



# Louisville Metro Government

## Meeting Agenda – Final

### Planning and Zoning Committee

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

---

May 02, 2023

1:00 PM

Council Chambers/Virtual

---

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

4. **O-067-23** AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7609 BARDSTOWN ROAD CONTAINING APPROXIMATELY 0.84 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0147).

*Enactment #: Ordinance No. 052, Series 2023*

**Sponsors:**

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

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7609 BARDSTOWN ROAD CONTAINING APPROXIMATELY 0.84 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0147). (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. 22ZONE0147; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0147 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 property located at 7609 Bardstown Road containing approximately 0.84 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0147, is hereby changed from R-4 Single Family Residential to C-1 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0147-, 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**

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7609 BARDSTOWN ROAD CONTAINING APPROXIMATELY 0.84 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0147).**

**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. 22ZONE0147; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0147 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records.

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

**SECTION I:** That the zoning of the property located at 7609 Bardstown Road containing approximately 0.84 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0147, is hereby changed from R-4 Single Family Residential to C-1 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0147.

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



\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

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

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

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

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

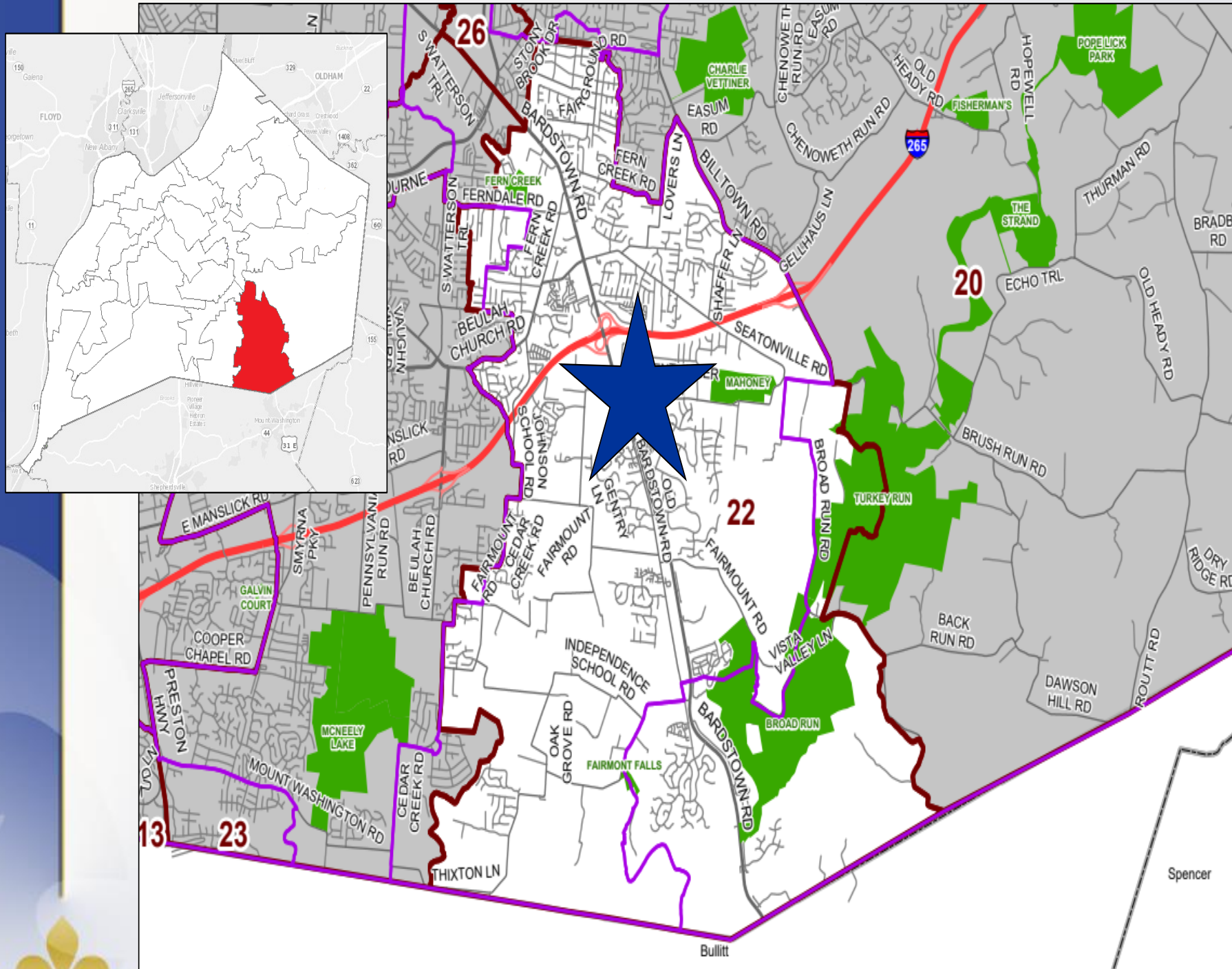
O-067-23– Zoning at 7609 Bardstown Road (lf)

22-ZONE-0147

7 BREW – BARDSTOWN ROAD



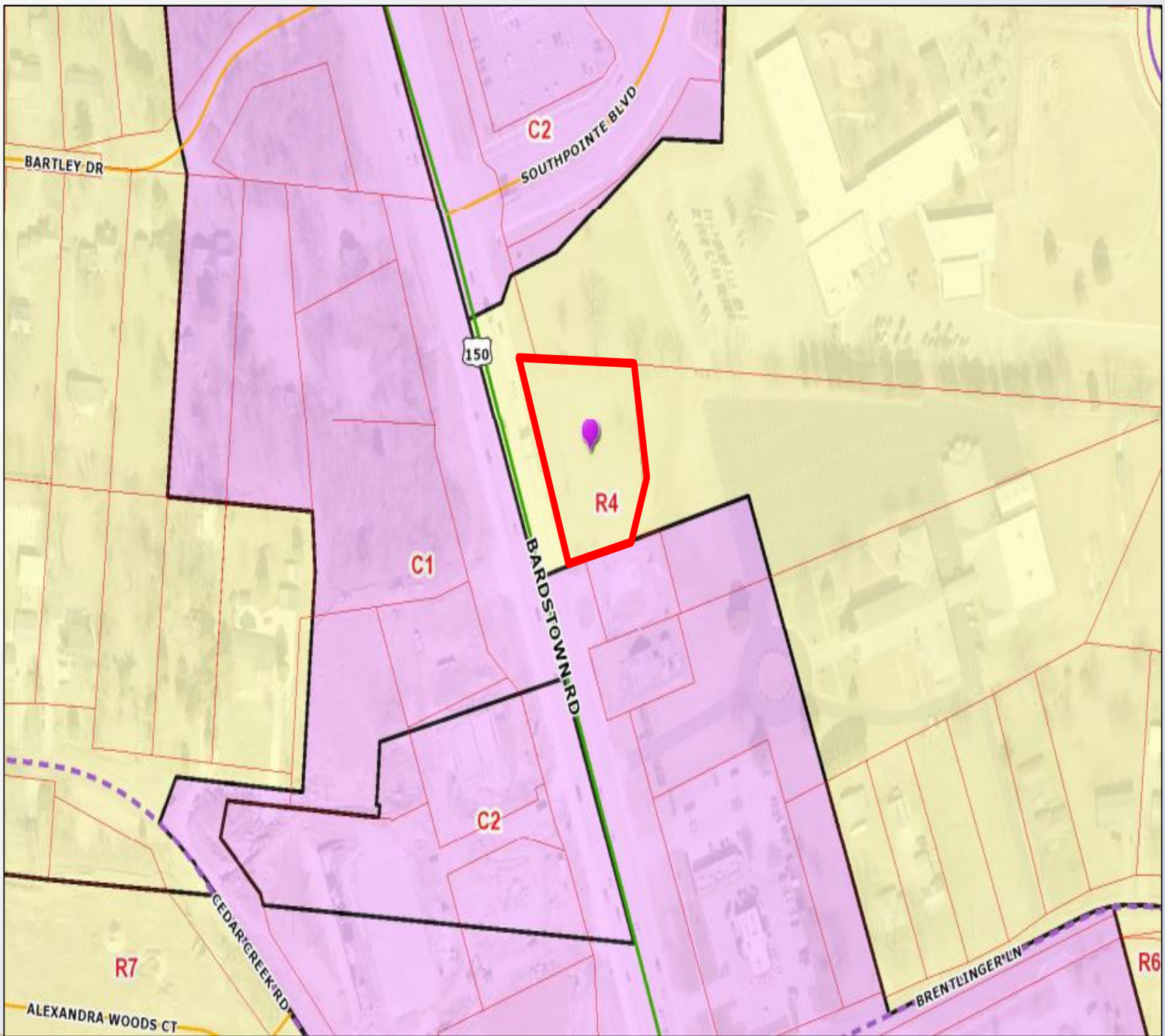
Planning & Zoning Committee  
April 18, 2023











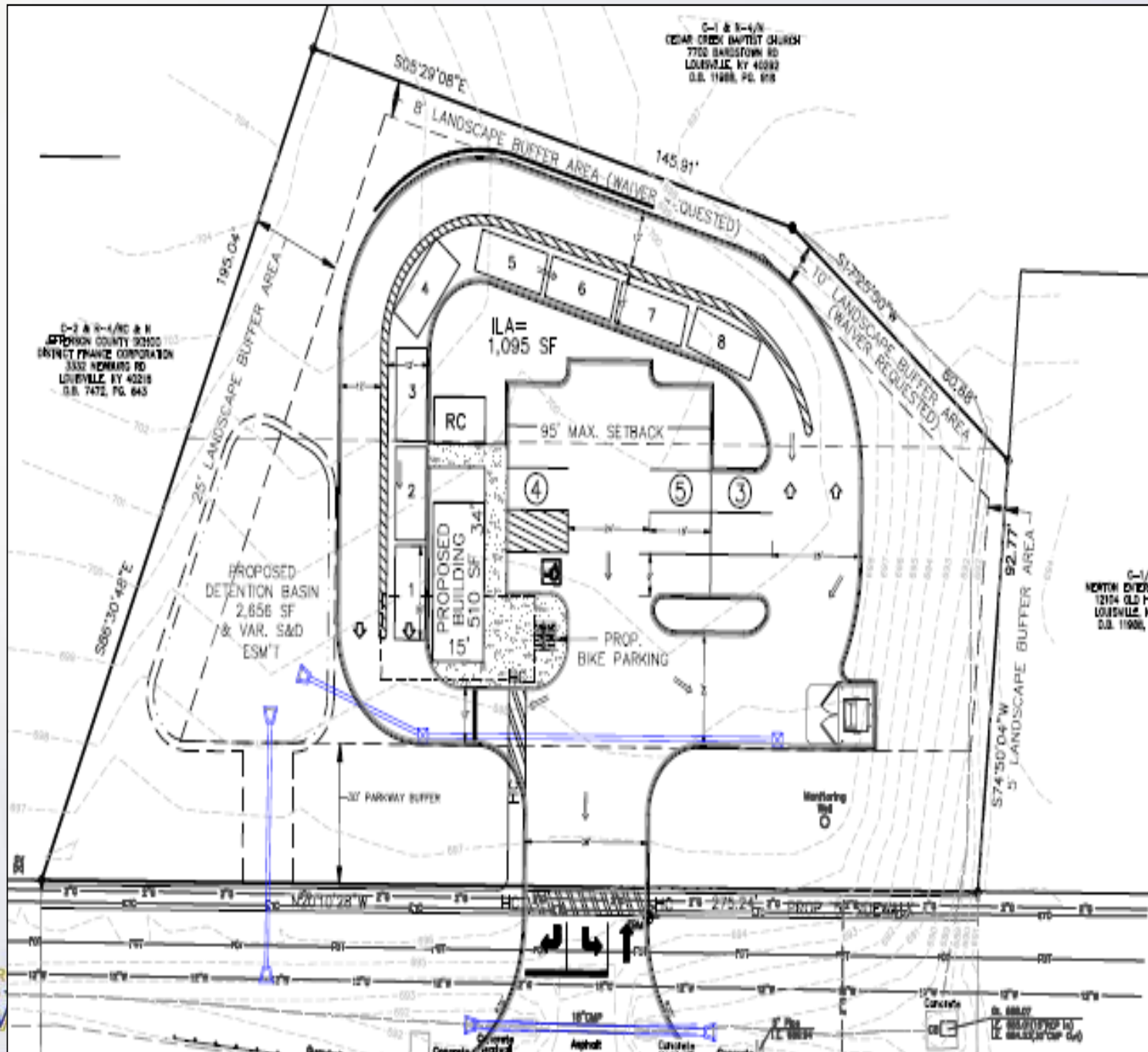
# Requests

- **Change in Zoning** from R-4 Single Family Residential to C-1 Commercial
- **Waivers:**
  - from 10.2.4.B.1 to permit encroachment into the required property perimeter LBA on the east property line (22-WAIVER-0194)
  - from 5.5.2.B.1.a to not provide required pedestrian and vehicular to adjacent non-residential sites (22-WAIVER-0195)
  - from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0006)
- **Parking Waiver** to exceed maximum allowed parking (22-PARKWAIVER-0008)
- **Detailed District Development Plan** with Binding Elements

# Case Summary

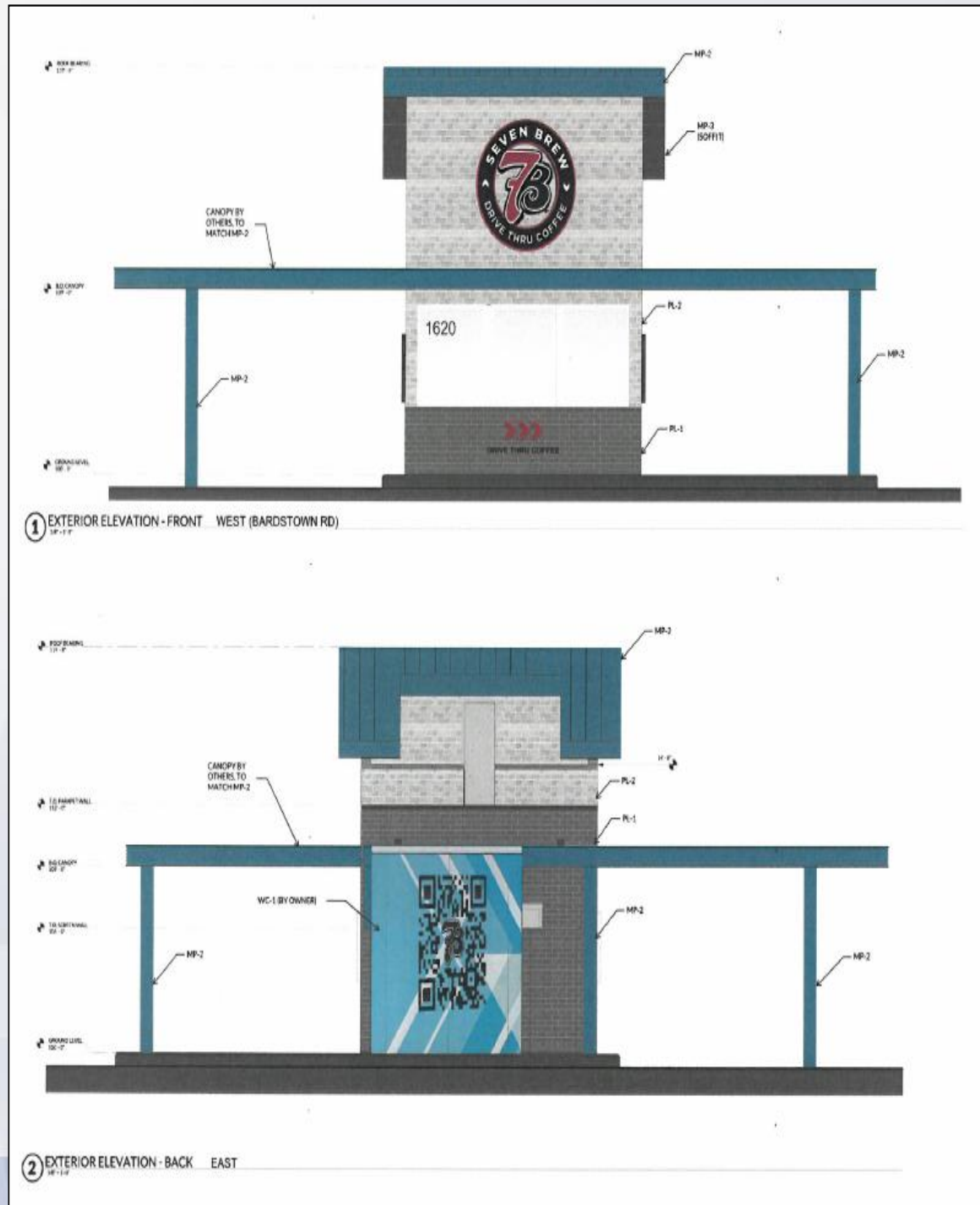
- Site undeveloped
- Proposed 510-sf coffee shop with drive-through and walk-up window - no indoor dining
- Bardstown Road
- Southeast Metro Regional Center Planning Study area
- No existing tree canopy apparent on the site

# Applicant's Development Plan

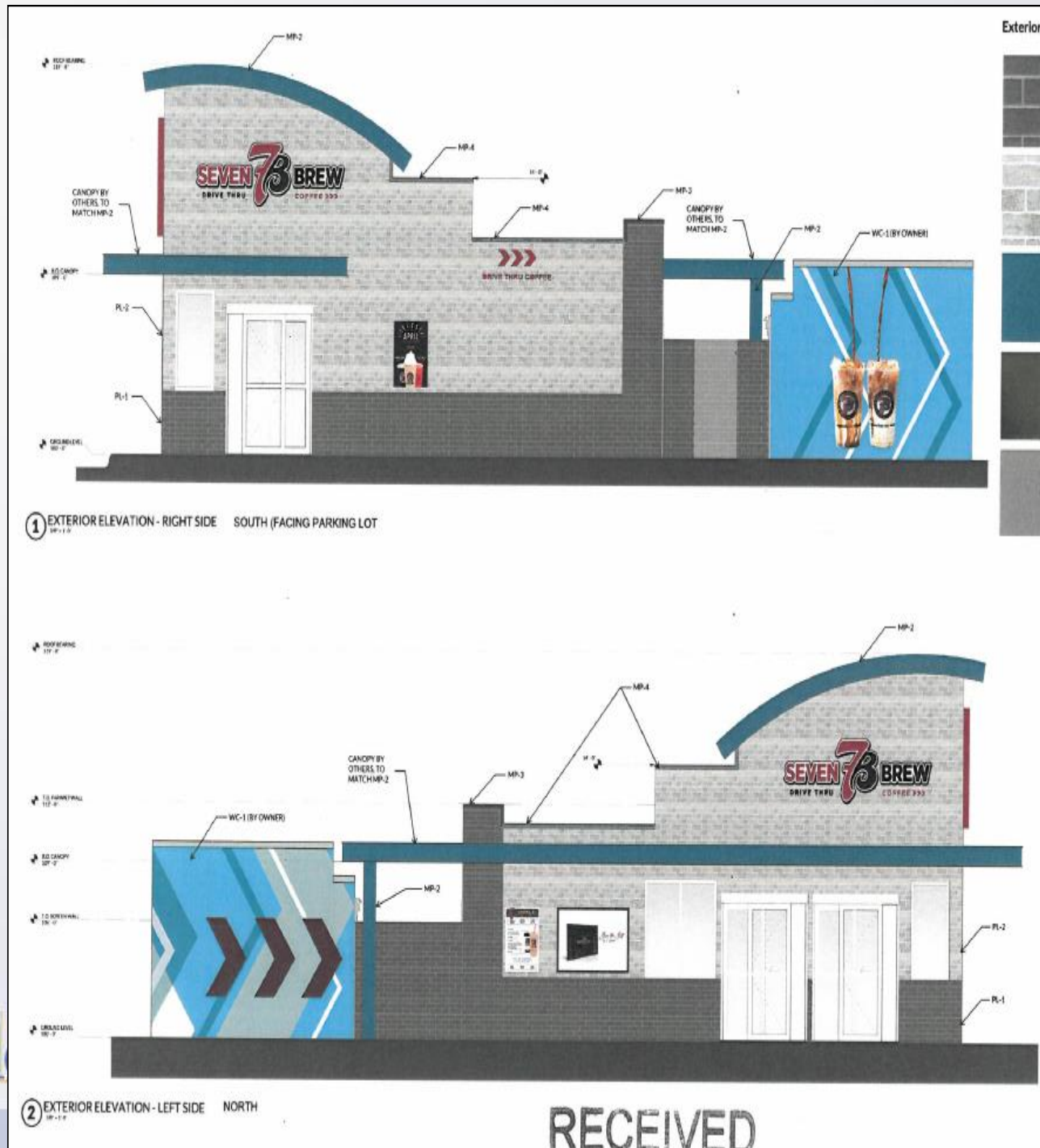




# Applicant's Rendering



# Applicant's Rendering





# Site Photos-Subject Property



# Public Meetings

- Neighborhood Meeting on 9/20/2022
- LD&T meeting on 2/23/2023
- Planning Commission public hearing on 3/16/2023
  - No one spoke in opposition.
  - Motion to approve the change in zoning from R-4 to C-1 passed by a vote of 7-0.

## PLANNING COMMISSION

March 16, 2023

### PUBLIC HEARING

#### CASE NO. 22-ZONE-0147

Request:	Change in zoning from R-4 to C-1, with associated Detailed District Development Plan with Binding Elements, and Waivers and Parking Waiver
Project Name:	7 Brew
Location:	7609 Bardstown Road
Owner:	Estate of William C Ridge Jr.
Applicant:	Hogan Real Estate
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	22 - Robin Engel
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:

05:56:37 Dante St. Germain presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

06:04:41 In response to questions from Commissioner Lewis, Ms. St. Germain clarified how the double drive-through lanes work on the plan. There is a walk-up window (see recording.)

06:06:03 In response to questions from Commissioner Mims, Ms. St. Germain said there is no requirement for the Heine Brothers property next door to connect with this site.

06:06:44 In response to questions from Commissioner Carlson, Ms. St. Germain clarified the parking waiver request.

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



## **PLANNING COMMISSION**

**March 16, 2023**

### **PUBLIC HEARING**

#### **CASE NO. 22-ZONE-0147**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2<sup>nd</sup> Floor, Louisville, KY 40223

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

Mike Leonard, 9300 Shelbyville Road Suite 1300, Louisville, KY 40222 (signed in but left before case was called)

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

06:06:08 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

06:19:07 In response to questions from Commissioners Mims and Carlson, Mr. Pregliasco said that Note #14 on the site plan deals with interconnection. He explained the interconnection in more detail (see recording for detailed discussion.)

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

No one spoke.

#### **Deliberation:**

06:21:17 In response to questions from Commissioner Howard, Ms. St. Germain discussed binding element #6 on page 18 of the staff report (see recording for discussion.) She noted that there are some residential properties across the street, and a few to the north. There may be trucks idling during construction, but not during operations.

**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-4 Single Family Residential to C-1 Commercial**

06:22:31 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

## PLANNING COMMISSION

March 16, 2023

### PUBLIC HEARING

#### CASE NO. 22-ZONE-0147

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the site is located along Bardstown Road, which is a commercial corridor under development in this area. The proposal would not constitute a non-residential expansion into an existing residential area as the neighboring properties are all non-residential in use; the site is located on Bardstown Road, a commercial corridor with developing activity centers to the north and south of the site; 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 via Bardstown Road, a major arterial and transit corridor at this location; the adjacent properties are either in non- residential use, or are developing with non- residential uses; and the proposed zoning district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 2 because the site is located in a developing activity center; the site has appropriate access and connectivity; the site is located along Bardstown Road, a developing commercial corridor and major arterial at this location; the proposed zoning district would permit a more compact pattern of development in a developing activity center; the proposed zoning district would permit a mixture of compatible land uses in a developing activity center; 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 Bardstown Road, 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 in a developing activity center; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the site is via Bardstown Road, a major arterial at this location; and

**PLANNING COMMISSION**

**March 16, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0147**

**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; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from R-4 Single Family Residential to C-1 Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

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

**ABSENT: Commissioners Clare and Fischer.**

**Waivers:**

**Waiver #1** - from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the east property line (22-WAIVER-0194)

**Waiver #2** - from 5.5.2.B.1.a to not provide required vehicular and pedestrian connections between abutting non-residential uses (22-WAIVER-0195)

**Waiver #3** - from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0006)

06:23:17 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the most affected property is developed with an institutional use, which is unlikely to change in the foreseeable future; 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



**PLANNING COMMISSION**

**March 16, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0147**

property is being used in a similar intensity as what would be permitted by the proposed zoning district; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is relatively small and the proposed drive-through encroaches into the required LBA. Without this encroachment, the site design would have to be shifted toward Bardstown Road, which would then result in an encroachment into the required parkway buffer. This would be less desirable than the LBA encroachment as proposed, and impact the public more severely; and

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

**(Waiver #2) WHEREAS**, the Commission further finds that the waiver will not adversely affect adjacent property owners as the most affected property has been recently developed with a coffee shop, which would be unlikely to be visited after customers have visited the coffee shop proposed on the subject site. Other affected properties are developed as a school and a church. Connectivity to the church property might be beneficial, but the topography is not conducive to one; and

**WHEREAS** the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages connectivity to reduce the number of vehicular trips. Connecting the adjoining non-residential uses is unlikely to reduce the number of vehicular trips to any appreciable degree; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is relatively small and making the connections would impact the site design to a high degree; and

**WHEREAS**, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the connections would impact the site design to a high degree and potentially cause prohibitive expense; and

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

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

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0147**

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

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

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

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver #1 from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the east property line (22-WAIVER-0194); **AND** the requested Waiver #2 from 5.5.2.B.1.a to not provide required vehicular and pedestrian connections between abutting non-residential uses (22-WAIVER-0195); **AND** the requested Waiver #3 from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0006).

**The vote was as follows:**

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

**ABSENT: Commissioners Clare and Fischer.**

**Parking Waiver to exceed the maximum allowable parking (22-PARKWAIVER-0008)**

06:24:27 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 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

**PLANNING COMMISSION**

**March 16, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0147**

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

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

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

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Parking Waiver to exceed the maximum allowable parking from five (5) spaces to a total of twelve (12) spaces including one handicapped space (22-PARKWAIVER-0008).

**The vote was as follows:**

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

**ABSENT: Commissioners Clare and Fischer.**

**Detailed District Development Plan with Binding Elements**

06:25:06 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 no natural resources are evident on the site. The site is currently undeveloped but no tree canopy, slopes, water courses, flood plains or sensitive soils are evident on the site. The scenic views along Bardstown Road will be preserved by the provision of a parkway buffer; 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

## PLANNING COMMISSION

March 16, 2023

### PUBLIC HEARING

CASE NO. 22-ZONE-0147

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

**WHEREAS**, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

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

**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 variance 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.



## PLANNING COMMISSION

March 16, 2023

### PUBLIC HEARING

#### CASE NO. 22-ZONE-0147

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 Bardstown Road right-of-way.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 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

**PLANNING COMMISSION**

**March 16, 2023**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0147**

binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners 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-0147**

Request:	Change in Zoning from R-4 to C-1, with Associated Detailed District Development Plan with Binding Elements, and Waivers and Parking Waiver
Project Name:	7 Brew
Location:	7609 Bardstown Road
Owner:	Estate of William C. Ridge Jr.
Applicant:	Hogan Real Estate
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
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:**

00:05:37 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**

00:05:50 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.**

00:06:00 The Committee by general consensus scheduled this case to be heard at the **March 16<sup>th</sup>, 2023**, Planning Commission public hearing.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**February 9, 2023**

**NEW BUSINESS**

**22-ZONE-0147**

Request:	Change in zoning from R-4 to C-1, with associated Detailed District Development Plan with Binding Elements, and Waivers and Parking Waiver
Project Name:	7 Brews
Location:	7609 Bardstown Road
Owner:	Estate of William C Ridge Jr.
Applicant:	Hogan Real Estate
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Dante St. Germain, AICP, Planner II

***\*\*\*Commissioner Brown had to leave before this case, which resulted in a loss of quorum. All items from this point forward will be placed on the February 23, 2023 LD&T meeting.\*\*\****

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:**

02:33:45 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see video for presentation). The applicant is wanting to change the zoning from R-4 single family residential to C-1 commercial. The applicant is wanting to construct a coffee shop with a drive thru.

02:38:20 Commissioner Mims asked what the code says about connecting into an adjoining property. St. Germain stated that it is a requirement of the Land Development Code but you can get a waiver from it.

02:40:02 Commissioner Cheek asked if there was a detention basin between the church and the site. St. Germain stated the applicant can give more information on the topic.

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



**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**February 9, 2023**

**NEW BUSINESS**

**22-ZONE-0147**

Nick Pregliasco, Bardenwerper, Talbott & Roberts, 1000 N Hurstbourne Pwky,  
Louisville, KY 40223

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

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

02:41:10 Nick Pregliasco spoke in favor of the application and presented a PowerPoint presentation (see video). Pregliasco stated the applicant wants to provide a 510 SF coffee shop specializes in quick service. Pregliasco stated the reason for a small building is due to the company not serving food nor does it have an indoor area.

02:52:20 Commissioner Cheek asked if the coffee shop will have a walk up window. Pregliasco stated the coffee shop provides walk-up services.

02:54:45 Commissioner Mims asked if there was a requirement for an easement between the Heine Brothers Lot and the 7 Brews Lot. Pregliasco stated the Heine Brothers do not show a connection in their plan; however, there is a note in the plan that states if the Heine Brothers decide to redevelop there would have to be some sort of connection.

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

**None**

**Summary of testimony of those in opposition:**

**None**

**REBUTTAL**

**None**

**Deliberation**

03:01:43 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.**

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**February 9, 2023**

**NEW BUSINESS**

**22-ZONE-0147**

The decision regarding case 22-ZONE-0147 will be heard on February 23<sup>rd</sup> 2023 at the Land Development & Transportation Meeting.

# Planning Commission

## Staff Report

March 16, 2023



<b>Case No:</b>	22-ZONE-0147
<b>Project Name:</b>	7 Brew
<b>Location:</b>	7609 Bardstown 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>	22 – Robin Engel
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

### REQUESTS

- **Change in zoning** from R-4 Single Family Residential to C-1 Commercial
- **Waivers:**
  - #1: from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the east property line (22-WAIVER-0194)
  - #2: from 5.5.2.B.1.a to not provide required vehicular and pedestrian connections between abutting non-residential uses (22-WAIVER-0195)
  - #3: from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0006)
- **Parking Waiver** to exceed the maximum allowable parking (22-PARKWAIVER-0008)
- **Detailed District Development Plan** with Binding Elements

### CASE SUMMARY/BACKGROUND

The subject site is located along Bardstown Road south of the I-265 interchange, and adjacent to Bates Elementary School and Cedar Creek Baptist Church, and consists of one undeveloped parcel. 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.

Institutional uses are located to the east (Bates Elementary School and Cedar Creek Baptist Church). Commercial development is located to the south, and across Bardstown Road. To the north is the proposed Southpointe Commons commercial center. Bardstown Road is a major arterial and designated parkway at this location.

The site is within the study area for the Southeast Metro Regional Center Planning Study. The study recommends this site for the Regional Center form district, along with numerous other parcels surrounding the site. The Southpointe Commons site to the north utilizes the Regional Center form, but this site is separated from that form district by an intervening parcel. Therefore, staff did not recommend a form district change. The study also recommends retention of mature trees on newly developed and redeveloped sites. This site has no apparent current tree canopy.

### STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. The waivers are adequately justified and meets the standard of review. The parking waiver meets the

standard of review. The site plan meets the requirements of the Land Development Code with the exception of the requested waivers, and generally meets the guidelines of the Comprehensive Plan.

## **TECHNICAL REVIEW**

Plan 2040

Land Development Code (Louisville Metro)

Southeast Metro Regional Center Planning Study (2012)

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, with institutional uses located on the residentially-zoned parcels nearby. The neighborhood plan for this site recommends the Regional Center form district. However, the nearest Regional Center form is separated from this site by an intervening parcel. Therefore, no form district change was recommended by staff. Nevertheless, the recommended Regional Center form would promote commercial development in the vicinity in line with the proposal. As a result, the site rezoning is in compliance with the neighborhood plan despite the retention of the existing Neighborhood form.

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

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

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

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

STAFF: The waiver will not adversely affect adjacent property owners as the most affected property is developed with an institutional use, which is unlikely to change in the foreseeable future.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The adjacent property is being used in a similar intensity as what would be permitted by the proposed zoning district.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is relatively small and the proposed drive-through encroaches into the required LBA. Without this encroachment, the site design would have to be shifted toward Bardstown Road, which would then result in an encroachment into the required parkway buffer. This would be less desirable than the LBA encroachment as proposed, and impact the public more severely.

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

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

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.5.2.B.1.a**

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

STAFF: The waiver will not adversely affect adjacent property owners as the most affected property has been recently developed with a coffee shop, which would be unlikely to be visited after customers have visited the coffee shop proposed on the subject site. Other affected properties are developed as a school and a church. Connectivity to the church property might be beneficial, but the topography is not conducive to one.

- (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 connectivity to reduce the number of vehicular trips. Connecting the adjoining non-residential uses is unlikely to reduce the number of vehicular trips to any appreciable degree.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is relatively small and making the connections would impact the site design to a high degree.

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

STAFF: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the connections would impact the site design to a high degree and potentially cause prohibitive expense.

#### **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. The site is currently undeveloped but no tree canopy, slopes, water courses, flood plains or sensitive soils are evident on the site. The scenic views along Bardstown Road will be preserved by the provision of a parkway buffer.

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



## **REQUIRED ACTIONS**

- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to C-1
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Parking Waiver**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>01/27/2023</b>	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 22
<b>03/02/2023</b>	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 22
<b>02/27/2023</b>	Hearing before PC	Sign Posting on property
<b>03/05/2023</b>	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

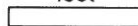
1. Zoning Map



2. Aerial Photograph



7609 Bardstown Road  
feet



180

Map Created: 9/21/2022



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



#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Community Form: Goal 1	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	The proposed zoning district would not permit noxious odors, particulates or emissions.
6	Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Access to the site is via Bardstown Road, a major arterial and transit corridor at this location.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The adjacent properties are either in non-residential use, or are developing with non-residential uses.
8	Community Form: Goal 1	21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	NA	The proposed zoning district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries.
9	Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The site is located in a developing activity center.
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 Bardstown Road, a developing 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 a developing activity center.

#	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 a developing activity center.
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 Bardstown Road, 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 in a developing activity center.
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 via Bardstown Road, a major arterial at this location.

#	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 Bardstown Road, 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 Bardstown Road right-of-way.

- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 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-0147
<b>Project Name:</b>	7 Brews
<b>Location:</b>	7609 Bardstown 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>	22 – Robin Engel
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

**REQUESTS**

- **Change in zoning** from R-4 Single Family Residential to C-1 Commercial
- **Waivers:**
  - #1:** from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the east property line (22-WAIVER-0194)
  - #2:** from 5.5.2.B.1.a and 5.9.2.A.1.b.ii to not provide required vehicular and pedestrian connections between abutting non-residential uses (22-WAIVER-0195)
  - #3:** from 8.3.3.A.1 to permit more than three signs on one façade of a non-residential building (23-WAIVER-0006)
- **Parking Waiver** to exceed the maximum allowable parking (22-PARKWAIVER-0008)
- **Detailed District Development Plan** with Binding Elements

**CASE SUMMARY/BACKGROUND**

The subject site is located along Bardstown Road south of the I-265 interchange, and adjacent to Bates Elementary School and Cedar Creek Baptist Church, and consists of one undeveloped parcel. 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.

Institutional uses are located to the east (Bates Elementary School and Cedar Creek Baptist Church). Commercial development is located to the south, and across Bardstown Road. To the north is the proposed Southpointe Commons commercial center. Bardstown Road is a major arterial and 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.**

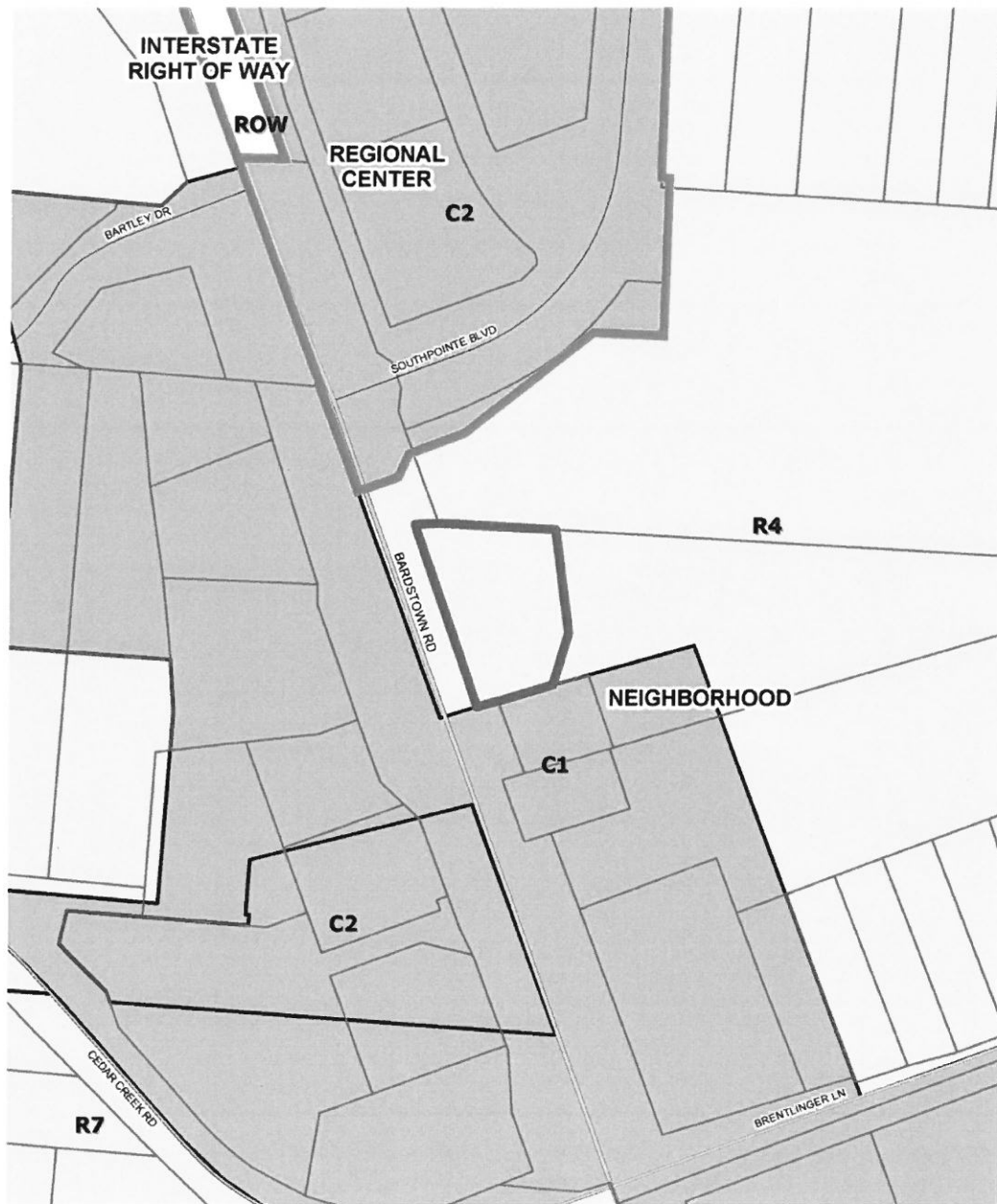
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>01/27/2023</b>	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 22
	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 22
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

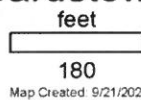
**ATTACHMENTS**

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

1. Zoning Map



7609 Bardstown Road



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.

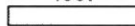


2. Aerial Photograph



7609 Bardstown Road

feet



180

Map Created 9/21/2022



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. 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 Bardstown Road right-of-way.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_, 2023 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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-0122
<b>Project Name:</b>	7609 Bardstown Road Coffee Shop
<b>Location:</b>	7609 Bardstown Road
<b>Owner(s):</b>	Estate of William C Ridge
<b>Applicant:</b>	Hogan Real Estate
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

**REQUEST**

- **Change in zoning** from R-4 Single Family Residential to C-1 Commercial

**CASE SUMMARY/BACKGROUND**

The subject site is located along Bardstown Road south of the interchange with I-265 and consists of one undeveloped parcel. The applicant proposes to rezone the site in order to construct a new 510 square foot coffee shop with two drive-through lanes.

An institutional use, Bates Elementary School, is located to the north, and another institutional use, Cedar Creek Baptist Church, is located to the east. The site is otherwise surrounded by commercial development and commercial development which is proposed or under construction. Bardstown Road 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 Bardstown Road, which is a commercial corridor under development in this area. The proposal would not constitute a non-residential expansion into an existing residential area as the neighboring properties are all non-residential in use. The site is located on Bardstown Road, a commercial corridor with developing activity centers to the north and south of the site. 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 via Bardstown Road, a major arterial and transit corridor at this location. The adjacent properties are either in non-residential



use, or are developing with non-residential uses. 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.

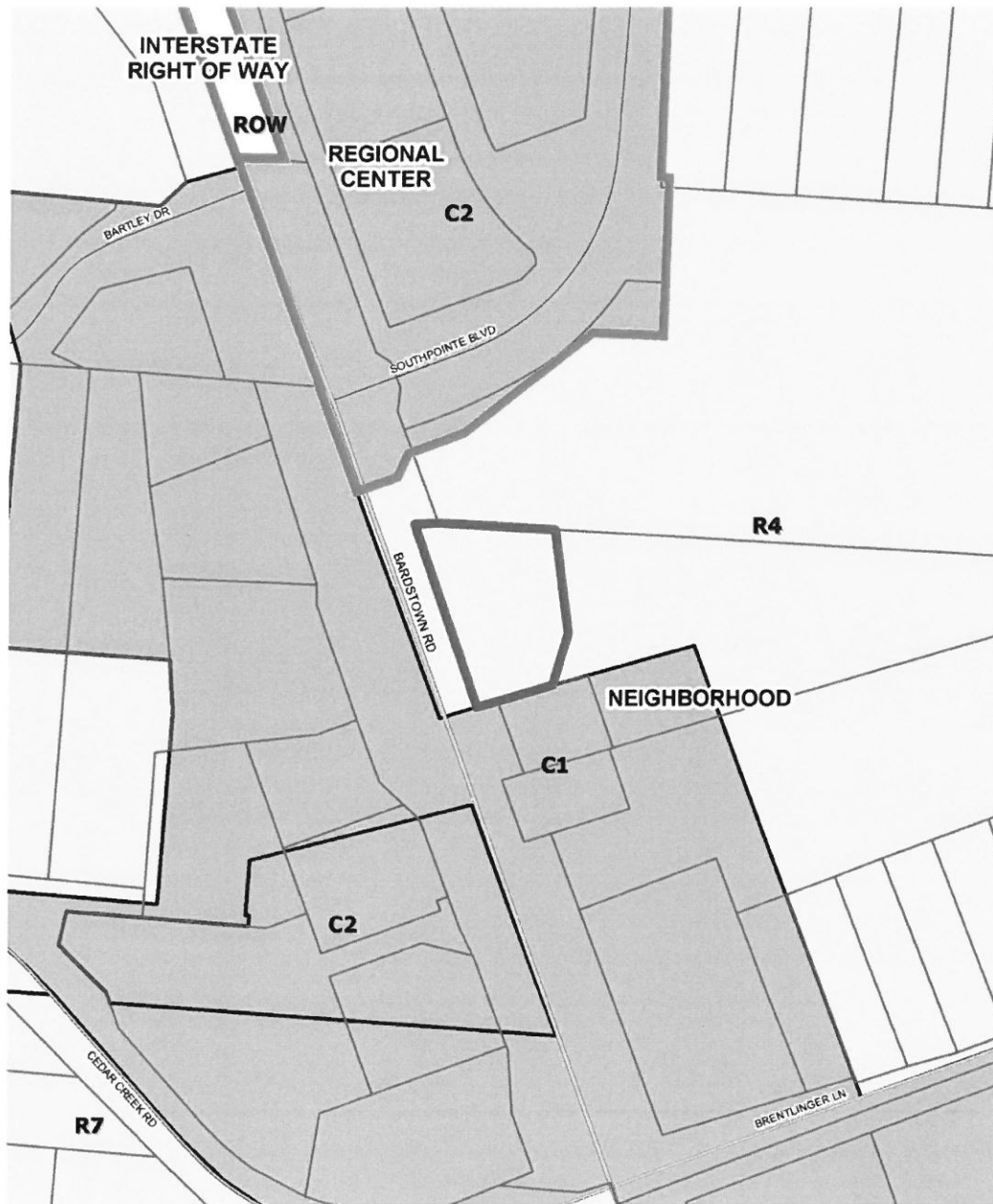
#### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
	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 22
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 222
	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



7609 Bardstown Road

feet  
180

Map Created 9/21/2022

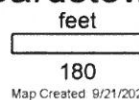


Copyright (c) 2022, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



7609 Bardstown Road



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



#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Community Form: Goal 1	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	The proposed zoning district would not permit noxious odors, particulates or emissions.
6	Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Access to the site is via Bardstown Road, a major arterial and transit corridor at this location.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The adjacent properties are either in non-residential use, or are developing with non-residential uses.
8	Community Form: Goal 1	21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	NA	The proposed zoning district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries.
9	Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The site is located in a developing activity center.
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 Bardstown Road, a developing 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 a developing activity center.

#	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 a developing activity center.
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 Bardstown Road, 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 in a developing activity center.
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 via Bardstown Road, a major arterial at this location.

#	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 Bardstown Road, 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.

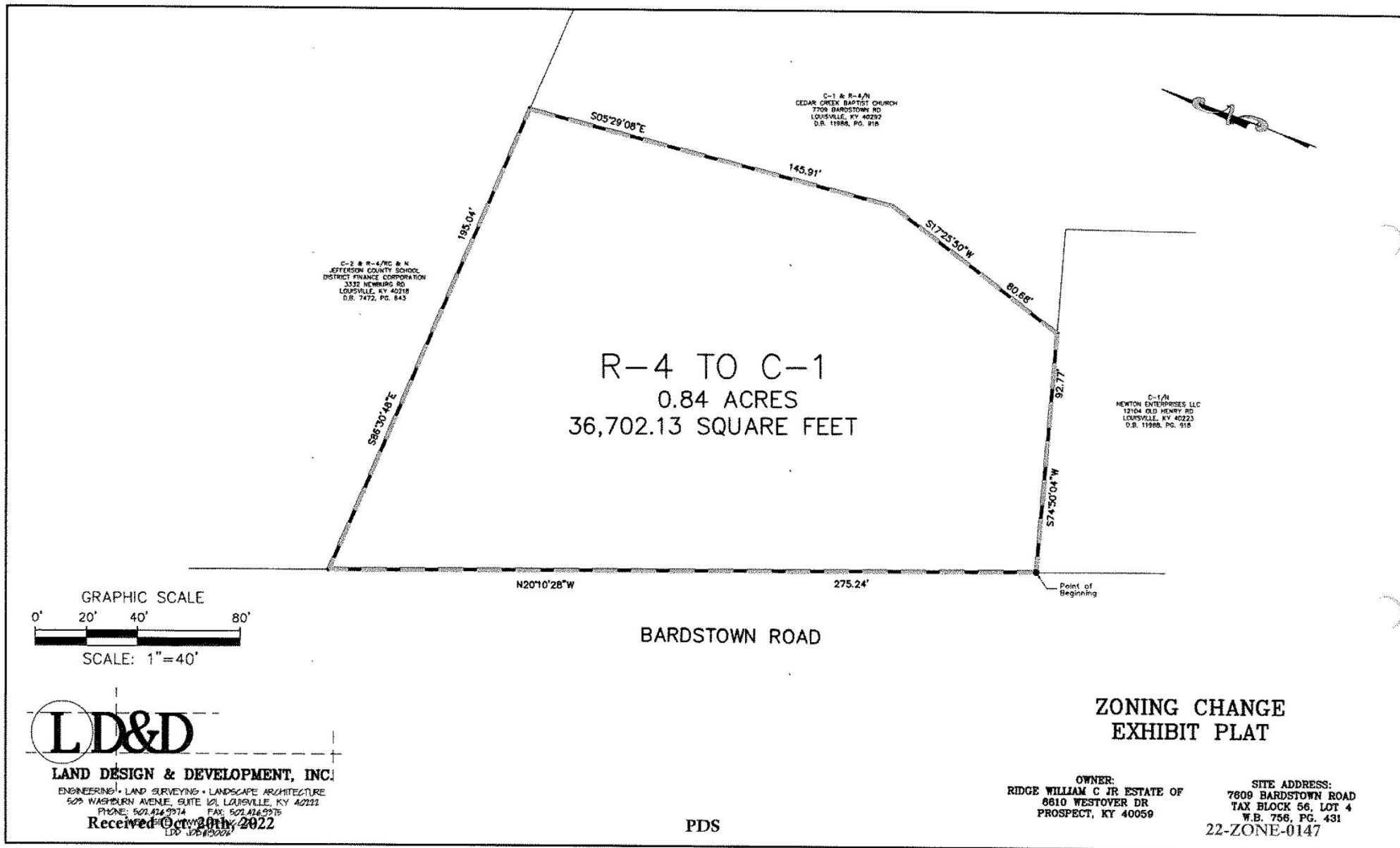
#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
45	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed zoning district would permit inter-generational mixed-income 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.

**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**  
**7609 BARDSTOWN ROAD**

**BEGINNING** at an existing ½" iron pin, said iron pin being the northwest corner of a property conveyed to Newton Enterprises, LLC, of record in Deed Book 11988, Page 918 in the Office of the Clerk of Jefferson County, Kentucky, and said point lying in the eastern right of way line of Bardstown Road; thence running with said right of way line **N20°10'28"W, 275.24'** to a point, said point the southwest corner of a property conveyed to the Jefferson County School District Finance Corporation, of record in Deed Book 7472, Page 643 in the Clerk's Office aforesaid; thence running with the south line of last mentioned property **S86°30'48"E, 195.04'** to a point, said point being the westernmost corner of a property conveyed to Cedar Creek Baptist Church, of record in Deed Book 11988, Page 918 in the Clerk's Office aforesaid; thence running with the last mentioned property the following two courses: **S05°29'08"E, 145.91'** to a point; **S17°25'50"W, 80.68'** to a point in the north line of said Newton Enterprises, LLC; thence running with said north line **S74°50'04"W, 92.77'** to the point of **BEGINNING**, containing 36,702.13 square feet..



Louisville Metro Planning Commission Public Hearing - March 16, 2023

Louisville Metro Land Development & Transportation Committee - February 9, 2023

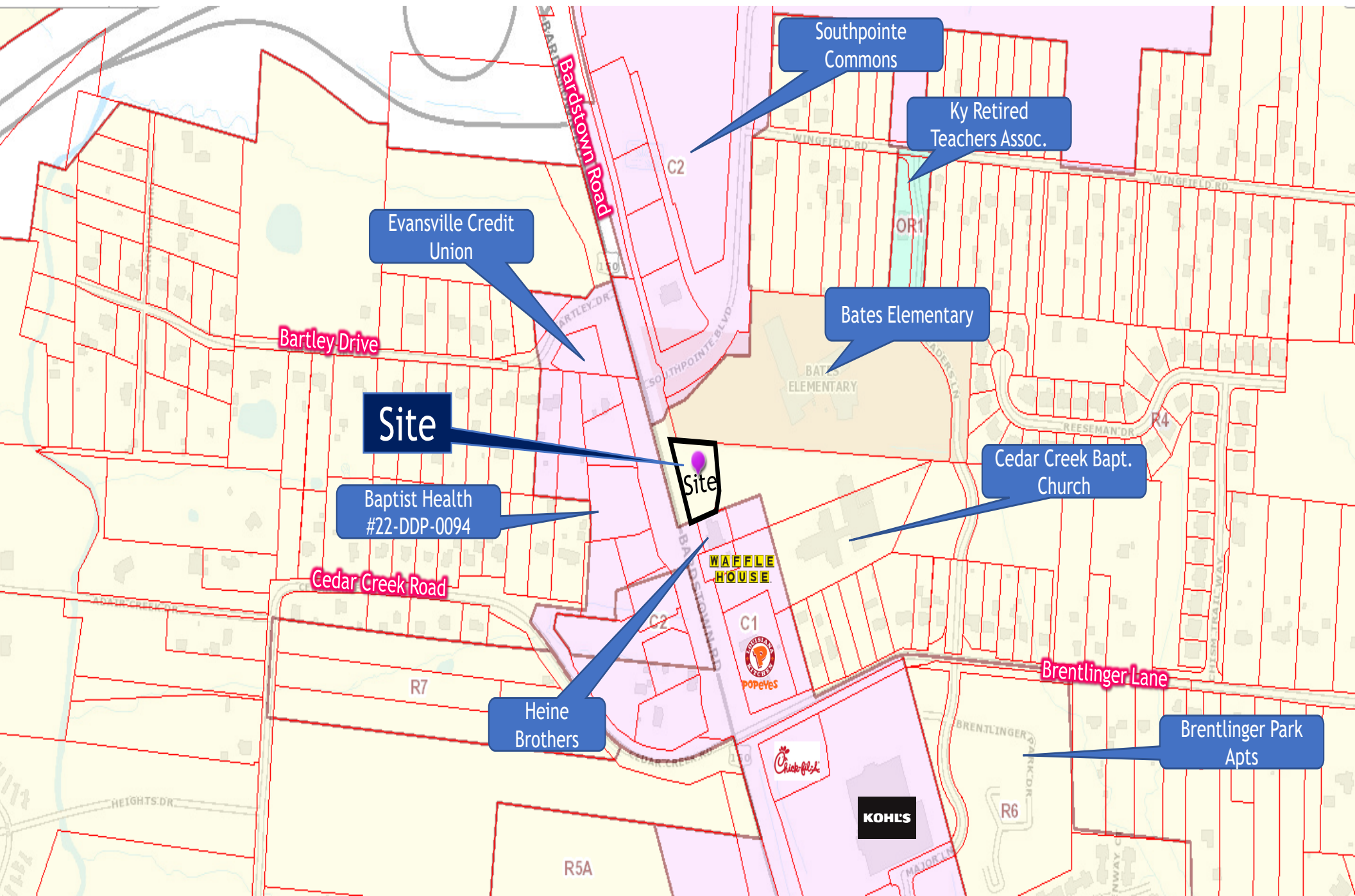
Neighborhood Meeting - September 20, 2022

## Docket No. 22-ZONE-0147

Zone Change from R-4 to C-1  
to allow a coffee shop on  
property located at  
7609 Bardstown Road







Southpointe Commons

Ky Retired Teachers Assoc.

Evansville Credit Union

Bates Elementary

Site

Site

Baptist Health #22-DDP-0094

Cedar Creek Bapt. Church

Cedar Creek Road

Waffle House

Popeyes

Heine Brothers

Chick-fil-A

Kohl's

Brentlinger Lane

Brentlinger Park Apts





Southpointe Commons

Ky Retired Teachers Assoc.

Evansville Credit Union

Bates Elementary

Baptist Health  
#22-DDP-0094

Cedar Creek Bapt. Church

Heine Brothers

Brentlinger Park Apts

Bartley Drive

Cedar Creek Road

Brentlinger Lane

Waffle House



Kohl's





PANERA BREAD

SOUTHPOINTE BLVD.

BATES ELEMENTARY  
SCHOOL

CEDAR CREEK  
BAPTIST CHURCH

HEINE  
BROTHERS

WAFFLE  
HOUSE

POPEYES

BRENTLINGER LN.

BARDSTOWN ROAD

CEDAR  
CREEK  
CROSSING

BARTLEY DRIVE





View of site from Bardstown Road





View of Bardstown Road looking south. Site is to the left.





View of Bardstown Road looking north. Site is to the right.



## Current plan



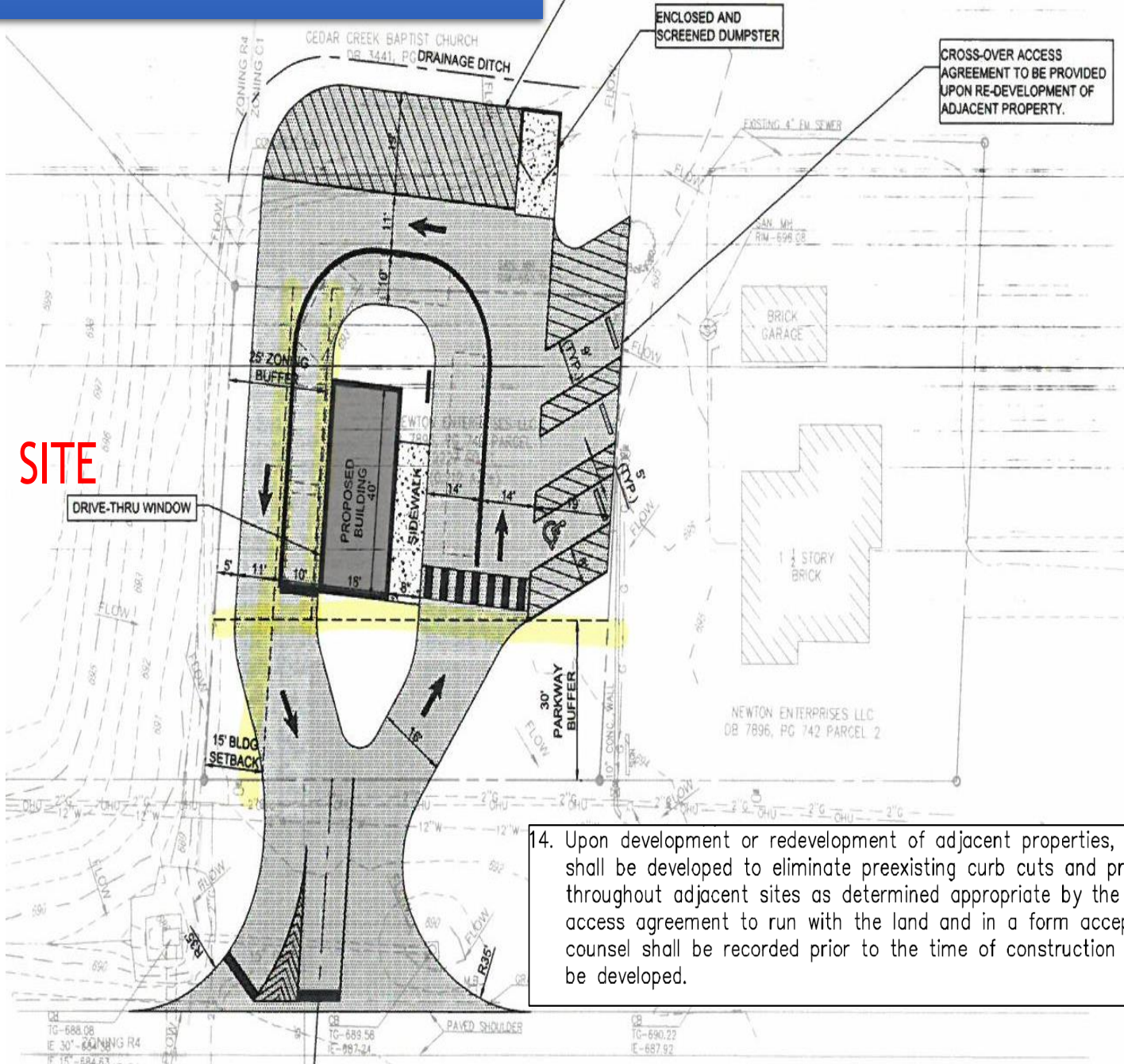


Site plan for Cedar Creek Baptist Church, located at DB 3441, PG. The plan shows a proposed building with a drive-thru window and a sidewalk. Key features include:

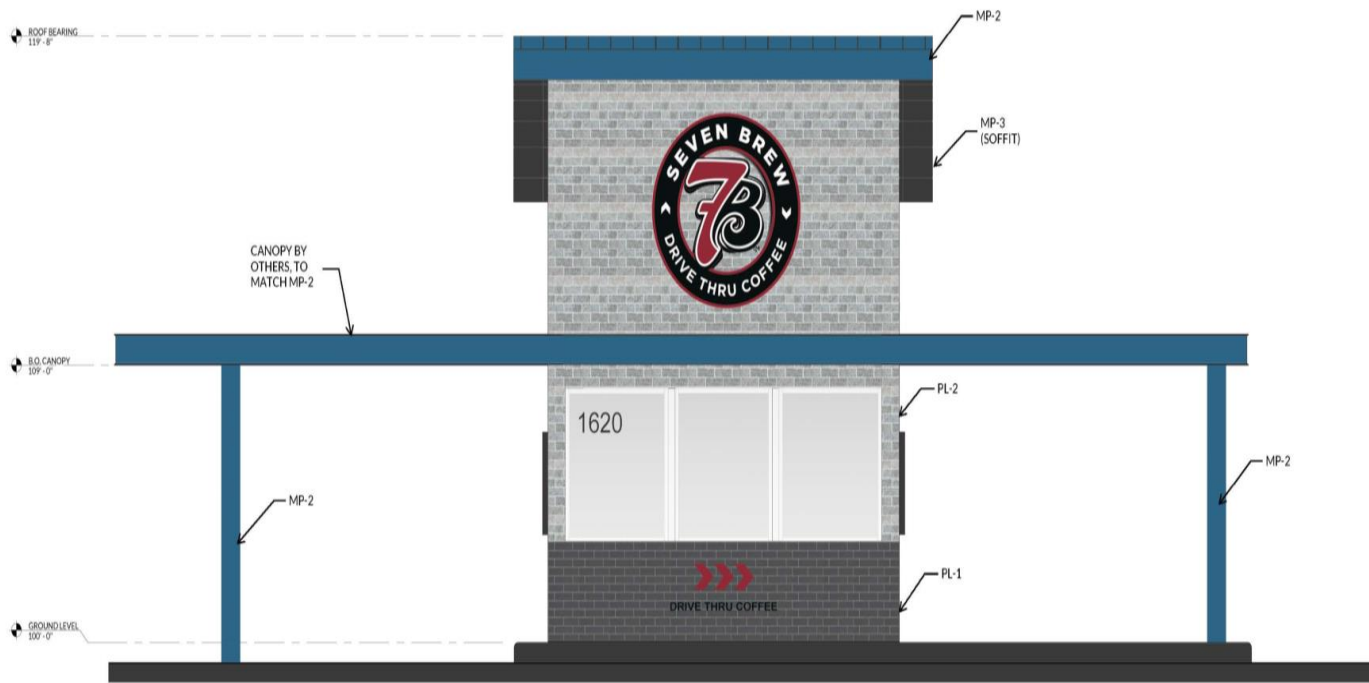
- Proposed Building:** A large structure with a drive-thru window and a sidewalk. Dimensions include 40' for the building width and 18' for the sidewalk width.
- Setbacks:** A 25' zoning buffer is shown on the left side of the building. A 15' building setback is indicated on the left side of the driveway.
- Driveway:** A driveway with a 30' parkway buffer is shown on the right side of the building.
- Flow:** Arrows indicate the flow of traffic through the drive-thru window and along the driveway.
- Other Features:** The plan includes a gravel shoulder, a paved shoulder, and a 10' concrete wall. The site is bordered by Zoning R4 and Zoning C1.



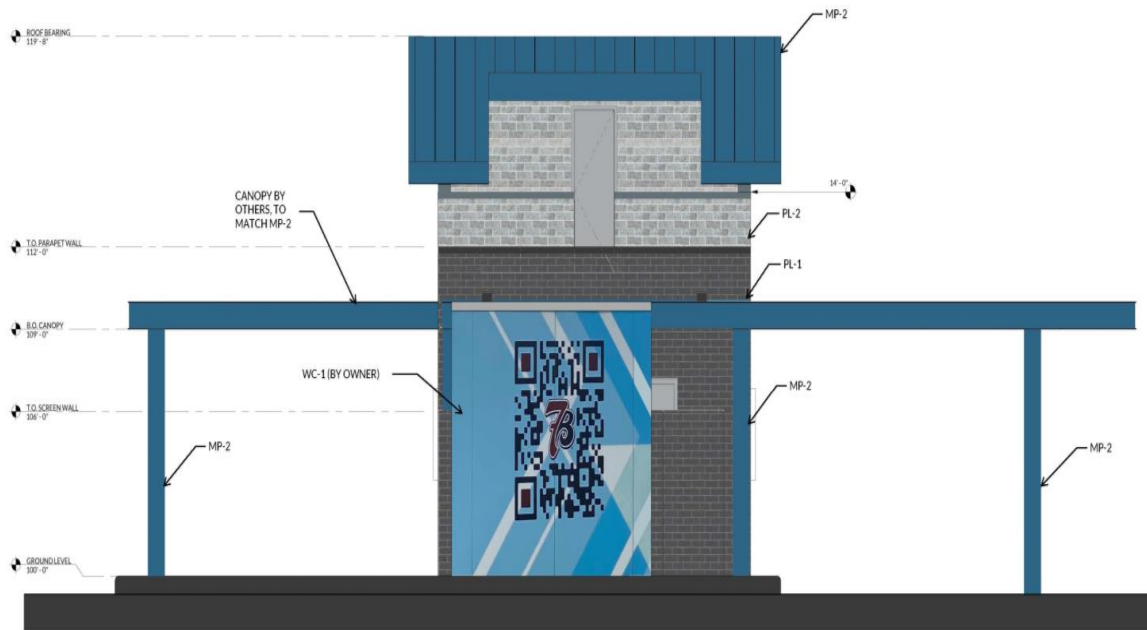
02/15/21 Approved  
Heine Bros Coffee Dev Plan  
#20-VARIANCE-0166 & #20-WAIVER-0132







**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

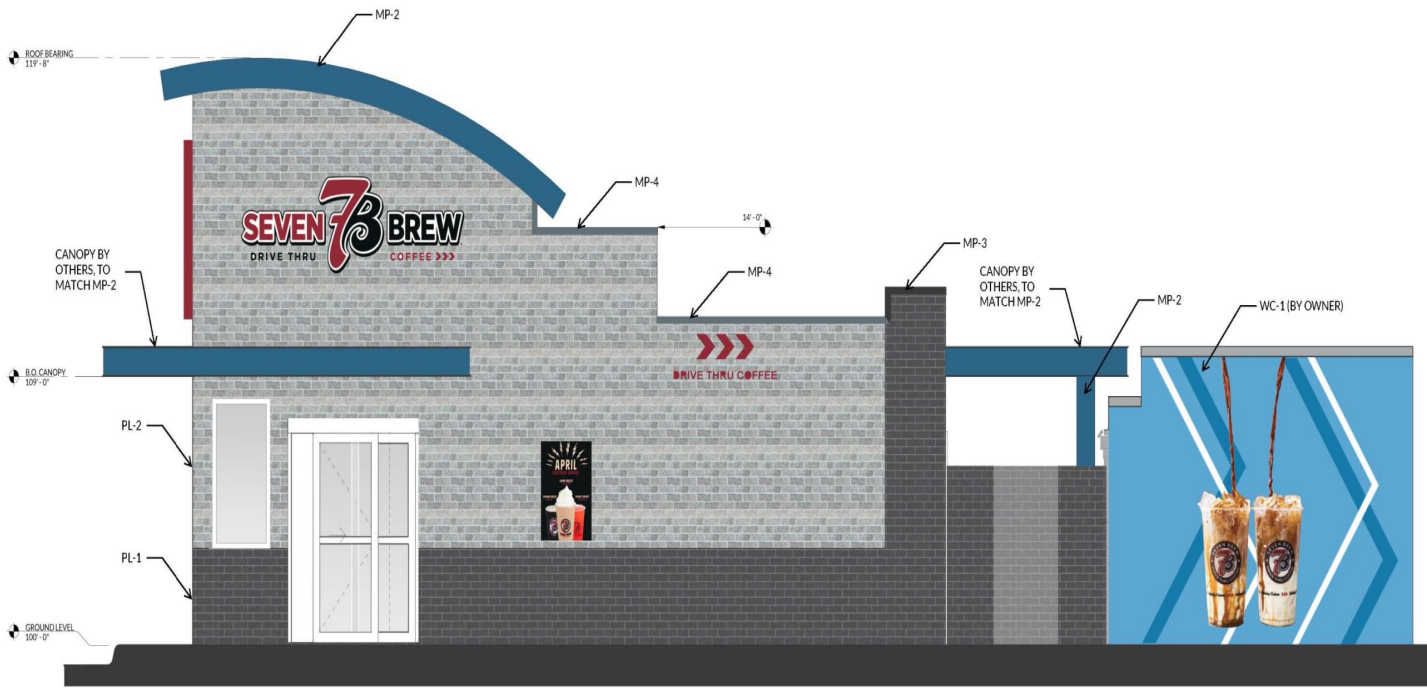


**MP-3**  
Matte Black Metal  
Soffit Panels

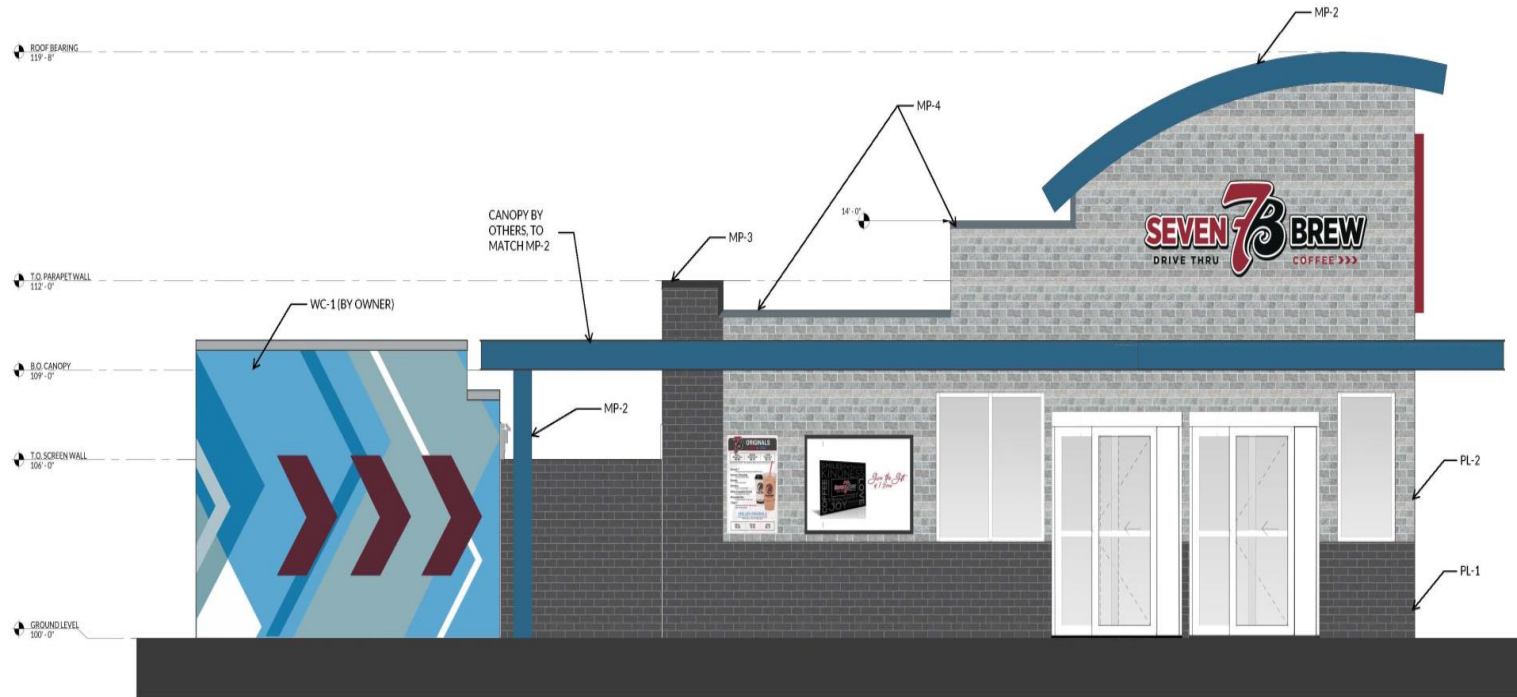


**MP-4**  
Zinc Gray Brake Metal  
Brake Metal Cap



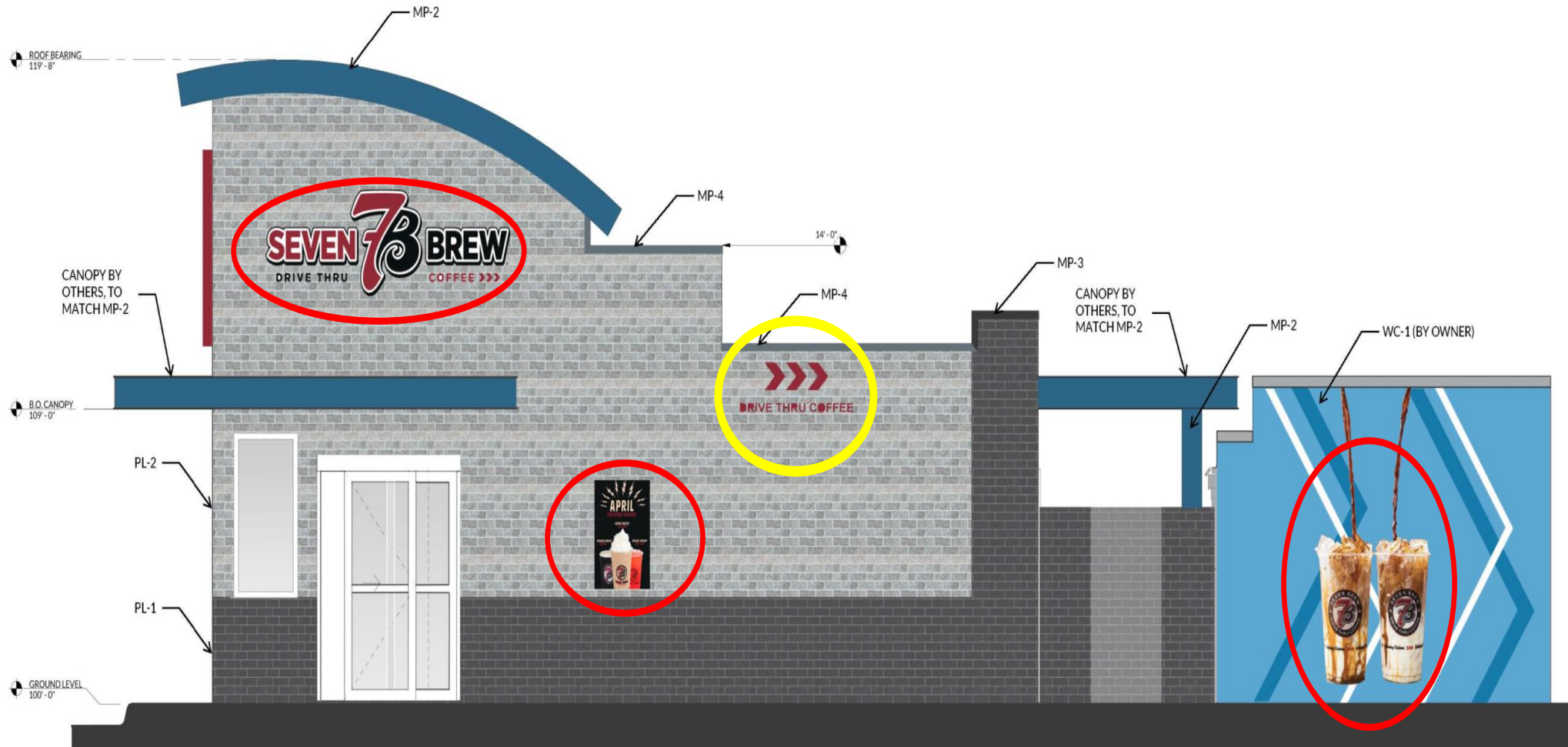


1 EXTERIOR ELEVATION - RIGHT SIDE  
3/8" = 1'-0"



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

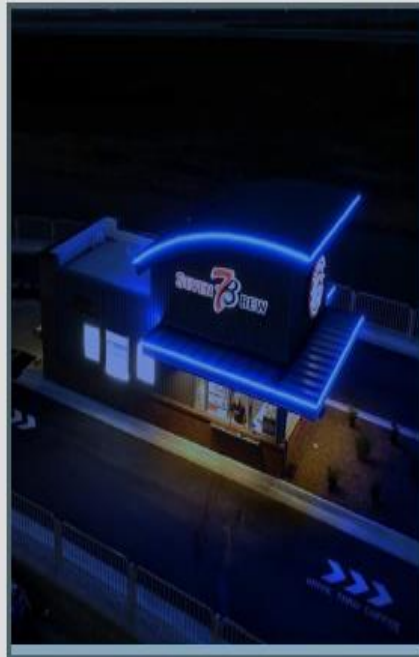
Waiver to permit more than 3  
signs on one façade



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

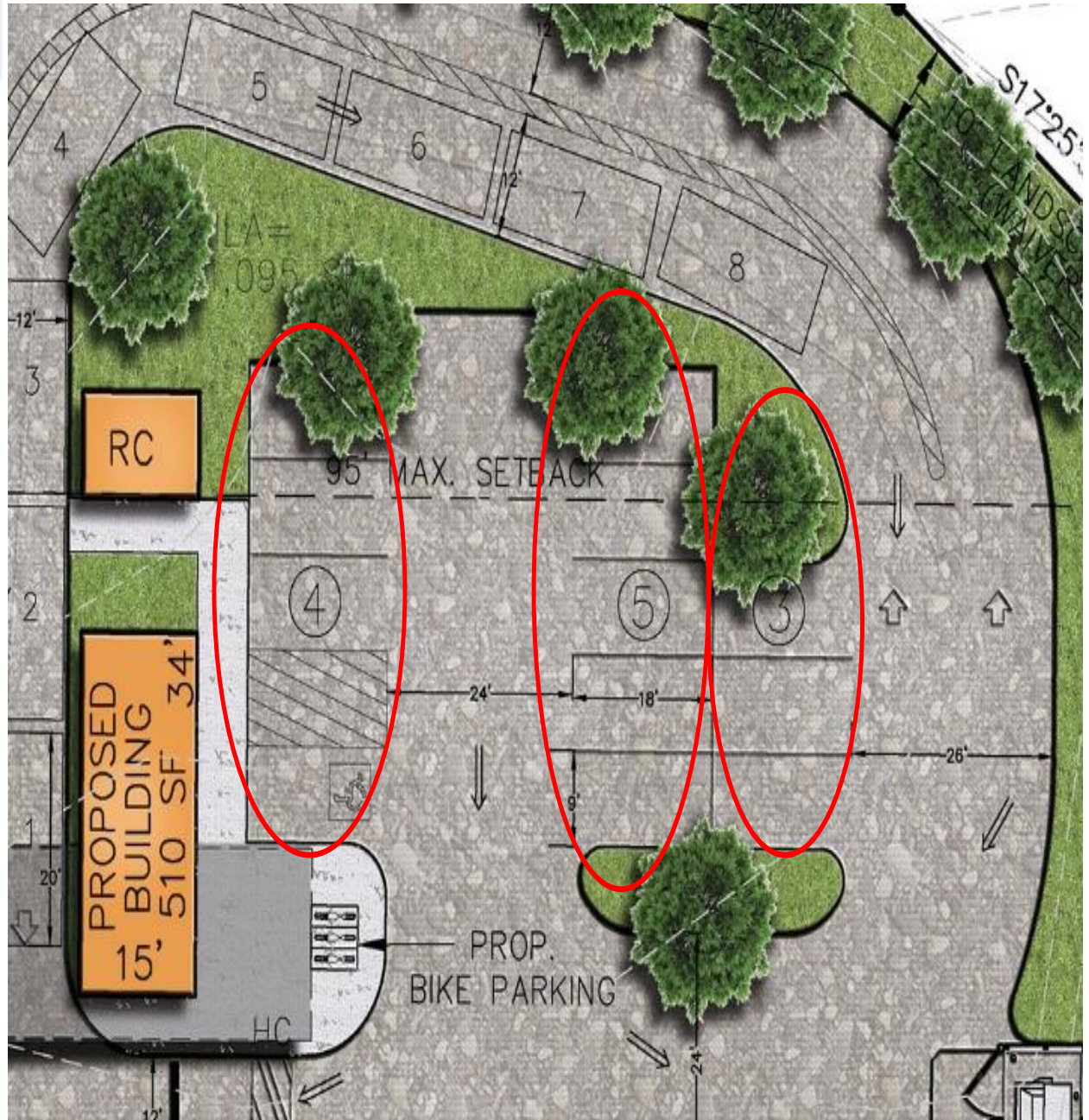


# First Impressions

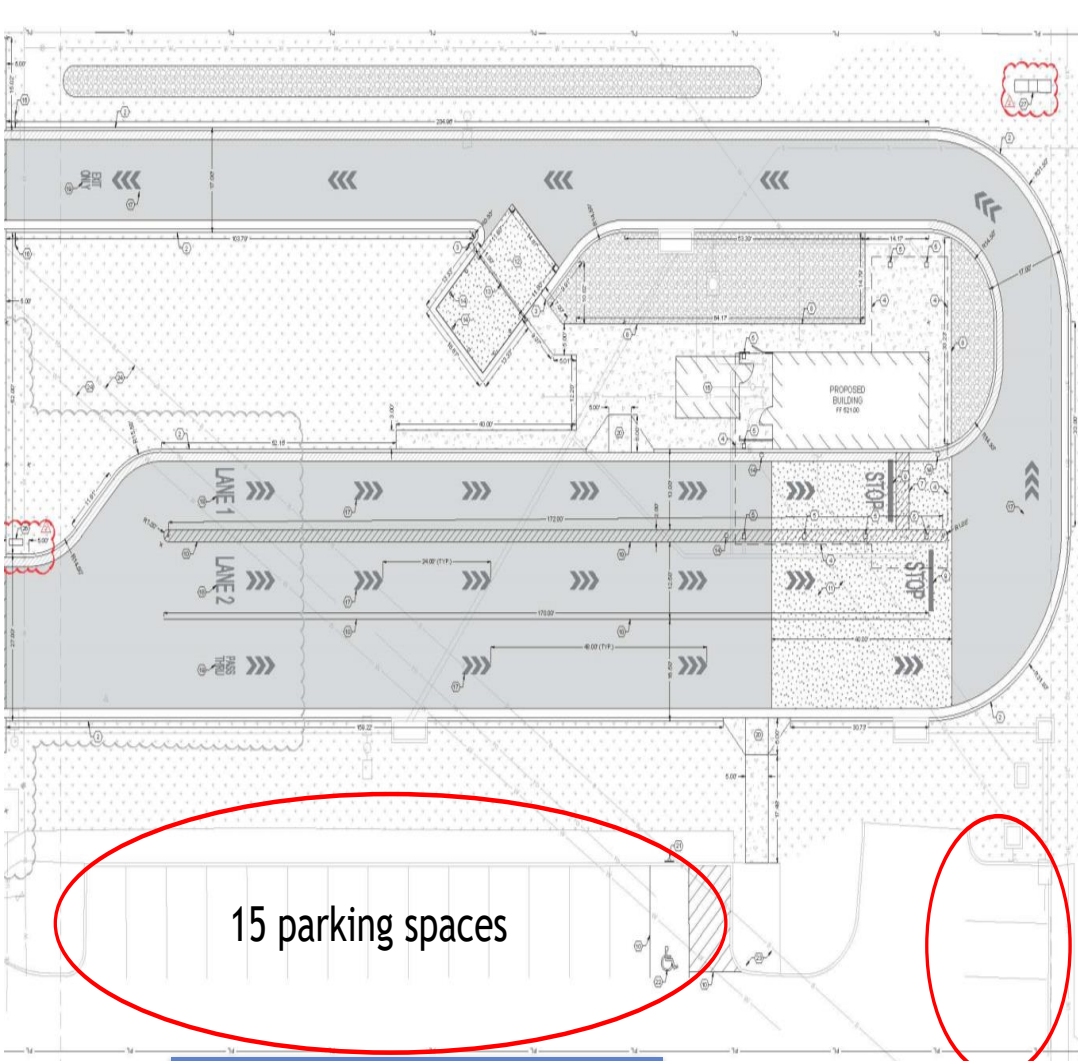




Parking Waiver to exceed maximum allowable parking - 12 spaces



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



15 parking spaces

18 parking spaces

3 parking spaces

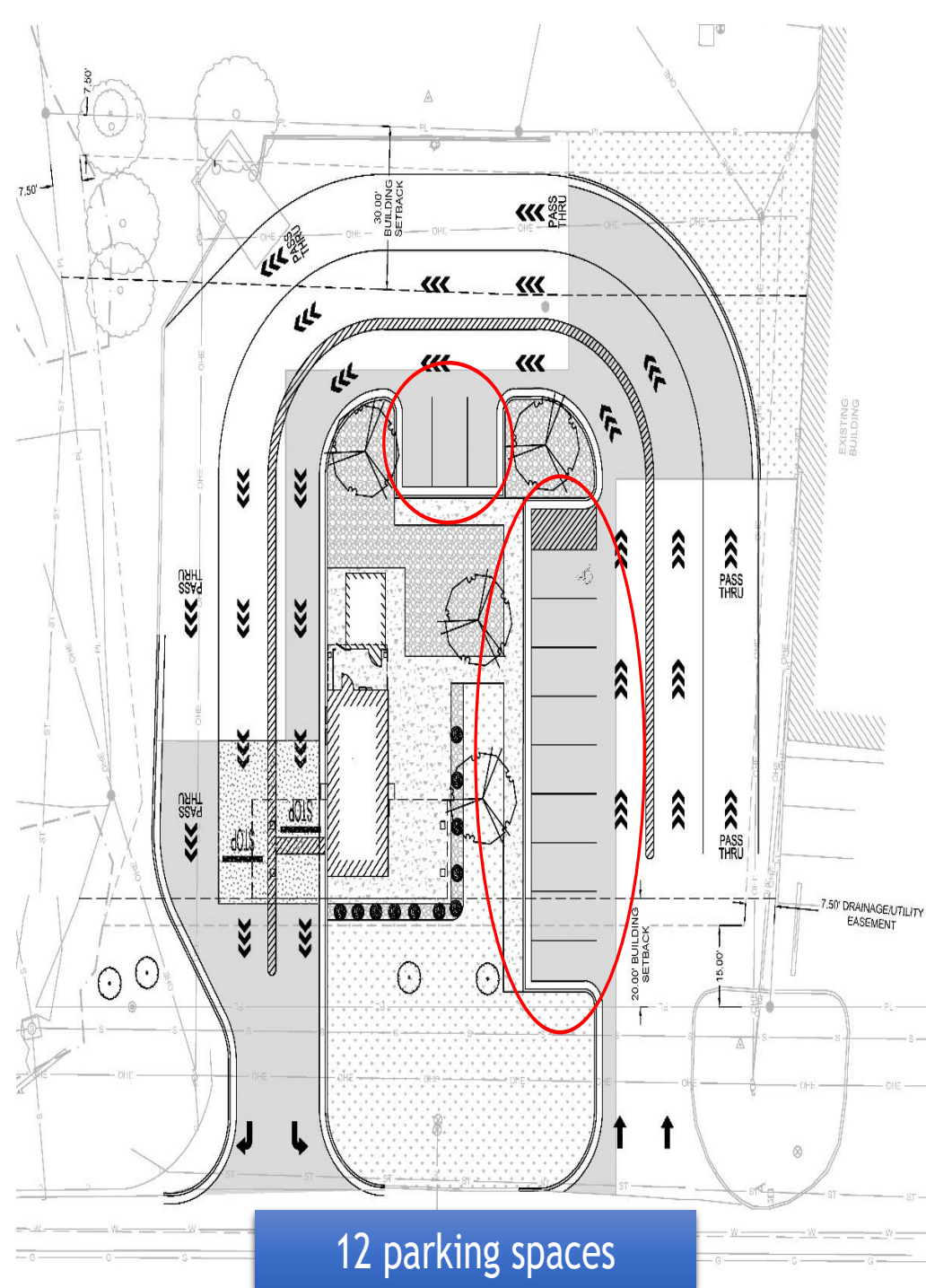
Survey of hourly parking  
spaces occupied

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		

## Current plan





Questions?



# 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>	7609 Bardstown 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-4 to C-1

### **INTRODUCTION**

The applicant is proposing a zone change from R-4 to C-1 to allow a coffee shop. This development adjoins C-1 zoned property to the south, and a church and school to the east and north that are zoned R-4. It is located along a Bardstown Road corridor/commercial center that contains myriad commercially-zoned properties and is south of the regional center, SouthPointe Commons.

### **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 application complies with these 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 Gene

Snyder Freeway interchange south to Colonel Hancock Drive and continuing south. This proposed coffee shop will be easily accessible to patrons heading north on Bardstown Road without adversely impacting the public safety or traffic flows since the coffee shop will not be a destination use but will largely capture traffic being persons already on the road and using other services or traveling to work in the morning hours. This heavily-traveled corridor is a highly auto-centric area, and this auto-centric coffee shop model is scaled to address the vehicular needs at this arterial location in this commercial activity center. The building utilizes quality materials and design. It has a small footprint and is appropriately buffered against the residentially-zoned properties property to the east with minimal waivers requested on the side adjoining the residentially zoned church. 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 fronting on an arterial roadway and within this commercial center, and the surrounding residentially-zoned properties contain no residences, being a church and a school, and appropriate buffering will be provided. There will be no hazardous use, and noise and light emissions will comply with LMCO and LDC restrictions. This plan provides needed goods 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 or dumpster on the property. The proposed coffee shop has a minimal footprint and is set back more than 30 feet, 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 will also be met (with only minimal waivers). Also, as this proposed commercially-zoned site is adjacent to the growing commercial activity center, 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 Bardstown Road area and compatibility with adjoining commercial and residential uses.

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

The proposal complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 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 Bardstown Road commercial activity center providing neighborhood goods and services with a sufficient support population and appropriate access and connectivity with a compact pattern of development. The placement and design of the building with its small footprint and double-drive-through lanes is appropriate. As the building is compact, the proposed development results in efficient land use and cost-effective infrastructure investment. 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 corridor and center along Bardstown Road in an appropriate design and scale. Additionally, the proposed zoning district would permit residential uses above retail.

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

This proposal complies with Policies 8, 9, 10 and 12 because there are no known natural features, slopes, flood prone areas or hydric 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 is located in a developing activity center and will provide required bicycle parking and requisite vehicular and pedestrian connectivity, with minimal waivers requested.

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 with no vehicular access to the school or church so as to avoid creating a nuisance. There is currently a TARC route along Bardstown Road where this site is located.

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 a TARC route along this section of Bardstown Road. The plan will comply with the right of way as required by the Land Development Code. The plan also will provide the requisite bicycle parking, and it will also provide the pedestrian sidewalk along Bardstown Road. The plan reduces the need for multiple automobile trips along this corridor by permitting higher-density, mixed use development, and improving air quality through the coffee shop's innovative rapid-delivery method.

### **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 through a private, offsite sewer easement. Churches, schools, 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 Bardstown Road. The use will not have negative impacts on the area as the only residential properties nearby are sufficiently buffered from commercial activities. As Louisville Metro's population continues to grow, so does demand for all types of services such as is provided in this plan. This proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and as such both stabilizes and offers increased opportunities for employment and tax base for the City.

### **LIVABILITY**

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.

### **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 Policy 2 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area.

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 is on a major arterial adjacent to an activity center, which would not be appropriate for single-family development.

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

This proposal complies with Policies 2 and 3 because there are no existing residents to displace, and it provides goods and services in close proximity in this developing commercial center along Bardstown Road.

\* \* \*

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-0147 – 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.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Bardstown Road right-of-way.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the



same as depicted in the rendering as presented at the March 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.

# PRELIMINARY DEVELOPMENT PLAN

CONDITIONS:

BY: *James W. Paul*  
DATE: *3/24/23*  
LOUISVILLE/JEFFERSON COUNTY  
METRO PUBLIC WORKS

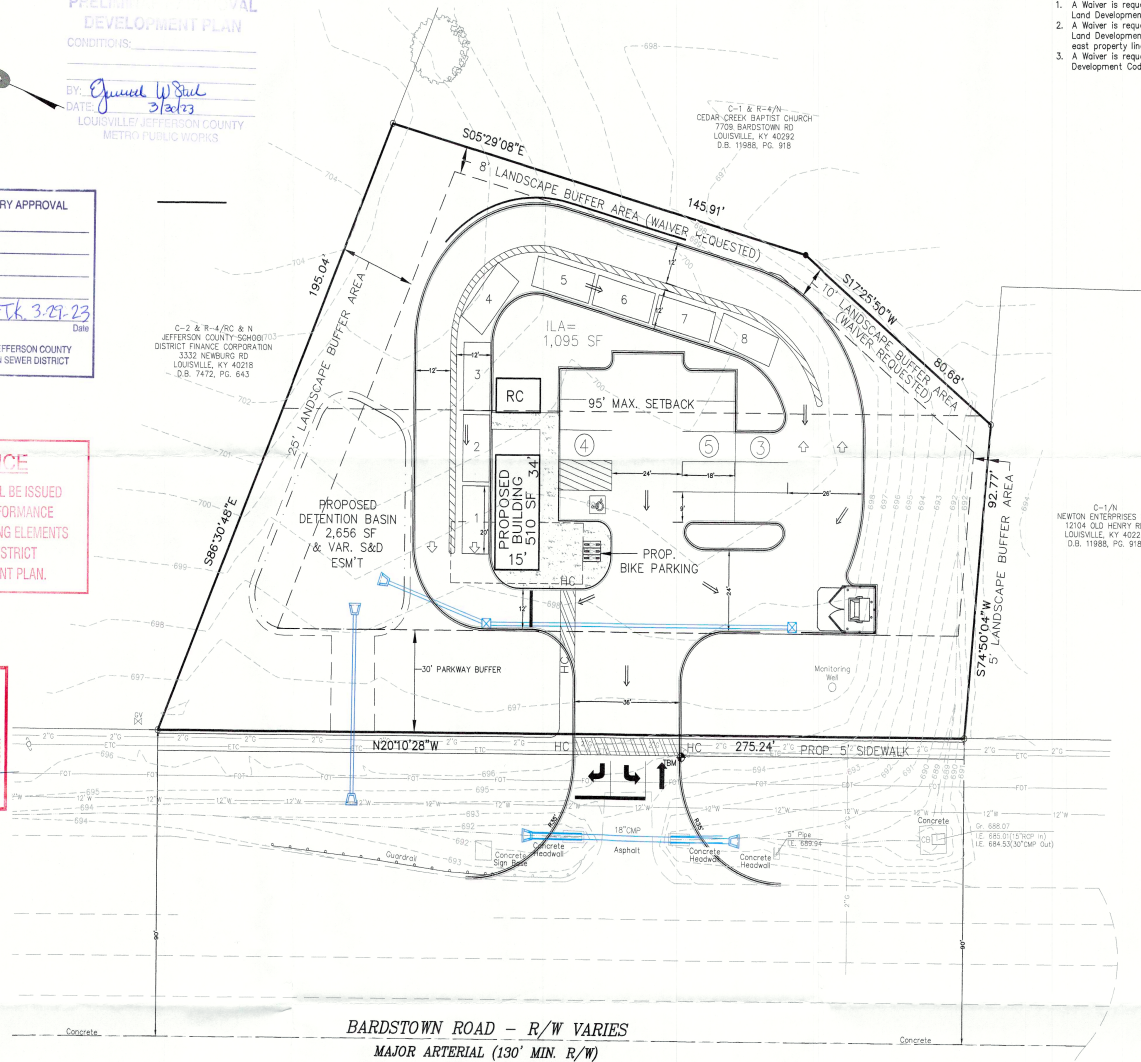
PRELIMINARY APPROVAL  
Condition of Approval:

*Mike B. Th. 3-29-23*  
Development Review Date

LOUISVILLE & JEFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT

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

LOUISVILLE METRO  
APPROVED DISTRICT  
DEVELOPMENT PLAN  
DOCKET NO. *22-ZONE-0147*  
APPROVAL DATE: *March 16, 2023*  
SIGNATURE OF PLANNING COMMISSION  
PLANNING



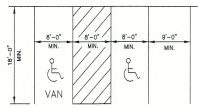
BARDSTOWN ROAD - R/W VARIES  
MAJOR ARTERIAL (130' MIN. R/W)

## DETENTION BASIN CALCULATIONS

$X = \Delta CRA / 12$   
 $\Delta C = 1.01 - 0.30 = 0.71$   
 $A = 0.84 \text{ ACRES}$   
 $R = 2.8 \text{ INCHES}$   
 $X = (0.71)(0.84)(2.8) / 12 = 0.14 \text{ AC-FT}$   
REQUIRED  $X = 6,098 \text{ CU.FT.}$

PROVIDED BASIN = 2,656 SQ.FT.

TOTAL = 2,656 SQ.FT. @ APPROX. 2.5 FT. DEPTH  
= 6,640 CU.FT. > 6,098 CU.FT.



TYPICAL PARKING SPACE LAYOUT  
NO SCALE

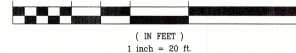
## LEGEND

- PROPOSED STORM SEWER, CATCH BASIN
- PROPOSED SEWER AND MANHOLE
- PROPOSED DRAINAGE SWALE

## TREE CANOPY CALCULATIONS

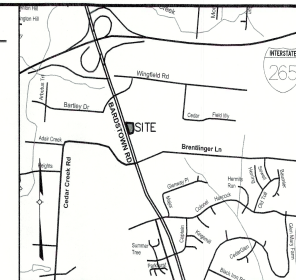
TOTAL SITE AREA = 0.84± Ac. (36,702 S.F.)  
EXISTING TREE CANOPY AREA = 0% (0 S.F.)  
EXISTING TREE CANOPY TO BE PRESERVED = 0% (0 S.F.)  
TOTAL TREE CANOPY AREA REQUIRED = 35% (12,846 S.F.)  
TOTAL TREE CANOPY AREA TO BE PROVIDED = 35% (12,846 S.F.)

## GRAPHIC SCALE



## WAIVER REQUESTED

- A Waiver is requested from Section 9.1.3B of the Louisville Metro Land Development Code to exceed the maximum parking allowed.
- A Waiver is requested from Section 10.2.4 of the Louisville Metro Land Development Code to vary the landscape buffer area on the east property line.
- A Waiver is requested from Section 5.5.2 of the Louisville Metro Land Development Code to not provide connection to adjacent properties.



LOCATION MAP  
NOT TO SCALE

## PROJECT DATA

TOTAL SITE AREA = 0.84± Ac. (36,702 SF)  
EXISTING ZONING = C-1  
PROPOSED ZONING = NEIGHBORHOOD  
FORM DISTRICT = UNDEVELOPED  
EXISTING USE = RESTAURANT  
PROPOSED USE = RESTAURANT  
BUILDING HEIGHT = 20'  
BUILDING AREA = 510 SF  
F.A.R. = 0.02 (1.0 MAX. ALLOWED)

PARKING REQUIRED  
1/500 S.F. MIN. = 1 SP  
1/100 S.F. MAX. = 5 SP

TOTAL PARKING REQUIRED = 1 SP  
TOTAL PARKING PROVIDED = 12 SP  
(1 ADA SP INCLUDED)

BIKE PARKING REQUIRED = 3 SP  
BIKE PARKING PROVIDED = 3 SP

TOTAL VEHICULAR USE AREA = 14,602 SF  
INTERIOR LANDSCAPE AREA REQUIRED = 1,095 SF (7.5%)  
INTERIOR LANDSCAPE AREA PROVIDED = 1,095 SF

EXISTING IMPERVIOUS = 0 SF  
PROPOSED IMPERVIOUS = 16,145 SF

## GENERAL NOTES:

- Parking areas and drive lanes to be a hard and durable surface.
- An encroachment permit and bond will be required for all work done in the right-of-way.
- No increase in drainage run off to state roadways.
- There shall be no commercial signs in the right-of-way.
- Site lighting shall not shine in the eyes of drivers. If it does it shall be re-aimed, shielded, or turned off.
- 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.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
- Wheel stops or curbing, at least six inches high and wide, shall be provided to prevent vehicles from overhanging curbside 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.
- Benchmark and topographical information shown herein were derived from Lojic data.
- Street trees to be provided in all adjacent rights-of-way. Final location and type to be shown on the approved landscape plan.
- No Korat features were observed on site during a site visit on August 24, 2022, by Mike Hill, AICP.
- Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval.
- Upon development or redevelopment of adjacent properties, a unified access and circulation system shall be developed to eliminate preexisting 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 counsel shall be recorded prior to the time of construction approval for the adjacent property to be developed.

## MSD NOTES:

- All retail shops must have individual connections per MSD's fats, oils and grease policy.
- 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.
- Sanitary sewer service will be provided by connection and subject to applicable fees. A Downstream Facilities Capacity request will be submitted to MSD. Private offsite sewer easement required.
- No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0097 E dated December 5, 2006.
- Drainage pattern depicted by arrows (==>) is for conceptual purposes.
- If the site has thru drainage an easement plot will be required prior to MSD granting construction plan approval.
- On-site detention will be provided. Post-developed peak flows will be limited to pre-developed peak flows for 2,10,25, and 100 year storms or to the capacity of the down-stream system, whichever is more restrictive.
- All drainage, EPSC 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 MS4 and MSD Design Manual requirements.
- This project is not subject to MS4 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 16,972 S.F.

OWNER: RIDGE WILLIAM C JR ESTATE OF 7609 BARDSTOWN ROAD  
8610 WESTOVER DR LOUISVILLE, KY 40291  
PROSPECT, KY 40059 TAX BLOCK 56, LOT 4  
W.B. 756, PG. 431

COUNCIL DISTRICT - 22  
FIRE PROTECTION DISTRICT - FERN CREEK  
MUNICIPALITY - LOUISVILLE

RECEIVED  
FEB 06 2023  
PLANNING & DESIGN SERVICES  
CASE 22-ZONE-0147  
WM#12500

REVISIONS				SURVEYOR'S SEAL	
NO.	DATE	DESCRIPTION	BY	DATE	DESCRIPTION
1	10/17/22	PER AGENCY COMMENTS	JP		
2	12/02/22	PER AGENCY COMMENTS	JP		
4	1/25/23	PER AGENCY COMMENTS	MT		

PROJECT DATA		ENGINEER'S SEAL	
FILE NAME	2209 - 000P	SCALE	AS SHOWN
DATE	2/9/23	ENGINEER BY	MT

DETAILED DISTRICT DEVELOPMENT PLAN	
7609 BARDSTOWN ROAD	DEVELOPER
HOGAN REAL ESTATE	
9300 SHELBYVILLE ROAD, SUITE 1300	
LOUISVILLE, KY 40222	

JOB NO. 22105	
SHEET 1	OF 1

22-ZONE-0147

# 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**

Applicant: Hogan Real Estate

Owner: Estate of William C. Ridge, Jr.

Location: 7609 Bardstown Road

Proposed Use: Coffee Shop

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

Request: Change in Zoning from R-4 to C-1

### **INTRODUCTION**

The applicant is proposing a zone change from R-4 to C-1 to allow a coffee shop. This development adjoins C-1 zoned property to the south, and a church and school to the east and north that are zoned R-4. It is located along a Bardstown Road corridor/commercial center that contains myriad commercially-zoned properties and is south of the regional center, SouthPointe Commons.

### **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 application complies with these 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 Gene



Snyder Freeway interchange south to Colonel Hancock Drive and continuing south. This proposed coffee shop will be easily accessible to patrons heading north on Bardstown Road without adversely impacting the public safety or traffic flows since the coffee shop will not be a destination use but will largely capture traffic being persons already on the road and using other services or traveling to work in the morning hours. This heavily-traveled corridor is a highly auto-centric area, and this auto-centric coffee shop model is scaled to address the vehicular needs at this arterial location in this commercial activity center. The building utilizes quality materials and design. It has a small footprint and is appropriately buffered against the residentially-zoned properties property to the east with minimal waivers requested on the side adjoining the residentially zoned church. 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 fronting on an arterial roadway and within this commercial center, and the surrounding residentially-zoned properties contain no residences, being a church and a school, and appropriate buffering will be provided. There will be no hazardous use, and noise and light emissions will comply with LMCO and LDC restrictions. This plan provides needed goods 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 or dumpster on the property. The proposed coffee shop has a minimal footprint and is set back more than 30 feet, 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 will also be met (with only minimal waivers). Also, as this proposed commercially-zoned site is adjacent to the growing commercial activity center, 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 Bardstown Road area and compatibility with adjoining commercial and residential uses.

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

The proposal complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 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 Bardstown Road commercial activity center providing neighborhood goods and services with a sufficient support population and appropriate access and connectivity with a compact pattern of development. The placement and design of the building with its small footprint and double-drive-through lanes is appropriate. As the building is compact, the proposed development results in efficient land use and cost-effective infrastructure investment. 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 corridor and center along Bardstown Road in an appropriate design and scale. Additionally, the proposed zoning district would permit residential uses above retail.

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

This proposal complies with Policies 8, 9, 10 and 12 because there are no known natural features, slopes, flood prone areas or hydric 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 is located in a developing activity center and will provide required bicycle parking and requisite vehicular and pedestrian connectivity, with minimal waivers requested.

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 with no vehicular access to the school or church so as to avoid creating a nuisance. There is currently a TARC route along Bardstown Road where this site is located.

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 a TARC route along this section of Bardstown Road. The plan will comply with the right of way as required by the Land Development Code. The plan also will provide the requisite bicycle parking, and it will also provide the pedestrian sidewalk along Bardstown Road. The plan reduces the need for multiple automobile trips along this corridor by permitting higher-density, mixed use development, and improving air quality through the coffee shop's innovative rapid-delivery method.

### **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 through a private, offsite sewer easement. Churches, schools, 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 Bardstown Road. The use will not have negative impacts on the area as the only residential properties nearby are sufficiently buffered from commercial activities. As Louisville Metro's population continues to grow, so does demand for all types of services such as is provided in this plan. This proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and as such both stabilizes and offers increased opportunities for employment and tax base for the City.

### **LIVABILITY**

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.

### **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 Policy 2 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area.

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 is on a major arterial adjacent to an activity center, which would not be appropriate for single-family development.

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

This proposal complies with Policies 2 and 3 because there are no existing residents to displace, and it provides goods and services in close proximity in this developing commercial center along Bardstown Road.

\* \* \*

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



# Louisville Metro Government

## Master

File Number: O-067-23

File ID: O-067-23

Type: Ordinance

Status: Approval Review

Version: 1

Reference:

In Control: Planning and  
Zoning Committee

File Created: 04/03/2023

File Name: 22-ZONE-0147

Final Action:

Title: **AN ORDINANCE RELATING TO THE ZONING OF PROPERTY  
LOCATED AT 7609 BARDSTOWN ROAD CONTAINING  
APPROXIMATELY 0.84 ACRES AND BEING IN LOUISVILLE METRO  
(CASE NO. 22ZONE0147).**

Internal Notes:

Agenda Date: 04/11/2023

Sponsors:

Enactment Date:

Attachments: O-067-23 V.1 041323 Zoning at 7609 Bardstown  
Road.pdf, 22-ZONE-0147\_PC Min\_03.16.23.pdf,  
22-ZONE-0147\_LDT Min.pdf, 22-ZONE-0147\_staff  
rpts.pdf, 22-ZONE-0147\_legal desc.pdf,  
22-ZONE-0147\_Appl Presentation\_03.16.23.pdf,  
22-ZONE-0147\_applicant\_justification.pdf,  
22-ZONE-0147\_Plan\_03.16.23.pdf,  
22-ZONE-0147\_Stmt of Compliance.pdf

Enactment Number:

Contact:

Hearing Date:

Entered by:

Effective Date:

Related Files:

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	4	4/4/2023	Zoning-COA	Approve	4/17/2023

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

Text of Legislative File O-067-23

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



**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7609 BARDSTOWN ROAD CONTAINING APPROXIMATELY 0.84 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0147).**

**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. 22ZONE0147; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0147 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records.

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

**SECTION I:** That the zoning of the property located at 7609 Bardstown Road containing approximately 0.84 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0147, is hereby changed from R-4 Single Family Residential to C-1 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0147.

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

\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

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

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

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

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

O-067-23- Zoning at 7609 Bardstown Road (lf)

ORDINANCE NO. 052, SERIES 2023

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 7609 BARDSTOWN ROAD CONTAINING APPROXIMATELY 0.84 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0147). (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. 22ZONE0147; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0147 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional binding element.

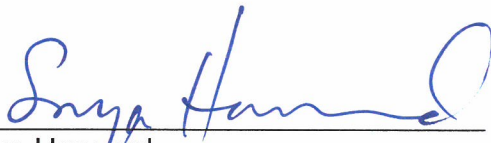
**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

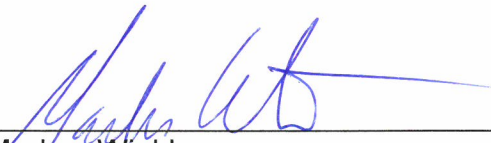
**SECTION I:** That the zoning of the property located at 7609 Bardstown Road containing approximately 0.84 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0147, is hereby changed from R-4 Single Family Residential to C-1 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0147, with the following additional binding element:

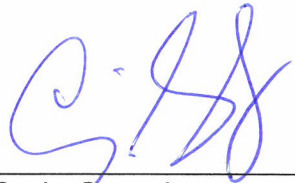
9. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of

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

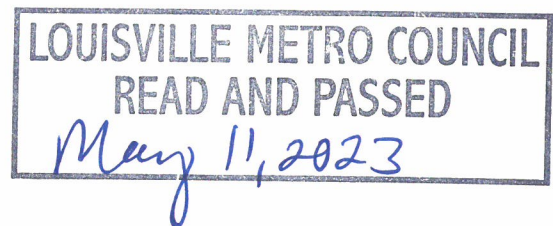
  
\_\_\_\_\_  
Markus Winkler  
President of the Council

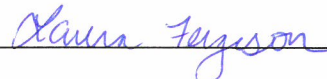
  
\_\_\_\_\_  
Craig Greenberg  
Mayor

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

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney



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

O-067-23 22ZONE0147 Approval (As Amended).docx (TF 5-3-23)