

**Planning Commission  
Staff Report**  
February 2, 2017



<b>Case No.</b>	16ZONE1065
<b>Project Name</b>	Roosters
<b>Location</b>	7409 Preston Highway
<b>Owner(s)</b>	Robert Gauthier
<b>Applicant</b>	Robert Gauthier
<b>Representative</b>	Bardenwerper Talbott & Roberts PLLC
<b>Project Area</b>	1.6 acres
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	24 – Madonna Flood
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

- Change in zoning from C-1 Commercial to C-2 Commercial
- Detailed Development Plan

**CASE SUMMARY / BACKGROUND / SITE CONTEXT**

The applicant is requesting a zone change from C-1 to C-2 for a 1.6 acre parcel at 7409 Preston Highway. The subject parcel includes a 1,155 sf structure, currently in use as a barber shop, which is to remain. It adjoins a C-2 parcel at 7405 Preston Highway currently in use as a restaurant. The two parcels will be consolidated, resulting in a single parcel with consistent C-2 zoning throughout. The existing form district for both properties is Suburban Marketplace Corridor; no change is being requested.

The applicant proposes to develop additional structures, which straddle the existing boundary line between the two parcels, to serve the existing restaurant. The structures consist of a 2,600 sf pole barn, a 2,000 sf covered patio and a 1,200 sf uncovered patio. These areas will be accessed via an existing doorway at the rear of the existing restaurant. Upon full development and consolidation of the two parcels, the development will encompass 11,027 square feet.

A minimum of 88 parking spaces is required, with a maximum of 220 spaces to be permitted. The proposed development will add seven parking spaces, including two ADA spaces, to the existing parking for a total of 105 spaces, including five ADA spaces.

**LAND USE / ZONING DISTRICT / FORM DISTRICT**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
Existing	Barbershop	C-1	Suburban Marketplace Corridor
Proposed	Restaurant	C-2	
<b>Surrounding Properties</b>			
North	Restaurant	C-2	Suburban Marketplace Corridor
South	Commercial	C-1	
East	Surface Parking	R-4	Neighborhood
West	Commercial	C-2	Suburban Marketplace Corridor

## PREVIOUS CASES ON SITE

Case 09-9490-07: The Planning Commission recommended approval of a zone change request for the adjoining restaurant parcel at 7405 Preston Highway from C-1 to C-2 and attached binding elements.

## INTERESTED PARTY COMMENTS

No comments on the proposal have been received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Louisville Metro Land Development Code

## 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 Cornerstone 2020; 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 Cornerstone 2020 which have substantially altered the basic character of the area.

## STAFF ANALYSIS FOR REZONING

The site is located within a Suburban Marketplace Corridor District (SMCFD).

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity.

This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP

- 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: The site includes none of these natural resources.
- b. Provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;  
STAFF: The plan has been reviewed and approved by DPW.
- c. The provision of sufficient open space, scenic and recreational, to meet the needs of the proposed development;  
STAFF: The proposed development includes no open space requirements.
- 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 proposal has been reviewed and approved by MSD.
- e. The compatibility of the land use and overall site design, including building location, parking lots, screening and landscaping, with existing and projected development within the area;  
STAFF: The proposal is consistent with development on adjacent and nearby sites.
- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.  
STAFF: The proposal has been fully reviewed and approved by Louisville Metro Planning and Design Services and the appropriate public agencies and public service providers.

## TECHNICAL REVIEW

The development plan has been reviewed and approved by all appropriate public agencies.

## STAFF CONCLUSIONS

The proposed zone change is appropriate for the site and for the form district in which it is located. It meets all standards for community form, compatibility, open space, natural areas, scenic and historic resources, economic growth and sustainability, circulation, multi-modal transportation design, stormwater, air quality, landscape character and infrastructure that apply to the site and its proposed use. As it is not located within and does not create a new Center, those standards do not apply to this proposal.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

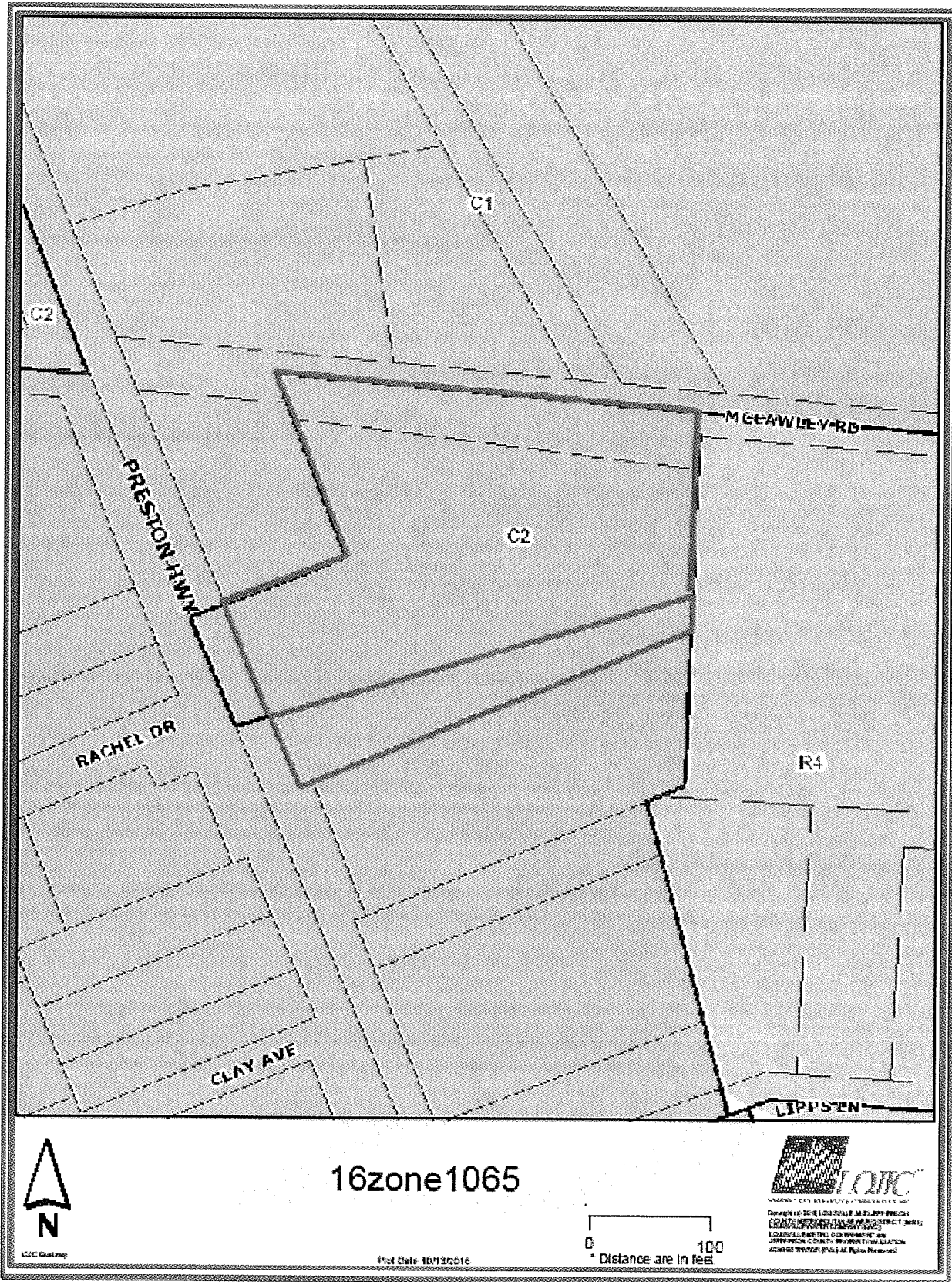
### NOTIFICATION

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
10/11/2016	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 24
12/28/16	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 24
1/19/17	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 24
1/20/17	Hearing before Planning Commission	Signs posted

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Recommended Binding Elements

**Zoning Map**



16zone1065

**LQIC**  
LANSING QUARTERS INVESTMENT CENTER  
COUNTY OF LANSING, MICHIGAN  
DEVELOPMENT SERVICES DIVISION  
10000 EAST LANSING AVENUE, SUITE 100  
LANSING, MI 48205  
PHONE: (313) 224-2000  
WWW.LANSINGMI.COM

Print Date: 10/13/2016

0 100  
Distance are in feet

1. Aerial Photograph



## 2. Cornerstone 2020 Checklist

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

### Comprehensive Plan Analysis

#### Suburban Marketplace Corridor: Non-Residential

#	Plan Element	Staff Finding	Staff Comments
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#### Community Form/Land Use Guideline 1: Community Form

1	B.8: Integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposal is an extension of existing appropriate development.
2	B.8: Provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	The proposal meets all requirements for multi-modal access and connectivity
3	B.8: Includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	✓	All existing and proposed structures are in close proximity and interconnected; no new access points are proposed.
4	B.8: Medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	✓	Proposal is compatible with existing with existing adjacent development.
5	B.8: Located within the boundaries of the existing form district. If expanding an existing corridor, the justification addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with LDC site and community design standards.	✓	No form district amendment is required.

#### Community Form/Land Use Guideline 2: Centers

6	A.1/7: If creating a new center, is located in the Suburban Marketplace Corridor Form District and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	Proposal is not located within and does not create a new Center.
7	A.3: Retail commercial development is located in an area that has a sufficient population to support it.	NA	Proposal is not located within and does not create a new Center.
8	A.4: Is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	Proposal is not located within and does not create a new Center.
9	A.5: Includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	Proposal is not located within and does not create a new Center.

#	Plan Element	Staff Finding	Staff Comments
10	A.6: Incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	Proposal is not located within and does not create a new Center.
11	A.12: If a large development in a center, it is designed to be compact and multi-purpose and is oriented around a central feature such as a public square or plaza or landscape element.	NA	Proposal is not located within and does not create a new Center.
12	A.13/15: Shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	NA	Proposal is not located within and does not create a new Center.
13	A.14: Designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	NA	Proposal is not located within and does not create a new Center.
14	A.16: Designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	NA	Proposal is not located within and does not create a new Center.

**Community Form/Land Use Guideline 3: Compatibility**

15	A.2: Building materials increase the new development's compatibility.	✓	Proposal includes minor exterior changes to existing barbershop structure to increase its compatibility with the existing restaurant.
16	A.4/5/6/7: Does not constitute a non-residential expansion into an existing residential area, or appropriately mitigates impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater).	✓	Proposal does not expand into a non-residential area.
17	A.5: Mitigates any potential odor or emissions associated with the development.	✓	Proposal has been reviewed by APCB.
18	A.6: Mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Proposal has been reviewed by DPW and KYTC.
19	A.8: Mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Proposal is required to meet all LDC standards.
20	A.11: If a higher density or intensity use, is located along a transit corridor AND in or near an activity center.	✓	Proposal is not a higher density/intensity.
21	A.21: Provides appropriate transitions between uses substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	NA	Proposal is not located between uses substantially different in scale and intensity or density.
22	A.22: Mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	NA	Proposal is not incompatible with adjacent development.
23	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposal meets setback, dimensional and height requirements.



#	Plan Element	Staff Finding	Staff Comments
24	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	NA	Proposal is not adjacent to residential uses.
25	A.24: Includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Proposal includes no significant changes to existing parking.
26	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	Proposal does not include parking garages.
27	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Proposal includes no expansion of existing signage.

#### Community Form/Land Use Guideline 4: Open Space

28	A.2/3/7: Provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	No open space is required.
29	A.4: Open space design is consistent with the pattern of development in the Suburban Marketplace Corridor form district.	✓	Proposal is consistent with adjacent development.
30	A.5: Integrates natural features into the pattern of development.	NA	Site includes no such natural features.

#### Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources

31	A.1: 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	Proposal does not include further changes to the site's natural features.
32	A.2/4: Preserves, use/adaptive reuse of buildings, sites, districts and landscapes with historic or architectural value and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	Proposal does not include these characteristics.
33	A.6: Encourages development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	Site does not include these characteristics.

#### Marketplace Guideline 6: Economic Growth and Sustainability

34	A.3: Encourages redevelopment, reinvestment and rehabilitation where it is consistent with the form district pattern.	✓	Proposal includes reuse of existing barbershop structure.
35	A.4: Encourages industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Proposal includes no industrial uses.

#	Plan Element	Staff Finding	Staff Comments
36	A.6: Locates retail commercial development in activity centers. Locates uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial; and where the proposed use will not adversely affect adjacent areas.	NA	Proposal includes no retail uses.
37	A.8: Industrial development with more than 100 employees is located on or near an arterial street, preferably in close proximity to an expressway interchange. Industrial development with less than 100 employees located on or near an arterial street.	NA	Proposal includes no industrial uses.

#### Mobility/Transportation Guideline 7: Circulation

38	A.1/2: Contributes a proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	NA	Roadway improvements are not required.
39	A.3/4: Promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Proposal connects to existing multi-modal facilities.
40	A.6: Transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	Proposal does include street development.
41	A.9: Includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	All right-of-way requirements are met.
42	A.10: Includes adequate parking spaces to support the use.	✓	Adequate parking exists.
43	A.13/16: Provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Proposal provides interior connections and connections with adjacent sites.

#### Mobility/Transportation Guideline 8: Transportation Facility Design

44	A.8: Provides adequate stub streets for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Proposal does not include street development.
45	A.9: Avoids access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Proposal is located along appropriate existing roadways.
46	A.11: Provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	Proposal does not include street development.

#### Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit

47	A.1/2: Provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Proposal connects to existing multi-modal facilities.
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#	Plan Element	Staff Finding	Staff Comments
<b>Livability/Environment Guideline 10: Flooding and Stormwater</b>			
48	Drainage plans have been approved by MSD and mitigate negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer and drainage designs accommodate upstream runoff assuming a fully-developed watershed. Uses best management practices for streambank restoration or preservation if necessary.	✓	Proposal has been reviewed by MSD.
<b>Livability/Environment Guideline 12: Air Quality</b>			
49	Reviewed by APCD and found not to have a negative impact on air quality.	✓	Proposal has been reviewed by APCB.
<b>Livability/Environment Guideline 13: Landscape Character</b>			
50	A.3: Includes additions and connections to a system of natural corridors to provide habitat areas and allow for migration.	NA	Site does not include these characteristics.
<b>Community Facilities Guideline 14: Infrastructure</b>			
51	A.2: Located in an area served by existing utilities or planned for utilities.	✓	Proposal has been reviewed by LG&E.
52	A.3: Has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Proposal has been reviewed by LWC.
53	A.4: Has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	Proposal has been reviewed by MSD.

### 3. Recommended Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or to its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any such request.
3. The development shall not exceed 11,027 square feet.
4. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. All signs shall be in accordance with LDC Chapter 8 sign regulations. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.

6. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
7. All lighting shall comply with the requirements of LDC 4.1.3.
8. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.

# Land Development & Transportation Committee

## Staff Report

January 12, 2017



<b>Case No.</b>	16ZONE1065
<b>Project Name</b>	Roosters
<b>Location</b>	7409 Preston Highway
<b>Owner(s)</b>	Robert Gauthier
<b>Applicant</b>	Robert Gauthier
<b>Representative</b>	Bardenwerper Talbott & Roberts PLLC
<b>Project Area</b>	1.6 acres
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	24 – Madonna Flood
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### REQUEST

- Change in zoning from C-1 Commercial to C-2 Commercial
- Approval of Detailed Development Plan

### CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting a zone change from C-1 to C-2 for a parcel at 7409 Preston Highway. The subject parcel includes a 1,155 sf structure, currently in use as a barber shop, which is to remain. It adjoins a C-2 parcel at 7405 Preston Highway currently in use as a restaurant. The existing form district for both properties is Suburban Marketplace Corridor; no change is being requested.

The applicant proposes to develop additional structures, which straddle the existing boundary line between the two parcels, to serve the existing restaurant. The structures consist of a 2,600 sf pole barn, a 2,000 sf covered patio and a 1,200 sf uncovered patio. These areas will be accessed via an existing doorway at the rear of the existing restaurant.

A minimum of 88 parking spaces is required, with a maximum of 220 spaces to be permitted. The proposed development will add seven parking spaces, including two ADA spaces, to the existing parking for a total of 105 spaces, including five ADA spaces.

### LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Barbershop	C-1	Suburban Marketplace Corridor
<b>Proposed</b>	Restaurant	C-2	
<b>Surrounding Properties</b>			
<b>North</b>	Restaurant	C-2	Suburban Marketplace Corridor
<b>South</b>	Commercial	C-1	
<b>East</b>	Surface Parking	R-4	Neighborhood
<b>West</b>	Commercial	C-2	Suburban Marketplace Corridor

## PREVIOUS CASES ON SITE

Case 09-9490-07: This case changed the zoning of the adjoining restaurant parcel at 7405 Preston Highway from C-1 to C-2 and attached binding elements. This parcel will be consolidated with the subject parcel at 7409 Preston Highway upon approval of this zone change request.

## INTERESTED PARTY COMMENTS

No comments on the proposal have been received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Louisville Metro Land Development Code

## 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 Cornerstone 2020; 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 Cornerstone 2020 which have substantially altered the basic character of the area.

## STAFF ANALYSIS FOR REZONING / FORM DISTRICT CHANGES

The proposed development is located within a Suburban Marketplace Corridor District (SMCFD). The Suburban Marketplace Corridor Form District (SMCFD) is characterized by linear commercial development along major roadways. It is a medium to high density district with a mixture of highway commercial uses, shopping centers and office development. Buildings along the corridor are typically set back from the roadway with parking lots in front. Examples of Suburban Marketplace Corridors include Hurstbourne Parkway, Dixie Highway and Preston Highway.

SMCFD standards do not address permitted land uses and density or intensity of development.

LDC provisions are intended to promote high quality design and a more visually attractive environment in the SMCFD, accommodating relatively large volumes of traffic while providing for alternative travel modes. These standards promote:

1. development that enhances the corridor's visual character, function, and identity;
2. alternative modes of travel;
3. linkages between commercial and residential uses;
4. compatibility with adjacent neighborhoods; and
5. high quality design of individual sites.

## TECHNICAL REVIEW

The development plan has been reviewed and approved by DPW, MSD and PDS.

### STAFF CONCLUSIONS

The proposal is ready for presentation at a public hearing.

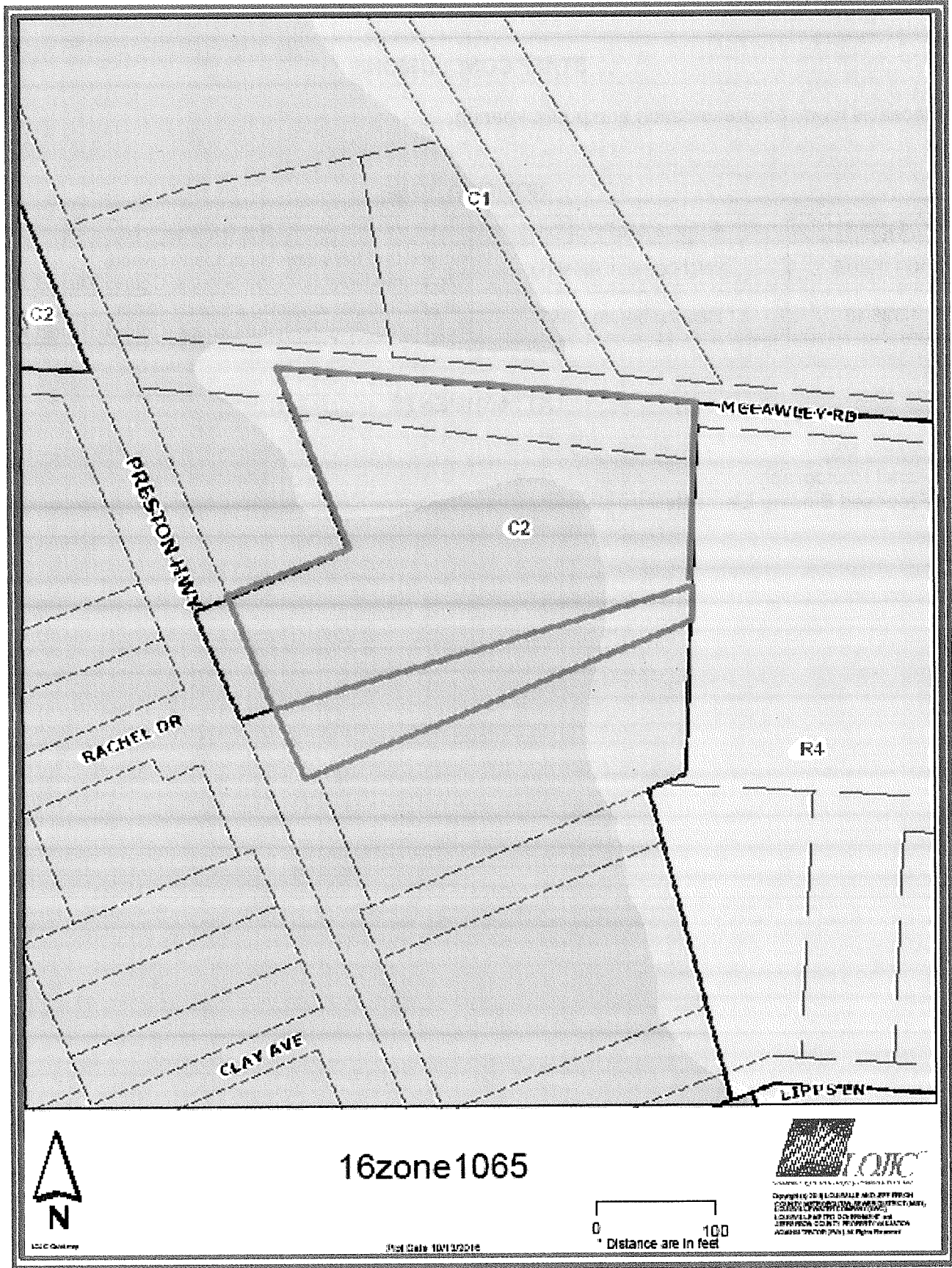
### NOTIFICATION

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
10/11/2016	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District XX
12/28/16	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District XX

### ATTACHMENTS

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

1. Zoning Map





2. Aerial Photograph



### **3. Proposed Binding Elements**

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC.
2. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
3. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any such request.
4. The development shall not exceed 4,660 square feet.
5. No permanent signs are to be placed on the site. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
6. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
7. All lighting shall comply with the requirements of LDC 4.1.3.
8. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.

\* PARKING @ ROW ON MCCAWLEY  
NOT PERMITTED

**Zone Change Pre-Application  
Staff Report**

Monday, October 17, 2016



<b>Case No.</b>	<b>16ZONE1065</b>
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The two parcels will be consolidated upon approval of the zone change request. The adjoining C-2 parcel has binding elements attached which prohibit specific C-2 uses. The rezoning of the subject parcel will include these same binding elements so that when the consolidation occurs, the binding elements will be consistent across the resulting parcel (Attachment 4).

Although zoned R-4, the parcel adjoining the subject parcel to the east is currently developed as a surface parking lot. This lot appears to be directly accessible from the C-2 restaurant parcel, although no access easement is shown on the plan. In addition, an access easement currently exists between the subject parcel and the C-2 restaurant parcel. The two parcels also share access to Preston Highway via a single access point. This will be the only access to Preston Highway once the consolidation of the two parcels is complete.

## LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<b>Subject Property</b>			
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<b>South</b>	Commercial	C-1	
<b>East</b>	Surface Parking	R-4	Neighborhood
<b>West</b>	Commercial	C-2	Suburban Marketplace Corridor

### PREVIOUS CASES ON SITE

Case 09-9490-07: This case changed the zoning of the adjoining restaurant parcel at 7405 Preston Highway from C-1 to C-2 and attached binding elements. This parcel will be consolidated with the subject parcel at 7409 Preston Highway upon approval of this zone change request.

### INTERESTED PARTY COMMENTS

A neighborhood meeting has been scheduled for Monday, October 24, 2016. No comments have been received from concerned citizens.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (October 2016)

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; 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 Cornerstone 2020 which have substantially altered the basic character of the area.

### STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

#### 5.3.2 Suburban Marketplace Corridor District

The Suburban Marketplace Corridor Form District (SMCFD) is characterized by linear commercial development along major roadways. The SMCFD is a medium to high density district with a mixture of highway commercial uses, shopping centers and office development. Buildings along the corridor are typically set back from the roadway with parking lots in front. Examples of Suburban Marketplace Corridors include Hurstbourne Parkway, Dixie Highway and Preston Highway.

SMCFD standards do not address permitted land uses and density or intensity of development.

LDC provisions are intended to promote high quality design and a more visually attractive environment in the SMCFD, accommodating relatively large volumes of traffic while providing for alternative travel modes. These standards promote:

1. development that enhances the corridor's visual character, function, and identity;
2. alternative modes of travel;
3. linkages between commercial and residential uses;
4. compatibility with adjacent neighborhoods; and
5. high quality design of individual sites.

INSERT STAFF ANALYSIS. This paragraph should summarize the findings of the checklist and include the most important analysis needing conveyed to the Planning Commission, both positive and negative.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

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 AMENDMENT TO BINDING ELEMENTS**

a. Conservation of natural resources including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views and historic sites on the property proposed for development;

STAFF: Not applicable.

b. Provisions for safe and efficient vehicular and pedestrian transportation, within both the development and the surrounding community;

STAFF: DPW will review final document upon formal submittal for zone change.

c. Provision of sufficient open space, scenic and recreational, to meet the needs of the proposed development;

STAFF: Not applicable.

d. Provision of adequate drainage facilities on the subject site to prevent drainage problems on the subject site or within the surrounding community;

STAFF: MSD will review final document upon formal submittal for zone change.

e. Compatibility of land use(s) and overall site design, including location of buildings, parking lots, screening and landscaping, with existing and projected development in the area;

STAFF: Proposed land use is compatible with existing development.

f. Conformance of the development plan with the Comprehensive Plan and the Land Development Code.

STAFF: Request complies.

### TECHNICAL REVIEW

- Both MSD and DPW have requested revisions to the pre-application plan as submitted.

### STAFF CONCLUSIONS

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Planning Commission must determine that:

- the proposal is in conformance with the Comprehensive Plan; OR
- the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
- major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 and have substantially altered its basic character.

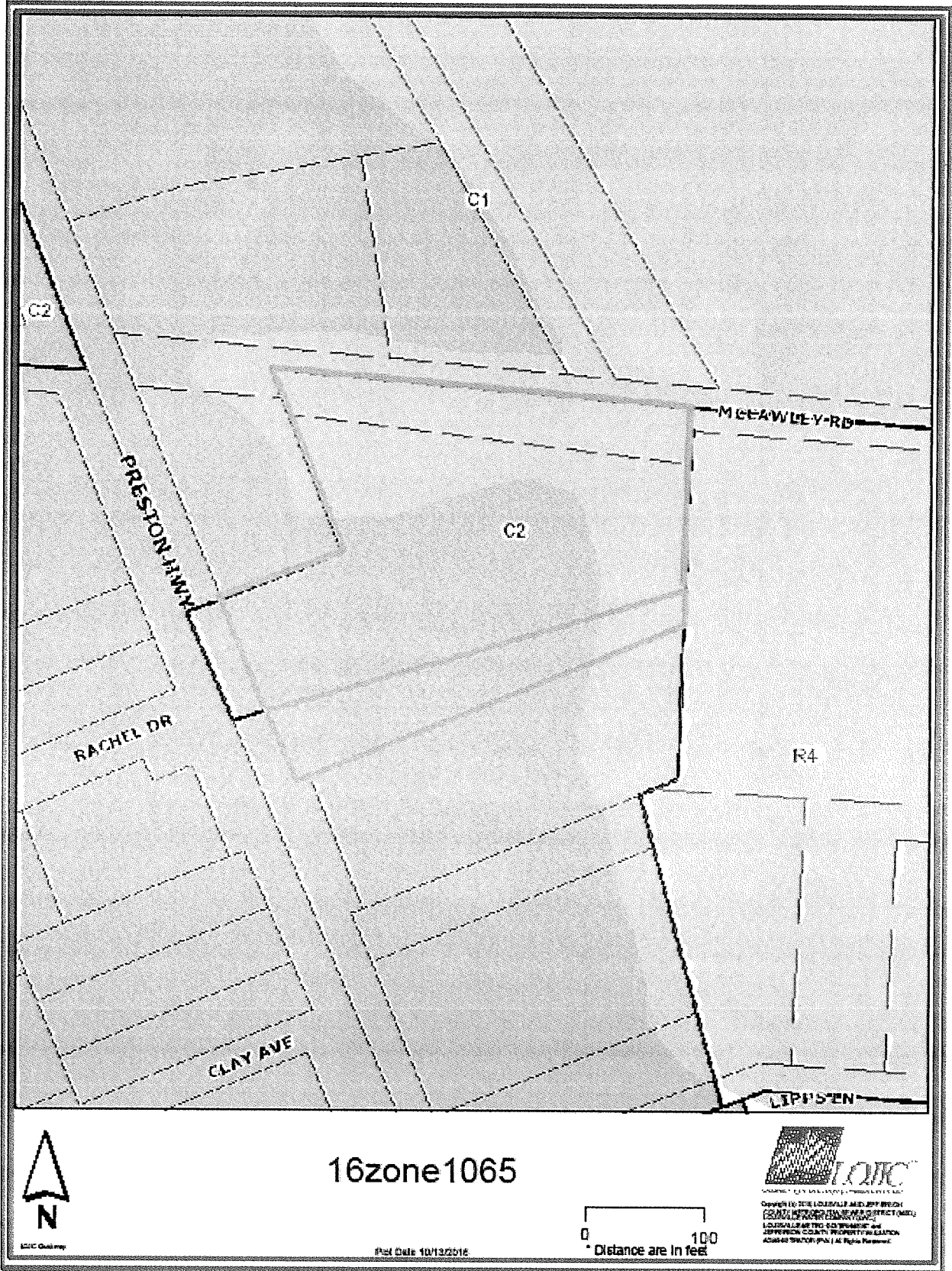
### NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 24 Notification of Development Proposals
	Hearing before PC / BOZA	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 24 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph





### 3. Cornerstone 2020 Staff Checklist

To be completed upon formal submittal of zone change request.

### 4. Proposed Binding Elements

**Upon formal application, Binding Element #2 must be amended to reflect total square footage, including unspecified "Proposed Concrete Patio" as shown on plan.**

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 LDC. 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. The square footage of the development shall not exceed ~~9,400~~ XXX square feet.
3. Signs shall be in accordance with LDC Chapter 8, or as presented at the public hearing.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau of Highways.
  - c. A minor subdivision plat shall be recorded dedicating additional right-of-way to Mccawley Road to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
7. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

9. The applicant, developer or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and other parties engaged in development of the site shall be responsible for compliance with these binding elements.

10. The materials and design of proposed structures shall be substantially the same as depicted at the December 20, 2007 Planning Commission meeting.

11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency from an engineer or other qualified professional stating that the lighting of the proposed development is in compliance with LDC Chapter 4 Part 1.3 and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with LDC Chapter 4 Part 1.3.

12. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

13. Within 180 days of Metro Council action, the applicant shall restore the landscaping on the CUP site to the conditions shown on the approved CUP landscaping plan.

14. The following C-2 uses shall not be permitted on the subject property:

- Auctions sales, items transported to the site of the auction

- Automobile repair garages

- Automobile sales agencies

- Bingo halls and parlors

- Boat sales and related storage

- Dance halls

- Flea market

- Fraternities, sororities, clubs and lodges, excluding those where the chief activity of which is a service customarily carried on as a business

- Plasma and blood collection centers, for profit

- Used car sales area, provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except when enclosed in a building

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).