

**PLANNING COMMISSION MINUTES**  
**May 15, 2025**

**PUBLIC HEARING**

**CASE NO. 25-ZONE-0006**

|                   |  |
|-------------------|--|
| Request:          | Change in zoning from R-6 Multi-Family to C-1 Commercial with associated waiver(s), variance(s), Detailed District Development Plan, and binding elements. |
| Project Name:     | Dutch Bros Coffee Shop – S 3 <sup>rd</sup> St.   |
| Location:         | 3145 R, 3147, 3151, & 3153 S 3 <sup>rd</sup> St  |
| Applicant:        | Bowman Consulting Group  |
| Representative:   | Bowman Consulting Group  |
| Jurisdiction:     | Louisville Metro   |
| Council District: | 15 – Jennifer Chappell   |
| Case Manager:     | Mark Pinto, Planner II   |

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Office of Planning offices, 444 S. 5th Street.)

**Agency Testimony:**

02:24:50 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto outlined the development plan, elevations, and access. Pinto responded to questions from Commissioners. (See recording for details).

**The following spoke in favor of this request:**

Sam Jones, 3001 Taylor Springs Dr, Louisville, KY 40220

**Summary of testimony of those in favor:**

02:31:20 Sam Jones spoke in favor of the request and presented a PowerPoint presentation. Jones gave an overview of the proposed development plan, landscaping, tree canopy, parking, and elevations. Jones responded to questions from Commissioners. (See recording for details).

**The following spoke in opposition of this request:**

**None**

**PLANNING COMMISSION MINUTES**  
**May 15, 2025**

**PUBLIC HEARING**

**CASE NO. 25-ZONE-0006**

**Deliberation:**

02:37:30      Planning Commission deliberation.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Change in zoning from R-6 Residential Multi-Family to C-1 Commercial**

02:38:10      On a motion by Commissioner Mims, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted.

**WHEREAS**, the Planning Commission finds the Traditional Neighborhood: This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings, and

**WHEREAS**, the Planning Commission finds the Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants, and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments, and

**WHEREAS**, the Planning Commission finds the Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces; now, therefore be it.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Change in zoning from R-6 Residential Multi-Family to C-1 Commercial.

## PLANNING COMMISSION MINUTES

May 15, 2025

### PUBLIC HEARING

CASE NO. 25-ZONE-0006

The vote was as follows:

**YES: Commissioners Benitez, Lohan, Steff, Kern, Lannert, Fischer, Cheek, Mims and Sistrunk**

**ABSENT: Commissioner Bond**

**Variance from Land Development Code (LDC) 5.5.1.A.2 to allow the building to not be located within 0'-5' of the corner (24-VARIANCE-0160).**

**Corner of 2nd St & Central Station Blvd (Required: 0-5', Requested: 180', Variance: 175')**

02:38:45 On a motion by Commissioner Mims, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today, was adopted:

**WHEREAS**, the Planning Commission finds the requested variance will not adversely affect public health, safety, or welfare of the area since the location of the building will not impede the safe movement of vehicles and pedestrians travelling along the sidewalks and abutting roadways. The requested variance will not cause a hazard or nuisance to the public since the building will be required to comply with all applicable building and fire code regulations. Provisions in place to protect the public and adjacent properties from potential nuisances such as lighting and the noise ordinance are applicable to the site, and

**WHEREAS**, the Planning Commission finds the requested variance will not alter the essential character of the area since the adjacent commercial activity center is designed so the buildings are setback a sizeable distance from the road with parking in front of the building. The proposal is designed to enhance compatibility with the Traditional Neighborhood form district since the building will be constructed close to S. 3rd Street, being the primary street, with the parking and drive-through lanes behind the building.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations since the building is being constructed close to S. 3rd Street frontage, which is the primary street. While the regulations require the building to be constructed at the corner, this would require the building to be constructed on the portion of the site that functions as the rear yard, and

**WHEREAS**, the Planning Commission finds the requested variance arises from circumstances which do not generally apply to land in the general vicinity and the same zone since the site is a triple frontage lot, which frontage along S. 3rd Street, S. 2nd Street, and Central Station Boulevard. S. 3rd Street functions as the primary street,

## PLANNING COMMISSION MINUTES

May 15, 2025

### PUBLIC HEARING

#### CASE NO. 25-ZONE-0006

instead of the intersection of S. 2nd Street and Central Station Boulevard, which is the 0-5' corner setback requirement, and

**WHEREAS**, the Planning Commission finds the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land since the building would be required to be constructed on the area of the lot that functions as the rear yard. The parking and vehicular circulation area would then be in front of the building, which would reduce compatibility with the Traditional Neighborhood form district and make development challenging on this site, and

**WHEREAS**, the Planning Commission finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The development plan and zoning change are proposed, and construction has not yet begun; now, therefore be it.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from Land Development Code (LDC) 5.5.1.A.2 to allow the building to not be located within 0'-5' of the corner (24-VARIANCE-0160). Corner of 2nd St & Central Station Blvd (Required: 0-5', Requested: 180', Variance: 175')

**The vote was as follows:**

**YES: Commissioners Benitez, Lohan, Steff, Kern, Lannert, Fischer, Cheek, Mims and Sistrunk**

**ABSENT: Commissioner Bond**

#### **Waivers:**

**1. Waiver from LDC 10.2.4 to waive the required 15 ft. property perimeter LBA along the northern property line. (25-WAIVER-0017)**

02:39:35 On a motion by Commissioner Mims, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today, was adopted:

**WHEREAS**, the Planning Commission finds the requested waiver will not adversely affect adjacent property owners since the area of the waiver shares a property line with a vacant lot at the corner of Central Station Boulevard and S. 3rd Street, that is owned by the adjacent Central Station shopping center. The required 15 ft. LBA is provided along the zoning and property boundary line to the south, which separates the proposal and a residential building, and

## PLANNING COMMISSION MINUTES

May 15, 2025

### PUBLIC HEARING

#### CASE NO. 25-ZONE-0006

**WHEREAS**, the Planning Commission finds the Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Adequate landscaping and screening are being provided along the southern property line, which should mitigate potential adverse impacts of the proposal for the adjacent residences. Additional landscaping is provided along S. 2nd Street and Central Station Boulevard, and

**WHEREAS**, the Planning Commission finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the impervious area could be reduced to meet the LDC requirements. However, the property to the north at the corner is vacant with no residential structure. The preliminary site plan exhibits an approximate 4 ft. landscape buffer area being provided where the required 15' LBA would be located, and

**WHEREAS**, the Planning Commission finds the applicant has incorporated other design measures that exceed the minimums of the district and compensates for non-compliance with the requirement to be waived. The development plan shows tree canopy being provided where in the Traditional Neighborhood form district, tree canopy is not a requirement. The proposal is providing additional interior landscaping areas (ILAs) than the LDC requires. Lastly, the applicant is maintaining the 15' LBA with an 8 ft. tall fence along the southern property line and proposed zoning line, which should aid in mitigating potential impacts of the development for the adjacent residents, and

#### **2. Waiver from LDC 5.5.1.A.3.a to allow parking and drive-through lanes to be located between the building and right-of-way. (25-WAIVER-0018)**

**WHEREAS**, the Planning Commission finds the requested waiver will not adversely affect adjacent property owners since the adjacent commercial activity center is designed to have vehicular use areas and parking in front of the buildings, exhibiting a suburban style commercial center. The proposal is designed to enhance compatibility with the Traditional Neighborhood form district since the building will be constructed close to S. 3rd Street, being the primary street, with the parking and drive-through lanes behind the building, and

**WHEREAS**, the Planning Commission finds the Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The Traditional Neighborhood form district requires parking to be located behind the building. The subject site is a triple frontage lot, with frontage along S. 3rd Street, S. 2nd Street, and Central Station Boulevard. The building is being constructed close to the S 3rd Street frontage, the primary street, with the parking and vehicular

**PLANNING COMMISSION MINUTES**  
**May 15, 2025**

**PUBLIC HEARING**

**CASE NO. 25-ZONE-0006**

circulation behind the building. Therefore, the proposal is meeting the desired pattern of the Traditional Neighborhood form district, and

**WHEREAS**, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the subject site is a triple frontage lot, with frontage along S. 3rd Street, S. 2nd Street, and Central Station Boulevard. The parking lot would be visible from the road regardless of placement. The proposal is in keeping with the desirable design of the Traditional Neighborhood form district by having the building constructing close to the right-of-way of the primary street, and

**WHEREAS**, the Planning Commission finds the applicant has incorporated other design measures that exceed the minimums of the district and compensates for non-compliance with the requirement to be waived. The development plan shows tree canopy being provided where in the Traditional Neighborhood form district, tree canopy is not a requirement. The proposal is providing additional interior landscaping areas (ILAs) than the LDC requires. Lastly, the applicant is maintaining the 15' LBA with an 8 ft. tall fence along the southern property line and proposed zoning line, which should aid in mitigating potential impacts of the development for the adjacent residents; now, therefore be it.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver **(1)** from LDC 10.2.4 to waive the required 15 ft. property perimeter LBA along the northern property line. **(25-WAIVER-0017)** and Waiver **(2)** from LDC 5.5.1.A.3.a to allow parking and drive-through lanes to be located between the building and right-of-way. **(25-WAIVER-0018)**

**The vote was as follows:**

**YES: Commissioners Benitez, Lohan, Steff, Kern, Lannert, Fischer, Cheek, Mims and Sistrunk**

**ABSENT: Commissioner Bond**

**Detailed District Development plan with binding elements**

02:40:20 On a motion by Commissioner Mims, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today, was adopted:

**WHEREAS**, the Planning Commission finds there are no known natural resources on the property such as trees or living vegetation. The site is not in an environmentally sensitive area with conditions such as steep slopes, protected waterways, the floodplain, or

## PLANNING COMMISSION MINUTES

May 15, 2025

### PUBLIC HEARING

#### CASE NO. 25-ZONE-0006

unstable soils. The properties are vacant, therefore there are no historical structures to be preserved, and

**WHEREAS**, the Planning Commission finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan, and

**WHEREAS**, the Planning Commission finds the proposed development does not have open space requirements according to the Land Development Code, and

**WHEREAS**, the Planning Commission finds 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, and

**WHEREAS**, the Planning Commission finds the design of the proposal is compatible with the Traditional Neighborhood form district and surrounding existing and projected future development of the area. Adequate landscaping and screening are being provided to mitigate potential impacts of the proposed use from neighboring residences.

The building will be constructed close to the S. 3rd Street frontage with parking and vehicular circulation in the rear, which is in keeping with the desired design of the Traditional Neighborhood form district. C-1 zoning allows for a mix of neighborhood serving uses that can exist within the context of the Traditional Neighborhood form district. The site is adjacent to an established commercial activity center, Central Station, and neighboring residential uses, and

**WHEREAS**, the Planning Commission finds the plan is in conformance with the requirements of the Land Development Code, except where relief is specifically requested and the Comprehensive Plan; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development plan subject to the following 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.



**PLANNING COMMISSION MINUTES**  
**May 15, 2025**

**PUBLIC HEARING**

**CASE NO. 25-ZONE-0006**

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.
  - c. 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.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument OR A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 15, 2025, Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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



## **PLANNING COMMISSION MINUTES**

**May 15, 2025**

### **PUBLIC HEARING**

#### **CASE NO. 25-ZONE-0006**

implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. 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.

**The vote was as follows:**

**YES: Commissioners Benitez, Lohan, Steff, Kern, Lannert, Fischer, Cheek, Mims and Sistrunk**

**ABSENT: Commissioner Bond**