

Land Development and Transportation Committee

Staff Report
March 13, 2025



Case No:	24-ZONE-0137
Project Name:	Billtown Mixed Use
Location:	6422 Billtown Rd
Applicant:	Billtown Road Development LLC
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	22 – Kevin Bratcher
Case Manager:	Amy Brooks, Planning Supervisor

REQUEST(S)

- **Change-in-Zoning** from R4 single-family residential to R-6 multi-family and C-1 Commercial
- **Parking Waiver** from Land Development Code (LDC), Section 9.1.2 to exceed the number of required parking spaces (24-PARKWAIVER-0014)
- **Variances** from Land Development Code (LDC), Section 5.3.1, Table 5.3.2 to allow the proposed non-residential building on to exceed the maximum front and street side setbacks (24-VARIANCE-0156).

Location	Required	Proposed	Variance
Front Yard Setback (Variance 1)	80'	83'	3'
Street Side Setback	80'	192'	112'

- **General District Development plan/Major Preliminary Subdivision Plan** with Binding Elements
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY

The applicant is requesting to rezone two abutting parcels that currently front Billtown Road to allow the implementation of a development plan to construct a coffee shop, restaurant, multi-family dwelling units, and convenience store. The subject properties contain roughly 21.5 acres and are all zoned R-4 single-family residential and located in the Neighborhood Form District. The development will be divided into four separate tracts with Tracts 1,2, and 3 being rezoned to C-1 Commercial with Tract 4 being rezoned to R-6 multi-family residential. On Tract 1, the applicant is proposing a 6,400 square foot (SF) convenience store with a fuel station and EV charging stations. Tract 2's general plan proposes an 830 square foot coffee shop (with drive-thru and cooler). Tract 3 will be developed with a proposed 3,230 SF restaurant and outdoor patio area. Tract 4's proposal calls for the addition of 240 multi-family dwelling units. The development plan shows the primary access to the site from a Veteran's Drive expansion with provided improvements that would connect with Billtown Road and Gelhaus Lane.

STAFF FINDING

The proposal is ready for a public hearing before the Planning Commission.

TECHNICAL REVIEW

- The development site is in the Northeastern Quadrant of the Fern Creek Small Area Plan (2001) boundary area. While there are no specific recommendations for the site, the plan recommends critically evaluating changes in zoning that would allow uses that involve higher levels of intensity and density.
- MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

- All comments received have been placed in the record and made available to the Commission in advance of the public hearing.

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable Land use and Development policies of Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

REQUIRED ACTIONS:

- **Set** the public hearing date.

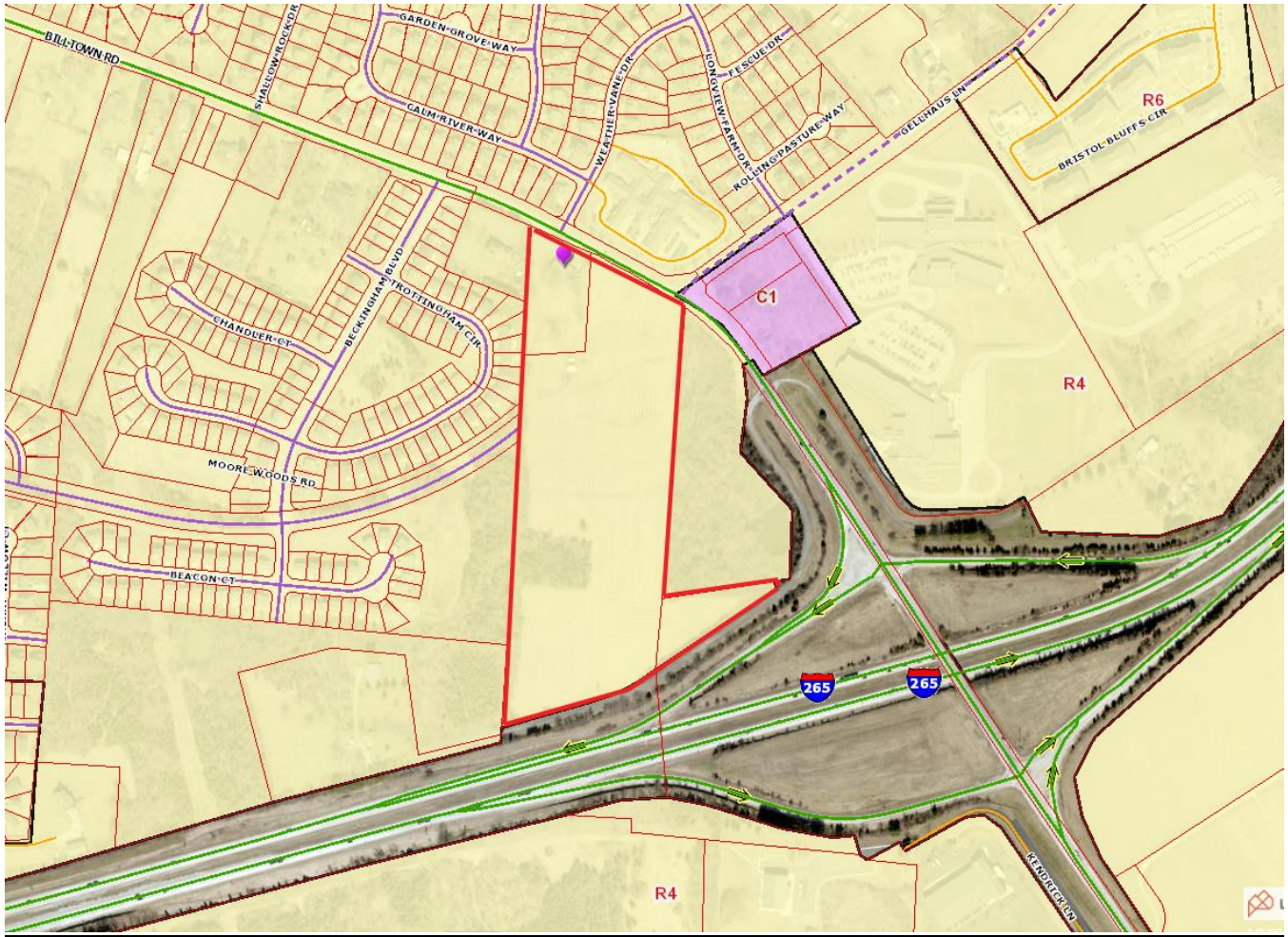
NOTIFICATION

Date	Purpose of Notice	Recipients
02/28/2025	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 22 and 20
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 22 and 20
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed General Plan Binding Elements
4. Proposed Detailed Plan Binding Elements for Tract 1

1. Zoning Map



2. Aerial Photograph



3. Proposed General Plan 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance and will be consistent with the Tree Canopy Preservation Exhibit on file with the Louisville Metro Office of Planning.
 - k. The materials and design of proposed structures shall be consistent with the renderings as presented at the _____ 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. 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.
6. Tree clearing and site grading for individual lots in the development shall be permitted only in accordance with approved Detailed District Development Plans for each tract of the development, except for as needed to install roadways and utility equipment.

7. At such a time that the intersection at Gellhaus Lane/Billtown Road /proposed Veteran's Drive extension meets warrants for signalization per KYTC standards, the applicant/developer or their assignees shall install a signal at their expense.
4. **Proposed Detailed Plan Binding Elements for Tract 1**
 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. 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.
 3. 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. 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.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 4. 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.
 5. 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.

6. Prior to requesting a certificate of occupancy for the site, all required roadway improvements shall be completed in accordance with Louisville Metro Public Works and Kentucky Transportation Cabinet requirements.
7. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line