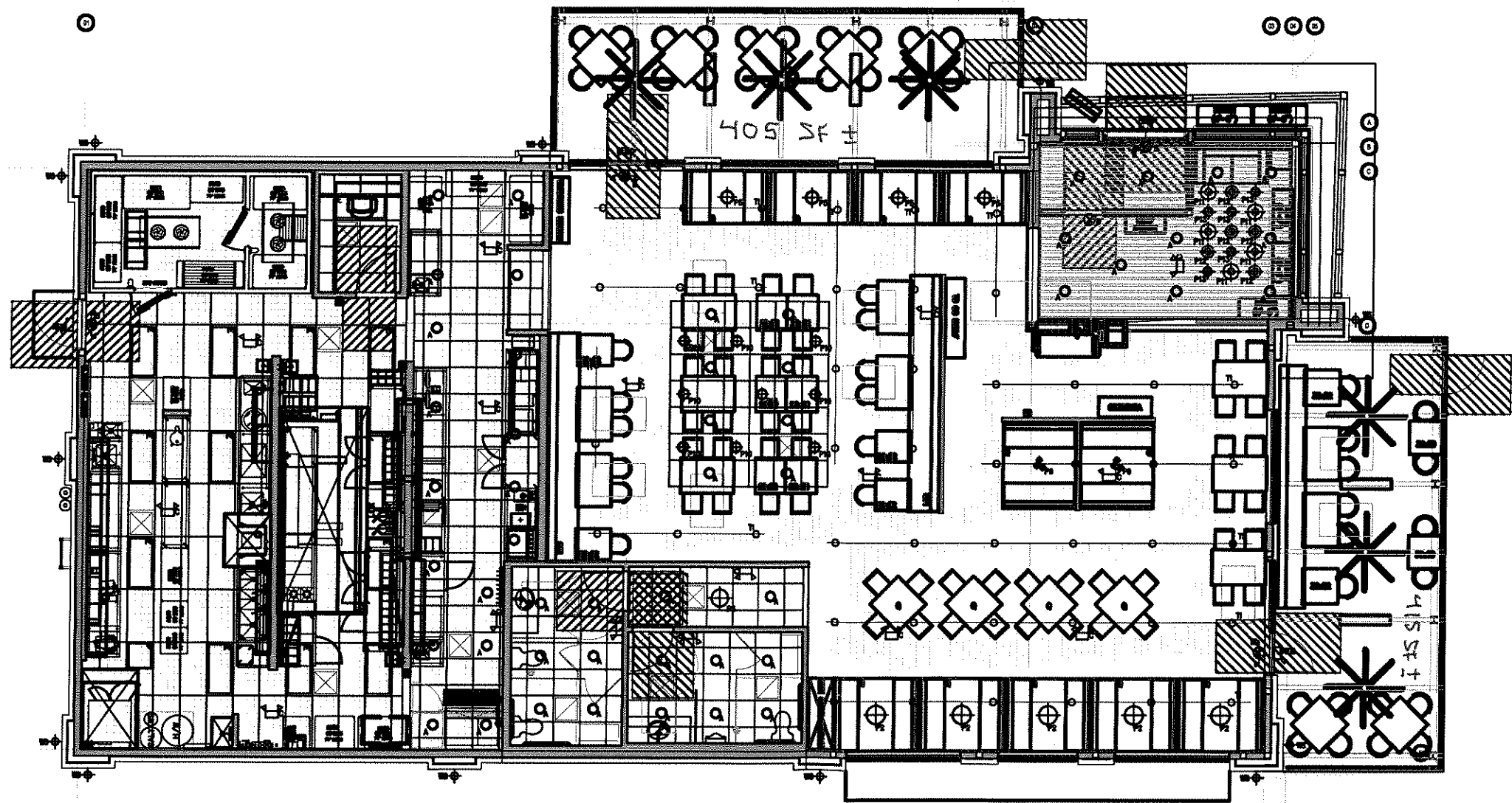


21-1 CUP - 0107

SIGN IN SHEET - NEIGHBORHOOD MEETING - 7/8/21		
NAME	ADDRESS	PHONE
COUNCILWOMAN PAULA MCCRANEY	601 W. JEFFERSON ST - LOUISVILLE, KY 40202	
		EMAIL
		PAULA.MCCRANEY@LOUISVILLEKY.GOV

RECEIVED  
JUL 2 2021  
PLANNING DEPT

21 - L. SUP - 0107



NOTE:  
ALL SQUARE FOOTAGE CALCULATIONS AND  
FIXTURE PLACEMENT ARE APPROXIMATE.  
ARCHITECT TO COORDINATE WITH FIELD  
VERIFIED DIMENSIONS PRIOR TO  
CONSTRUCTION,

#### WAIT SEAT TABULATION

INTERIOR ONLY	ACTUAL	
	UNITS	SEATS
CLASSIC 4' BENCH (2 SEATS EA.)	3	6
CLASSIC 5' BENCH (3 SEATS EA.)	-	-
CHAIR W/ ARMS (1 SEAT EA.)	-	-
CHAIR W/O ARMS (1 SEAT EA.)	-	-
LOVE SEAT (3 SEATS EA.)	1	3
TOTAL:	4	9

#### INTERIOR TABLE TABULATION

	ACTUAL		RANGE	
	TABLE	SEATS	TABLE	SEATS
2-TOPS	4	8	8	16
4-TOPS	21	84	18	72
6-TOPS	7	42	6	36
8-TOPS	-	-		
COMMUNITY	-	-		
TOTAL:	32	134	32	124

#### EXTERIOR TABLE TABULATION

	ACTUAL		RANGE	
	TABLE	SEATS	TABLE	SEATS
TOTAL:	13	44		

#### MISCELLANEOUS ITEMS

	YES	NO	SOFT. OF SHELVES
DOUBLE DISH MACHINE		X	(HIGH TEMP)
WALK-IN SIZE: 9'-2"x16'-7"	X		71sqft
EXTRA PREP TABLE	X		64sqft
MEETS ALL BRAND STANDARDS			

#### SQUARE FOOT TABULATION

	ACTUAL	RANGE
LEASEABLE SF	4,262 SF	3,400-3,800 SF
DINING	2,005 SF	
KITCHEN/OFFICE	1,603 SF	1,200-1,300 SF
RESTROOM	350 SF	275-300 SF
HOST	223 SF	235-250 SF
VESTIBULE	81 SF	
PDR	XXX SF	

RECEIVED  
JUL 12 2021  
PLANNING & DESIGN  
SERVICES