



Louisville Metro Government

Meeting Agenda – Final

Planning and Zoning Committee

Chair Madonna Flood (D-24)
Vice Chair Scott Reed (R-16)
Committee Member Phillip T. Baker (D-6)
Committee Member Ben Reno-Weber (D-8)
Committee Member Jennifer Chappell (D-15)
Committee Member Betsy Ruhe (D-21)
Committee Member Robin Engel (R-22)
Committee Member Khalil Batshon (R-25)

May 02, 2023

1:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

7. **O-081-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5000, 5004 AND 5100 MAPLE SPRING DRIVE AND PARCEL ID NO. 008500960000 CONTAINING APPROXIMATELY 4.95 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0140).

Enactment #: Ordinance No. 054, Series 2023

Sponsors:

ORDINANCE NO. _____, SERIES 2023

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES
LOCATED AT 5000, 5004 AND 5100 MAPLE SPRING DRIVE AND
PARCEL ID NO. 008500960000 CONTAINING APPROXIMATELY 4.95
ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0140).
(AS AMENDED)**

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 22ZONE0140; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0140 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional binding element.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: That the zoning of the properties located at 5000, 5004 and 5100 Maple Spring Drive and Parcel ID No. 008500960000 containing approximately 4.95 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0140, is hereby changed from R-4 Single Family Residential to C-2 Commercial; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0140-, with the following additional binding element:

10. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O’Connell
Jefferson County Attorney

By: _____

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5000, 5004 AND 5100 MAPLE SPRING DRIVE AND PARCEL ID NO. 008500960000 CONTAINING APPROXIMATELY 4.95 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0128).

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 22ZONE0128; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0128 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: That the zoning of the properties located at 5000, 5004 and 5100 Maple Spring Drive and Parcel ID No. 008500960000 containing approximately 4.95 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0128, is hereby changed from R-4 Single Family Residential to C-2 Commercial; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0128.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-081-23– Zoning at 5000, 5004 and 5100 Maple Spring Drive and Parcel ID No. 008500960000 (If)

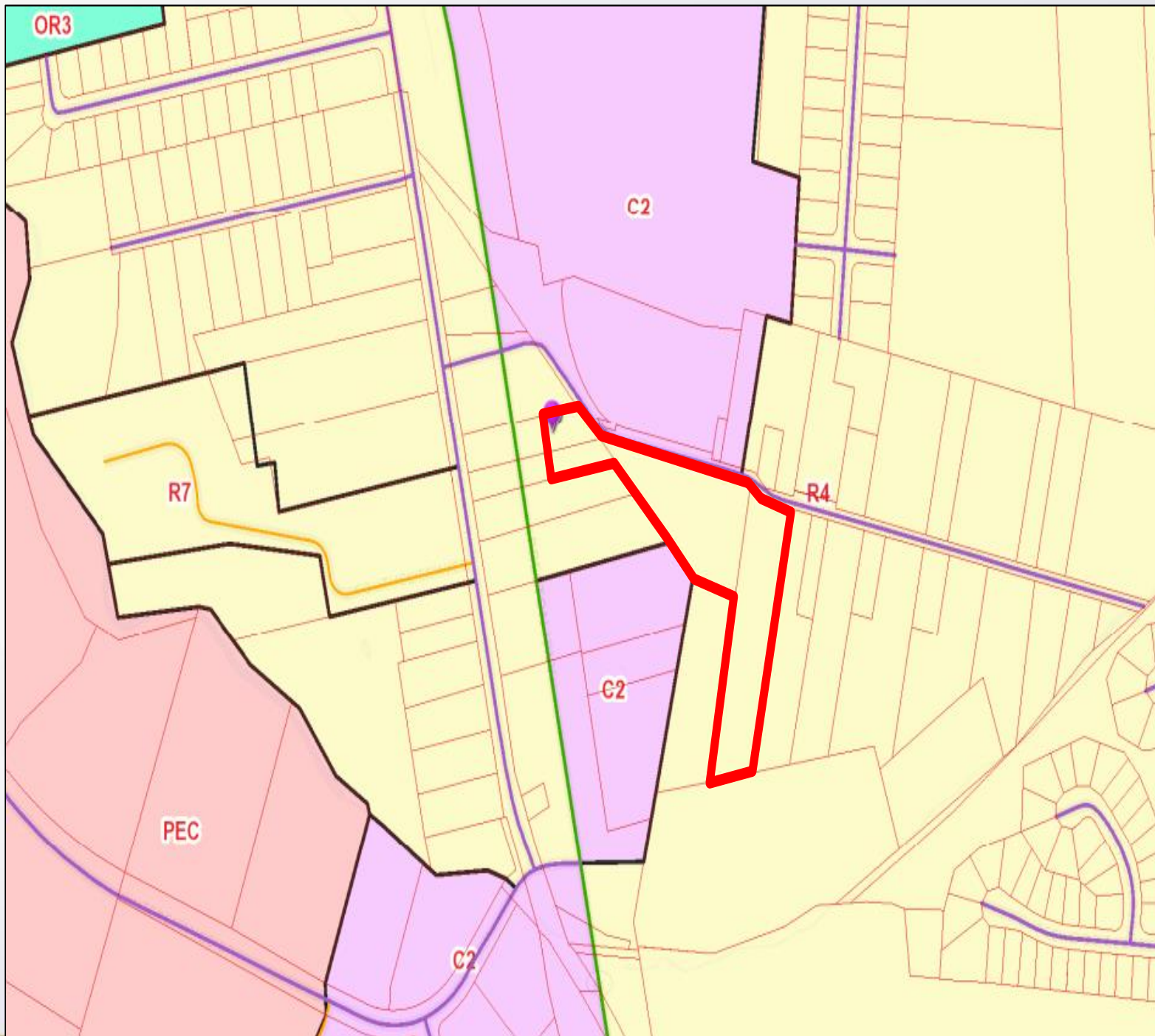
22-ZONE-0140

7 BREW – MAPLE SPRING



Planning & Zoning Committee
May 2, 2023





Requests

- **Change in Zoning** from R-4 Single Family Residential to C-2 Commercial
- **Waivers:**
 - from 10.2.4.B.1 to permit encroachment into the required property perimeter LBA on the southern property line and waive required plantings (22-WAIVER-0202)
 - from 10.2.11 to permit a drive aisle to encroach into the required VUA LBA along the west property line (22-WAIVER-0201)
 - from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0009)
- **Parking Waiver** to exceed maximum allowed parking (22-PARKWAIVER-0011)
- **Detailed District Development Plan** with Binding Elements

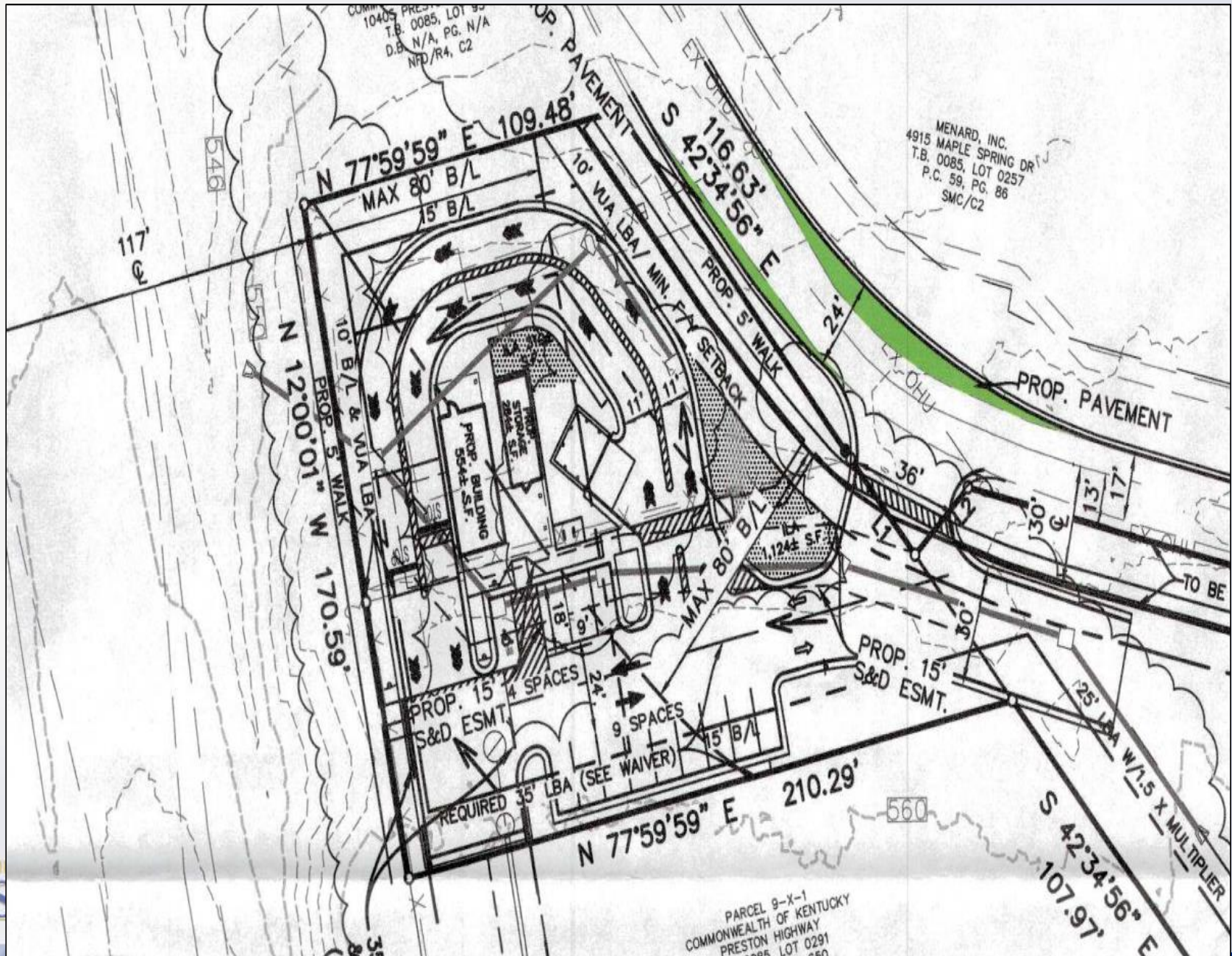
Case Summary

- Site partially developed with single family homes - not proposed to be preserved
- Proposed 510-sf 7 Brew coffee shop w/ residual tract
- Connection toward frontage road in front of Thornton/Chick-fil-a development to south

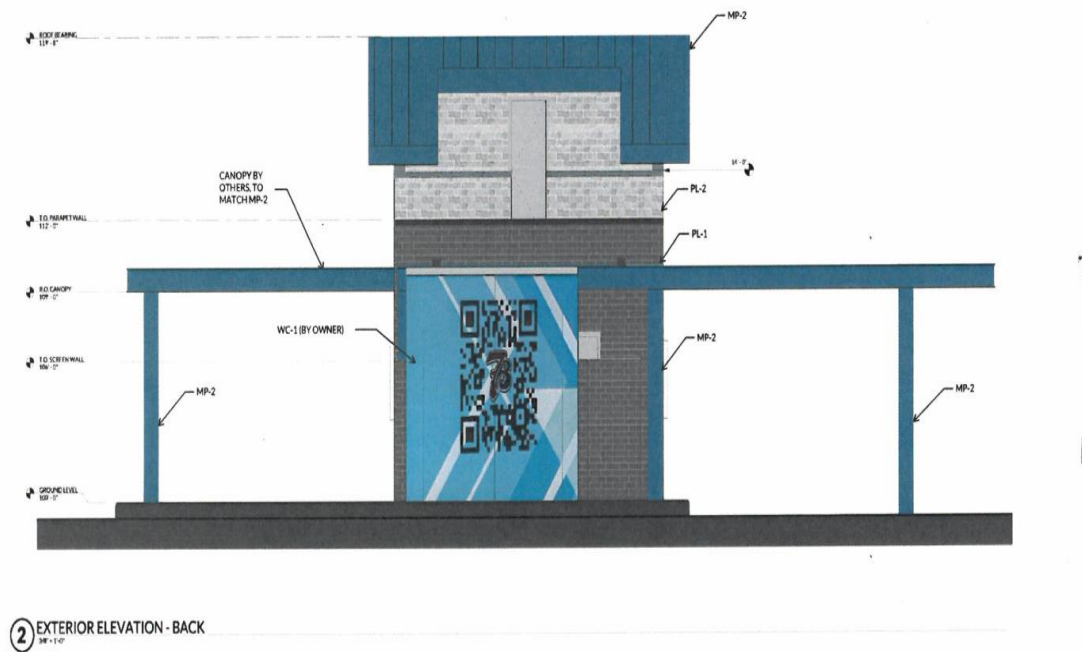
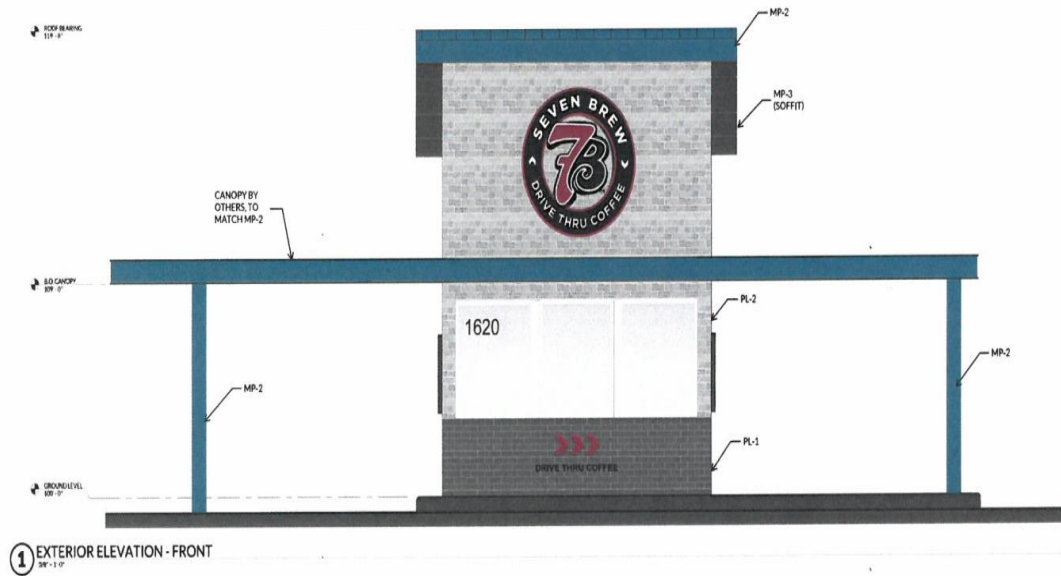
Applicant's Development Plan



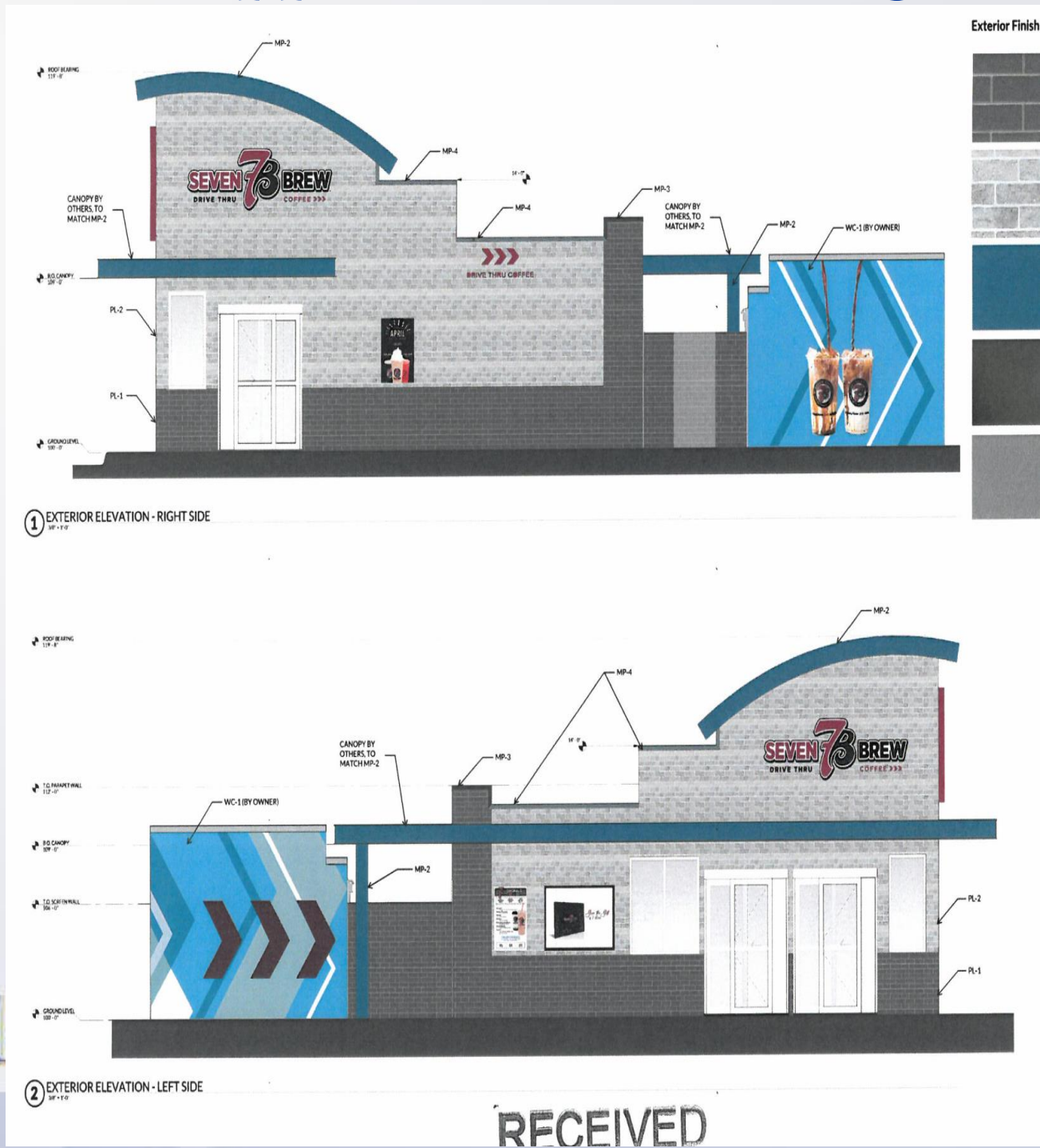
Applicant's Development Plan



Applicant's Rendering



Applicant's Rendering



Site Photos-Subject Property



Louisville

View into site from Preston Highway

22-ZONE-0140

Public Meetings

- Neighborhood Meeting on 9/29/2022
- LD&T meeting on 3/9/2023
- Planning Commission public hearing on 3/30/2023
 - No one spoke in opposition.
 - Motion to approve the change in zoning from R-4 to C-2 passed by a vote of 8-0.

Planning Commission

Staff Report

March 30, 2023



| | |
|--------------------------|----------------------------------------------------------------|
| Case No: | 22-ZONE-0140 |
| Project Name: | 7 Brew |
| Location: | 5000, 5004 & 5010 Maple Spring Drive, Parcel ID 008500960000 |
| Owner(s): | 291 Harbison LLC, Barbara Johnston, Ernest & M Louise Browning |
| Applicant: | Stern Development |
| Jurisdiction: | Louisville Metro |
| Council District: | 23 – Jeff Hudson |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to C-2 Commercial
- **Waivers:**
 - #1: from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the south property line and waive required plantings (22-WAIVER-0202)
 - #2: from 10.2.11 to permit a drive aisle to encroach into a required Vehicular Use Area Landscape Buffer Area (VUA LBA) along the west property line (22-WAIVER-0201)
 - #3: from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0009)
- **Parking Waiver** to exceed the maximum allowable parking (22-PARKWAIVER-0011)
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located along Preston Highway at the intersection with Maple Spring Drive, and consists of four contiguous parcels. The applicant proposes to rezone the site in order to construct a new 7 Brew-branded coffee shop with drive-through on a portion of the site, and to reserve the remainder of the site for future development.

Commercial uses are located to the north across Maple Spring Drive. Single-family and institutional uses are located across Preston Highway, along with an approved multi-family development. To the south, on the other side of two undeveloped parcels under Commonwealth ownership, additional commercial uses are under construction.

STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. The waivers are adequately justified and meets the standard of review. The parking waiver meets the standard of review. The site plan meets the requirements of the Land Development Code with the exception of the requested waivers, and generally meets the guidelines of the Comprehensive Plan.

TECHNICAL REVIEW

Plan 2040

Land Development Code (Louisville Metro)

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies 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 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.

Following is staff's analysis of the proposed rezoning against the Goals, Objectives and Policies of Plan 2040.

The requested commercial zoning is appropriate for the site, as commercial zoning is located to the north and the south of the site, and abuts an non-residential use (a commercial greenhouse) in the rear. Residential uses are only located to the east of the site. Preston Highway is a developing commercial corridor at this location, with many other commercial and institutional uses located along it nearby. Commercial zoning along a commercial corridor and major arterial is generally appropriate. The site is adjacent to residential uses, but the developer will provide appropriate transitions.

The proposed zoning district is generally in compliance with the plan elements and CHASE principles of Plan 2040. All other agency comments should be addressed to demonstrate compliance with the remaining Goals, Objectives and Policies of Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4.B.1

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the most affected property is owned by the Commonwealth, and may redevelop in the future as another commercial use.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The adjacent property is vacant.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the area on the site where the proposed coffee shop is to be located is an irregular shape and fairly small. The encroachment is needed in order to provide adequate parking on site.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area would be prohibitive of the requested use on the lot.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.11

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the encroachment is relatively small and unlikely to be noticed from Preston Highway. The needed plantings will still be provided.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Preston Highway is not a scenic corridor or parkway at this location, and Plan 2040 encourages the preservation of scenic vistas mainly along parkways and scenic corridors. The required plantings will still be provided.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is irregularly shaped and eliminating the required VUA LBA encroachment along the Preston Highway frontage would shift the encroachment to the rear of the site and affect Maple Spring Drive.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area would be prohibitive of the requested use on the lot.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 8.3.3.A.1

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the signage is relatively small and no variance is being requested for the total allowed square footage.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address attached signage.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as each of the proposed signs serves a different, distinct purpose and removing any of them would impact the functionality of the site.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the removal of any of the proposed signs would negatively impact the functioning of the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER:

- a. The Parking Waiver is in compliance with the Comprehensive Plan;

Staff: The parking waiver is in compliance with the Comprehensive plan since the proposed coffee shop operates differently from most drive-through restaurants, as it will have many more employees than a building of this size would normally be expected to have, and those employees will need parking. Additionally, walk-up traffic is accommodated by the building design, and must be accommodated in the parking as well.

- b. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions;

Staff: The applicant conducted a parking study using existing 7 Brew branded facilities in other locations.

- c. The requirements found in Table 9.1.3B do not allow the provisions of the number of parking spaces needed to accommodate the parking needs of the proposed use; and

Staff: The requirements found in Table 9.1.3B do not allow for the provision of parking needed to accommodate the parking spaces needs of the proposed use. A parking study was performed for similar facilities that demonstrated a higher parking need than allowed by the Land Development Code.

- d. The requested increase is the minimum needed to do so;

Staff: The requested increase is the minimum needed to do so because the parking study done on other 7 Brew branded coffee shops shows that more spaces are needed than would be permitted by the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (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: Tree canopy exists on the site, and required preservation will be provided.

- (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 Metro Public Works 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: No open space requirements are pertinent to the request.

- (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 is compatible with existing and projected future development of the area. The site will be developed at an appropriate intensity and scale for the form district and the area.

- (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 Land Development Code, with the exception of the requested waivers, and conforms with the Comprehensive Plan.

REQUIRED ACTIONS

- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to C-2
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Parking Waiver**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

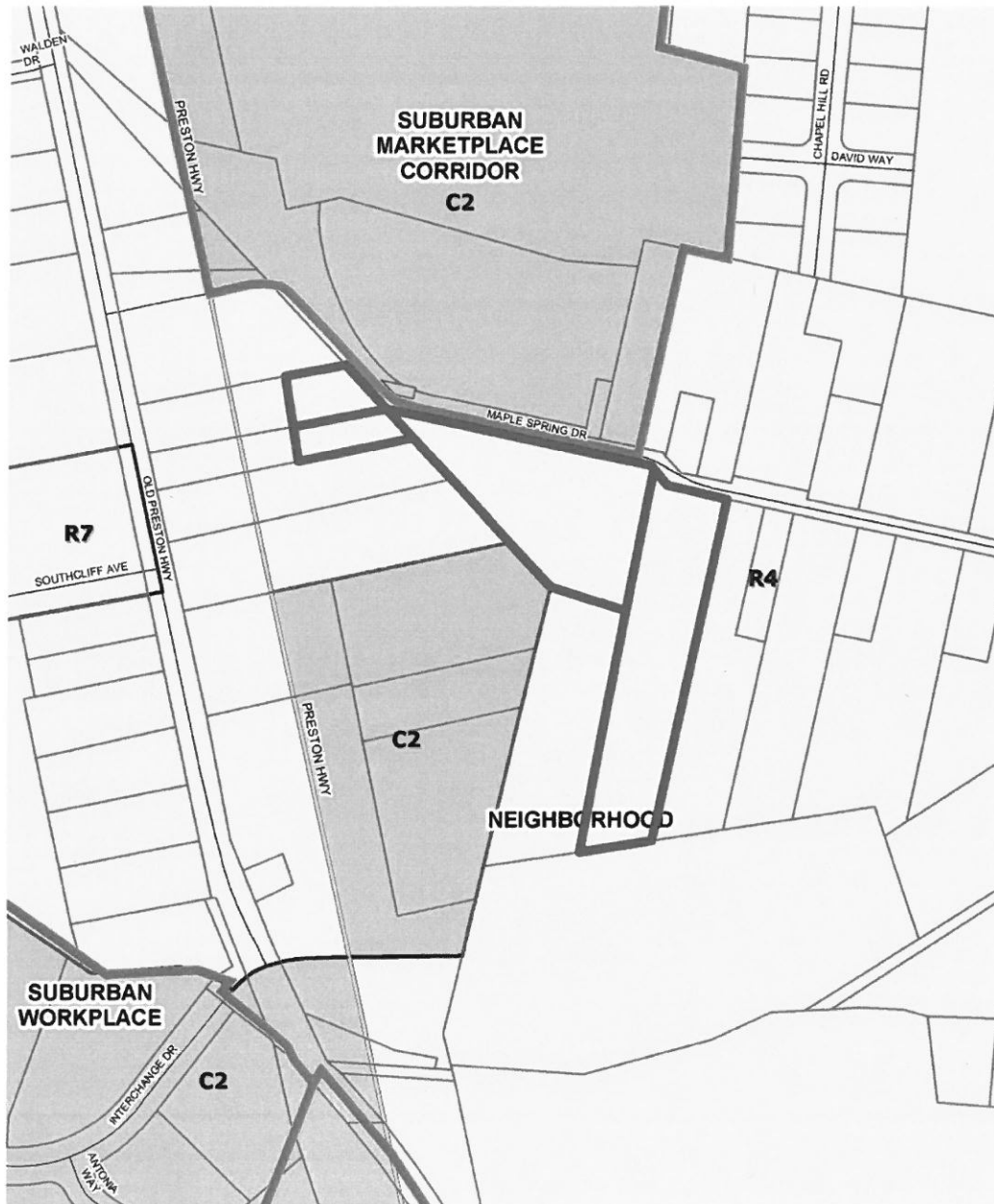
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/22/2023 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23 & 24 |
| 03/14/2023 | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23 & 24 |
| 03/14/2023 | Hearing before PC | Sign Posting on property |
| 03/19/2023 | Hearing before PC | Legal Advertisement in the Courier-Journal |

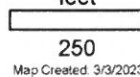
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



5000 - 5010 Maple Spring Dr
feet

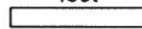


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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



5000 - 5010 Maple Spring Dr
feet



Map Created: 3/3/2023



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
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3. Staff Plan 2040 Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Non-Residential

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|---|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Community Form: Goal 1 | 6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. | ✓ | The site is located along Preston Highway, which is a commercial corridor. The proposal would not constitute a non-residential expansion into an existing residential area as the site has frontage along a major commercial corridor. |
| 2 | Community Form: Goal 1 | 7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. | ✓ | The site is located on Preston Highway, a commercial corridor. |
| 3 | Community Form: Goal 1 | 8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. | NA | The proposal is not for industrial zoning. |
| 4 | Community Form: Goal 1 | 15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted. | ✓ | The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | Community Form: Goal 1 | 16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. | ✓ | The proposed zoning district would not permit noxious odors, particulates or emissions. |
| 6 | Community Form: Goal 1 | 17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities. | ✓ | Access to the site is from Preston Highway, a major commercial corridor at this location, via Maple Springs Drive. |
| 7 | Community Form: Goal 1 | 18. Mitigate adverse impacts of noise from proposed development on existing communities. | ✓ | Required tree canopy and transitions will be provided between the site development and the adjacent residential uses. |
| 8 | Community Form: Goal 1 | 21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers. | NA | The proposed zoning district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries. |
| 9 | Community Form: Goal 2 | 1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure. | ✓ | The site is located along an existing commercial corridor. |
| 10 | Community Form: Goal 2 | 4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity. | ✓ | The site has appropriate access and connectivity. |
| 11 | Community Form: Goal 2 | 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. | ✓ | The site is located along Preston Highway, a commercial corridor and major arterial at this location. |
| 12 | Community Form: Goal 2 | 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. | ✓ | The proposed zoning district would permit a more compact pattern of development in an existing commercial corridor. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 | Community Form: Goal 2 | 7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. | ✓ | The proposed zoning district would permit a mixture of compatible land uses in an existing commercial corridor. |
| 14 | Community Form: Goal 2 | 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings. | ✓ | The proposed zoning district would permit residential uses above retail. |
| 15 | Community Form: Goal 2 | 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. | ✓ | The proposal would provide new development providing commercial uses. |
| 16 | Community Form: Goal 2 | 10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above. | ✓ | No underutilized parking lots are proposed. |
| 17 | Community Form: Goal 2 | 11. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. | ✓ | The proposed zoning district would permit an appropriate design and scale of a center in the Neighborhood Form District. The site placement is on Preston Highway, a commercial corridor. |
| 18 | Community Form: Goal 3 | 9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | ✓ | Tree canopy exists on the site, and will be preserved as required by the Land Development Code. New tree canopy will also be provided. |
| 19 | Community Form: Goal 3 | 10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. | ✓ | No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------|
| 20 | Community Form: Goal 3 | 11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way. | NA | The site is not located in the Ohio River Corridor. |
| 21 | Community Form: Goal 3 | 12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development. | NA | The site is not located in the floodplain. |
| 22 | Community Form: Goal 4 | 1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources. | +/- | More information is needed from the applicant regarding potential historic assets on the site. |
| 23 | Community Form: Goal 4 | 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features. | +/- | More information is needed from the applicant regarding potential cultural features on the site. |
| 24 | Mobility: Goal 1 | 4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system. | ✓ | The site is located within an existing commercial corridor. |
| 25 | Mobility: Goal 2 | 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. | ✓ | Access to the site is from Preston Highway, a major arterial and transit corridor at this location, via Maple Springs Drive. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26 | Mobility: Goal 3 | 1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. | ✓ | The proposal would permit a mix of complementary neighborhood-serving uses. |
| 27 | Mobility: Goal 3 | 2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers. | ✓ | The site is easily accessible by bicycle and car. Access via transit, and by pedestrians and people with disabilities will be improved by the proposal. |
| 28 | Mobility: Goal 3 | 3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices. | ✓ | The proposal would permit higher-density mixed-use developments that reduce the need for multiple automobile trips. |
| 29 | Mobility: Goal 3 | 4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled. | +/- | Transportation Planning is reviewing the proposal. |
| 30 | Mobility: Goal 3 | 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. | +/- | Transportation Planning is reviewing the proposal. |
| 31 | Mobility: Goal 3 | 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. | +/- | Transportation Planning is reviewing the proposal. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------|
| 32 | Mobility: Goal 3 | 9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location. | +/- | Transportation Planning is reviewing the proposal. |
| 33 | Mobility: Goal 3 | 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. | +/- | Transportation Planning is reviewing the proposal. |
| 34 | Community Facilities: Goal 2 | 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. | +/- | The relevant utilities are reviewing the proposal. |
| 35 | Community Facilities: Goal 2 | 2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water. | +/- | Louisville Water Company is reviewing the proposal. |
| 36 | Community Facilities: Goal 2 | 3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD). | +/- | MSD is reviewing the proposal. |
| 37 | Economic Development: Goal 1 | 2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs. | NA | The proposal is not for industrial zoning. |
| 38 | Economic Development: Goal 1 | 3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas. | ✓ | The site is located on Preston Highway, a major arterial at this location. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------|
| 39 | Economic Development: Goal 1 | 4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses. | NA | The proposal is not for industrial zoning. The site is not located near the airport or the Ohio River. |
| 40 | Economic Development: Goal 1 | 5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions. | NA | The proposal is not for industrial zoning. |
| 41 | Livability: Goal 1 | 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project. | +/- | More information regarding karst features is needed from the applicant. |
| 42 | Livability: Goal 1 | 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events. | NA | The site is not located in the floodplain. |
| 43 | Livability: Goal 1 | 24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance. | NA | The site is not located in the floodplain. |
| 44 | Housing: Goal 1 | 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities. | ✓ | The proposed zoning district would support aging in place by permitting commercial uses along a commercial corridor. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------|
| 45 | Housing: Goal 2 | 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. | ✓ | The proposed zoning district would permit inter-generational mixed-income and mixed-use development. |
| 46 | Housing: Goal 2 | 2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers. | ✓ | The proposal would permit housing to be in proximity to an activity center providing neighborhood goods and services. |
| 47 | Housing: Goal 3 | 2. As neighborhoods evolve, discourage displacement of existing residents from their community. | ✓ | No existing residents will be displaced by the proposal. |
| 48 | Housing: Goal 3 | 3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing. | ✓ | The proposed zoning district would permit innovative methods of housing. |

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 (commonly referred to as billboards or off-premises signs pursuant to Louisville Metro Code of Ordinances section 155.08), small freestanding signs, pennants, balloons, or banners shall be permitted on the site. Signs in compliance with Chapter 8 of the Land Development Code shall be permitted.
3. Prior to development (includes clearing and grading) of any portion of the remaining areas of the site, 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. Notwithstanding this binding element, removal of the existing structures on the site and any commercially necessary tree removal for the purpose of structure removal shall be permitted, as allowed by MSD. In no event shall clear-cutting of the site be permitted without prior approval of a detailed district development plan.
4. 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.

5. 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 Preston Highway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 30, 2023 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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. 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.
9. 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.

Land Development and Transportation Committee Staff Report March 9, 2023



| | |
|--------------------------|----------------------------------------------------------------|
| Case No: | 22-ZONE-0140 |
| Project Name: | 7 Brew |
| Location: | 5000, 5004 & 5010 Maple Spring Drive, Parcel ID 008500960000 |
| Owner(s): | 291 Harbison LLC, Barbara Johnston, Ernest & M Louise Browning |
| Applicant: | Stern Development |
| Jurisdiction: | Louisville Metro |
| Council District: | 23 – Jeff Hudson |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to C-2 Commercial
- **Waivers:**
 - #1: from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the south property line and waive required plantings (22-WAIVER-0202)
 - #2: from 10.2.11 to permit a drive aisle to encroach into a required Vehicular Use Area Landscape Buffer Area (VUA LBA) along the west property line (22-WAIVER-0201)
 - #3: from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0009)
- **Parking Waiver** to exceed the maximum allowable parking (22-PARKWAIVER-0011)
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located along Preston Highway at the intersection with Maple Spring Drive, and consists of four contiguous parcels. The applicant proposes to rezone the site in order to construct a new 7 Brew-branded coffee shop with drive-through on a portion of the site, and to reserve the remainder of the site for future development.

Commercial uses are located to the north across Maple Spring Drive. Single-family and institutional uses are located across Preston Highway, along with an approved multi-family development. To the south, on the other side of two undeveloped parcels under Commonwealth ownership, additional commercial uses are under construction.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies 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 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.

REQUIRED ACTIONS

- **Set the public hearing date.**

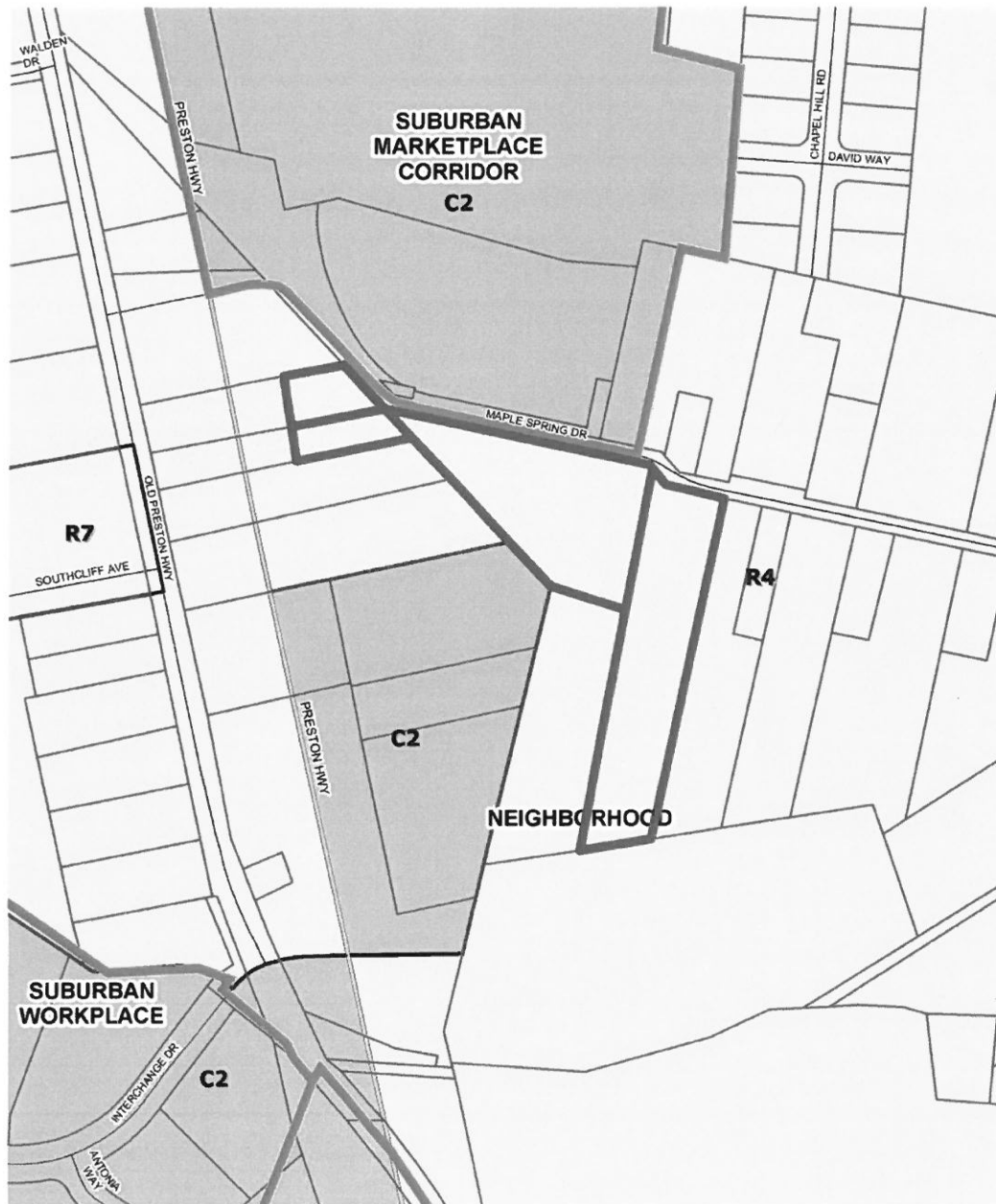
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/22/2023 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23 & 24 |
| | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23 & 24 |
| | 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 Binding Elements

1. **Zoning Map**



5000 - 5010 Maple Spring Dr
feet

250
Map Created: 3/3/2023

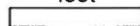


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2. Aerial Photograph



5000 - 5010 Maple Spring Dr
feet



250
Map Created 3/3/2023



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3. 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. Prior to development (includes clearing and grading) of any portion of the remaining areas of the site, 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.
4. 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.
5. 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 Preston Highway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____, 2023 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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. 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.
9. 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.

**Pre-Application
Staff Report**
September 14, 2022



| | |
|--------------------------|----------------------------------------------------------|
| Case No: | 22-ZONEPA-0124 |
| Project Name: | Stern Commercial Center Phase II |
| Location: | 5000 & 5004 Maple Springs Dr., Parcel ID 008500960000 |
| Owner(s): | Sharon Strickland, Barbara Johnston |
| Applicant: | Stern Development |
| Jurisdiction: | Louisville Metro |
| Council District: | 23 – James Peden |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUEST

- **Change in zoning** from R-4 Single Family Residential to C-2 Commercial

CASE SUMMARY/BACKGROUND

The subject site is located at the intersection of Preston Highway and Maple Springs Drive, and consists of three parcels partially developed with single-family residences. The residences are not proposed to be preserved. The applicant proposes to rezone the site in order to construct a new 603 sf restaurant with drive-through, reserving the remainder of the property for future commercial development.

Residential development is located to the east along Maple Springs Drive, with commercial development located to the north across Maple Springs. A mix of proposed multi-family, institutional and single-family development is located across Preston Highway and Old Preston Highway to the west. Undeveloped parcels are located to the south, which are owned by the Commonwealth. To the south of the undeveloped parcels is a proposed small commercial center.

STAFF FINDING

The proposal to rezone the property to C-2 appears to be appropriate given the site location and context. The applicant must conduct a neighborhood meeting to prepare for the formal filing.

TECHNICAL REVIEW

Land Development Code (2022) Louisville Metro

Please see detailed agency review comments.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies 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

Following is staff's analysis of the proposed rezoning against the Guidelines and 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 site is located along Preston Highway, which is a commercial corridor. The proposal would not constitute a non-residential expansion into an existing residential area as the site has frontage along a major commercial corridor. The site is located on Preston Highway, a commercial corridor. The proposal is not for industrial zoning. The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions. The proposed zoning district would not permit noxious odors, particulates or emissions. Access to the site is from Preston Highway, a major commercial corridor at this location, via Maple Springs Drive. More information regarding mitigation of noise impacts is needed from the applicant. The proposed zoning

district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries.

A checklist is attached to the end of this staff report with a more detailed analysis. 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.

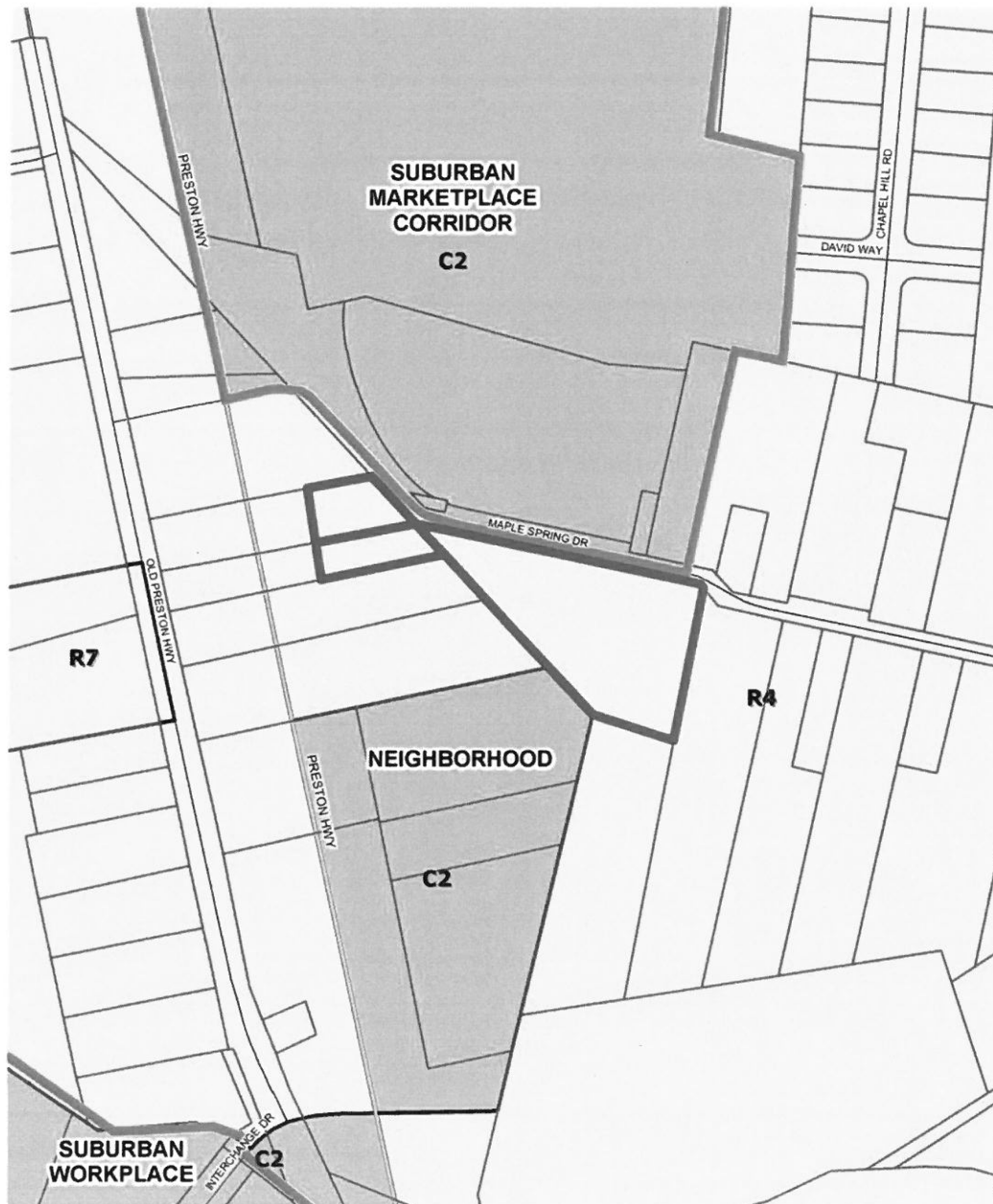
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 23&24 |
| | Hearing before PC | 1 st and 2 nd tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 23&24 |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist

1. Zoning Map



5000 & 5004 Maple Springs Dr

feet
230
Map Created 9/26/2022



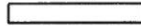
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2. Aerial Photograph



5000 & 5004 Maple Springs Dr

feet



230

Map Created: 9/26/2022



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3. Staff Plan 2040 Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Non-Residential

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|---|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Community Form: Goal 1 | 6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. | ✓ | The site is located along Preston Highway, which is a commercial corridor. The proposal would not constitute a non-residential expansion into an existing residential area as the site has frontage along a major commercial corridor. |
| 2 | Community Form: Goal 1 | 7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. | ✓ | The site is located on Preston Highway, a commercial corridor. |
| 3 | Community Form: Goal 1 | 8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. | NA | The proposal is not for industrial zoning. |
| 4 | Community Form: Goal 1 | 15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted. | ✓ | The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | Community Form: Goal 1 | 16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. | ✓ | The proposed zoning district would not permit noxious odors, particulates or emissions. |
| 6 | Community Form: Goal 1 | 17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities. | ✓ | Access to the site is from Preston Highway, a major commercial corridor at this location, via Maple Springs Drive. |
| 7 | Community Form: Goal 1 | 18. Mitigate adverse impacts of noise from proposed development on existing communities. | +/- | More information regarding mitigation of noise impacts is needed from the applicant. |
| 8 | Community Form: Goal 1 | 21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers. | NA | The proposed zoning district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries. |
| 9 | Community Form: Goal 2 | 1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure. | ✓ | The site is located along an existing commercial corridor. |
| 10 | Community Form: Goal 2 | 4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity. | ✓ | The site has appropriate access and connectivity. |
| 11 | Community Form: Goal 2 | 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. | ✓ | The site is located along Preston Highway, a commercial corridor and major arterial at this location. |
| 12 | Community Form: Goal 2 | 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. | ✓ | The proposed zoning district would permit a more compact pattern of development in an existing commercial corridor. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 | Community Form: Goal 2 | 7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. | ✓ | The proposed zoning district would permit a mixture of compatible land uses in an existing commercial corridor. |
| 14 | Community Form: Goal 2 | 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings. | ✓ | The proposed zoning district would permit residential uses above retail. |
| 15 | Community Form: Goal 2 | 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. | ✓ | The proposal would provide new development providing commercial uses. |
| 16 | Community Form: Goal 2 | 10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above. | ✓ | No underutilized parking lots are proposed. |
| 17 | Community Form: Goal 2 | 11. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. | ✓ | The proposed zoning district would permit an appropriate design and scale of a center in the Neighborhood Form District. The site placement is on Preston Highway, a commercial corridor. |
| 18 | Community Form: Goal 3 | 9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | NA | No natural features are evident on the site. |
| 19 | Community Form: Goal 3 | 10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. | ✓ | No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------|
| 20 | Community Form: Goal 3 | 11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way. | NA | The site is not located in the Ohio River Corridor. |
| 21 | Community Form: Goal 3 | 12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development. | NA | The site is not located in the floodplain. |
| 22 | Community Form: Goal 4 | 1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources. | +/- | More information is needed from the applicant regarding potential historic assets on the site. |
| 23 | Community Form: Goal 4 | 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features. | +/- | More information is needed from the applicant regarding potential cultural features on the site. |
| 24 | Mobility: Goal 1 | 4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system. | ✓ | The site is located within an existing commercial corridor. |
| 25 | Mobility: Goal 2 | 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. | ✓ | Access to the site is from Preston Highway, a major arterial and transit corridor at this location, via Maple Springs Drive. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26 | Mobility: Goal 3 | 1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. | ✓ | The proposal would permit a mix of complementary neighborhood-serving uses. |
| 27 | Mobility: Goal 3 | 2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers. | ✓ | The site is easily accessible by bicycle and car. Access via transit, and by pedestrians and people with disabilities will be improved by the proposal. |
| 28 | Mobility: Goal 3 | 3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices. | ✓ | The proposal would permit higher-density mixed-use developments that reduce the need for multiple automobile trips. |
| 29 | Mobility: Goal 3 | 4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled. | +/- | Transportation Planning is reviewing the proposal. |
| 30 | Mobility: Goal 3 | 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. | +/- | Transportation Planning is reviewing the proposal. |
| 31 | Mobility: Goal 3 | 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. | +/- | Transportation Planning is reviewing the proposal. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------|
| 32 | Mobility: Goal 3 | 9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location. | +/- | Transportation Planning is reviewing the proposal. |
| 33 | Mobility: Goal 3 | 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. | +/- | Transportation Planning is reviewing the proposal. |
| 34 | Community Facilities: Goal 2 | 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. | +/- | The relevant utilities are reviewing the proposal. |
| 35 | Community Facilities: Goal 2 | 2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water. | +/- | Louisville Water Company is reviewing the proposal. |
| 36 | Community Facilities: Goal 2 | 3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD). | +/- | MSD is reviewing the proposal. |
| 37 | Economic Development: Goal 1 | 2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs. | NA | The proposal is not for industrial zoning. |
| 38 | Economic Development: Goal 1 | 3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas. | ✓ | The site is located on Preston Highway, a major arterial at this location. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------|
| 39 | Economic Development: Goal 1 | 4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses. | NA | The proposal is not for industrial zoning. The site is not located near the airport or the Ohio River. |
| 40 | Economic Development: Goal 1 | 5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions. | NA | The proposal is not for industrial zoning. |
| 41 | Livability: Goal 1 | 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project. | +/- | More information regarding karst features is needed from the applicant. |
| 42 | Livability: Goal 1 | 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events. | NA | The site is not located in the floodplain. |
| 43 | Livability: Goal 1 | 24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance. | NA | The site is not located in the floodplain. |
| 44 | Housing: Goal 1 | 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities. | ✓ | The proposed zoning district would support aging in place by permitting commercial uses along a commercial corridor. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------|
| 45 | Housing: Goal 2 | 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. | ✓ | The proposed zoning district would permit inter-generational mixed-income and mixed-use development. |
| 46 | Housing: Goal 2 | 2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers. | ✓ | The proposal would permit housing to be in proximity to an activity center providing neighborhood goods and services. |
| 47 | Housing: Goal 3 | 2. As neighborhoods evolve, discourage displacement of existing residents from their community. | ✓ | No existing residents will be displaced by the proposal. |
| 48 | Housing: Goal 3 | 3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing. | ✓ | The proposed zoning district would permit innovative methods of housing. |

Case No. 22-ZONE-0140 Binding Elements

RESOLVED, 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.
2. No outdoor advertising signs (commonly referred to as billboards or off-premises signs pursuant to Louisville Metro Code of Ordinances section 155.08), small freestanding signs, pennants, balloons, or banners shall be permitted on the site. Signs in compliance with Chapter 8 of the Land Development Code shall be permitted.
3. Prior to development (includes clearing and grading) of any portion of the remaining areas of the site, 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. Notwithstanding this binding element, removal of the existing structures on the site and any commercially necessary tree removal for the purpose of structure removal shall be permitted, as allowed by MSD. In no event shall clear-cutting of the site be permitted without prior approval of a detailed district development plan.
4. 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.
5. 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 Preston Highway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 30, 2023 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 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. 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.
 9. 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.

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

NOTE: Commissioner Cheek recused herself from this case.

| | |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Request: | Change in Zoning from R-4 to C-2, with Associated Detailed District Development Plan with Binding Elements, and Waivers and Parking Waiver |
| Project Name: | 7 Brew |
| Location: | 5000, 5004 & 5010 Maple Spring Drive [should be 5100 Maple Spring Drive], Parcel ID 008500960000 |
| Owner: | 291 Harbison LLC, Barbara Johnston, Ernest & M. Louise Browning |
| Applicant: | Stern Development |
| Representative: | Bardenwerper, Talbott & Roberts |
| Jurisdiction: | Louisville Metro |
| Council District: | 23 - Jeff Hudson |
| Case Manager: | Dante St. Germain, AICP, Planner II |

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:43:16 Dante St. Germain noted that a consistent typographical error had been made throughout the staff report – any reference to “5010 Maple Spring Drive” should be read as “**5100 Maple Spring Drive**.” She then presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

01:50:51 Ms. St. Germain discussed binding elements #2 and #3 which were considered at LD&T (see recording.)

01:53:51 In response to a question from Commissioner Brown, Ms. St. Germain said the applicant should be able to answer questions regarding one small parcel on Maple Spring, and whether there is enough right-of-way there to widen the road.

01:53:48 In response to questions from Commissioner Mims, Ms. St. Germain used the site plan to discuss VUA/LBA requirements in areas of the site (see recording.) In

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

response to additional questions from Commissioner Mims, Ms. St. Germain discussed similar waiver requests from other businesses nearby or adjacent to this site.

The following spoke in support of the request:

John Talbott, Bardenwerper Talbot & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Brad Smith, 700 McGruder Street NE, Unit D, Atlanta GA 30312 (online)

Summary of testimony of those in support:

01:56:32 John Talbott, the applicant's representative, presented the case and showed a Power Point presentation (see recording for detailed presentation.)

02:04:12 In response to questions from Commissioner Brown, Kent Gootee, an applicant's representative, discussed the ROW on Maple Springs which can accommodate the widening being proposed (see recording for detailed discussion.)

02:06:04 In response to a question from Commissioner Mims, Ms. St. Germain said there is not a binding element regarding connections to adjoining properties because that would be encumbering an off-site parcel. There is shown on the plan that there is an easement being granted on this parcel where the pavement stubs into the KYTC parcels.

The following spoke in opposition to the request:

No one spoke.

Deliberations:

02:07:00 Commissioners' deliberation (see recording for detailed discussion.)

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

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

Change in zoning from R-4 Single Family Residential to C-2 Commercial

02:07:10 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the site is located along Preston Highway, which is a commercial corridor. The proposal would not constitute a non-residential expansion into an existing residential area as the site has frontage along a major commercial corridor; the proposal is not for industrial zoning; the proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions; the proposed zoning district would not permit noxious odors, particulates or emissions; access to the site is from Preston Highway, a major commercial corridor at this location, via Maple Springs Drive; required tree canopy and transitions will be provided between the site development and the adjacent residential uses; and the proposed zoning district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the site is located along an existing commercial corridor; the site has appropriate access and connectivity; the site is located along Preston Highway, a commercial corridor and major arterial at this location; the proposed zoning district would permit a more compact pattern of development in an existing commercial corridor; the proposed zoning district would permit a mixture of compatible land uses in an existing commercial corridor; the proposed zoning district would permit residential uses above retail; the proposal would provide new development providing commercial uses; no underutilized parking lots are proposed; and the proposed zoning district would permit an appropriate design and scale of a center in the Neighborhood Form District. The site placement is on Preston Highway, a commercial corridor; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because tree canopy exists on the site, and will be preserved as required by the Land Development Code. New tree canopy will also be provided; no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; the site is not located in the Ohio River Corridor; and the site is not located in the floodplain; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the site is located within an existing commercial corridor; and

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the site is from Preston Highway, a major arterial and transit corridor at this location, via Maple Springs Drive; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposal would permit a mix of complementary neighborhood-serving uses; the site is easily accessible by bicycle and car. Access via transit, and by pedestrians and people with disabilities will be improved by the proposal; and the proposal would permit higher-density mixed-use developments that reduce the need for multiple automobile trips; and

WHEREAS, the Commission further finds that the proposal meets Economic Development: Goal 1 because the proposal is not for industrial zoning; the site is located on Preston Highway, a major arterial at this location; and the site is not located near the airport or the Ohio River; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because the site is not located in the floodplain; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 1 because the proposed zoning district would support aging in place by permitting commercial uses along a commercial corridor; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed zoning district would permit inter-generational mixed-income and mixed- use development; and the proposal would permit housing to be in proximity to an activity center providing neighborhood goods and services; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because no existing residents will be displaced by the proposal; and the proposed zoning district would permit innovative methods of housing; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from R-4 Single Family Residential to C-2 Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

YES: Commissioners Brown, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.

RECUSED: Commissioner Cheek.

ABSENT: Commissioner Sistrunk.

Waiver #1: from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the south property line and waive required plantings (22-WAIVER- 0202)

Waiver #2: from 10.2.11 to permit a drive aisle to encroach into a required Vehicular Use Area Landscape Buffer Area (VUA LBA) along the west property line (22-WAIVER-0201)

Waiver #3: from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0009)

02:07:10 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the most affected property is owned by the Commonwealth, and may redevelop in the future as another commercial use; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The adjacent property is vacant; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the area on the site where the proposed coffee shop is to be located is an irregular shape and fairly small. The encroachment is needed in order to provide adequate parking on site; and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area would be prohibitive of the requested use on the lot; and

PLANNING COMMISSION
March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

(Waiver #2) WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners as the encroachment is relatively small and unlikely to be noticed from Preston Highway. The needed plantings will still be provided; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Preston Highway is not a scenic corridor or parkway at this location, and Plan 2040 encourages the preservation of scenic vistas mainly along parkways and scenic corridors. The required plantings will still be provided; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is irregularly shaped and eliminating the required VUA LBA encroachment along the Preston Highway frontage would shift the encroachment to the rear of the site and affect Maple Spring Drive; and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area would be prohibitive of the requested use on the lot; and

Waiver #3) WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners as the signage is relatively small and no variance is being requested for the total allowed square footage; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address attached signage; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as each of the proposed signs serves a different, distinct purpose and removing any of them would impact the functionality of the site; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the removal of any of the proposed signs would negatively impact the functioning of the site; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver #1 from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the south property line and waive required

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

plantings (22-WAIVER- 0202); **AND** the requested Waiver #2 from 10.2.11 to permit a drive aisle to encroach into a required Vehicular Use Area Landscape Buffer Area (VUA LBA) along the west property line (22-WAIVER-0201); **AND** the requested Waiver #3 from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0009).

The vote was as follows:

YES: Commissioners Brown, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.

RECUSED: Commissioner Cheek.

ABSENT: Commissioner Sistrunk.

Parking Waiver to exceed the maximum allowable parking (22-PARKWAIVER-0011)

02:08:55 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, THE Louisville Metro Planning Commission finds that the parking waiver is in compliance with the Comprehensive plan since the proposed coffee shop operates differently from most drive-through restaurants, as it will have many more employees than a building of this size would normally be expected to have, and those employees will need parking. Additionally, walk-up traffic is accommodated by the building design, and must be accommodated in the parking as well; and

WHEREAS, the Commission further finds that the applicant conducted a parking study using existing 7 Brew branded facilities in other locations; and

WHEREAS, the Commission further finds that the requirements found in Table 9.1.3B do not allow for the provision of parking needed to accommodate the parking spaces needs of the proposed use. A parking study was performed for similar facilities that demonstrated a higher parking need than allowed by the Land Development Code; and

WHEREAS, the Commission further finds that the requested increase is the minimum needed to do so because the parking study done on other 7 Brew branded coffee shops shows that more spaces are needed than would be permitted by the Land Development Code; now, therefore be it

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Parking Waiver to exceed the maximum allowable parking (22-PARKWAIVER-0011)

The vote was as follows:

YES: Commissioners Brown, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.

RECUSED: Commissioner Cheek.

ABSENT: Commissioner Sistrunk.

Detailed District Development Plan

02:09:26 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that tree canopy exists on the site, and required preservation will be provided; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds that no open space requirements are pertinent to the request; and

WHEREAS, the Commission further finds that 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 Commission further finds that the overall site design is compatible with existing and projected future development of the area. The site will be developed at an appropriate intensity and scale for the form district and the area; and

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Land Development Code, with the exception of the requested waivers, and conforms with the Comprehensive Plan; now therefore be it

RESOLVED, 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.
2. No outdoor advertising signs (commonly referred to as billboards or off-premises signs pursuant to Louisville Metro Code of Ordinances section 155.08), small freestanding signs, pennants, balloons, or banners shall be permitted on the site. Signs in compliance with Chapter 8 of the Land Development Code shall be permitted.
3. Prior to development (includes clearing and grading) of any portion of the remaining areas of the site, 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. Notwithstanding this binding element, removal of the existing structures on the site and any commercially necessary tree removal for the purpose of structure removal shall be permitted, as allowed by MSD. In no event shall clear-cutting of the site be permitted without prior approval of a detailed district development plan.
4. 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.
5. 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

PLANNING COMMISSION
March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

- Sewer District.
- b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Preston Highway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 30, 2023 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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. 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.
9. 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 Brown, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.

RECUSED: Commissioner Cheek.

PLANNING COMMISSION
March 30, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0140

ABSENT: Commissioner Sistrunk.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2023

NEW BUSINESS

22-ZONE-0140

Request: Change in Zoning from R-4 to C-2, with Associated Detailed District Development Plan with Binding Elements, and Waivers and Parking Waiver

Project Name: 7 Brew

Location: 5000, 5004 & 5010 Maple Spring Drive, Parcel ID 008500960000

Owner: 291 Harbison LLC, Barbara Johnston, Ernest & M. Louise Browning

Applicant: Stern Development

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 23 – Jeff Hudson

Case Manager: Dante St. Germain, AICP, Planner II

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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

00:05:07 Commissioner Cheek recused herself from this case.

Agency Testimony:

00:05:21 Dante St. Germain discussed the case summary from the staff report and indicated the application was ready for consent agenda (see video for presentation).

00:10:20 Commissioner Carlson questioned the connectivity going south. St. Germain stated there is an easement stubbing into the properties.

00:11:22 Commissioner Mims asked if there were any thoughts of a form district change. St. Germain stated that staff did not recommend a change.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott & Roberts, 1000 N. Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

Brad Smith, 1471 Hawthorne Ave NW, Atlanta, GA 30309

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2023

NEW BUSINESS

22-ZONE-0140

Summary of testimony of those in favor:

00:13:09 John Talbott spoke in favor of the application. Talbott mentioned the applicants are wanting to develop a 7 brew coffee shop to finish out the connection with Thorntons and a car wash.

00:20:54 Commissioner Carlson asked if there were still homes located on the property and what the difference is between ON premises sign and OFF premises sign. Talbott stated there were a few houses still in the area. Talbott verified the signs for the company can display it on their own property but cannot place their sign on any other property.

00:25:00 Commissioner Mims asked if there was a contract with the Transportation Cabinet with the property to the south. Talbott clarified that it isn't a contract but more of a process that must be followed.

00:26:58 Brad Smith spoke in favor of the application. Smith continued to answer Commissioner Mims question about the Transportation Cabinet.

00:29:09 Commissioner Mims questioned the clearing and grading of the property. Talbott mentioned the clearing and grading can't move forward until a District Development Plan has been created.

00:29:45 Commissioner Sistrunk questioned the wording of Binding Element #2. St. Germain stated the people outside of Louisville Metro will not be the ones enforcing this Binding Element.

00:33:40 Commissioner Sistrunk questioned what would be demolished at the site. Smith clarified there are trees that hang over the homes.

00:36:28 Julia Williams interjected stating the outdoor advertising sign comes from the Sign Ordinance not the Land Development Code. The Committee and applicant discussed what is meant by "outdoor adverting signs".

00:38:35 Commissioner Sistrunk asked if signage had it own permitting process. Williams responded saying it does have a process of its own.

The following spoke in opposition to the request:

None

Summary of testimony of those in opposition:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2023

NEW BUSINESS

22-ZONE-0140

None

REBUTTAL

None

Deliberation

00:40:25 Land Development and Transportation Committee deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:40:55 The Committee by general consensus scheduled this case to be heard at the **March 30, 2023**, Planning Commission public hearing

**LAND DESCRIPTION
FOR ZONING CHANGE
FROM R-4 TO C-1**

5000, 5004 & 5100 MAPLE SPRING DRIVE

Being certain tracts of land in Jefferson County, Kentucky, located south of Cooper Chapel Road and north of Interchange Drive, bound on the west by Preston Hwy, bound on the north by Maple Spring Drive and being more particularly described as follows:

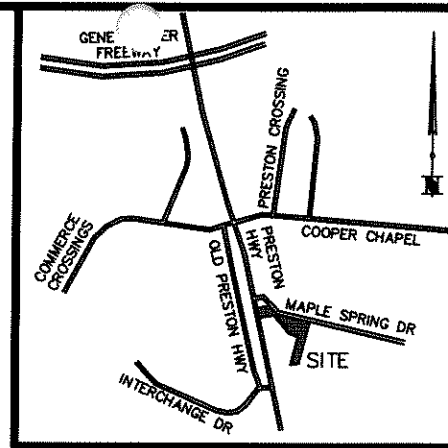
Commencing at the northeast corner of a tract of land conveyed to Ernest & Louise Browning in Deed Book 3767 Page 325 of record in the Clerk's office of Jefferson County, Kentucky, and also being in the southerly right-of-way (R/W) line of Maple Spring Drive, thence leaving said R/W line S 12°21'17" W 676.11'; thence S 81°32'17" W 137.35'; thence N 10°55'19" E 470.54'; thence N 70°55'17" W, 154.81'; thence N 42°47'58" W, 109.61'; thence N 42°30'18" W, 162.08'; thence N 42°34'56" W, 107.97'; thence S 77°59'59" W, 210.29' to the eastern R/W of Preston Hwy; thence with said R/W line N 12°00'01" W, 170.59'; thence N 77°59'59" E, 109.48' to the western R/W line of Maple Spring Drive; thence with said R/W line S 42°34'56" E, 116.63'; thence S 42°34'56" E, 32.38'; thence N 47°25'04" E, 24.62'; thence S 77°39'15" E, 483.57'; thence S 77°38'43" E 3.19'; thence S 42°35'43" E 52.24'; thence S 77°38'43" E 101.31' to the point of beginning containing 216,063 square feet, 4.960 acres.

NOTES:

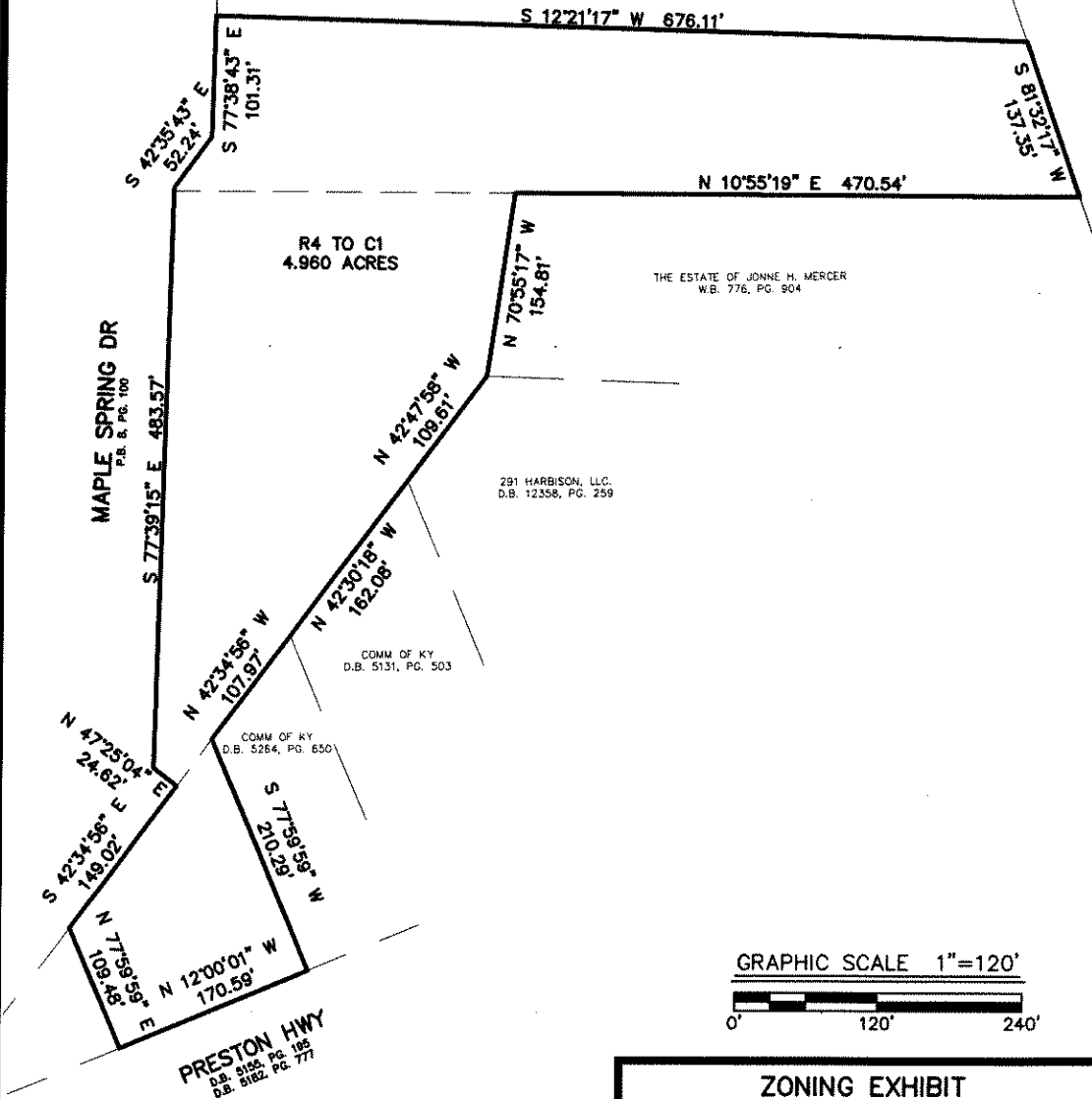
1. THIS PLAT MEETS OR EXCEEDS THE REQUIREMENTS FOR NON-BOUNDARY SURVEY WORK AS DEFINED IN SECTION 13 OF 201 KAR 18:150..
2. THE BOUNDARY LINES SHOWN HEREON WERE DETERMINED FROM DEEDS OF RECORD AND HAVE NOT BEEN VERIFIED.
3. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS WHETHER RECORDED OR NOT.

NORTH & ALL BEARINGS SHOWN HEREON ARE BASED ON KY STATE PLANE COORDINATES SYSTEM, NORTH ZONE (NAD 83).

PRATHER
D.B. 8809, PG. 237



LOCATION MAP
NO SCALE



GRAPHIC SCALE 1"=120'



ZONING EXHIBIT

PROPERTY OF:

SHARON STRICKLAND
TAX BLOCK 85, LOTS 96 & 277
DEED BOOK 7929, PAGE 36
BARBARA JOHNSON
TAX BLOCK 822 LOT 7
DEED BOOK 5637, PAGE 618
ERNEST & LOUISE BROWNING
TAX BLOCK 822 LOT 16
DEED BOOK 3767, PAGE 325

PROPERTY ADDRESS:

5000, 5004 & 5100 MAPLE SPRING DRIVE
LOUISVILLE, KY 40229

DATE: 9/13/22

SCALE: 1"=120'



MINDEL SCOTT

ENGINEERING ► SURVEYING ►

PLANNING ► LANDSCAPE ARCHITECTURE

5151 Jefferson Blvd. Louisville, KY 40219

502-485-1508 ► MindelScott.com

Received October 10, 2022

Planning & Design Services

JOB NO.: 3800-ZONING-JOHNSON

Date:

1/6/2023

1/7/2023

1/8/2023

| | Time | 7 Brew Jeffersonville IN | Time | 7 Brew Jeffersonville IN | Time | 7 Brew Jeffersonville IN |
|---------|-------|--------------------------|-------|--------------------------|-------|--------------------------|
| 9:00 | 9:11 | 10 | 9:01 | 11 | 9:02 | 10 |
| 10:00 | 10:08 | 9 | 10:06 | 10 | 10:02 | 9 |
| 11:00 | 11:09 | 9 | 11:00 | 10 | 11:03 | 9 |
| 12:00 | 12:09 | 9 | 12:09 | 10 | 12:05 | 9 |
| 1:00 | 1:01 | 7 | 1:04 | 8 | 1:09 | 7 |
| 2:00 | 2:06 | 7 | 2:08 | 8 | 2:00 | 7 |
| 3:00 | 3:02 | 6 | 3:02 | 7 | 3:00 | 6 |
| 4:00 | 4:09 | 6 | 4:06 | 7 | 4:06 | 6 |
| 5:00 | 5:00 | 6 | 5:00 | 7 | 5:11 | 6 |
| 6:00 | 6:02 | 6 | 6:09 | 7 | 6:06 | 6 |
| 7:00 | 7:05 | 5 | 7:11 | 6 | 7:02 | 5 |
| 8:00 | 8:01 | 5 | 8:12 | 6 | 8:00 | 5 |
| Average | | 6.82 | | 7.82 | | 6.82 |

7 Brews Coffee

7 Brews Coffee

7 Brews Coffee

RECEIVED

JAN 19 2023

PLANNING &
DESIGN SERVICES

22-ZONE-0140

Date:

1/6/2023

1/7/2023

1/8/2023

| | Time | 7 Brew Kingsport TN | Time | 7 Brew Kingsport TN | Time | 7 Brew Kingsport TN |
|---------|-------|---------------------|-------|---------------------|-------|---------------------|
| 9:00 | 9:11 | 11 | 9:01 | 12 | 9:02 | 11 |
| 10:00 | 10:08 | 10 | 10:06 | 11 | 10:02 | 10 |
| 11:00 | 11:09 | 10 | 11:00 | 11 | 11:03 | 10 |
| 12:00 | 12:09 | 10 | 12:09 | 11 | 12:05 | 10 |
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| 2:00 | 2:06 | 8 | 2:08 | 9 | 2:00 | 8 |
| 3:00 | 3:02 | 7 | 3:02 | 8 | 3:00 | 7 |
| 4:00 | 4:09 | 7 | 4:06 | 8 | 4:06 | 7 |
| 5:00 | 5:00 | 7 | 5:00 | 8 | 5:11 | 7 |
| 6:00 | 6:02 | 7 | 6:09 | 8 | 6:06 | 7 |
| 7:00 | 7:05 | 6 | 7:11 | 7 | 7:02 | 6 |
| 8:00 | 8:01 | 6 | 8:12 | 7 | 8:00 | 6 |
| Average | | 7.82 | | 8.82 | | 7.82 |

7 Brews Coffee

7 Brews Coffee

7 Brews Coffee

RECEIVED

JAN 19 2023

PLANNING &
DESIGN SERVICES

22-ZONE-0140

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICES OF THE PLAN 2040 COMPREHENSIVE PLAN

| | |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <u>Applicant:</u> | Stern Development |
| <u>Owner:</u> | Ernest & M. Louise Browning; Barbara Johnston; Sharon Strickland |
| <u>Location:</u> | 5000, 5004 and 5100 Maple Springs Drive, with one parcel without an address per PVA/LOJIC, known as Block 85, Lot 96 |
| <u>Proposed Use:</u> | Coffee Shop |
| <u>Engineers, Land Planners and Landscape Architects:</u> | Mindel Scott & Associates, Inc. |
| <u>Request:</u> | Change in Zoning from R-4 to C-1 |

INTRODUCTION

The applicant is proposing a zone change from R-4 to C-1 to allow a coffee shop with residual tracts. This development adjoins the property where Chick-Fil-A, Mike's Car Wash, and Thornton Gas Station along Preston Highway were approved, also changing from R-4 to C-1.

COMMUNITY FORM

Goal 1: Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

This proposal complies with Policies 2.1, 3.1.4, 4.1, 7, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20 and 23 for the following reasons. The subject properties are situated within the Suburban Neighborhood Form District, which is characterized by both residential uses and, at appropriate locations, neighborhood centers with a mixture of offices, retail shops, restaurants and services. This application complies with this Guideline because the proposed use at this location is part of a center of retail/commercial activity at this location and nearly in an unbroken stretch from the Snyder Freeway interchange south to Cooper Chapel Way and continuing south. This proposed coffee shop will be easily accessible from the north using Maple Spring Drive, which also serves as an entrance to the Menards Home Improvement Center, and other out lots, without adversely impacting the public safety or traffic flows since the coffee shop will not be a destination use but will largely pick up traffic already using other services. The applicant also intends to create an interconnected entrance to the Chick-Fil-A, Mikes Car Wash, and Thorntons to the south once two small lots separating the two developments are obtained through the Kentucky Department of Transportation which is in process This is a highly auto-centric area, a coffee shop, and other services are important for vehicular travel. This is an investment in upgrading neighborhood serving uses in the mix of uses appropriate for area and

surrounding development. The building and dumpsters are located away (buffered and transitioned) from existing residential uses and the area has adequate infrastructure as it is located with the Menards Home Improvement Center development next to an arterial road. There will be no hazardous use, and noise and light emissions will comply with LMCO and LDC restrictions. This plan provides neighborhood level services and needed goods and services

Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and most required setbacks (with only minimal variances or waivers) will also be met.

Also, as this proposed commercially zoned site is adjacent to the growing commercial activity center anchored by Menards Home Improvement Center to the north, Commerce Crossings to the west, and the Snyder Freeway to the north, travel distances are reduced, with a centrally placed coffee shop, with gas/convenience store and fast food to the south for the drivers utilizing the area, reducing miles driven and contributing to improved air quality.

The quality components, color scheme, and style and design of this development assures compatibility with and improvement on the general quality of construction in the area. Plus landscaping, screening, buffering and sidewalks help assure appropriateness for the Preston Highway area and compatibility with adjoining commercial and residential uses.

Goal 2: Encourage sustainable growth and density around mixed use centers and corridors.

The proposal complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 9 and 13 for the reasons set forth below. The site is an expansion of an existing activity center providing neighborhood goods and services with a sufficient support population and appropriate access and connectivity with a compact pattern of development. The placement and design of the building is appropriate.

Goal 3: Encourage neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This proposal complies with Policies 5, 8, 9, 10 and 12 because there are no known natural features, karst terrain, slopes, flood prone areas or hydric soils on the site.

Goal 4: Promote and preserve the historic and archeological resources that contribute to our authenticity.

The proposal complies with Policies 1 and 2 because there are no historic assets or distinctive cultural features evident on the site.

MOBILITY

Goal 1: Implement an accessible system of alternative transportation modes.

This proposal complies with Policies 1, 3 and 4 as the site will provide a sidewalk along Maple Spring Way and Preston Highway to facilitate connections to the existing activity center.

Goal 2: Plan, build and maintain a safe, accessible and efficient transportation system.

This proposal complies with Policies 2 and 4 because the plan provides sidewalk along Maple Spring Way and Preston Highway. There are no current or proposed TARC routes accessible to the site.

Goal 3: Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

This proposal complies with Policies 5, 6 and 9 to the extent it is within its power to do so. Transportation Planning is still reviewing the proposal. There are currently no TARC routes along this section of Preston Highway. The plan does provide a sidewalk along its frontage of a major arterial roadway.

COMMUNITY FACILITIES

Goal 2: Plan for community facilities to improve quality of life and meet anticipated growth.

This proposal complies with Policies 1, 2 and 3 because existing utilities are and have long been available to the site, including potable water and water for sewer services. Churches, schools, and a fire station are located a short distance away.

ECONOMIC DEVELOPMENT

Goal 1: Provide an economic climate that improves growth, innovation, investment and opportunity for all.

The only applicable Policy is Policy 3 which recommends locating commercial uses at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas, which is satisfied by locating in this growing activity center along Preston Highway. (Emphasis added.) The use will not have negative impacts on the area as the only residential property nearby is sufficiently buffered from commercial activities. As Louisville Metro's population continues to grow, so does demand for all types of services such as is provided in this plan. This proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and as such both stabilizes and offers increased opportunities for employment and tax base for the City.

LIVABILITY

Goal 1: Protect and enhance the natural environment and integrate it with the built environment as development occurs.

This proposal complies with Policies 4, 5, 17, 21 and 24 because the site is not proposed for industrial zoning and is not located near the Ohio River or the airport and does not contain karst terrain or a regulatory floodplain.

HOUSING

Goal 1: Expand and ensure a diverse range of housing choices.

This proposal complies with Policy 1 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area. The expanded convenience store will provide a wider variety and choice of groceries, household goods and services.

Goal 2: Facilitate the development of connected mixed-use neighborhoods.

This proposal complies with Policies 1 and 2 because it permits inter-generational, mixed-income and mixed-use development connected to the surrounding area and provides amenities in the provision of goods and services in proximity to housing. This site on a major arterial adjacent to an activity center is not appropriate for single family development.

Goal 3: Ensure long-term affordability and livable options in all neighborhoods.

This proposal complies with Policies 2 and 3 because no existing residents who are not willingly selling will be displaced and it provides goods and services in close proximity to more appropriate areas for residential uses nearby to the activity center.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

John C. Talbott
BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

ORDINANCE NO. 054, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5000, 5004 AND 5100 MAPLE SPRING DRIVE AND PARCEL ID NO. 008500960000 CONTAINING APPROXIMATELY 4.95 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0140). (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the "Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 22ZONE0140; and

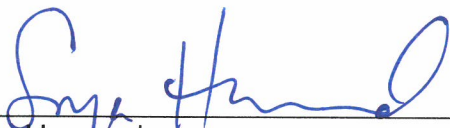
WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0140 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional binding element.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

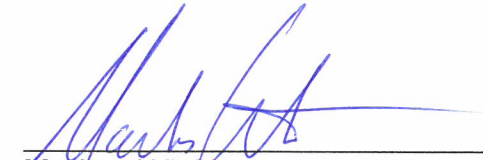
SECTION I: That the zoning of the properties located at 5000, 5004 and 5100 Maple Spring Drive and Parcel ID No. 008500960000 containing approximately 4.95 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0140, is hereby changed from R-4 Single Family Residential to C-2 Commercial; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0140, with the following additional binding element:

10. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.


SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.



Sonya Harward
Metro Council Clerk



Markus Winkler
President of the Council



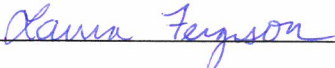
Craig Greenberg
Mayor

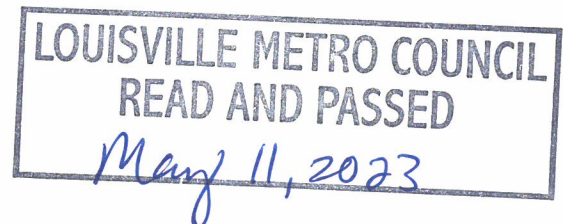
May 23, 2023

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



O-081-23 22ZONE0140 Approval (As Amended).docx (TF 5-3-23)