



# 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)*

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May 02, 2023

1:00 PM

Council Chambers/Virtual

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#### **THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE**

8. **O-082-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 7700-7706 LAUREL RIDGE ROAD CONTAINING APPROXIMATELY 0.72 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0148).

*Enactment #: Ordinance No. 055, Series 2023*

**Sponsors:**

**ORDINANCE NO. \_\_\_\_\_, SERIES 2023**

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 7700-7706 LAUREL RIDGE ROAD CONTAINING APPROXIMATELY 0.72 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0148). (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. 22ZONE0148; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0148 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 7700-7706 Laurel Ridge Road containing approximately 0.72 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0148, is hereby changed from R-5 Single Family Residential to C-1 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. 22ZONE0148-, with the following additional binding element:

9. 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**

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Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

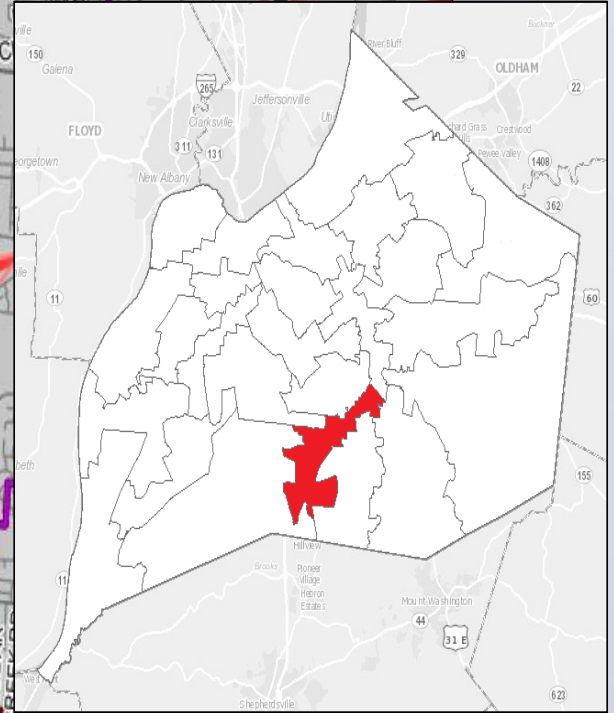
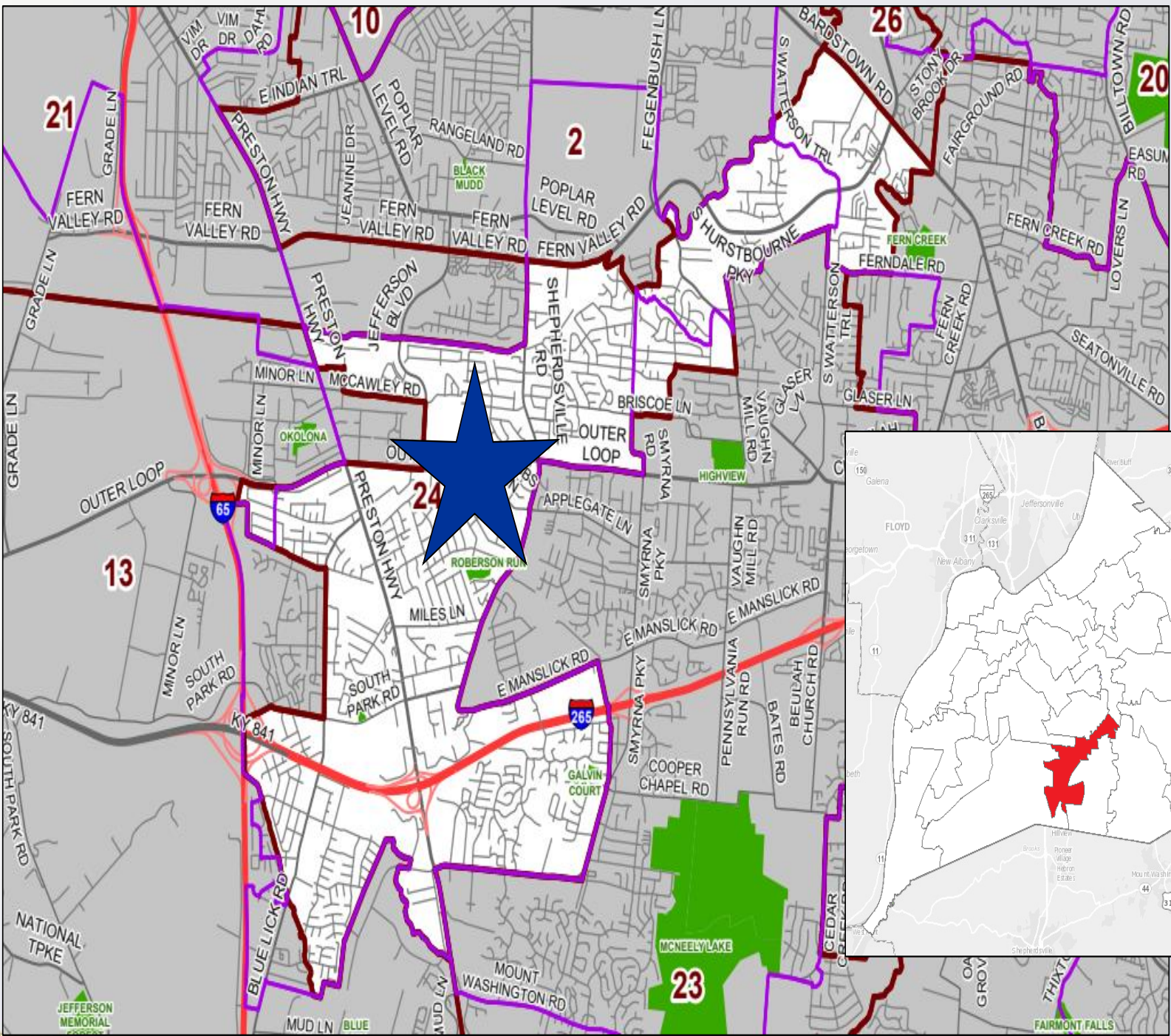
O-082-23– Zoning at 7700-7706 Laurel Ridge Road (If)

22-ZONE-0148

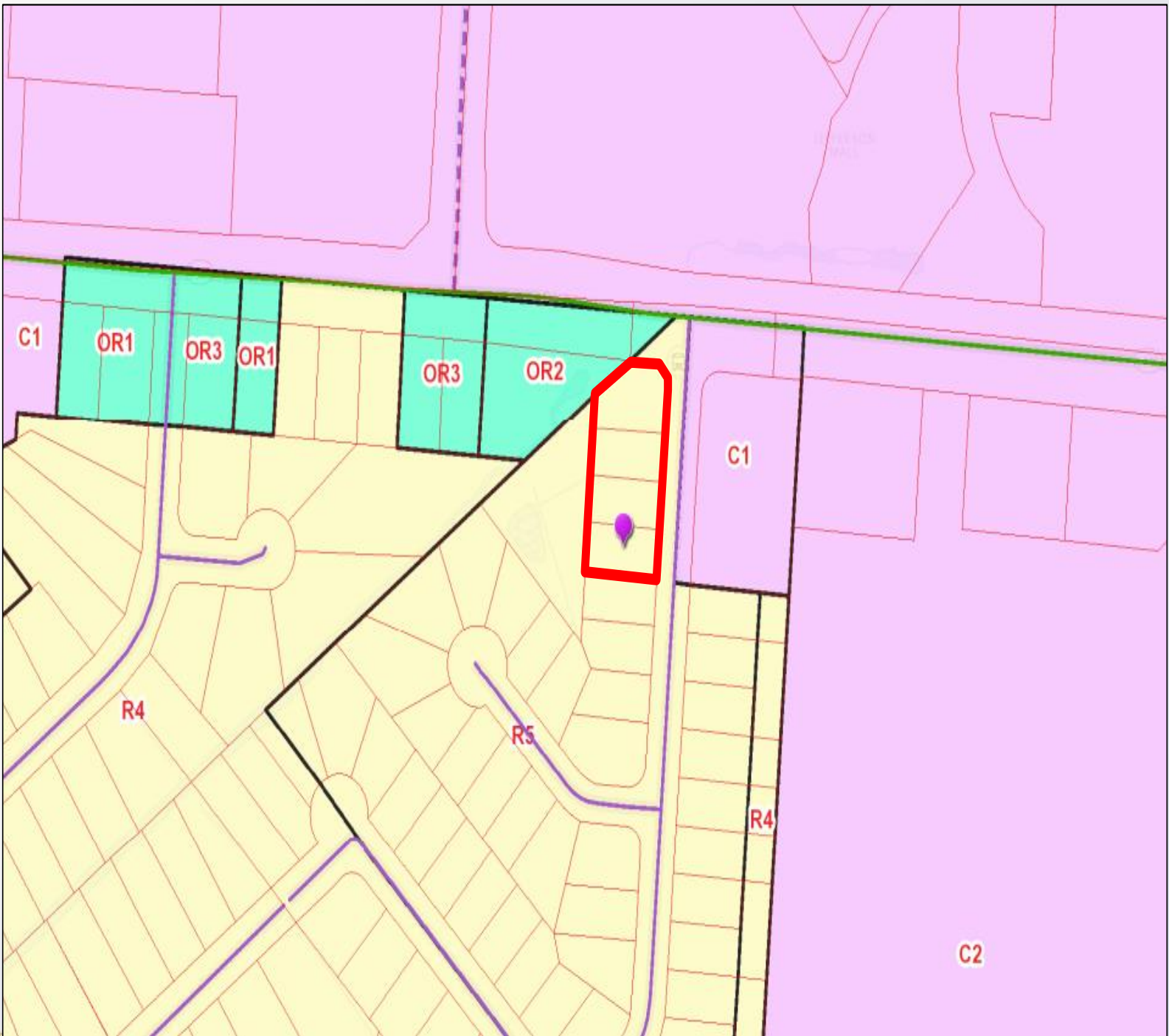
7 BREW – LAUREL RIDGE ROAD



Planning & Zoning Committee  
May 2, 2023







Existing: R-4/N  
Proposed: C-1/N

# Requests

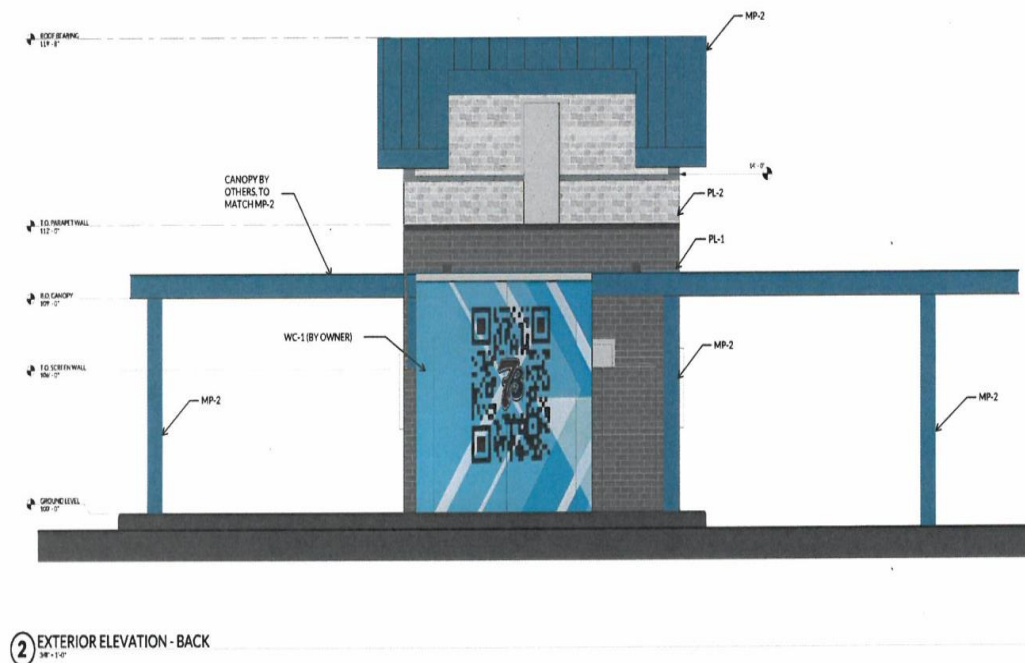
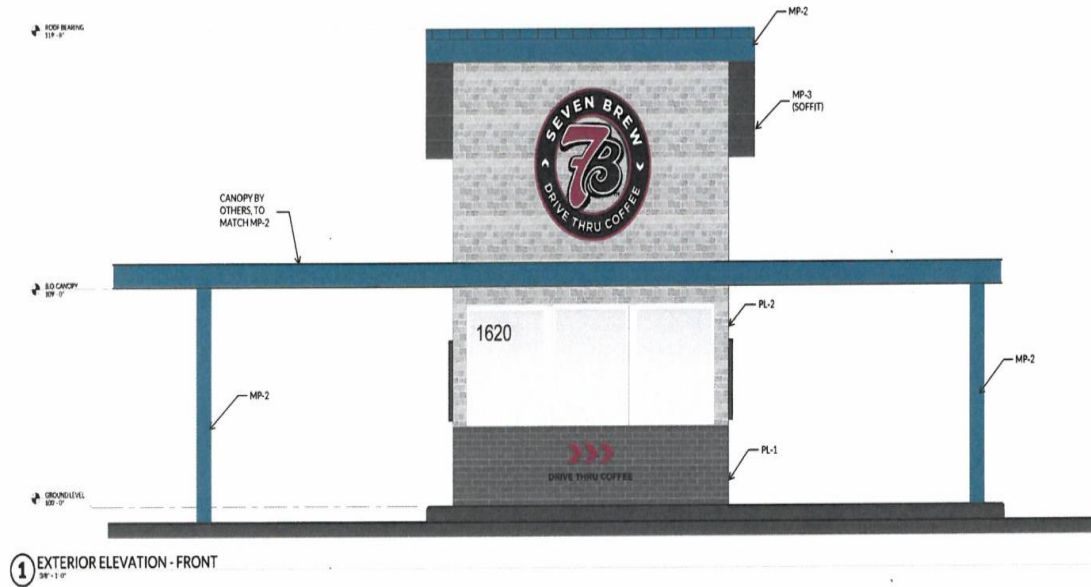
- **Change in Zoning** from R-5 Single Family Residential to C-1 Commercial
- **Variances:**
  - from 4.8.3.C to permit encroachment into outer and middle zones of a protected waterway buffer (22-VARIANCE-0145)
  - from 5.1.12.B.2.e to exceed maximum infill setback (Outer Loop frontage: required 40', requested 70', variance of 30'; Laurel Ridge Road frontage: required 25', requested 60', variance of 35') (22-VARIANCE-0146)
- **Waivers:**
  - from 10.2.4.B.3 to permit an easement to overlap a required LBA by more than 50% (22-WAIVER-0196)
  - from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0007)
- **Parking Waiver** to exceed maximum allowed parking (22-PARKWAIVER-0007)
- **Detailed District Development Plan** with Binding Elements

# Case Summary

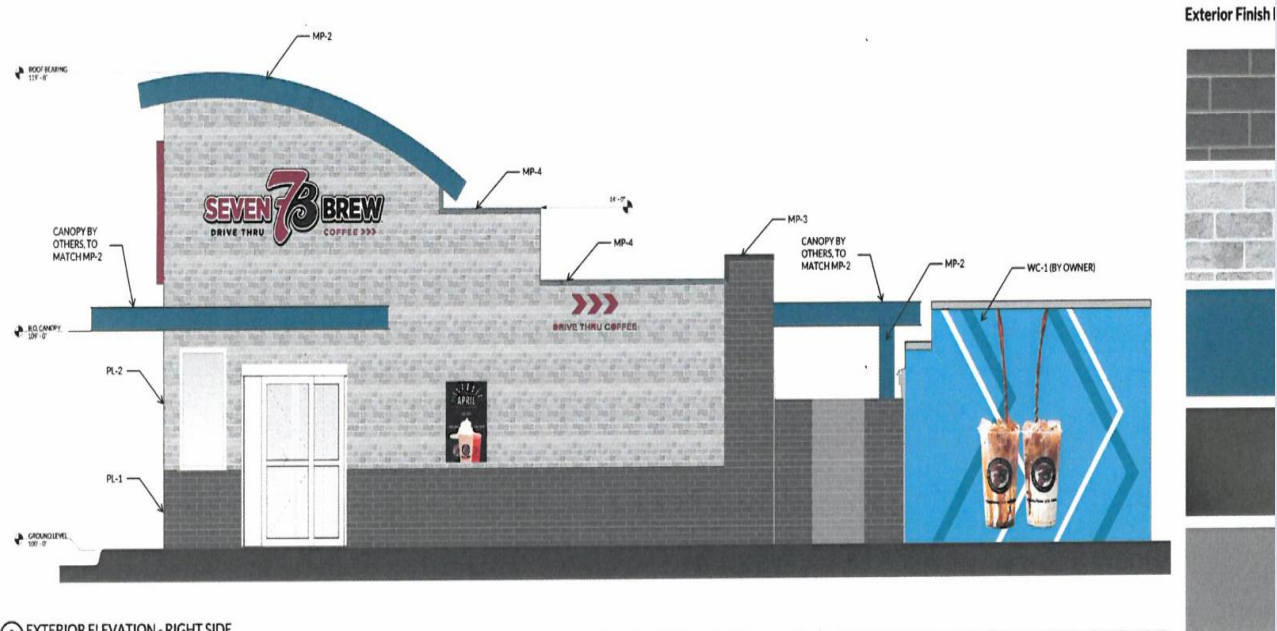
- Site currently undeveloped
- Proposed 510 sf 7 Brew coffee shop
- Access from Laurel Ridge Road
- Southern Ditch



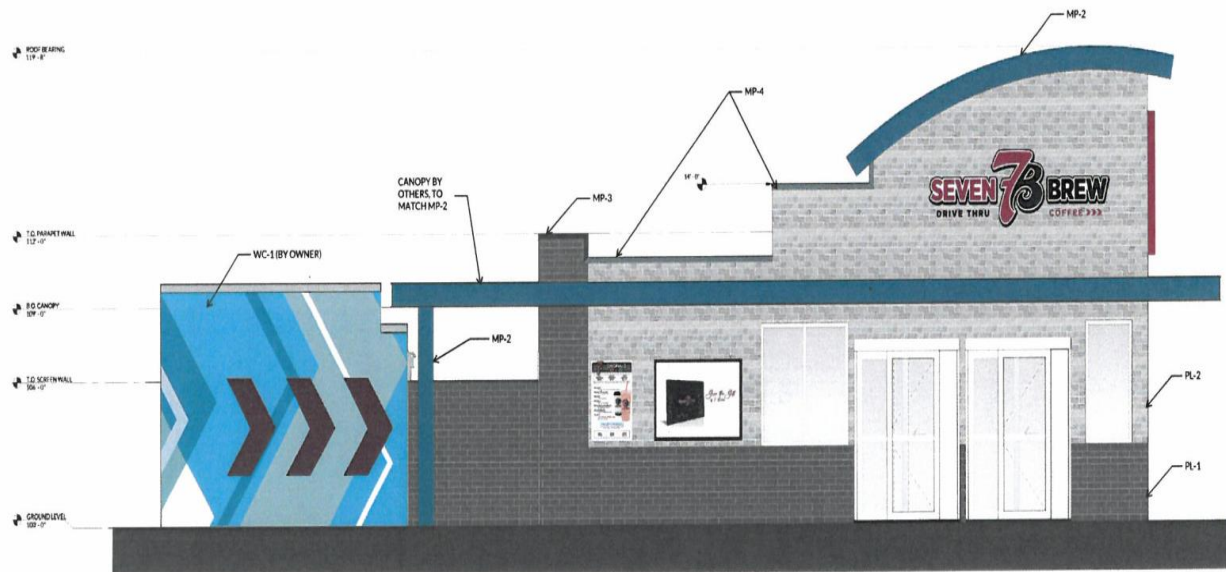
# Applicant's Rendering



# Applicant's Rendering

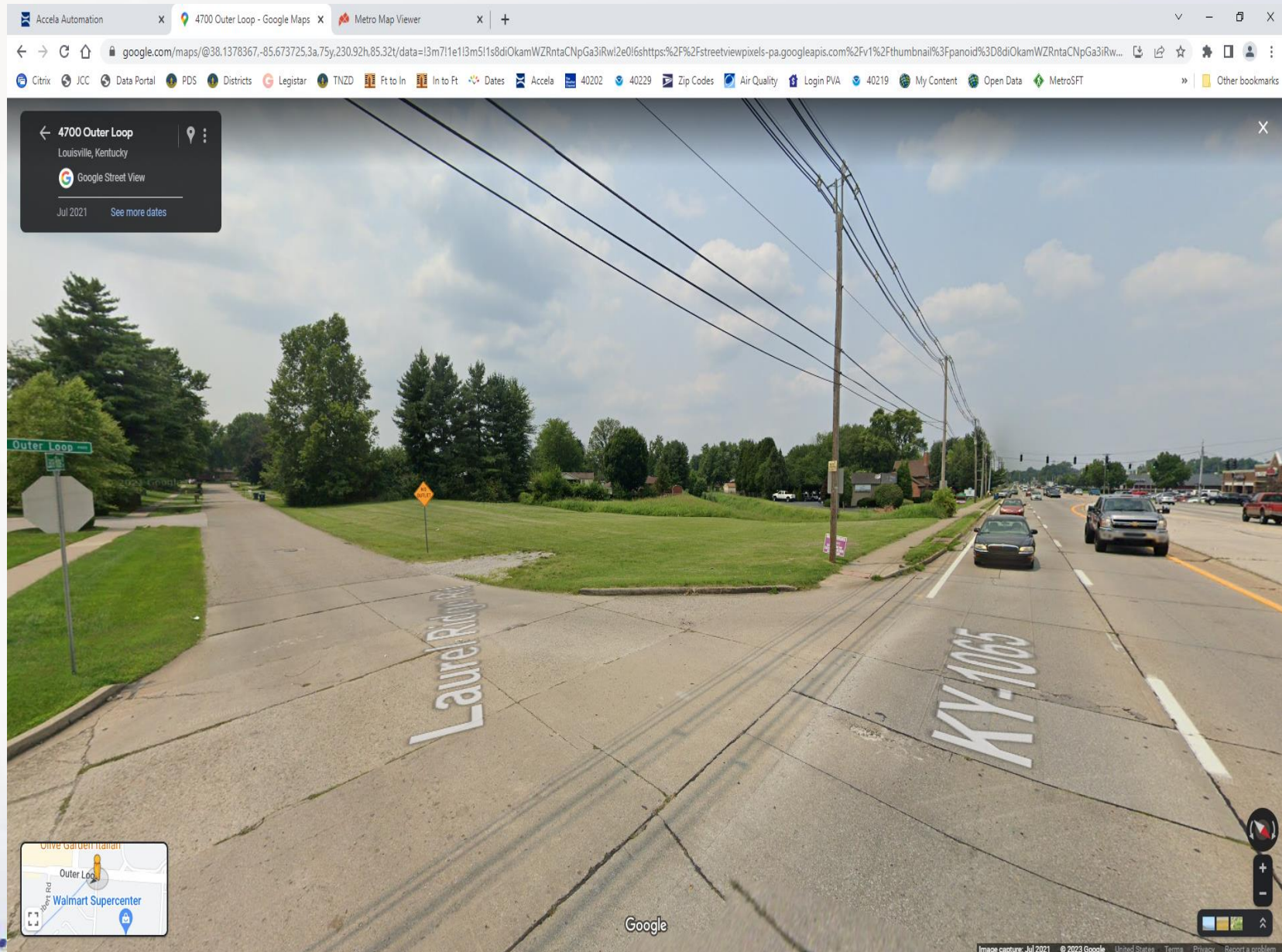


① EXTERIOR ELEVATION - RIGHT SIDE  
3/8" = 1'-0"



② EXTERIOR ELEVATION - LEFT SIDE  
3/8" = 1'-0"

# Site Photos-Subject Property



Louisville

View into site from Outer Loop

22-ZONE-0148

# Public Meetings

- Neighborhood Meeting on 9/27/2022
- LD&T meeting on 2/23/2023
- 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-1 passed by a vote of 9-0.

# Planning Commission

## Staff Report

March 16, 2023



<b>Case No:</b>	22-ZONE-0148
<b>Project Name:</b>	7 Brew
<b>Location:</b>	7700 – 7706 Laurel Ridge Road
<b>Owner(s):</b>	Estate of William C Ridge Jr.
<b>Applicant:</b>	Hogan Real Estate
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

### REQUESTS

- **Change in zoning** from R-5 Single Family Residential to C-1 Commercial
- **Variances:**
  - #1:** from 4.8.3.C to permit encroachment into the required outer and middle zones of a protected waterway buffer (22-VARIANCE-0145)
  - #2:** from 5.1.12.B.2.e to exceed the allowed infill maximum setback (Outer Loop frontage: required 40', requested 91', variance of 51'; Laurel Ridge Road frontage: required 25', requested 60', variance of 35') (22-VARIANCE-0146)
- **Waivers:**
  - #1:** from 10.2.4.B.3 to permit an easement to overlap a required Landscape Buffer Area (LBA) by more than 50% (22-WAIVER-0196)
  - #2:** from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0007)
- **Parking Waiver** to exceed the maximum allowable parking (22-PARKWAIVER-0007)
- **Detailed District Development Plan** with Binding Elements

### CASE SUMMARY/BACKGROUND

The subject site is located at the intersection of Outer Loop and Laurel Ridge Road, and consists of four contiguous parcels. The applicant proposes to rezone the site in order to construct a new 510 square foot coffee shop with drive-through under the 7 Brew brand.

Single-family residential is located to the south of the site. The site is otherwise surrounded by commercial development. Southern Ditch, a protected waterway, runs to the west of the site, and the required buffer areas overlap the site. Jefferson Mall is located across Outer Loop to the north. Outer Loop is a designated parkway at this location.

### STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. Staff finds that Variance #1 is not adequately justified and does not meet the standard of review. Variance #2 is adequately justified and meets the standard of review. 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 variances and 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 the site is generally surrounded by existing commercial zoning. Regional Center form is located nearby to the north, but the proposed zoning district is appropriate for the existing Neighborhood form. Outer Loop is a major arterial and commercial corridor at this location. The proposal would permit lower-intensity commercial uses to buffer the residential uses to the south from the more intensive commercial uses to the north, and from Outer Loop. It would also provide neighborhood-serving goods and services in proximity to housing, promoting aging in place.

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 VARIANCE FROM 4.8.3.C**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance may adversely affect public health, safety or welfare as the encroachment may lead to water quality degradation downstream of the site.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as Outer Loop is a commercial corridor.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance may cause a hazard or nuisance to the public as the potentially increased run-off into Southern Ditch may contribute to flooding downstream of the site.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance allow an unreasonable circumvention of zoning regulations as mitigation of the encroachment is not being provided at the time of publication of this staff report. The applicant may have further information by the time of the Planning Commission public hearing.

#### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because of the proximity of Southern Ditch to the site and the significant overlap of the buffer zones with the site.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the site could be redesigned to minimize the encroachment, or to provide mitigation of the encroachment.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no construction has yet taken place and the variance is being sought at this time.

ADDITIONAL CRITERIA:

- a. The variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area.

STAFF: The requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area. The buffer area encroaches significantly into the site.

- b. The size, shape, or topography of the property, as of March 1, 2003, is such that it is not possible to construct a single family detached dwelling without encroaching into the required Buffer Area.

STAFF: No single-family dwelling is proposed.

- c. Encroachment into the required Buffer Area shall be limited to the minimum necessary to accommodate the proposed use.

STAFF: The site design encroaches into the required buffer area to the minimum necessary extent to accommodate the proposed use.

- d. The Applicant shall commit, to the satisfaction of the County, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation, construction, and post-construction.

STAFF: The applicant, as of the time of publication of this staff report, has provided no mitigation measures.

- e. Approval of the variance will not result in a reduction in water quality.

STAFF: The applicant should demonstrate the water quality will not be reduced.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM 5.1.12.B.2.e**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all building codes, including fire codes. The proposed structure will not impact sight lines or obstruct vision clearance.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the neighborhood of the site transitions from residential to non-residential from south to north, with non-residential located east and west, with differing setbacks for the non-residential areas.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes. The proposed building will not obstruct vision clearance.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the site is separated from the adjacent non-residential by Southern Ditch, and the adjacent residential to the south is farther from the structure such that the difference in setback should be less noticeable.

### **ADDITIONAL CONSIDERATIONS:**

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other properties in the subdivision.

- b. The strict application of the provisions of the regulation would deprive the applicant of 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 create an unnecessary hardship on the applicant as the design of the proposed development constitutes a drive-through wrapping around a small building. Putting the building closer to the two roads would prevent the drive-through from functioning, and would additionally place more impervious surface into the protected waterway buffer zones.

- c. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the structure has not been constructed and the applicant is requesting the variance.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4.B.3**

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

STAFF: The waiver will not adversely affect adjacent property owners as the required plantings will still be provided outside the overlap area.

- (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 will be adequately buffered.

- (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 easement is required and the LBA cannot be moved to eliminate the overlap.

- (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 removing the overlap would seriously impact the development.

### **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: No natural resources are evident on the site aside from a small number of trees and the waterway buffer around Southern Ditch. The site is currently undeveloped. Required tree canopy will be provided. The scenic views along Outer Loop will be preserved by the provision of a parkway buffer. The encroachment into the Southern Ditch waterway buffer zones is addressed in Variance #1.

- (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 variances and waivers, and conforms with the Comprehensive Plan.

## **REQUIRED ACTIONS**

- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-5 to C-1
- **APPROVE** or **DENY** the **Variances**
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Parking Waiver**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

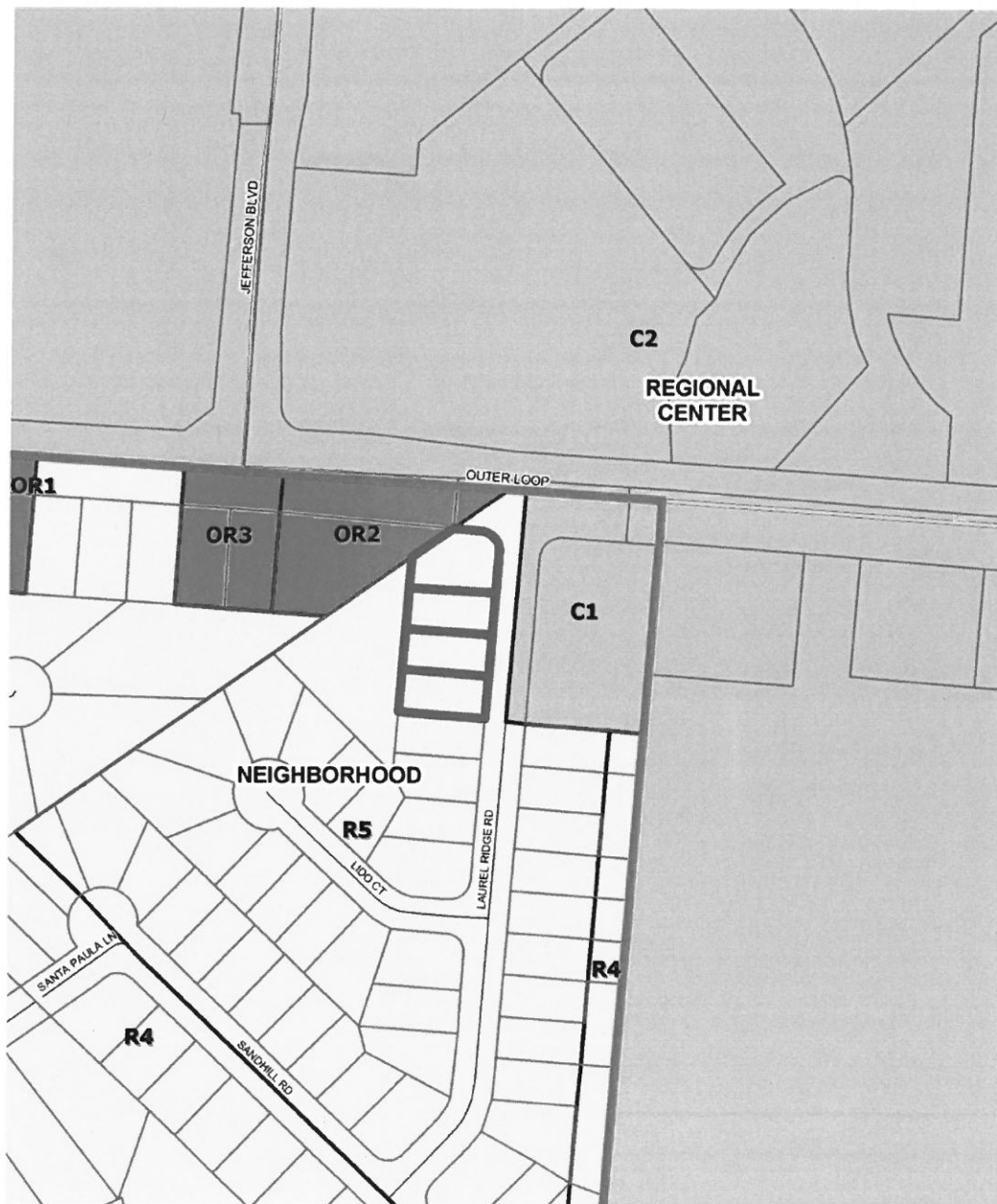
**NOTIFICATION**

Date	Purpose of Notice	Recipients
01/27/2023	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 24
03/03/2023	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 24
02/27/2023	Hearing before PC	Sign Posting on property
03/05/2023	Hearing before PC	Legal Advertisement in the Courier-Journal

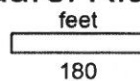
**ATTACHMENTS**

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

1. Zoning Map



7700 Laurel Ridge Road



Map Created: 9/23/2022



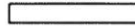
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COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



7700 Laurel Ridge Road

feet



180

Map Created: 9/23/2022



Copyright (c) 2022 LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD)  
LOUISVILLE WATER COMPANY (LWC)  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA) All Rights Reserved

### 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	<b>6.</b> 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 Outer Loop, which is a commercial and transit 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	<b>7.</b> 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 Outer Loop, a commercial and transit corridor.
3	Community Form: Goal 1	<b>8.</b> 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	<b>15.</b> 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 Outer Loop, a major arterial and transit corridor at this location, via Laurel Ridge Road.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	Adequate buffering will be provided between the site and the adjacent residential property to mitigate noise impacts.
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 Outer Loop, 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 Outer Loop, 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.	NA	No historic assets are evident on the site.
23	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	No distinctive cultural features are evident 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 Outer Loop, a major arterial and transit corridor at this location, via Laurel Ridge Road.

#	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, car, transit and pedestrians. Access by 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 has approved 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 has approved 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 has approved 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 has approved 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 has approved 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 have approved 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 has approved 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 has approved 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 Outer Loop, 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.	✓	No karst features are evident on the site.
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, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

- b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Outer Loop 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. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 16, 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. 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.
8. 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  
February 9, 2023**



<b>Case No:</b>	22-ZONE-0148
<b>Project Name:</b>	7 Brews
<b>Location:</b>	7700 – 7706 Laurel Ridge Road
<b>Owner(s):</b>	Estate of William C Ridge Jr.
<b>Applicant:</b>	Hogan Real Estate
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

**REQUESTS**

- **Change in zoning** from R-5 Single Family Residential to C-1 Commercial
- **Variances:**
  - #1:** from 4.8.3.C to permit encroachment into the required outer and middle zones of a protected waterway buffer (22-VARIANCE-0145)
  - #2:** from 5.1.12.B.2.e to exceed the allowed infill maximum setback (Outer Loop frontage: required 40', requested 91', variance of 51'; Laurel Ridge Road frontage: required 25', requested 60', variance of 35') (22-VARIANCE-0146)
- **Waivers:**
  - #1:** from 10.2.4.B.3 to permit an easement to overlap a required Landscape Buffer Area (LBA) by more than 50% (22-WAIVER-0196)
  - #2:** from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0007)
- **Parking Waiver** to exceed the maximum allowable parking (22-PARKWAIVER-0007)
- **Detailed District Development Plan** with Binding Elements

**CASE SUMMARY/BACKGROUND**

The subject site is located at the intersection of Outer Loop and Laurel Ridge Road, and consists of four contiguous parcels. The applicant proposes to rezone the site in order to construct a new 510 square foot coffee shop with drive-through under the 7 Brews brand.

Single-family residential is located to the south of the site. The site is otherwise surrounded by commercial development. Southern Ditch, a protected waterway, runs to the west of the site, and the required buffer areas overlap the site. Jefferson Mall is located across Outer Loop to the north. Outer Loop is a designated parkway at this location.

**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.**

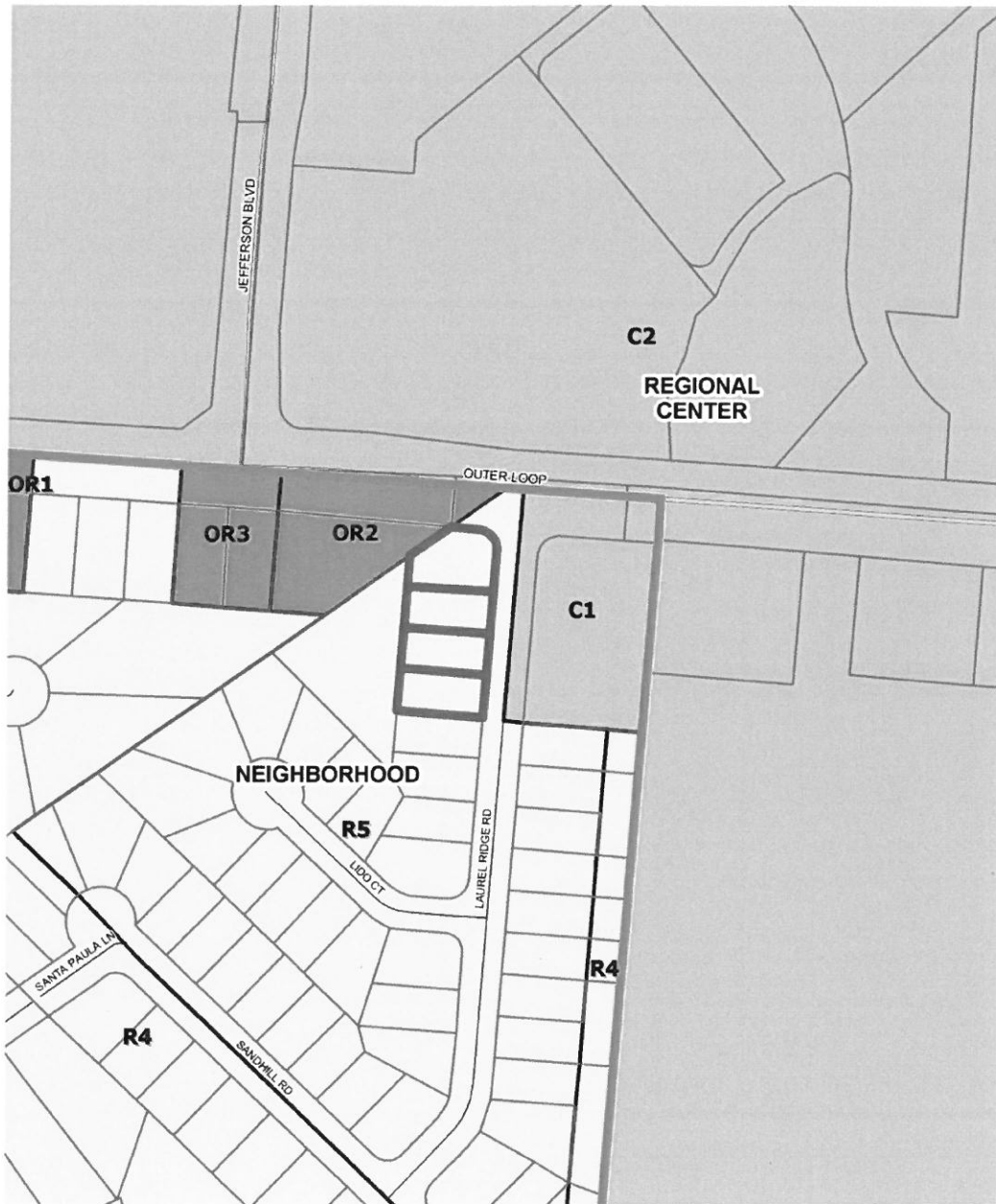
**NOTIFICATION**

Date	Purpose of Notice	Recipients
01/27/2023	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 24
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 24
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

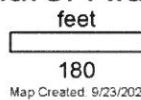
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



7700 Laurel Ridge Road



Map Created: 9/23/2022



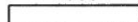
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JEFFERSON COUNTY PROPERTY VALUATION  
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2. Aerial Photograph



7700 Laurel Ridge Road

feet



180

Map Created 9/23/2022



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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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Outer Loop 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. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - f. 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. 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.
8. 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



<b>Case No:</b>	22-ZONEPA-0123
<b>Project Name:</b>	7700 Laurel Ridge Road Coffee Shop
<b>Location:</b>	7700 Laurel Ridge Road
<b>Owner(s):</b>	Estate of William C Ridge Jr.
<b>Applicant:</b>	Hogan Real Estate
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

## **REQUEST**

- **Change in zoning** from R-5 Single Family Residential to C-1 Commercial

## **CASE SUMMARY/BACKGROUND**

The subject site is located at the intersection of Outer Loop and Laurel Ridge Road and consists of four undeveloped parcels. The applicant proposes to rezone the site in order to construct a new 510 square foot coffee shop with two drive-through lanes.

The site is generally surrounded by non-residential uses to the west, east and north. Jefferson Mall is located to the north across Outer Loop. Single-family residential uses are located to the south along Laurel Ridge Road. Outer Loop is a designated parkway at this location.

## **STAFF FINDING**

The proposal to rezone the property to C-1 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 Outer Loop, which is a commercial and transit 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 Outer Loop, a commercial and transit 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 Outer Loop, a major arterial and transit corridor at this location, via Laurel Ridge Road. 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.

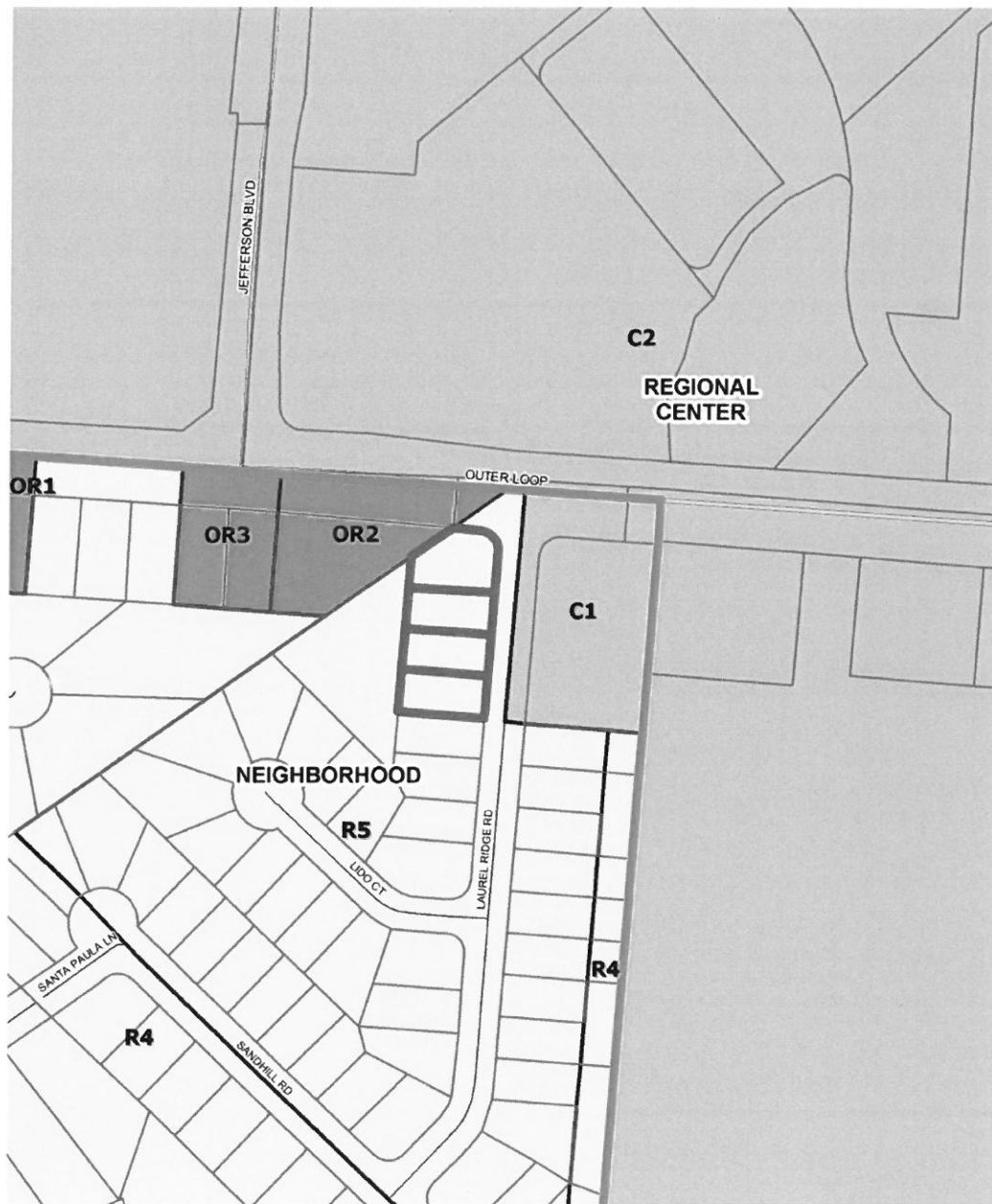
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 24&13
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 24&13
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

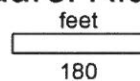
#### **ATTACHMENTS**

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

1. Zoning Map



7700 Laurel Ridge Road



Map Created: 9/23/2022



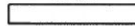
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COUNTY METROPOLITAN SEWER DISTRICT (MSD)  
LOUISVILLE WATER COMPANY (LWC)  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA) All Rights Reserved

2. Aerial Photograph



7700 Laurel Ridge Road

feet



Map Created 9/23/2022



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
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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	<b>6.</b> 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 Outer Loop, which is a commercial and transit 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	<b>7.</b> 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 Outer Loop, a commercial and transit corridor.
3	Community Form: Goal 1	<b>8.</b> 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	<b>15.</b> 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 Outer Loop, a major arterial and transit corridor at this location, via Laurel Ridge Road.
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 Outer Loop, 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 Outer Loop, 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.	NA	No historic assets are evident on the site.
23	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	No distinctive cultural features are evident 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 Outer Loop, a major arterial and transit corridor at this location, via Laurel Ridge Road.

#	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, car, transit and pedestrians. Access by 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 Outer Loop, 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.

## PLANNING COMMISSION

March 30, 2023

### PUBLIC HEARING

CASE NO. 22-ZONE-0148

Request: THIS CASE WAS CONTINUED FROM THE MARCH 16, 2023 PC HEARING - Change in zoning from R-5 to C-1, with associated Detailed District Development Plan with Binding Elements, and Waivers, Variances and Parking Waiver

Project Name: 7 Brew

Location: 7700 - 7706 Laurel Ridge Road

Owner: Estate of William C Ridge Jr.

Applicant: Hogan Real Estate

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 24 - Madonna Flood

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:

02:10:01 Dante St. Germain presented the case, showed a Power Point presentation, and responded to questions from the Commissioners. She noted that additional language has been added to the original binding element #4C in the staff report (see staff report and recording for detailed presentation.) That binding element shall now read as follows:

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. **This landscape plan shall include, at a minimum, native Kentucky grasses or groundcover located within the area where the Landscape Buffer Area overlaps the Southern Ditch stream buffer. Grasses or groundcover shall be chosen so as to minimize or eliminate mowing, and this area shall not be mowed by the property owner or tenant. Native Kentucky shrubs shall be included where the stream buffer does not overlap a utility easement.**

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**Shrubs shall not be counted toward required tree canopy, but shall be maintained by the property owner or tenant as part of the landscape plan.**

02:19:22 In response to a question from Commissioner Mims, Ms. St. Germain explained that whatever runoff would be going directly into Southern Ditch would be mitigated by the native plants that would be going in. Specific species would be determined by the applicant at the Landscape stage.

02:20:24 In response to questions from Commissioner Clare, Ms. St. Germain said the floodway does not appear to go outside of the Southern Ditch, and the floodplain does not reach this property (see recording for detailed discussion.) She said there is mitigation being provided for runoff per MSD's requirements.

**The following spoke in support of the request:**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Mike Leonard, 9300 Shelbyville Road Suite 1300, Louisville, KY 40222

**Summary of testimony of those in support:**

02:21:34 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:29:50 In response to questions from Commissioner Mims, Mr. Pregliasco used the site plan to point out the driving route that customers would use to order and exit the property. He said that almost all business would be drive-through; there is a walk-up window; and there is no indoor seating. Mr. Pregliasco and Mike Hill, an applicant's representative, also explained the detention basin, plants, and design used to mitigate water runoff (see recording for detailed discussion.)

02:34:45 In response to questions from Commissioner Cheek, Mr. Pregliasco explained more about customer vehicle circulation and stacking (see recording.)

02:36:40 In response to questions from Commissioner Cheek, Mr. Hill said the specific species of native plants and grasses has not yet been determined. The applicant will work with the landscape architect regarding "No Mow" signage. The area to be preserved will be identified on the landscape plan (see recording.)

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02:38:56 In response to questions from Commissioner Clare, Mr. Hill confirmed that runoff from all hard surfaces will drain into the detention basin. All other surfaces will naturally drain toward Southern Ditch or the detention basin. They discussed the area marked as a flood plain on the site, and MSD's requirements to mitigate that.

02:40:56 Commissioner Brown and Mr. Hill discussed the location of the pedestrian crosswalk. Commissioner Brown said it looked like the sidewalk was located on top of "an old drainage structure". Mr. Hill said construction details would determine the location of the sidewalk.

**The following spoke in opposition to the request:**

No one spoke.

**Deliberation:**

02:42:35 Commissioners' deliberation.

**An audio/visual recording of the Planning Commission 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.**

**Change in zoning from R-5 Single Family Residential to C-1 Commercial**

02:43:21 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Staff Analysis and Standard of Review 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 Outer Loop, which is a commercial and transit 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 Outer Loop, a commercial and transit 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 Outer Loop, a major arterial and transit corridor at this location, via Laurel Ridge Road; adequate buffering will be

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#### CASE NO. 22-ZONE-0148

provided between the site and the adjacent residential property to mitigate noise impacts; 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 Outer Loop, 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 Outer Loop, a commercial corridor; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 3 because no natural features are evident on the site; 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 Community Form: Goal 4 because no historic assets are evident on the site; and no distinctive cultural features are evident on the site; and

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

**WHEREAS**, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the site is from Outer Loop, a major arterial and transit corridor at this location, via Laurel Ridge Road; 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, car, transit and pedestrians. Access by people with disabilities will be improved by the proposal; the proposal would permit higher-density mixed-use developments that reduce the need for multiple automobile trips; and Transportation Planning has approved the proposal; and

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**WHEREAS**, the Commission further finds that the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; and MSD has approved the proposal; 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 Outer Loop, 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 no karst features are evident on the site; and 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 requested change in zoning from R-5 Single Family Residential to C-1 Commercial as described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioner Brown, Cheek, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.**

**ABSENT: Commissioner Sistrunk.**

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**CASE NO. 22-ZONE-0148**

**Variance #1: from 4.8.3.C to permit encroachment into the required outer and middle zones of a protected waterway buffer (22-VARIANCE-0145)**

02:44:20 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the evidence and testimony heard today, and with the mitigation that has been added to binding element #4C regarding native vegetation, was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance #1: from 4.8.3.C to permit encroachment into the required outer and middle zones of a protected waterway buffer (22-VARIANCE-0145).

**The vote was as follows:**

**YES: Commissioner Brown, Cheek, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.**

**ABSENT: Commissioner Sistrunk.**

**Variance #2: from 5.1.12.B.2.e to exceed the allowed infill maximum setback (Outer Loop frontage: required 40', requested 91', variance of 51'; Laurel Ridge Road frontage: required 25', requested 60', variance of 35') (22-VARIANCE-0146)**

02:45:15 On a motion by Commissioner Brown, seconded by Commissioner Cheek, 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 requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all building codes, including fire codes. The proposed structure will not impact sight lines or obstruct vision clearance; and

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the neighborhood of the site transitions from residential to non-residential from south to north, with non-residential located east and west, with differing setbacks for the non-residential areas; and

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**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes. The proposed building will not obstruct vision clearance; and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the site is separated from the adjacent non-residential by Southern Ditch, and the adjacent residential to the south is farther from the structure such that the difference in setback should be less noticeable; and

**WHEREAS**, the Commission further finds that the requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other properties in the subdivision; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the design of the proposed development constitutes a drive- through wrapping around a small building. Putting the building closer to the two roads would prevent the drive-through from functioning, and would additionally place more impervious surface into the protected waterway buffer zones; and

**WHEREAS**, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the structure has not been constructed and the applicant is requesting the variance, now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance #2: from 5.1.12.B.2.e to exceed the allowed infill maximum setback (Outer Loop frontage: required 40', requested 91', variance of 51'; Laurel Ridge Road frontage: required 25', requested 60', variance of 35') (22-VARIANCE-0146)

**The vote was as follows:**

**YES: Commissioner Brown, Cheek, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.**

**ABSENT: Commissioner Sistrunk.**

**PLANNING COMMISSION**

**March 30, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0148**

**Waiver #1: from 10.2.4.B.3 to permit an easement to overlap a required Landscape Buffer Area (LBA) by more than 50% (22-WAIVER-0196)**

**Waiver #2: from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0007)**

02:46:02 On a motion by Commissioner Brown, seconded by Commissioner Cheek, 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 required plantings will still be provided outside the overlap area; 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 will be adequately buffered; 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 easement is required and the LBA cannot be moved to eliminate the overlap; 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 removing the overlap would seriously impact the development; and

**(Waiver #2) 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

**PLANNING COMMISSION**

**March 30, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0148**

**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.3 to permit an easement to overlap a required Landscape Buffer Area (LBA) by more than 50% (22-WAIVER-0196) **AND** the requested Waiver #2: from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0007)

**The vote was as follows:**

**YES: Commissioner Brown, Cheek, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.**

**ABSENT: Commissioner Sistrunk.**

**Parking Waiver to exceed the maximum allowable parking (22-PARKWAIVER-0007)**

02:46:47 On a motion by Commissioner Brown, seconded by Commissioner Cheek, 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

**PLANNING COMMISSION**

**March 30, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0148**

**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

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Parking Waiver to exceed the maximum allowable parking (22-PARKWAIVER-0007).

**The vote was as follows:**

**YES: Commissioner Brown, Cheek, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.**

**ABSENT: Commissioner Sistrunk.**

**Detailed District Development Plan with Binding Elements**

02:46:47 On a motion by Commissioner Brown, seconded by Commissioner Cheek, 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 no natural resources are evident on the site aside from a small number of trees and the waterway buffer around Southern Ditch. The site is currently undeveloped. Required tree canopy will be provided. The scenic views along Outer Loop will be preserved by the provision of a parkway buffer. The encroachment into the Southern Ditch waterway buffer zones is addressed in Variance #1; 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

## PLANNING COMMISSION

March 30, 2023

### PUBLIC HEARING

#### CASE NO. 22-ZONE-0148

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

**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 variances and 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, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

## PLANNING COMMISSION

March 30, 2023

### PUBLIC HEARING

#### CASE NO. 22-ZONE-0148

- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Outer Loop right-of-way.
- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 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. This plan shall include, at a minimum, native Kentucky grasses or groundcover located within the area where the Landscape Buffer Area overlaps the Southern Ditch stream buffer. Grasses or groundcover shall be chosen so as to minimize or eliminate mowing, and this area shall not be mowed by the property owner or tenant. Native Kentucky shrubs shall be included where the stream buffer does not overlap a utility easement. Shrubs shall not be counted toward required tree canopy, but shall be maintained by the property owner or tenant as part of the landscape plan.
- 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. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
- f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 16, 2023 Planning Commission meeting. A copy of the approved rendering is available in

**PLANNING COMMISSION**

**March 30, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0148**

the case file on record in the offices of the Louisville Metro Planning Commission.

5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. 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.
8. 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: Commissioner Brown, Cheek, Howard, Fischer, Mims, Pennix, Carlson, Clare, and Lewis.**

**ABSENT: Commissioner Sistrunk.**

Louisville Metro Planning Commission Public Hearing - March 30, 2023

Louisville Metro Planning Commission Public Hearing - March 16, 2023 (deferred)

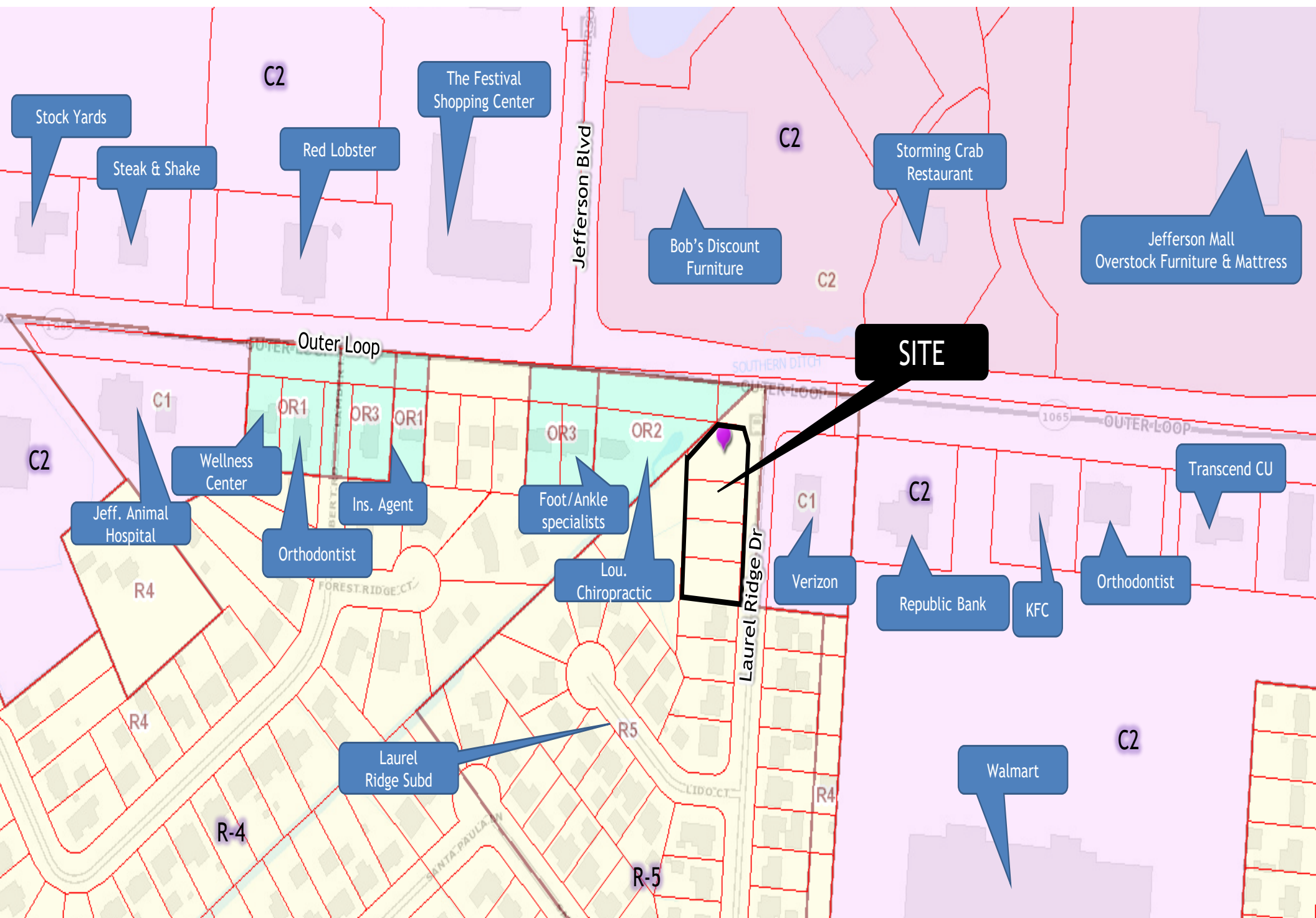
Land Development & Transportation Committee - February 9, 2023

Neighborhood Meeting - September 27, 2022

Docket No. 22-ZONE-0148

Zone Change from R-5 to C-1  
to allow a coffee shop on  
property located at  
7700, 7702, 7704 and 7706  
Laurel Ridge Road





C2

Stock Yards

Steak & Shake

Red Lobster

The Festival Shopping Center

C2

Bob's Discount Furniture

C2

Storming Crab Restaurant

Jefferson Mall  
Overstock Furniture & Mattress

Outer Loop

SITE

C1

OR1

OR3

OR1

OR3

OR2

C2

Wellness Center

Jeff. Animal Hospital

Ins. Agent

Orthodontist

Foot/Ankle specialists

Lou. Chiropractic

Verizon

Republic Bank

KFC

Orthodontist

Transcend CU

R4

R4

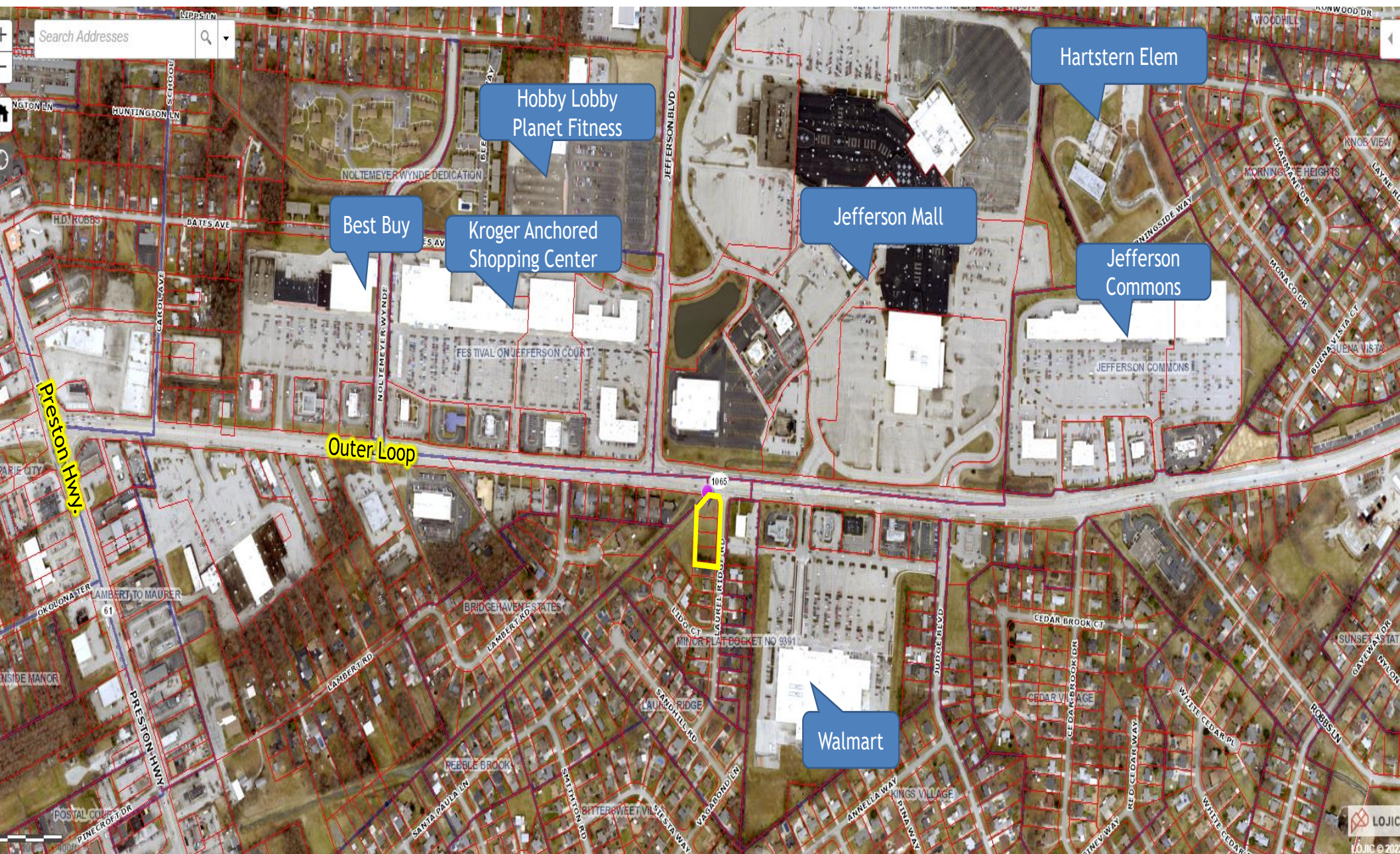
R-4

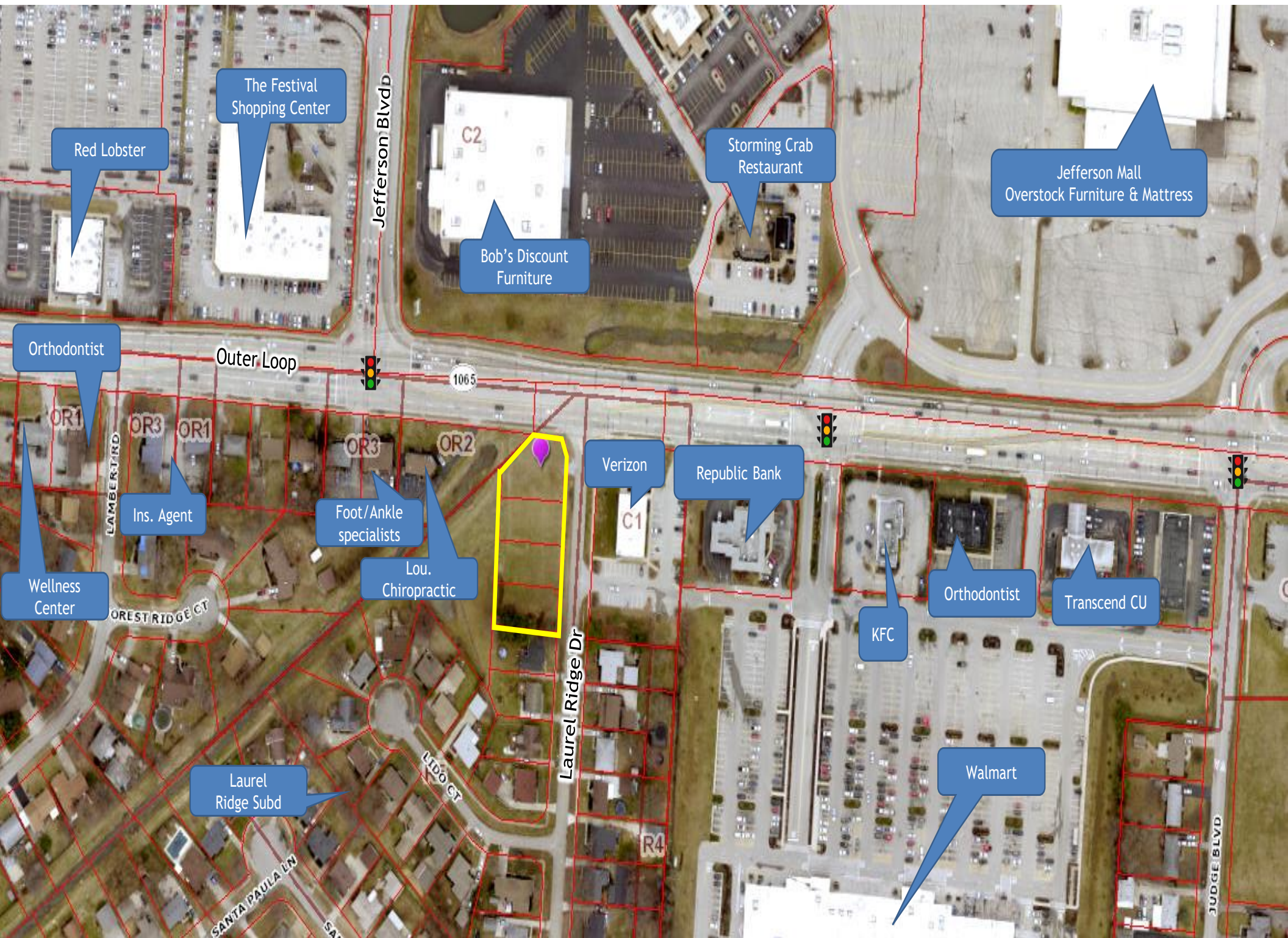
Laurel Ridge Subd

R-5

Walmart

C2





Red Lobster

The Festival Shopping Center

Bob's Discount Furniture

Storming Crab Restaurant

Jefferson Mall Overstock Furniture & Mattress

Orthodontist

Outer Loop

OR1

OR3

OR1

OR3

OR2

Ins. Agent

Foot/Ankle specialists

Lou. Chiropractic

Wellness Center

ORESTRIDGE CT

Laurel Ridge Subd

LIDO CT

Laurel Ridge Dr

Verizon

Republic Bank

C1

KFC

Orthodontist

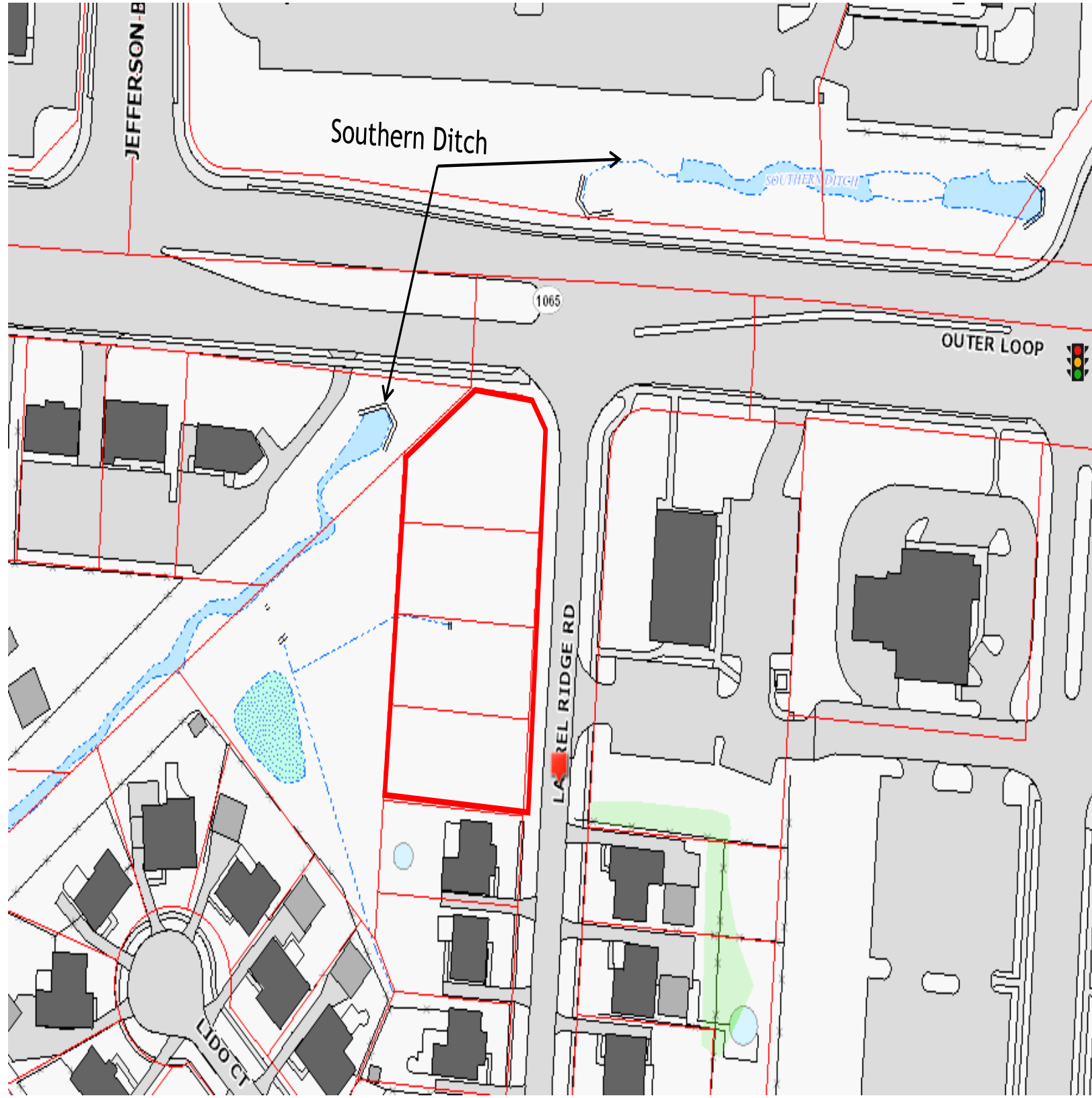
Transcend CU

Walmart

R4

JUDGE BLVD







View of Laurel Ridge Road, looking north to Outer Loop.



View of site from corner of Outer Loop and Laurel Ridge Road.



SITE

Outer Loop

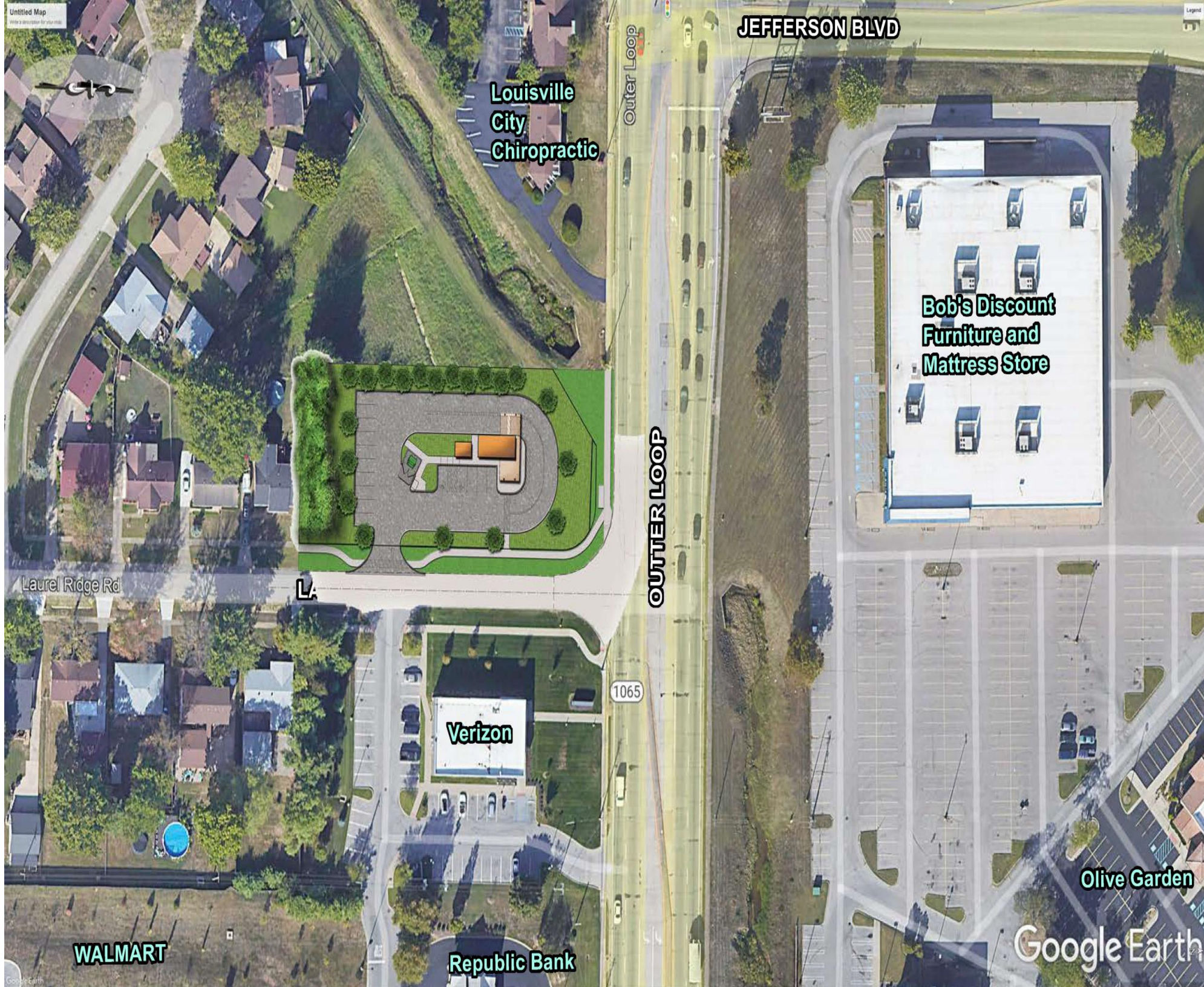
Laurel Ridge Rd

Google

View of Outer Loop looking west. Site is to the left.



View of Outer Loop looking east. Site is to the right.



Louisville  
City  
Chiropractic

JEFFERSON BLVD

Outer Loop

Bob's Discount  
Furniture and  
Mattress Store

Laurel Ridge Rd

OUTTER LOOP

1065

Verizon

WALMART

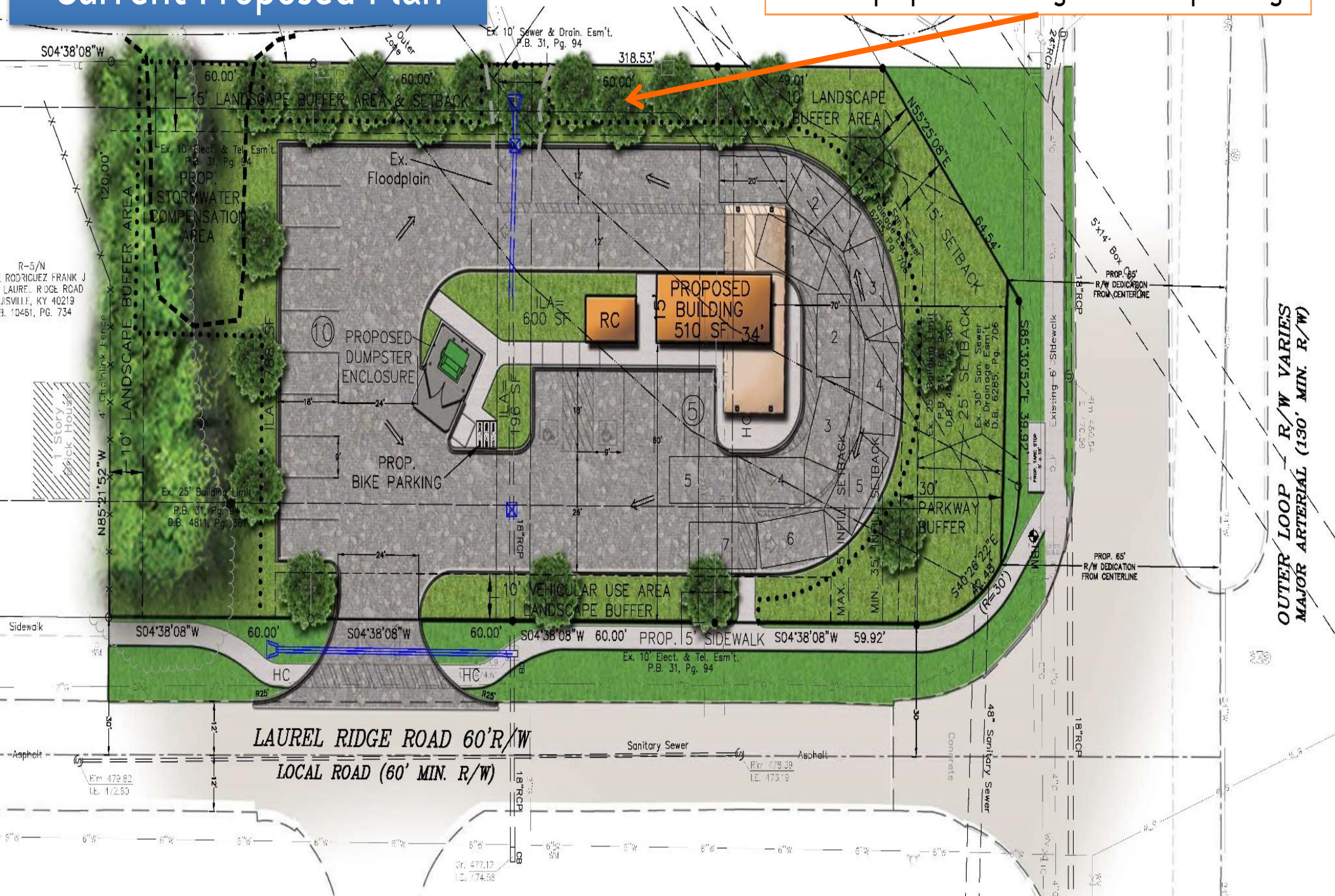
Republic Bank

Olive Garden

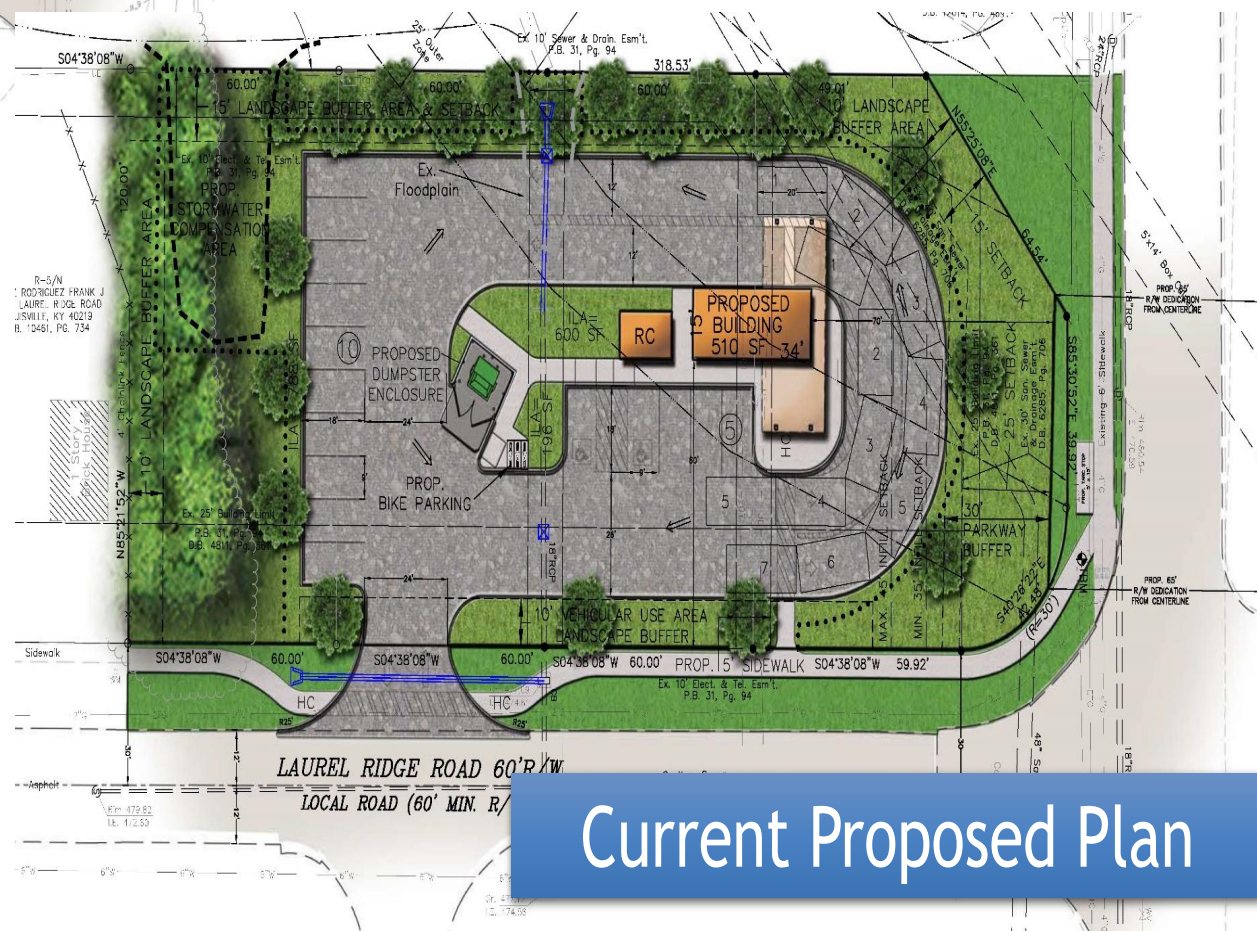
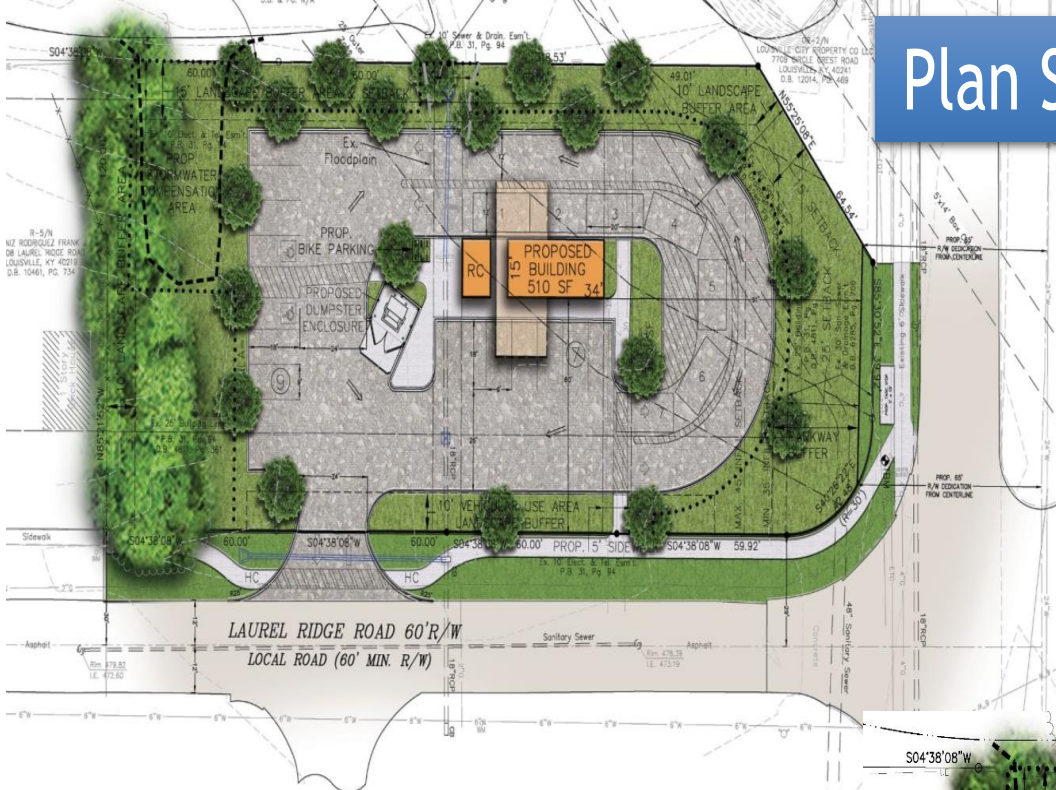
Google Earth

# Current Proposed Plan

Area of proposed Binding Element - plantings

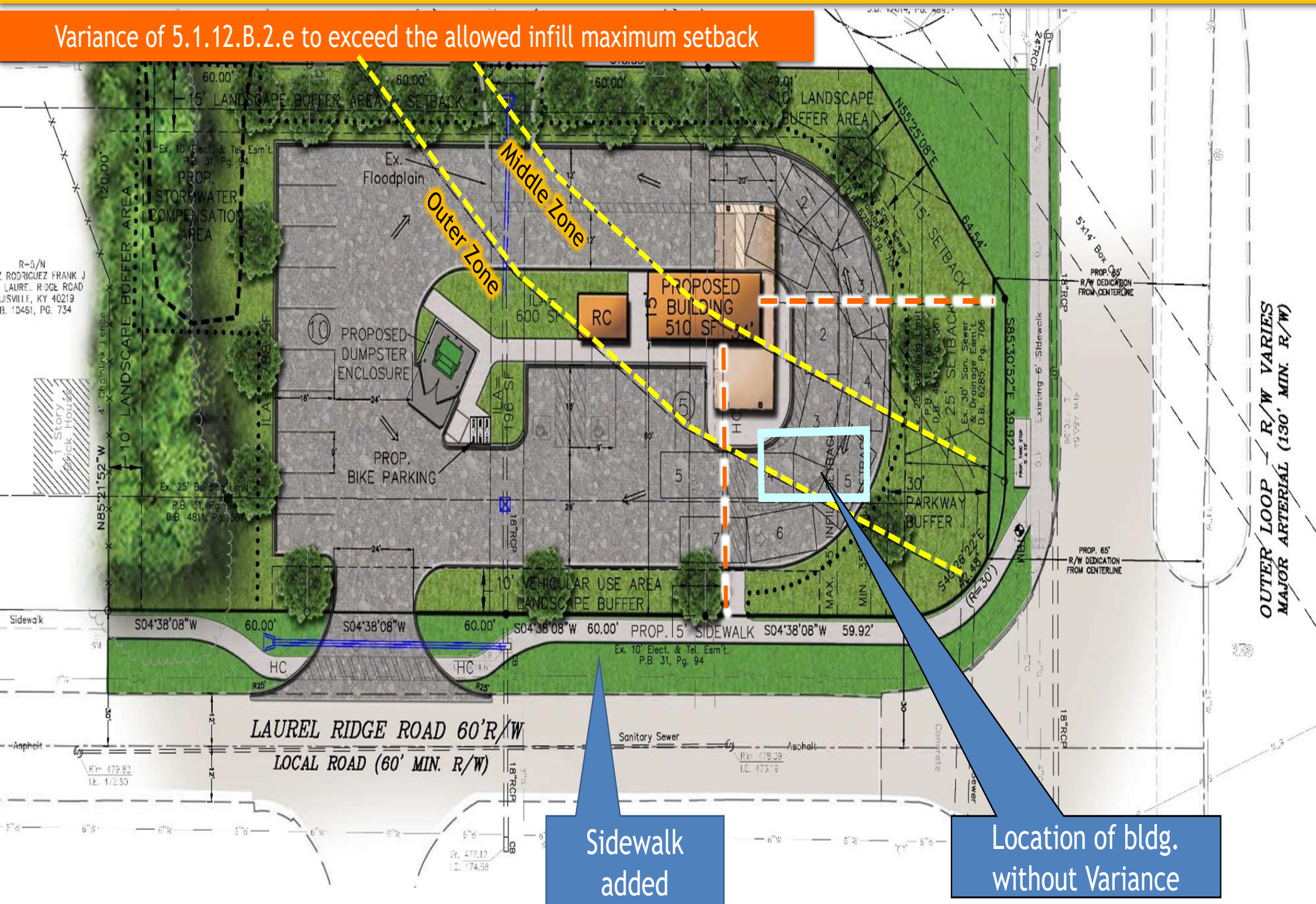


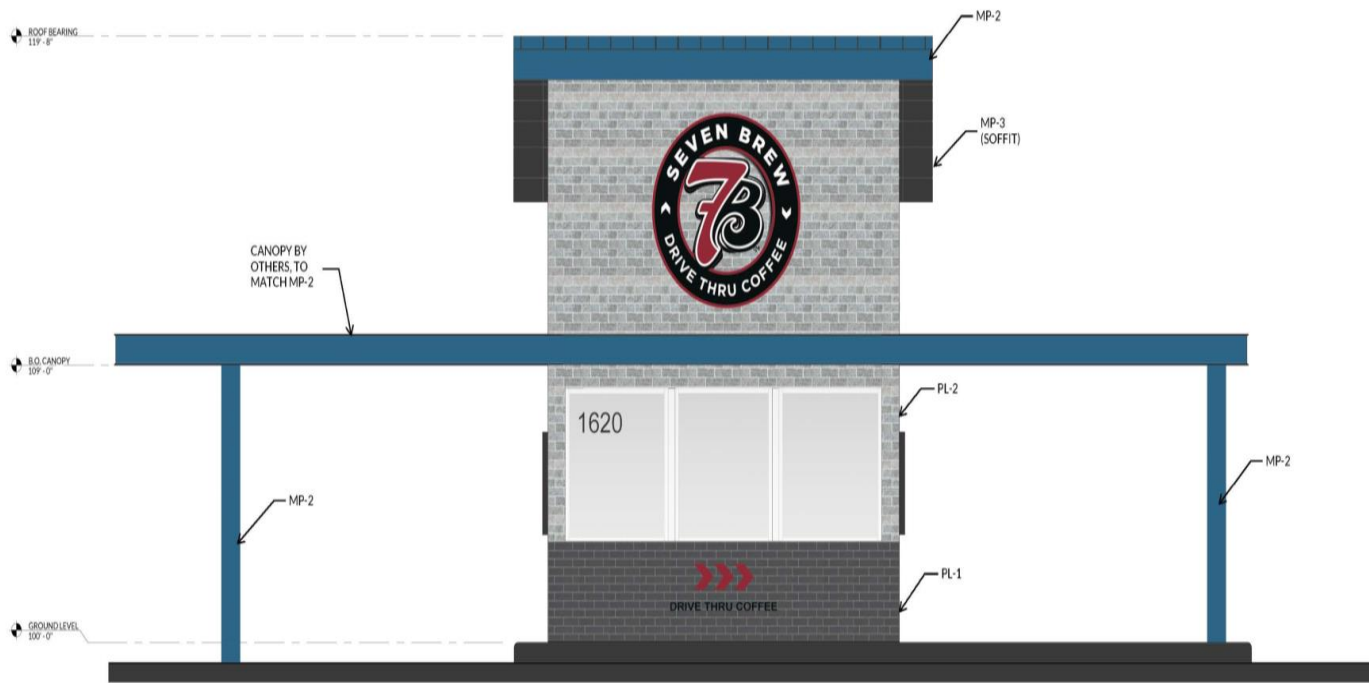
Plan Shown at 2/9/23 LD&T



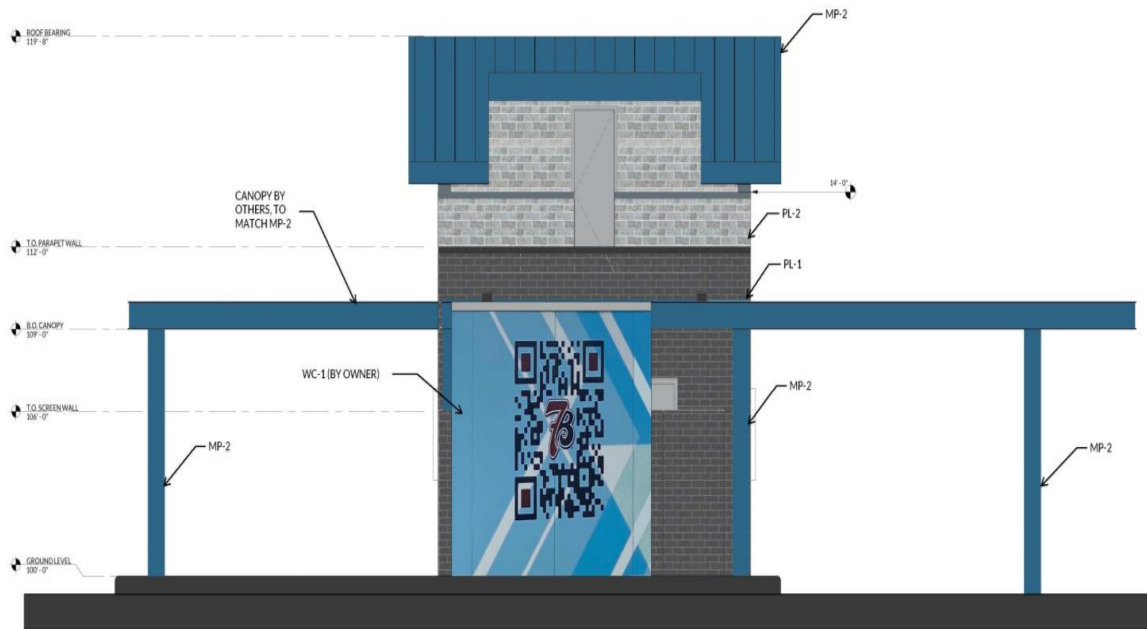
## Current Proposed Plan

## Variance of 5.1.12.B.2.e to exceed the allowed infill maximum setback





**1** EXTERIOR ELEVATION - FRONT  
3/8" = 1'-0"



**2** EXTERIOR ELEVATION - BACK  
3/8" = 1'-0"

## Exterior Finish Legend



**PL-1**  
Nichiha Modernbrick  
Brick Fiber Cement Panel  
Midnight



**PL-2**  
Nichiha Canyonbrick  
Fiber Cement Panel  
Shale Brown



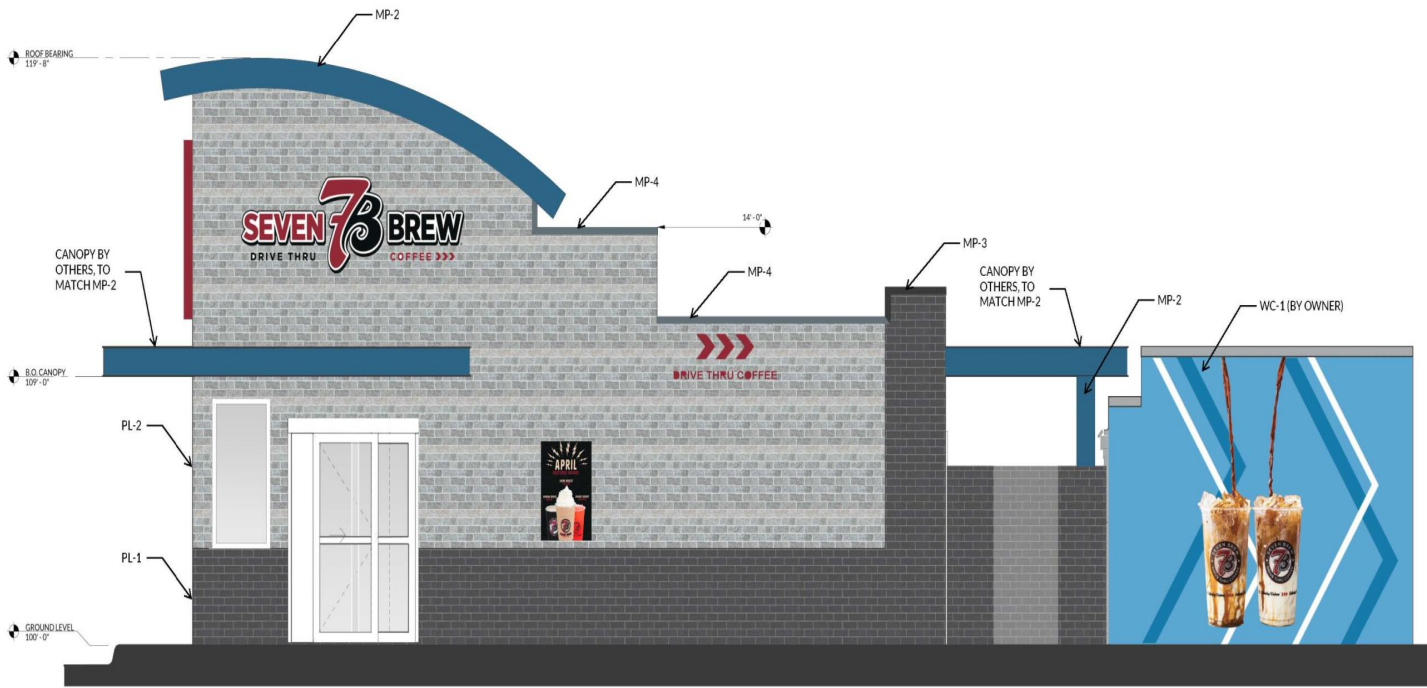
**MP-2**  
Slate Blue Metal  
Standing Seam Roof  
Brake Metal Fascia



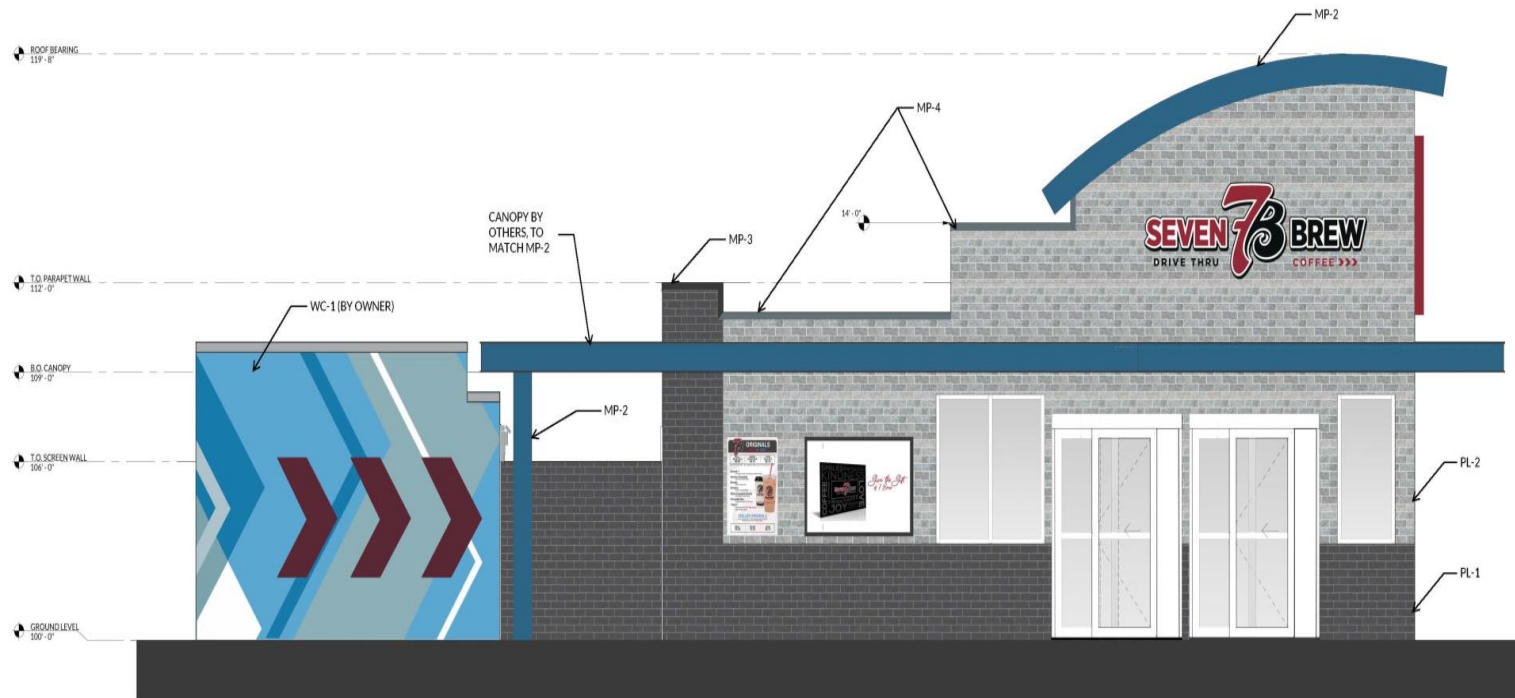
**MP-3**  
Matte Black Metal  
Soffit Panels



**MP-4**  
Zinc Gray Brake Metal  
Brake Metal Cap

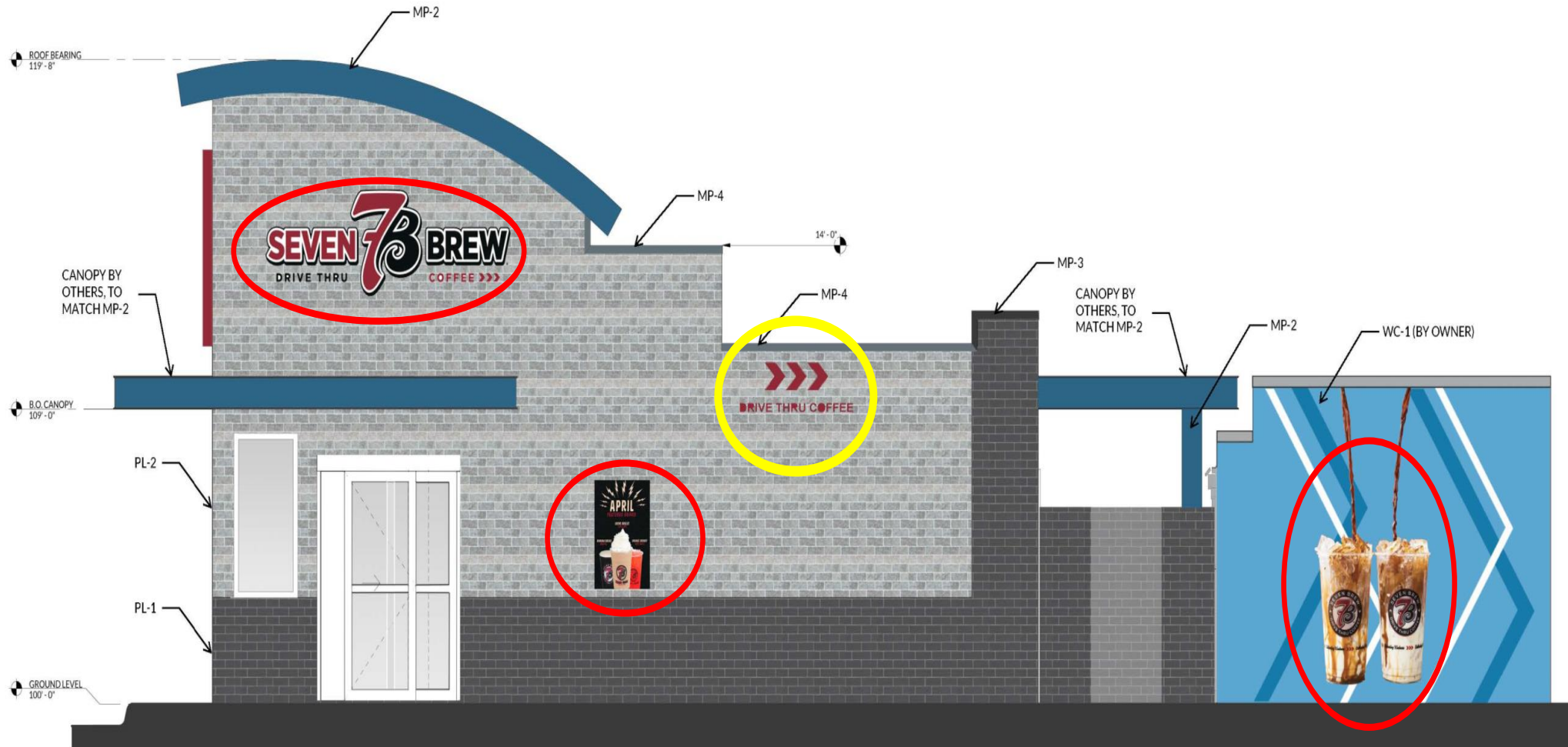


1 EXTERIOR ELEVATION - RIGHT SIDE  
3/8" = 1'-0"



2 EXTERIOR ELEVATION - LEFT SIDE  
3/8" = 1'-0"

Waiver to permit more than 3  
signs on one façade

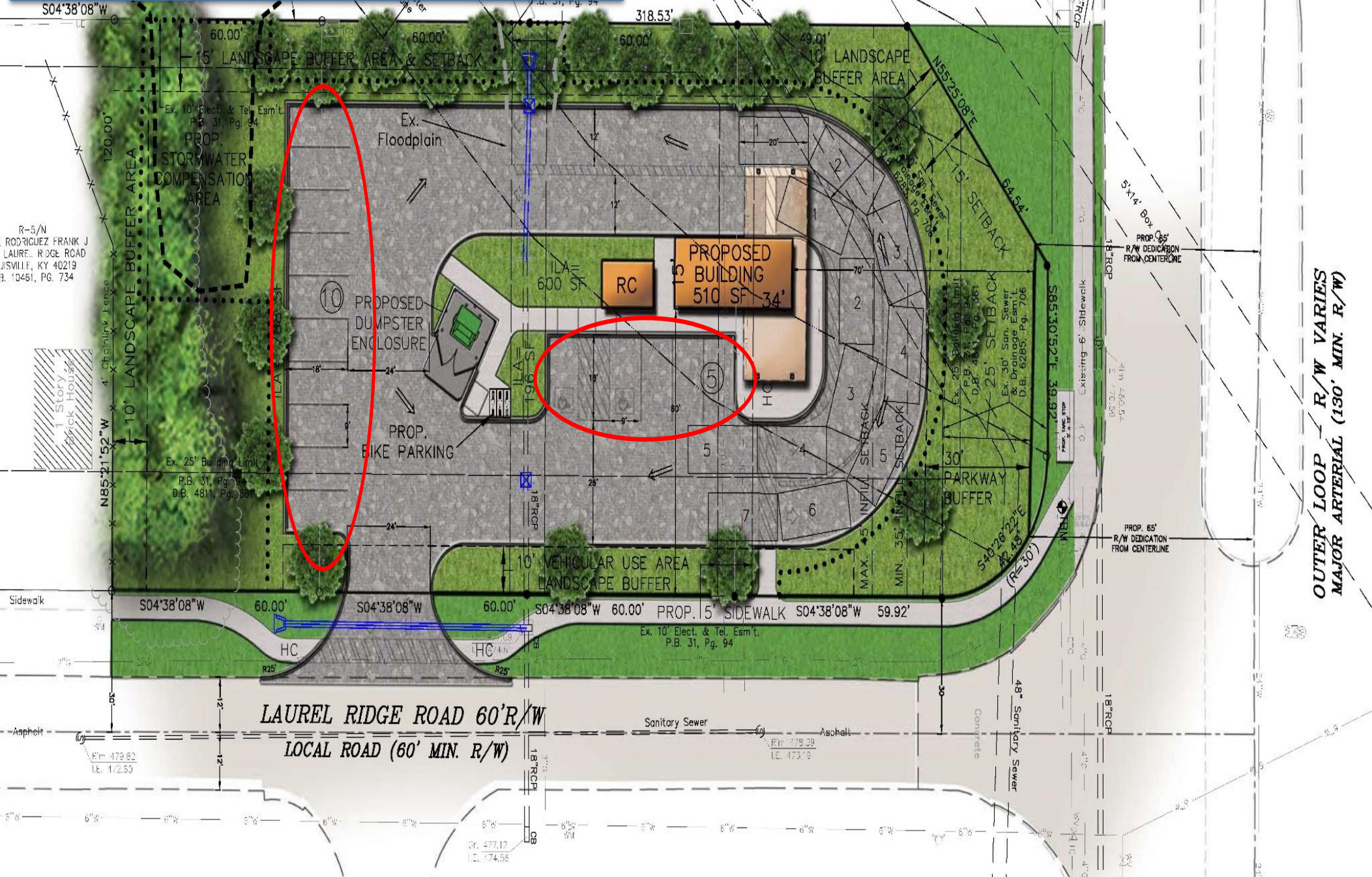


1 EXTERIOR ELEVATION - RIGHT SIDE  
3/8" = 1'-0"

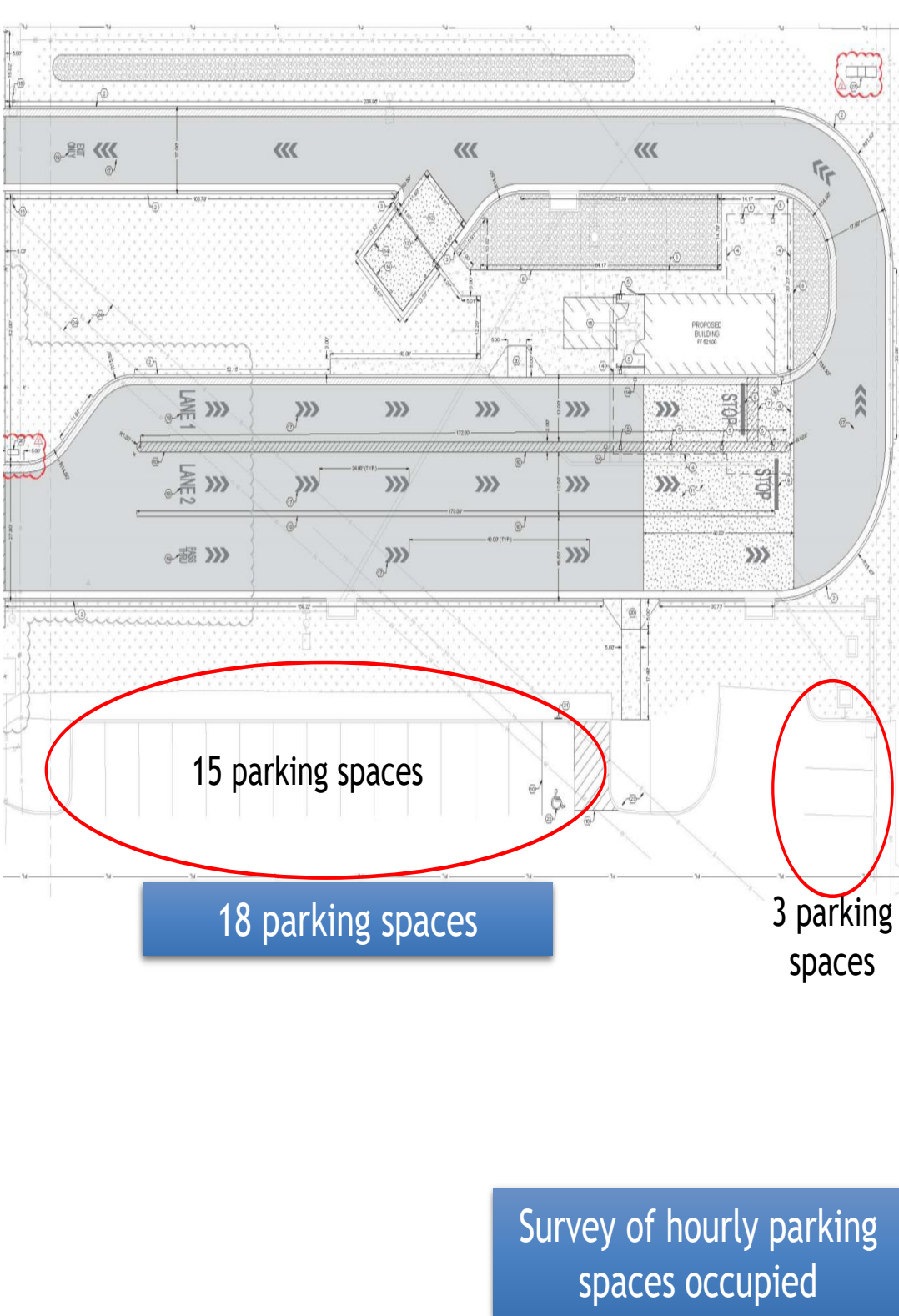
# First Impressions



Parking Waiver to exceed maximum allowable parking - 15 spaces



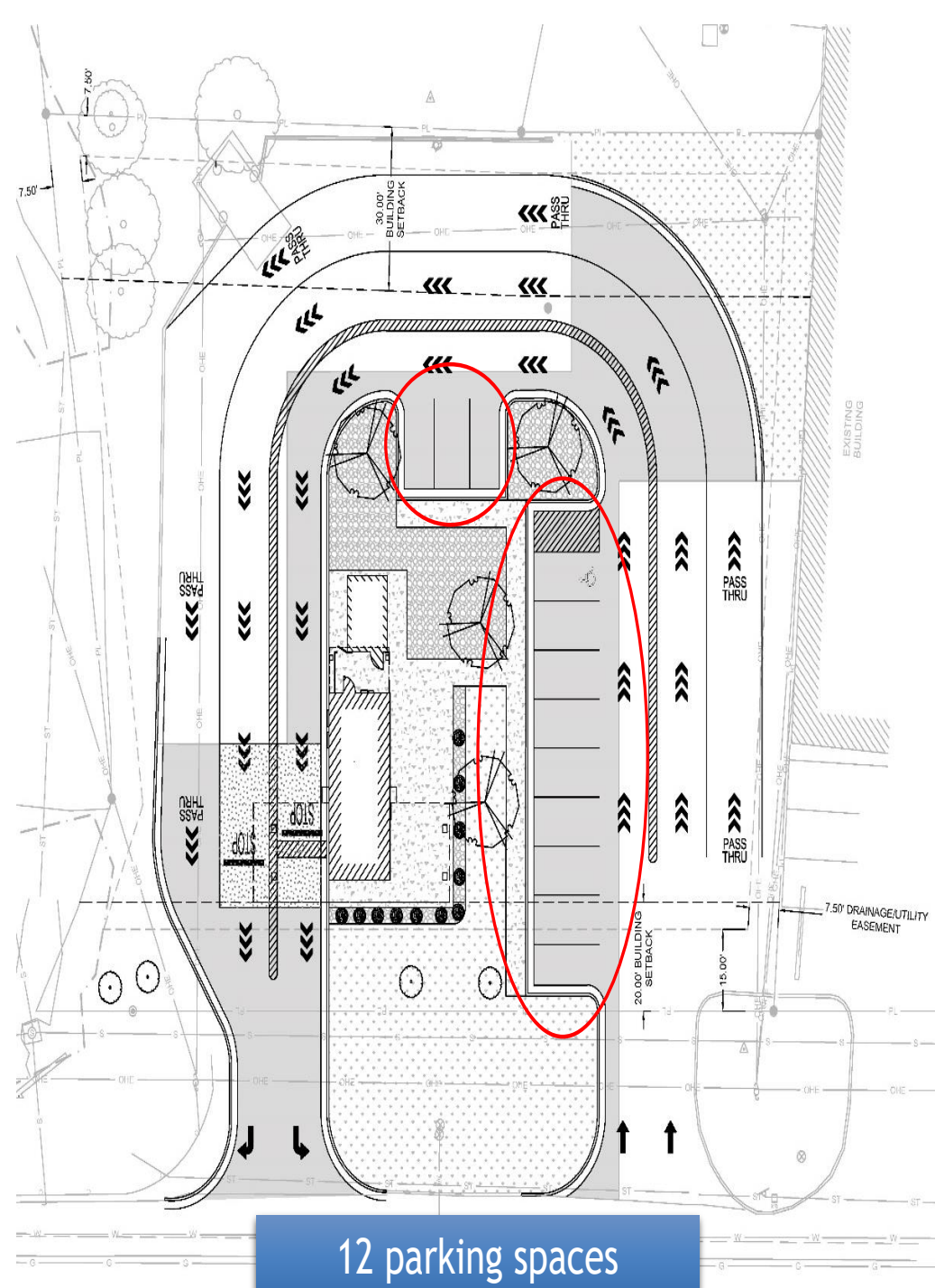
# Traffic Counts at 7 Brew 10<sup>th</sup> Street, Jeffersonville, IN



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		

# Traffic Counts at 7 Brew Kingsport, TN

## Survey of hourly parking spaces occupied



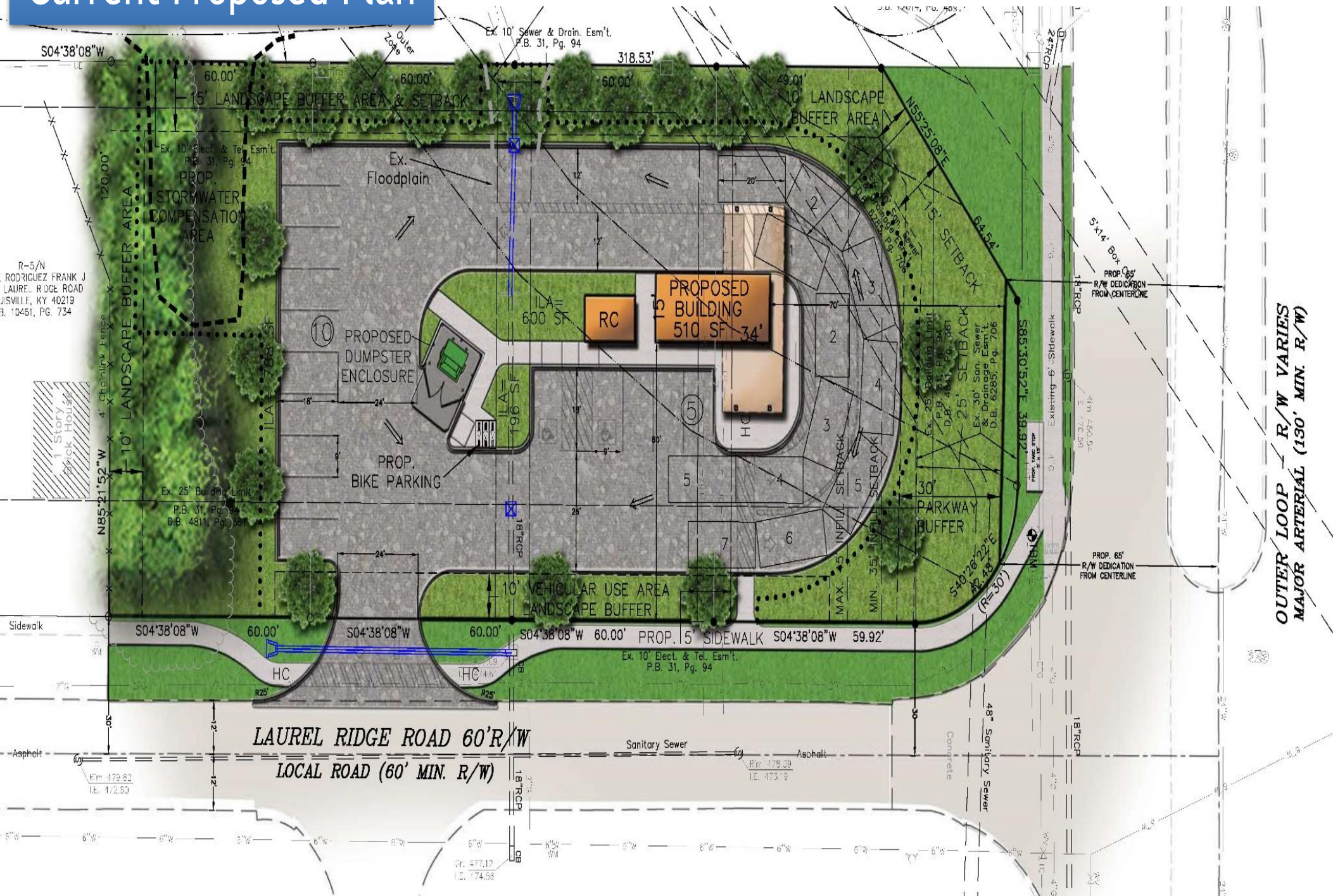
Date:	1/6/2023		1/7/2023		1/8/2023	
	Time	7 Brew Kingsport TN	Time	7 Brew Kingsport TN	Time	7 Brew Kingsport TN
9:00	9:11	11	9:01	12	9:02	11
10:00	10:08	10	10:06	11	10:02	10
11:00	11:09	10	11:00	11	11:03	10
12:00	12:09	10	12:09	11	12:05	10
1:00	1:01	8	1:04	9	1:09	8
2:00	2:06	8	2:08	9	2:00	8
3:00	3:02	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		

# Proposed Additional Binding Element

---

- This plan shall include, at a minimum, native Kentucky grasses or groundcover located within the area where the Landscape Buffer Area overlaps the Southern Ditch stream buffer. Grasses or groundcover shall be chosen so as to minimize or eliminate mowing, and this area shall not be mowed by the property owner or tenant. Native Kentucky shrubs shall be included where the stream buffer does not overlap a utility easement. Shrubs shall not be counted toward required tree canopy, but shall be maintained by the property owner or tenant as part of the landscape plan.

# Current Proposed Plan



Questions?



**PLANNING COMMISSION**  
**March 16, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0148**

**NOTE: This case was taken out of order. It was originally Item #9 on the agenda.**

Request:	BEING CONTINUED TO THE MARCH 30, 2023 PLANNING COMMISSION HEARING- Change in zoning from R-5 to C-1, with associated Detailed District Development Plan with Binding Elements, and Waivers, Variances and Parking Waiver
Project Name:	7 Brew
Location:	7700 - 7706 Laurel Ridge Road
Owner:	Estate of William C Ridge Jr.
Applicant:	Hogan Real Estate
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	24 - Madonna Flood
Case Manager:	<b>Dante St. Germain, AICP, Planner II</b>

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:**

00:18:19 Dante St. Germain said the applicant has requested that the case be continued to the March 30, 2023 Planning Commission public hearing.

**An audio/visual recording of the Planning Commission 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.**

00:19:13 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

**PLANNING COMMISSION**  
**March 16, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0148**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **March 30, 2023** Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Cheek, Sistrunk, Mims, Pennix, Howard, Carlson, and Lewis.**

**ABSENT: Commissioners Clare and Fischer.**

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**February 23, 2023**

**NEW BUSINESS**

**22-ZONE-0148**

Request:	Change in Zoning from R-5 to C-1, with Associated Detailed District Development Plan with Binding Elements, and Waivers, Variances and Parking Waiver
Project Name:	7 Brew
Location:	7700 – 7706 Laurel Ridge Road
Owner:	Estate of William C. Ridge Jr.
Applicant:	Hogan Real Estate
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:06:44      This case was previously heard back on February 9<sup>th</sup>, 2023, after the Committee lost quorum. Commissioner Cheek acted as a hearing officer for the case. Cheek stated the case is ready for a public hearing.

**Deliberation**

00:06:50      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.**

00:07:30      The Committee by general consensus scheduled this case to be heard at the **March 16<sup>th</sup>, 2023**, Planning Commission public hearing.

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 11 2023

PLANNING &  
DESIGN SERVICES

22-ZONE-0147

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
1:00	1:01	8	1:04	9	1:09	8
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 11 2023

PLANNING &  
DESIGN SERVICES

22-ZONE-0147



- ① MATCH EXISTING PAVEMENT.
- ② CONCRETE CURB AND OUTTER PER DETAIL, SHEET C-701.
- ③ 8" CONCRETE PAD PER CONCRETE PAVEMENT DETAILS, SHEET C-701.
- ④ CANOPY PER ARCHITECTURAL PLANS.
- ⑤ CONNECT TO EXISTING CURB.
- ⑥ ALIGN 4" SOLID BLUE CROSS WALK MARKER WITH SLIDING DOOR PANEL AT FRONT OFSTOPS.
- ⑦ 11" CONCRETE STOP SLAB TO BE THICKENED PER CONCRETE STOP/PAWALK EDGE DETAIL, SHEET C-701.
- ⑧ 1/2" OF SOLID RED STRIP BAR ON ASPHALT WITH 4'-0" TALL "STOP" STOP MARKED IN EDGE PER DETAIL, SHEET C-701.
- ⑨ 4" SOLID BLUE PAVEMENT MARKER, TYPICAL, UNLESS SPACED AT 4'.



1336 EAST STONE DRIVE  
KINGSPORT, TN 37660

ENGINEER OF RECORD:  
NAME: SHAWN W. BARRY  
LICENSE NO. TN # PE-126713

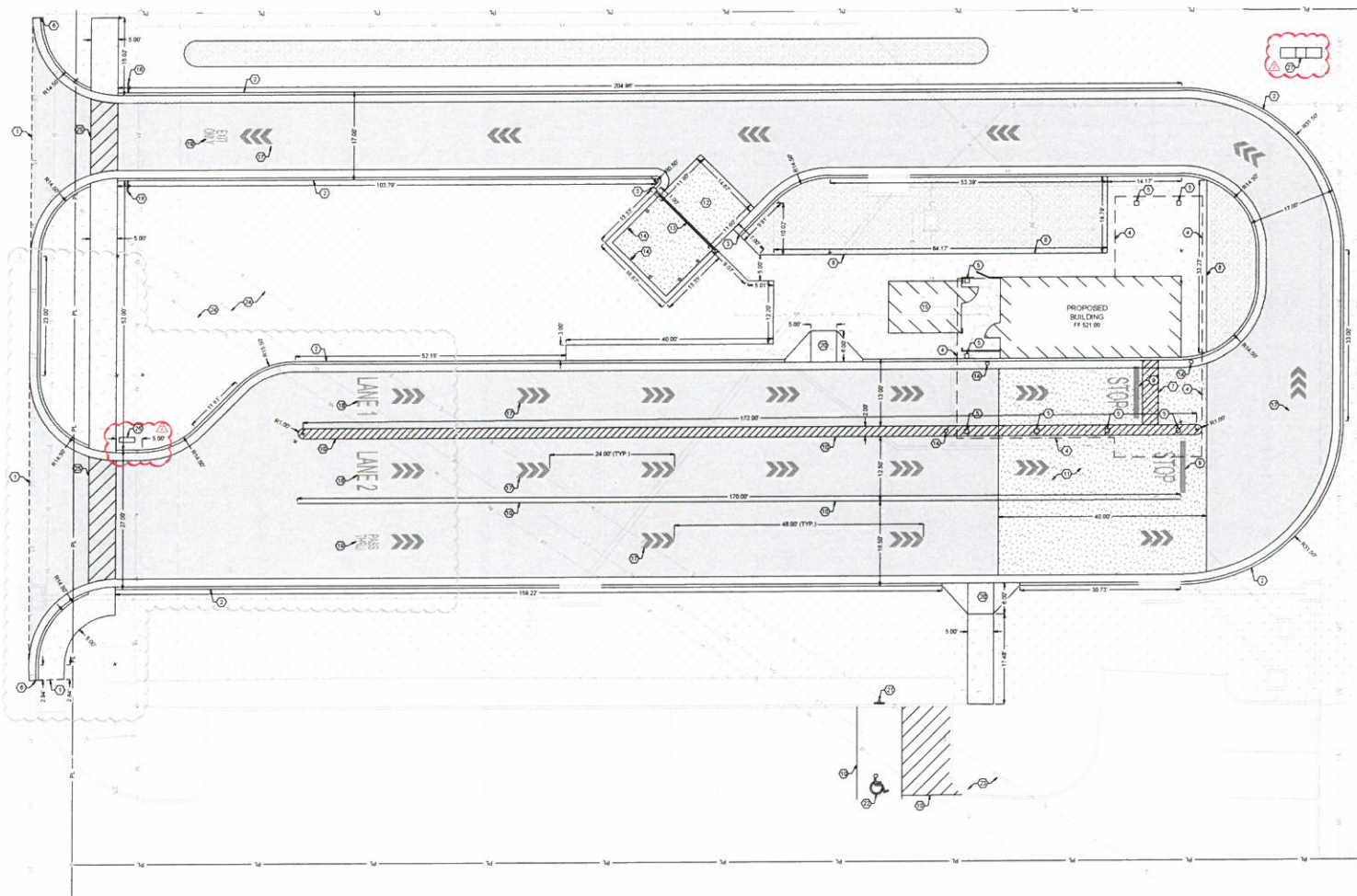
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PROJECT NUMBER:  
22100 7B.JI

REVISION:

DATE: AUGUST 5, 2022

**ATOTH**  
**& ASSOCIATES**  
 1550 E. REPUBLIC ROAD  
 SPRINGFIELD, MO 65804  
 Ph: 417-886-0666 Fax: 417-886-0957  
[www.atothassociates.com](http://www.atothassociates.com)  
 CERTIFIED BY THE AUTHORITY  
 BIR NOT REQUIRED  
 1" x 2" x 3/16" and less - steel bar



#### PROJECT NOTES:

- PROPOSED USE: COMMERCIAL DRIVE-THRU
- ZONING: PLANNED DEVELOPMENT (PD)
- BUILDING AREAS:
  - B - BUSINESS: 545 SQ. FT.
  - S-2 - STORAGE (REMOTE COOLER): 140 SQ. FT.

#### HATCH LEGEND:

- ASPHALT PAVEMENT PER DETAILS SHEET C-701
- 4" THICK CONCRETE PAVEMENT PER CONCRETE PAVEMENT DETAILS SHEET C-701
- 4" THICK CONCRETE PAVEMENT PER CONCRETE PAVEMENT DETAILS SHEET C-701
- SPILL CURB PER DETAILS SHEET C-701
- LAWN RESTORATION: INSTALL TOPSOIL, SEED & MULCH IN ACCORDANCE WITH PROJECT SPECIFICATIONS. EXTENTS SHOWN DO NOT NECESSARILY REFLECT FULL EXTENTS OF RESTORATION REQUIRED. CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS.
- LANDSCAPE ROCK: PLACE # 2" - 3" GRAVEL ROCK OVER COMMERCIAL GRADE WEED FABRIC.

#### KEY NOTES:

- MATCH EXISTING PAVEMENT
- CONCRETE CURB & GUTTER PER DETAIL SHEET C-701
- INSTALL CURB TRANSITION PER DETAIL SHEET C-701
- CANOPY PER ARCHITECTURAL PLANS
- COLUMNS PER ARCHITECTURAL PLANS
- CONNECT TO EXISTING CURB
- ALIGN CROSS WALK WITH SLIDING DOOR PANEL AT FRONT OPENING
- EDGE OF CONCRETE SLAB TO BE THICKENED PER CONCRETE STOODAWALL EDGE DETAIL SHEET C-701
- 12" SOLID RED STOP BAR WITH 4" TALL "STOP" TEXT PAINTED IN RED PER DETAIL SHEET C-701
- 4" SOLID BLUE PAVEMENT MARKER, TYPICAL
- 4" CONCRETE PAD PER CONCRETE PAVEMENT DETAILS SHEET C-701
- CONCRETE PAD FOR TRASH ENCLOSURE PER CONCRETE PAVEMENT DETAILS SHEET C-701
- TRASH ENCLOSURE AND GATE, SEE ARCHITECTURE PLANS
- PIPE BOLLARD, TYPICAL PER DETAIL SHEET C-701
- FREEZER LOCATION, FREEZER TO BE INSTALLED ON 4" THICK CONCRETE PAD WITH THICKENED EDGE PER DETAILS SHEET C-701
- ONE-WAY, DO NOT ENTER SIGN PER DETAIL SHEET C-701
- SOLID WHITE TRIPLE ARROW PAVEMENT MARKER, PER DETAIL SHEET C-701
- 4" TALL "LANE" # PAINTED IN BLUE
- 24" TALL "PASS THRU & EXIT ONLY" PAINTED IN BLUE
- TYPE 1 ADA CURB RAMP PER DETAILS SHEET C-701
- ADA VAN ACCESSIBLE SIGN PER DETAILS SHEET C-701
- BLUE PAINTED ADA ACCESSIBLE PARKING SYMBOL PER DETAILS SHEET C-701
- EXISTING ADA RAMP
- APPROXIMATE LOCATION OF ABANDONED UTILITIES. THESE UTILITIES MAY STILL EXIST BUT SHOULD BE INACTIVE. CONTRACTOR TO EXERCISE CAUTION WHEN WORKING AROUND THEM.
- 4" SOLID WHITE PAVEMENT MARKER, TYPICAL
- DIRECTIONAL SIGN PER SMALL STORAGE DETAIL, SEE STRUCTURAL PLAN SHEET S3.2
- PYLON SIGN PER LARGE STORAGE DETAIL, SEE STRUCTURAL PLAN SHEET S3.2

#### STORMWATER NOTES:

PRE-PROJECT IMPERVIOUS AREA = 6,754 SQ. FT.  
 PRE-PROJECT PERVIOUS AREA = 34,380 SQ. FT.  
 POST-PROJECT IMPERVIOUS AREA = 25,578 SQ. FT.  
 POST-PROJECT PERVIOUS AREA = 15,570 SQ. FT.

NOTE: CALCULATIONS PROVIDED FOR IMPERVIOUS SURFACE ARE TAKEN INSIDE THE PROPERTY LINE.

#### PARKING SCHEDULE NOTES:

PROPOSED: 4 SPACES REQUIRED  
 7 BREW RESTAURANTS CITY CODE REQUIREMENTS: 15 SPACES PROVIDED



7 BREW COFFEE  
 JEFFERSONVILLE, IN

TRACT 9B-1 IN E. 10TH STREET  
 JEFFERSONVILLE, IN 47130

ENGINEER OF RECORD:  
 NAME: MATTHEW MILLER  
 LICENSE NO.: IN # PE-12100342

PROJECT NUMBER:  
 22100781

REVISION:  
 07/06/2022 OWNER COMMENTS

C-201  
 SITE PLAN

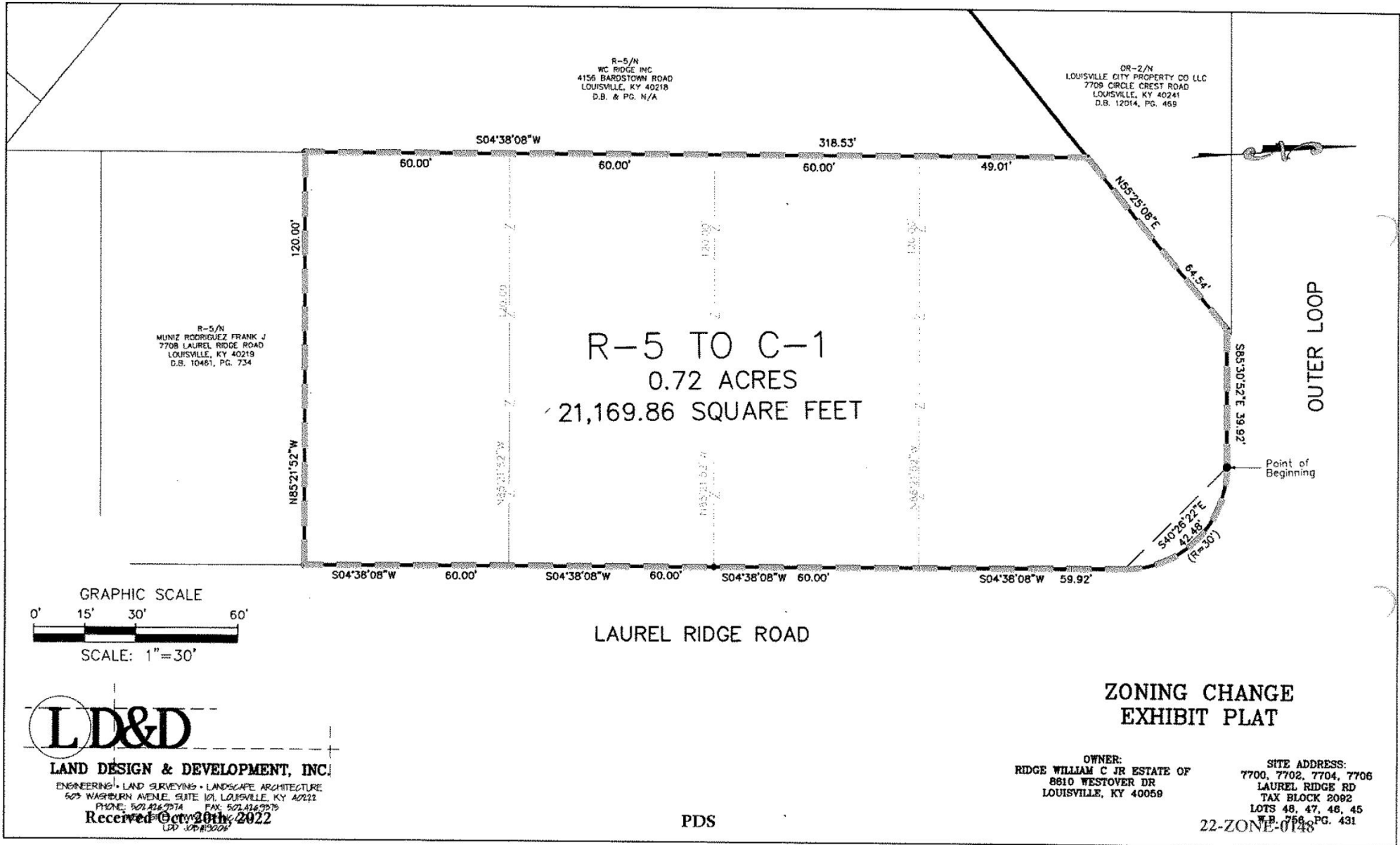
DATE: MAY 27, 2022

**LAND DESIGN & DEVELOPMENT, INC.**  
**ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE**  
503 Washburn Avenue, Suite 101  
Louisville, Kentucky 40222  
(502) 426-9374 FAX (502)426-9375

**Zone Change Description**  
**(October 17, 2022)**

**ESTATE OF WILLIAM C. RIDGE PROPERTY**  
**7700, 7702, 7704 & 7706 LAUREL RIDGE ROAD**

**BEGINNING** at an existing 5/8" iron pin in the south right of way line of Outer Loop on the southwest side of the intersection of said Outer Loop and Laurel Ridge Road; thence with a curve to the right having a radius of **30.00'**, and a chord of **S40°26'22"E, 42.48'** to a point in the western right of way line of said Laurel Ridge Road; thence running with said right of way line **S04°38'08"W, 239.92'** to a point, said point being the northeast corner of a property conveyed to Frank J. Muniz-Rodriguez, of record in Deed Book 10641, Page 734 in the Office of the Clerk of Jefferson County, Kentucky; thence running with the north line of said Muniz-Rodriguez **N85°21'52"W, 120.00'** to a point in the eastern line of W. C. Ridge, Jr. Inc.; thence running with the east line of last mentioned property **N04°38'08"E, 229.01'** to a point in the southeast line of a property conveyed to Louisville City Property Company LLC, of record in Deed Book 12014, Page 469 in the Clerk's Office aforesaid; thence running with line of the last mentioned property **N55°25'08"E, 64.54'** to a point in the south right of way line of said Outer Loop; thence with south line of Outer Loop **S85°30'52"E, 39.92'** to the point of **BEGINNING**, containing 31,169.86 square feet.



**LD&D**  
LAND DESIGN & DEVELOPMENT, INC.  
ENGINEERING • LAND SURVEYING • LANDSCAPE ARCHITECTURE  
603 WASHBURN AVENUE, SUITE 101, LOUISVILLE, KY 40222  
PHONE: 502.426.7574 FAX: 502.426.9575  
Received Oct 20th 2022  
LDD JOB#15006

PDS

**ZONING CHANGE  
EXHIBIT PLAT**

**OWNER:**  
RIDGE WILLIAM C JR ESTATE OF  
8810 WESTOVER DR  
LOUISVILLE, KY 40059

**SITE ADDRESS:**  
7700, 7702, 7704, 7706  
LAUREL RIDGE RD  
TAX BLOCK 2082  
LOTS 48, 47, 46, 45  
W.B. 756, PG. 431

22-ZONE-0148

# 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>	Hogan Real Estate
<u>Owner:</u>	Estate of William C. Ridge, Jr.
<u>Location:</u>	7700, 7702, 7704, and 7706 Laurel Ridge Road
<u>Proposed Use:</u>	Coffee Shop
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Request:</u>	Change in Zoning from R-5 to C-1

### **INTRODUCTION**

The applicant is proposing a zone change from R-5 to C-1 to allow a coffee shop. This development adjoins OR-2 zoned property to the west, C-2 zoned property to the north, C-1 zoned property to the east, and R-5 zoned property to the South. It is located along an Outer Loop commercial and transit corridor that contains myriad commercially-zoned properties and is south-west of Jefferson Mall.

### **COMMUNITY FORM**

As Plan 2040 notes, the Community Form plan element is meant to guide the shape, scale, and character of development so as to promote a connected, healthy, authentic, sustainable, and equitable built environment. This plan element is achieved in part through the hybrid form of zoning utilized, where zoning district usage requirements combine with form district design requirements to achieve the requisite built environment.

This proposed zone change conforms with the Policies in the Community Form as shown below.

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, 3.1.3, 3.2, 4, 5, 7, 9, 10, 11, 12, 15, 16, 17, 19, 20 and 23 for the following reasons. The proposed development is an engaging, fast-paced and upscale coffee shop that predominately services patrons in automobiles and aims to deliver a high-quality, unique, and specialized beverage experience to customers as quickly as possible so they can continue to their destinations. The subject property is situated within the 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 proposal complies with the Policies because the proposed use at this location is one of the last remaining residentially-zoned parcels

among a center of retail/commercial activity in nearly an unbroken stretch from the Preston Highway/Outer Loop interchange east toward Shepherdsville Road. This proposed coffee shop will be easily accessible to patrons heading in both directions on Outer Loop with its entrance just off of Laurel Ridge Road despite fronting on Outer Loop, a major arterial. Given that the shop is designed to provide product to traffic flows already using other services or traveling to and from work, there should be minimal adverse impact on the public safety or traffic flows. This heavily-traveled corridor is a highly auto-centric area, and this auto-centric coffee shop model is scaled to address the vehicular needs in this commercial center. The building utilizes quality materials and design. It has a small footprint and is appropriately buffered against the residentially-zoned properties with minimal waivers requested. Rezoning has a minimal impact on residential development as there are currently no residences on the property to displace, it is unlikely that any residential housing units would develop on this parcel given its location within this commercial center and busy corridor. Appropriate buffering will be provided for the neighboring residences. 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 in this commercial center. This site serves only beverages and no food, thus it will not have noxious fumes being emitted from rotting food in garbage bins throughout the property. The proposed coffee shop has a minimal footprint and complies with setbacks, thus mitigating against any adverse visual intrusions. Land Development Code required height restrictions, interior and perimeter landscaping, maximum lighting and signage and all required setbacks (with only minimal waivers) will also be met. Also, as this proposed commercially zoned site is adjacent to a transit and commercial corridor on a major arterial roadway, travel distances are reduced, with a centrally-placed coffee shop 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 Outer Loop and compatibility with adjoining commercial, office, 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, 10, 11, 13, and 16 for the reasons previously set forth and as set forth below. The site is one of the last remaining residentially-zoned properties located in this Outer Loop commercial and transit corridor, a corridor that provides 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. Also, the building is compact and results in efficient land use and cost-effective infrastructure investment as a true “in-fill” location. This site does not propose to have any underutilized parking lots. The addition of this coffee shop will permit an expansion into this growing commercial and transit corridor along Outer Loop in an appropriate design and scale.

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

This proposal complies with Policies 9, 10 and 12 because there are no known natural features or slopes, and the site is not in the floodplain (with only a sliver in the local regulatory flood plain). There are no wet or highly permeable soils on the site. Any karst features will be identified and all regulations relating to same will be complied with.

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

The proposal complies with Policies 1, 2, and 3 because there are no historic assets or distinctive cultural features evident on the site.

## **MOBILITY**

As Plan 2040 notes, the Mobility element seeks to create a multi-modal transportation system that is safe and accessible to citizens throughout Louisville. It contains three Goals with multiple Policies, and this proposed rezoning conforms with those Policies as shown below.

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

This proposal complies with Policies 1, 3 and 4 as the site will provide required bicycle parking and requisite vehicular and pedestrian connectivity, with minimal to no waivers anticipated.

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

This proposal complies with Policies 4 and 5 because the plan utilizes one curb cut to provide access in and out of the development so as to avoid creating a nuisance to the neighborhood to the south. The small size of the proposed building along with its setback should not cause any issues or concerns with sight distances. There is currently a TARC route along Outer Loop where this site is located, and also a TARC stop at the corner of this property.

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

This proposal complies with Policies 2, 3, 5, 6, 8 and 9 to the extent it is within its power to do so. Transportation Planning is still reviewing the proposal. There is currently a TARC route along Outer Loop where this site is located, and also a TARC stop at the corner of this property. The plan will comply with the right of way as required by the Land Development Code. The coffee shop is located off of a major arterial, adds to the higher-density, mixed-use developments and reduces the need for multiple automobile trips for local residents traveling along this corridor. The plan also will provide the requisite bicycle parking and sidewalks. Impacts to air quality will be minimized by the coffee shop's innovative rapid-delivery method and double-drive-through lane design.

## **COMMUNITY FACILITIES**

As Plan 2040 notes, Community Facilities seeks to integrate variegated public and private facilities across Louisville Metro for the purpose of meeting the long-range needs of the community through engaging and sustainable means. This plan element contains three Goals with multiple Policies. This proposed rezoning conforms to those Policies as follows.

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 utilities will be available to the site, including potable water and sewer services. Churches, schools, a park, and a fire station are located a short distance away.

## **ECONOMIC DEVELOPMENT**

As Plan 2040 notes, the Economic Development plan element has as its goal the development of a

healthy, equitable, sustainable, and innovative economic climate that strengthens the community's ability to attract and retain a strong and diverse workforce. This plan element contains two Goals with multiple Policies. This proposed rezoning conforms to these Policies as follows.

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

This proposal complies with 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 Outer Loop. The use will not have negative impacts on the area as the adjacent residential properties nearby will be buffered from commercial activities with more than the required buffering provided between the proposed development and the one adjacent residence with the trees to be preserved. 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**

As Plan 2040 notes, the Livability plan element seeks to guide and direct the available resources to promote the health and well-being of citizens of Louisville Metro. This element has as its focus the public health through promotion of access to fresh food, health care, and places of health and safety. This element is interested in preserving the tree canopy, reducing waste, and conserving energy. It has four Goals and multiple Policies. This proposed rezoning conforms to the Policies as follows.

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, 24, and 31 because the site is not proposed for industrial zoning and is not located near the Ohio River or the airport and does not contain a regulatory floodplain. Additionally, the business model for this coffee shop aims to reduce the impact of traffic on air quality by minimizing the amount of time patrons spend obtaining product through the use of a double, drive-through lane and other efficiency measures. Numerous vegetative plantings will be provided in accordance with the Land Development Code.

### **HOUSING**

As Plan 2040 notes, the Housing plan element, as its name suggests, seeks to enhance this "necessity of life" known as housing. It seeks to promote equitable, diverse, physically accessible, and affordable housing choices. Importantly, this element seeks to provide equitable access to opportunities, services, and amenities. This element contains three Goals with multiple Policies. This proposed rezoning conforms to the Policies as follows.

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

This proposal complies with Policies 1 and 2 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area. Additionally, this coffee shop is located adjacent to a TARC transit route.

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 appropriate for the commercial zoning to provide goods and services to nearby residents. Additionally, this site is located along a TARC route and will have bicycle parking in addition to automobile parking to provide ample access to multi-modal transportation for residents on or near this commercial and transit corridor.

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

This proposal complies with Policies 2 and 3 because there are no existing residents to displace, and it provides goods and services in close proximity in this developing commercial center along Outer Loop. Additionally, the proposed zoning district would permit innovative methods of housing.

\* \* \*

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,

---

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

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Applicant: Hogan Real Estate

Owner: Estate of William C. Ridge, Jr.

Location: 7700, 7702, 7704, and 7706 Laurel Ridge Road

Proposed Use: Coffee Shop

Engineers, Land Planners and  
Landscape Architects: Land Design & Development, Inc.

Request: Change in Zoning from R-5 to C-1

### **INTRODUCTION**

The applicant is proposing a zone change from R-5 to C-1 to allow a coffee shop. This development adjoins OR-2 zoned property to the west, C-2 zoned property to the north, C-1 zoned property to the east, and R-5 zoned property to the South. It is located along an Outer Loop commercial and transit corridor that contains myriad commercially-zoned properties and is south-west of Jefferson Mall.

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among a center of retail/commercial activity in nearly an unbroken stretch from the Preston Highway/Outer Loop interchange east toward Shepherdsville Road. This proposed coffee shop will be easily accessible to patrons heading in both directions on Outer Loop with its entrance just off of Laurel Ridge Road despite fronting on Outer Loop, a major arterial. Given that the shop is designed to provide product to traffic flows already using other services or traveling to and from work, there should be minimal adverse impact on the public safety or traffic flows. This heavily-traveled corridor is a highly auto-centric area, and this auto-centric coffee shop model is scaled to address the vehicular needs in this commercial center. The building utilizes quality materials and design. It has a small footprint and is appropriately buffered against the residentially-zoned properties with minimal waivers requested. Rezoning has a minimal impact on residential development as there are currently no residences on the property to displace, it is unlikely that any residential housing units would develop on this parcel given its location within this commercial center and busy corridor. Appropriate buffering will be provided for the neighboring residences. 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 in this commercial center. This site serves only beverages and no food, thus it will not have noxious fumes being emitted from rotting food in garbage bins throughout the property. The proposed coffee shop has a minimal footprint and complies with setbacks, thus mitigating against any adverse visual intrusions. Land Development Code required height restrictions, interior and perimeter landscaping, maximum lighting and signage and all required setbacks (with only minimal waivers) will also be met. Also, as this proposed commercially zoned site is adjacent to a transit and commercial corridor on a major arterial roadway, travel distances are reduced, with a centrally-placed coffee shop 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 Outer Loop and compatibility with adjoining commercial, office, and residential uses.

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This proposal complies with Policies 4 and 5 because the plan utilizes one curb cut to provide access in and out of the development so as to avoid creating a nuisance to the neighborhood to the south. The small size of the proposed building along with its setback should not cause any issues or concerns with sight distances. There is currently a TARC route along Outer Loop where this site is located, and also a TARC stop at the corner of this property.

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

This proposal complies with Policies 2, 3, 5, 6, 8 and 9 to the extent it is within its power to do so. Transportation Planning is still reviewing the proposal. There is currently a TARC route along Outer Loop where this site is located, and also a TARC stop at the corner of this property. The plan will comply with the right of way as required by the Land Development Code. The coffee shop is located off of a major arterial, adds to the higher-density, mixed-use developments and reduces the need for multiple automobile trips for local residents traveling along this corridor. The plan also will provide the requisite bicycle parking and sidewalks. Impacts to air quality will be minimized by the coffee shop's innovative rapid-delivery method and double-drive-through lane design.

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healthy, equitable, sustainable, and innovative economic climate that strengthens the community's ability to attract and retain a strong and diverse workforce. This plan element contains two Goals with multiple Policies. This proposed rezoning conforms to these Policies as follows.

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

This proposal complies with 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 Outer Loop. The use will not have negative impacts on the area as the adjacent residential properties nearby will be buffered from commercial activities with more than the required buffering provided between the proposed development and the one adjacent residence with the trees to be preserved. 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**

As Plan 2040 notes, the Livability plan element seeks to guide and direct the available resources to promote the health and well-being of citizens of Louisville Metro. This element has as its focus the public health through promotion of access to fresh food, health care, and places of health and safety. This element is interested in preserving the tree canopy, reducing waste, and conserving energy. It has four Goals and multiple Policies. This proposed rezoning conforms to the Policies as follows.

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, 24, and 31 because the site is not proposed for industrial zoning and is not located near the Ohio River or the airport and does not contain a regulatory floodplain. Additionally, the business model for this coffee shop aims to reduce the impact of traffic on air quality by minimizing the amount of time patrons spend obtaining product through the use of a double, drive-through lane and other efficiency measures. Numerous vegetative plantings will be provided in accordance with the Land Development Code.

### **HOUSING**

As Plan 2040 notes, the Housing plan element, as its name suggests, seeks to enhance this "necessity of life" known as housing. It seeks to promote equitable, diverse, physically accessible, and affordable housing choices. Importantly, this element seeks to provide equitable access to opportunities, services, and amenities. This element contains three Goals with multiple Policies. This proposed rezoning conforms to the Policies as follows.

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

This proposal complies with Policies 1 and 2 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area. Additionally, this coffee shop is located adjacent to a TARC transit route.

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 appropriate for the commercial zoning to provide goods and services to nearby residents. Additionally, this site is located along a TARC route and will have bicycle parking in addition to automobile parking to provide ample access to multi-modal transportation for residents on or near this commercial and transit corridor.

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

This proposal complies with Policies 2 and 3 because there are no existing residents to displace, and it provides goods and services in close proximity in this developing commercial center along Outer Loop. Additionally, the proposed zoning district would permit innovative methods of housing.

\* \* \*

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,

---

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

### **Case No. 22-ZONE-0148 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, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Outer Loop right-of-way.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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. This plan shall include, at a minimum, native Kentucky grasses or groundcover located within the area where the Landscape Buffer Area overlaps the Southern Ditch stream buffer. Grasses or groundcover shall be chosen so as to minimize or eliminate mowing, and this area shall not be mowed by the property owner or tenant. Native Kentucky shrubs shall be included where the stream buffer does not overlap a

utility easement. Shrubs shall not be counted toward required tree canopy, but shall be maintained by the property owner or tenant as part of the landscape plan.

- 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. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 16, 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.
- 5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
  - 6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
  - 7. 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.
  - 8. 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.

**NOTICE**  
PERMITS SHALL BE ISSUED  
ONLY IN CONFORMANCE  
WITH THE BINDING ELEMENTS  
OF THIS DISTRICT  
DEVELOPMENT PLAN.

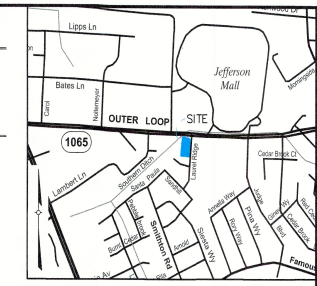
METRO  
APPROVED DISTRICT  
DEVELOPMENT PLAN  
DOCKET NO. 22-2046-0148  
APPROVAL DATE: March 28, 2025  
SIGNATURE OF PLANNING COMMISSION  
PLANNING COMMISSION

**WAIVER REQUESTED**

1. A Waiver is requested from Section 9.1.38 of the Louisville Metro Land Development Code to exceed the maximum parking allowed.
2. A Waiver is requested from Section 10.2.4.8.3 of the Louisville Metro Land Development Code to allow more than 50% overlap of an easement in a landscape buffer area.

**VARIANCE REQUESTED**

1. A Variance is requested from Section 4.8.3.C of the Louisville Metro Land Development Code to encroach into the outer and middle zones of the stream buffer.
2. A Variance is requested from Section 5.3.1.C.3 of the Louisville Metro Land Development Code to exceed infill setback requirements along Outer Loop.



**PROJECT DATA**

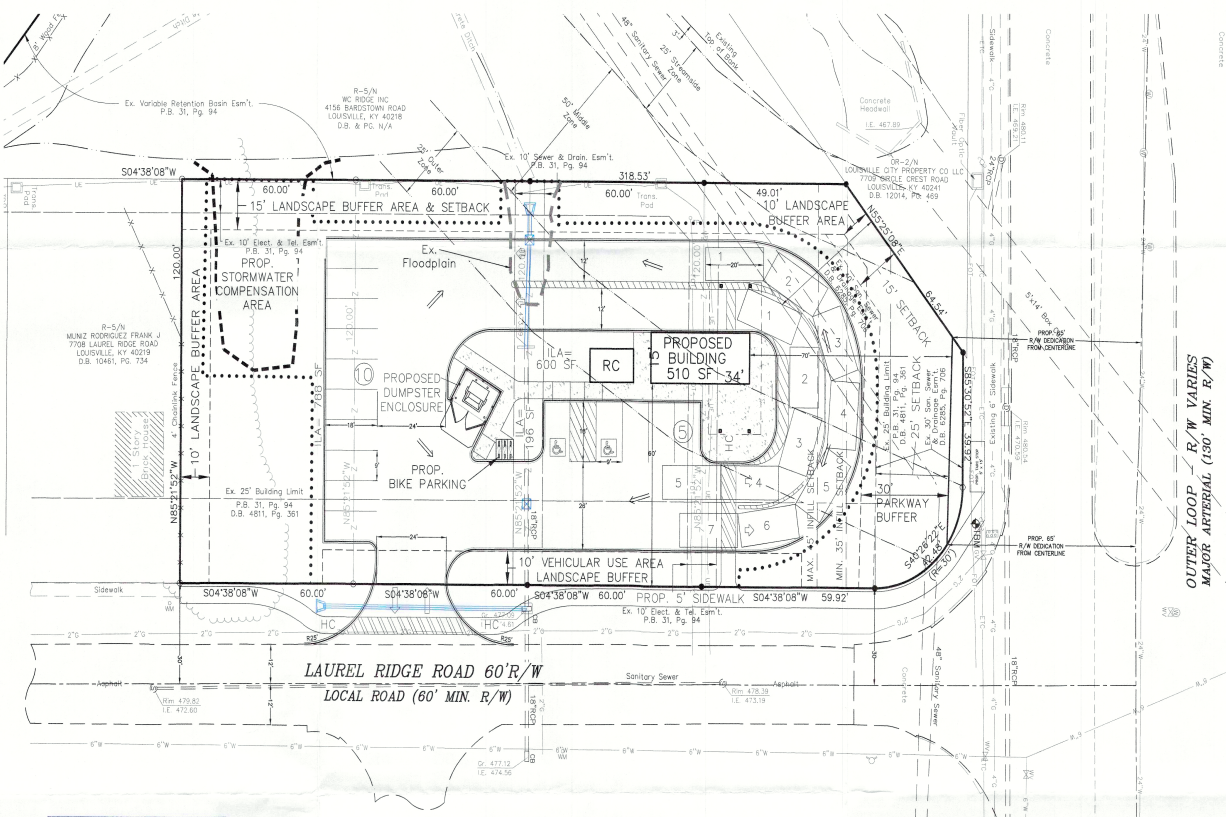
TOTAL SITE AREA	= 0.72± Ac. (31,170 SF)
R/W DEDICATION AREA	= 0.01± Ac. (230 SF)
NET SITE AREA	= 0.71± Ac. (30,939 SF)
EXISTING ZONING	= C-1
PROPOSED ZONING	= NEIGHBORHOOD
EXISTING USE	= UNDEVELOPED
PROPOSED USE	= COFFEE SHOP
BUILDING HEIGHT	= 20'
BUILDING AREA	= 510 SF
F.A.R.	= 0.02 (1.0 MAX. ALLOWED)
PARKING REQUIRED	MIN. MAX.
1/500 S.F. MIN.	= 1 SP 5 SP
1/600 S.F. MAX.	= 1 SP 5 SP
TOTAL PARKING REQUIRED	= 15 SP (WAIVER REQUESTED)
TOTAL PARKING PROVIDED	(2 ADA SP INCLUDED)
BIKE PARKING REQUIRED	= 3 SP
BIKE PARKING PROVIDED	= 3 SP
TOTAL VEHICULAR USE AREA	= 14,509 SF
INTERIOR LANDSCAPE AREA REQUIRED	= 1,088 SF (7.5%)
INTERIOR LANDSCAPE AREA PROVIDED	= 1,584 SF (10.8%)
EXISTING IMPERVIOUS	= 0 SF
PROPOSED IMPERVIOUS	= 15,457 SF

**GENERAL NOTES:**

1. Parking areas and drive lanes to be a hard and durable surface.
2. An encroachment permit and bond will be required for all work done in the right-of-way.
3. No increase in drainage run off to state roads.
4. There shall be no commercial signs in the right-of-way.
5. Site lighting shall not shine in the eyes of drivers. If it does it shall be re-timed, shielded, or turned off.
6. Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
7. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
8. Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
9. Wheel stops or curbing, at least six inches high and wide, shall be provided to prevent vehicles from overhanging abutting sidewalks, properties or public right-of-ways, to protect landscaped areas and adjacent properties. Wheel stops shall be located at least (3) feet from any adjacent wall, fence, property line, woody vegetation, walkway or structure.
10. Boundary, Benchmark and topographical information shown herein were derived from survey.
11. Street trees to be provided in all adjacent rights-of-way. Find location and type to be shown on the approved landscape plan.
12. No Koral topography was observed by Mike Hill, ACP on a site visit on 9/23/22.
13. Upon development or re-development of adjacent properties, a unified access and circulation system shall be developed to eliminate pre-existing curb cuts and provide for vehicular movement throughout adjacent sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to Planning Commission legal council shall be recorded prior to the time of construction approval for the adjacent property to be developed.
14. Existing sidewalk reconstruction and repairs shall be required, as necessary, to meet current MPW standards and shall be inspected prior to final bond release.
15. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit.
16. Right of Way dedication by deed or minor plat must be recorded prior to construction approval by Public Works.
17. All roadway and entrance intersections shall meet the requirements for landing areas as set by Metro Public Works.

**MSD NOTES:**

1. All retail shops must have individual connections per MSD's fats, oils and grease policy.
2. Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District Design Manual and Standard Specifications and other local, state and federal ordinances.
3. Sanitary sewer service will be provided by connection and subject to applicable fees. A Downstream Facilities Capacity request has been submitted to MSD.
4. No portion of the site is within the 100 year flood plain per FIRW Map No. 21111 C 0094 F dated February 26, 2021.
5. Drainage pattern depicted by arrows (→) is for conceptual purposes.
6. If the site has thru drainage an easement plat will be required prior to MSD granting construction plan approval.
7. Increased runoff volume shall be provided below the FEMA floodplain elevation at 1.5 to 1. It may be provided on-site by extending the adjacent basin area onto the site and/or excavating out the adjacent basin area to provide the required volume.
8. Any required fill in the floodplain shall be compensated on site at a ratio of 1.5:1.
9. All drainage, EPCO and Water Quality practices shown on this plan are for conceptual purposes only. Final design of these elements will be determined prior to construction plan approval and shall comply with all MSD and MSD Design Manual requirements.
10. The project is not subject to MSD Water Quality Regulations until the incremental area of disturbance sums equal to or greater than 1 acre of disturbance. Per this preliminary development plan, the area of disturbance is 15,457 S.F. (0.35 Ac.)



**PRELIMINARY APPROVAL**  
Condition of Approval:  
  
M. J. G. 4-6-23  
Development Review Date  
LOUISVILLE & JEFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT

**DETENTION BASIN CALCULATIONS**

$X = \Delta CRA / 12$   
 $\Delta C = 0.59 - 0.23 = 0.36$   
 $A = 0.72 \text{ ACRES}$   
 $R = 2.8 \text{ INCHES}$   
 $X = (36)(0.72)(2.8) / 12 = 0.60 \text{ AC} \sim \text{FT}$   
REQUIRED  $X = 2635 \text{ CU.FT.}$

**TREE CANOPY CALCULATIONS**

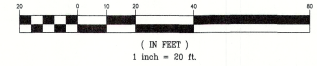
TOTAL SITE AREA	= 0.72± Ac. (31,170 S.F.)
EXISTING TREE CANOPY AREA	= 11% (3,278 S.F.)
EXISTING TREE CANOPY TO BE PRESERVED	= 0% (0 S.F.)
TOTAL TREE CANOPY AREA REQUIRED	= 35% (10,910 S.F.)
TOTAL TREE CANOPY AREA TO BE PROVIDED	= 35% (10,910 S.F.)

**PRELIMINARY APPROVAL  
DEVELOPMENT PLAN**

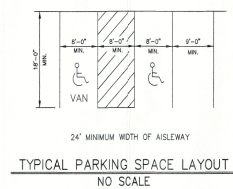
CONDITIONS:

BY: *Sam Dwyer*  
DATE: 4/10/23  
LOUISVILLE & JEFFERSON COUNTY  
METRO PUBLIC WORKS

**GRAPHIC SCALE**



- LEGEND**
- ..... PROPOSED LIMITS OF DISTURBANCE
  - EXISTING CONTOUR
  - PROPOSED STORM SEWER, CATCH BASIN W/ INLET PROTECTION AND HEADWALL
  - EXISTING STORM SEWER
  - EXISTING SEWER AND MANHOLE
  - EXISTING WATER LINES
  - EXISTING GAS LINES
  - ETC OVERHEAD ELECTRIC
  - EXISTING FENCE
  - WM WATER METER
  - EXISTING UTILITY POLE
  - EXISTING GAS VALVE
  - EXISTING FIRE HYDRANT
  - EXISTING WATER VALVE



OWNER: WILLIAM C JR ESTATE OF 7700, 7702, 7704, 7706 LAUREL RIDGE ROAD LOUISVILLE, KY 40219  
FIRE PROTECTION DISTRICT - 24  
MUNICIPALITY - OKOLONA  
SITE ADDRESS: 7700, 7702, 7704, 7706 LAUREL RIDGE ROAD LOUISVILLE, KY 40219  
TAX BLOCK 2092  
LOTS 48, 47, 46, 45  
W.B. 756, PG. 431  
COUNCIL DISTRICT - LOUISVILLE  
MUNICIPALITY - OKOLONA

DETAILED DISTRICT DEVELOPMENT PLAN

LAUREL RIDGE ROAD

DEVELOPER: HOGAN REAL ESTATE, 9300 SHELBYVILLE ROAD, SUITE 1300, LOUISVILLE, KY 40222

NO. 22106

SHEET 1 OF 1

WM#12503

RECEIVED MAR 28 2025 PLANNING & DESIGN SERVICES

REVISIONS	
NO.	DATE
1	10/24/22
2	11/21/22
3	12/12/22
4	2/7/23

DESCRIPTION	
BY	DATE
PER AGENCY COMMENT	
REVISED PER AGENCY COMMENTS	
PER AGENCY COMMENT	
ADJUSTED R/W	

SURVEYOR'S SEAL

ENGINEER'S SEAL

ORDINANCE NO. 055, SERIES 2023

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 7700-7706 LAUREL RIDGE ROAD CONTAINING APPROXIMATELY 0.72 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0148). (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. 22ZONE0148; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0148 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:**

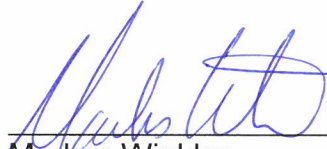
**SECTION I:** That the zoning of the properties located at 7700-7706 Laurel Ridge Road containing approximately 0.72 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0148, is hereby changed from R-5 Single Family Residential to C-1 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. 22ZONE0148, with the following additional binding element:

9. 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

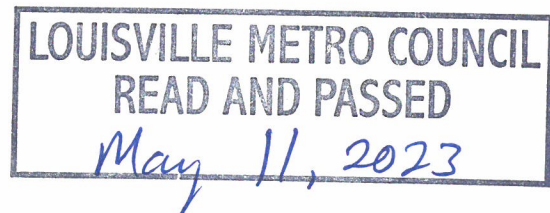
  
\_\_\_\_\_  
Markus Winkler  
President of the Council

  
\_\_\_\_\_  
Craig Greenberg  
Mayor

May 23, 2023  
\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney



By: Karen Ferguson

O-082-23 22ZONE0148 Approval (As Amended).docx (TF 5-3-23)