

Docket No. 21-ZONE-0082

Zone change from C-1 to C-2 and Revised Detailed District Development Plan (“RDDDP”) to allow alcohol sales and consumption on the outdoor patio and a covered pavilion to remain at the existing Joe’s Older Than Dirt restaurant/bar located at 8121 & 8131 New LaGrange Road



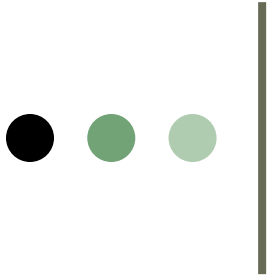
Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineer: BTM Engineering, Inc



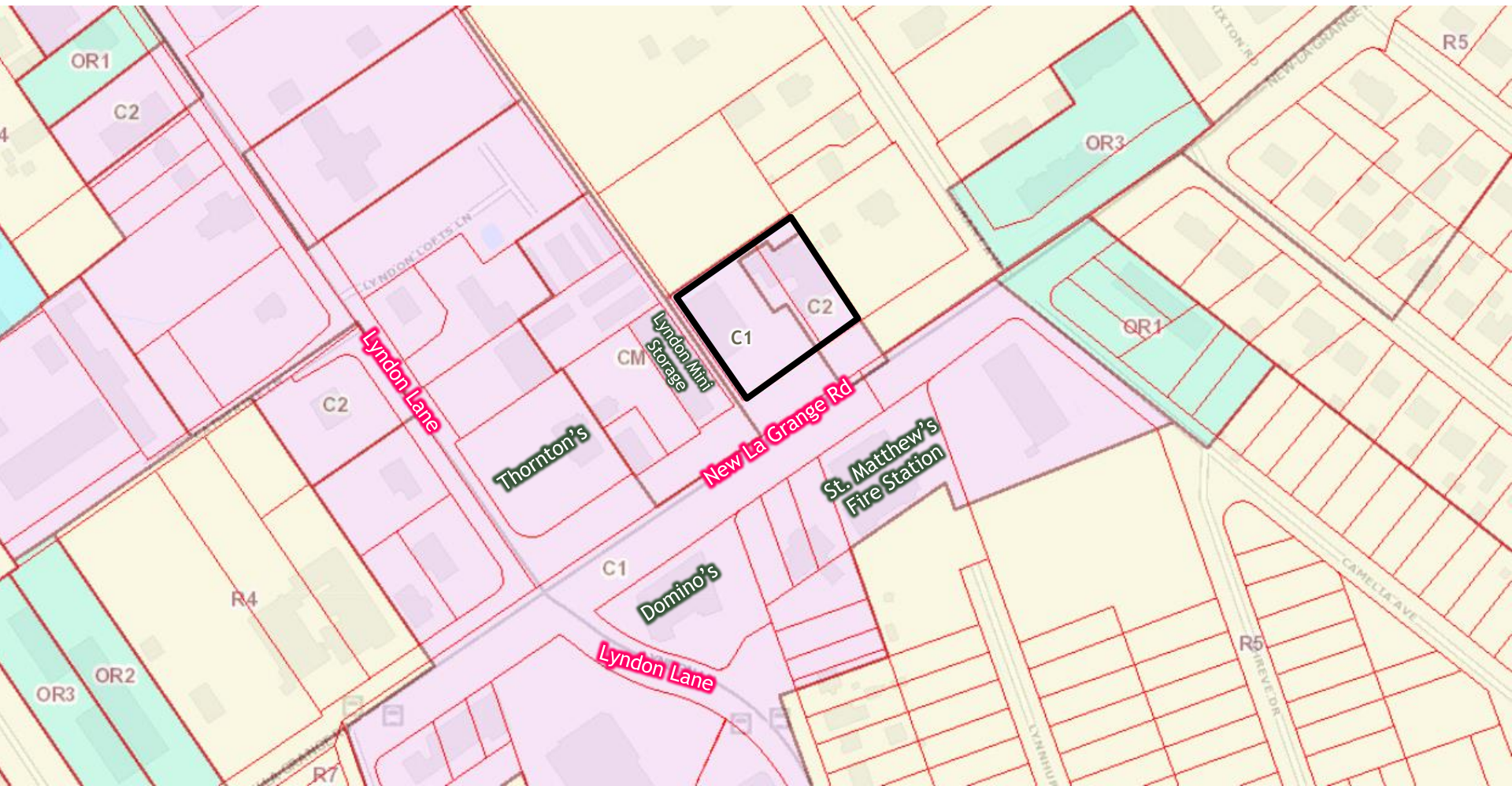
Index

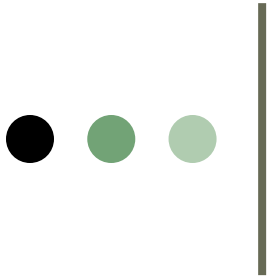
1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan
7. Proposed findings of fact pertaining to compliance with the 2040 Plan



Tab 1

LOJIC Zoning Map





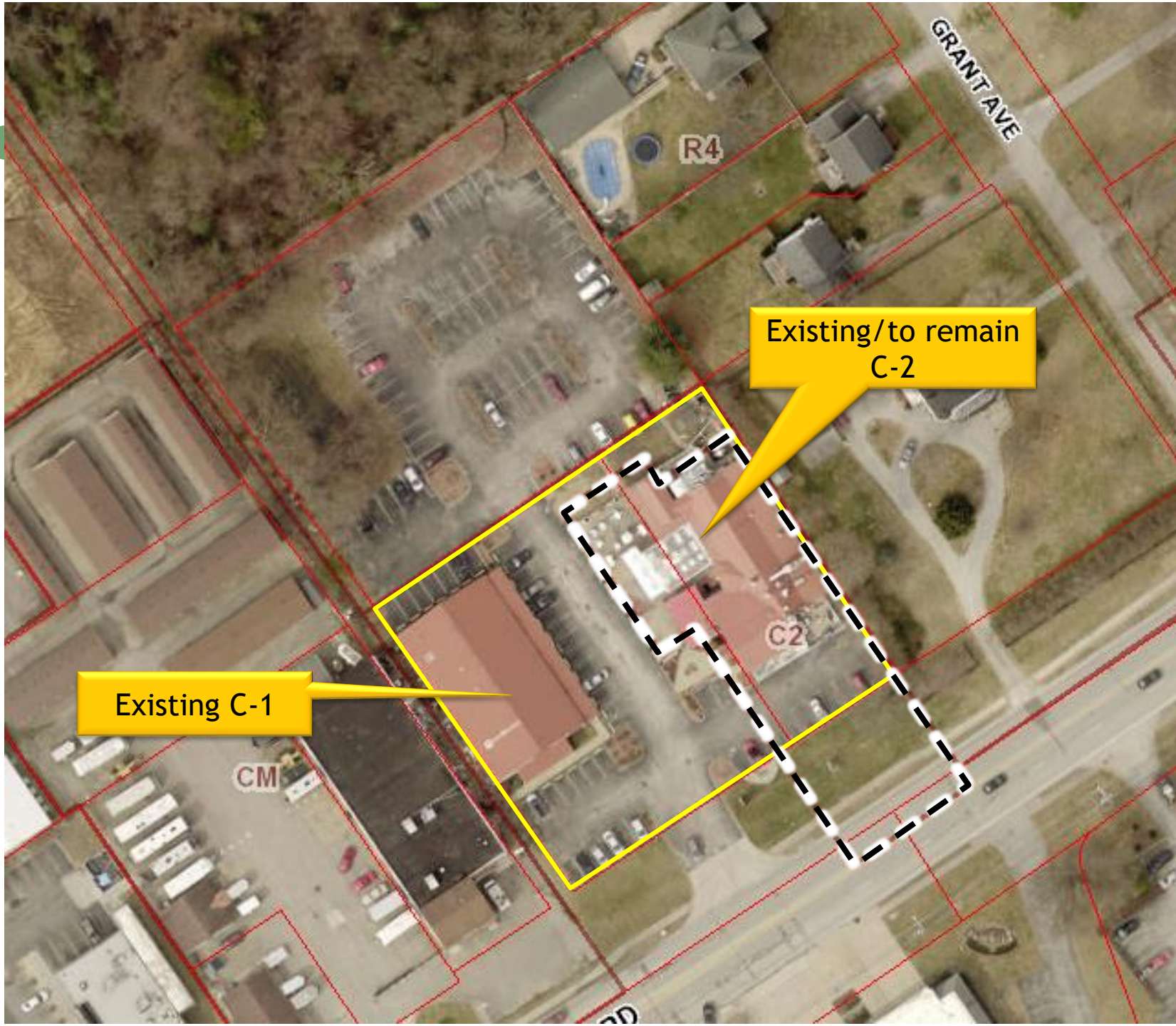
Tab 2

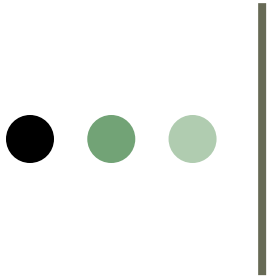
Aerial photograph of the site and
surrounding area



Existing/to remain
C-2

Existing C-1





Tab 3

Ground level photographs of the
site and surrounding area



View of site from New La Grange Road.



View of New La Grange Road, looking west. Site is the right.



View of New La Grange Road, looking east. Site is the left.

View of entrance to Joe's from New LaGrange Rd



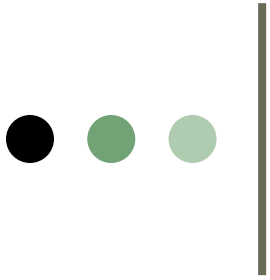
View of Joe's looking towards New LaGrange Rd

View of existing patio area at Joe's



View of back parking lot





Tab 4

Neighborhood Meeting notice list
map, letter to neighbors inviting
them to the meeting and summary
of meeting



Adjoining property owner notice list map wherein 53 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

John C. Talbott
Email: JOHN@BARDLAW.NET
Mobile: (502) 741-8783

May 27, 2021

RE: Neighborhood meeting for a proposed partial zone change from C-1 to C-2 and Revised Detailed District Development Plan (“RDDDP”) to allow alcohol sales and consumption on the outdoor patio and a covered pavilion to remain at the existing Joe’s Older Than Dirt restaurant/bar located at 8121 & 8131 New LaGrange Road

Dear Neighbor:

We are writing to notify you about an upcoming “neighborhood meeting” regarding the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, the neighborhood meeting will be held virtually. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

The Applicant, Cres Bride, is seeking approval of a partial rezoning from C-1 to C-2 on the property referenced above to correct the odd rezoning lines and to redraw the lot lines to sensibly separate the two adjacent properties. The partial rezoning from C-1 to C-2 will move the zoning line approximately 19 ft which will allow restaurant service to an additional small section of the patio. We previously filed a plan for a Conditional Use Permit (CUP) that was assigned case number **21-CUPPA-0032** and case manager **Joel Dock**. We are now changing from a CUP request to a zone change request for the above stated reasons. As such, we will file a rezoning plan for pre-application review with Metro Planning and Design Services (PDS) that will be assigned a case number and case manager.

The virtual meeting will be held on **Thursday, June 10th, 2021** beginning at **6:00 p.m.**

Enclosed for your review are the following:

1. The development plan sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS’ online customer service portal.
7. PDS’ “After the Neighborhood Meeting” sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call me, or contact the PDS manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

Sincerely,


John C. Talbott

cc: Hon. Brent Hagan, Mayor, City of Lyndon
Hon. Marilyn Parker, Councilwoman, District 18
Joel Dock, Planning & Design Case Manager
Chris Brown, land planner with BTM Engineering, Inc.
Cres Bride, Applicant

DEVELOPMENT PLAN

NOT FOR CONSTRUCTION

REVISED DETAILED DEVELOPMENT PLAN
JOE'S OLDER THAN DIRT RESTAURANT
131 NEW LAGRANGE ROAD
LOUISVILLE, KY 40222-4837

PROJECT NO: 20217
DATE: 02/21/2021
SCALE: 1" = 30'

NO. BY DATE
BY DATE

1.00

FOR REVIEW ONLY

DATE: _____

SCALE: _____

BTM Engineering, Inc.
1200 W. Market Street
Louisville, KY 40203
(502) 458-1000

REVISIONS

NO.	DATE	DESCRIPTION	BY

LOCATION MAP
NO. TO SCALE

- SITE DATA**
NO. TO SCALE

 - TOTAL SITE AREA: 2.03 ACRES
 - ZONING DISTRICT: R-4
 - EXISTING USE: RESTAURANT/FARM/RV USE
 - EXISTING LOT: 1.46 ACRES
 - EXISTING BUILDING: 0.00 ACRES
 - EXISTING FOUNDATION: 0.00 ACRES
 - EXISTING DRIVE: 0.00 ACRES
 - EXISTING SIDEWALK: 0.00 ACRES
 - EXISTING UTILITY: 0.00 ACRES
 - EXISTING TRAIL: 0.00 ACRES
 - EXISTING PARKING: 0.00 SPACES
 - EXISTING BIKEWAY: 0.00 SPACES
 - EXISTING WATERWAY: 0.00 FEET
 - EXISTING TREE: 0.00 FEET
 - EXISTING FENCE: 0.00 FEET
 - EXISTING SIGN: 0.00 FEET
 - EXISTING WALL: 0.00 FEET
 - EXISTING CURB: 0.00 FEET
 - EXISTING DRIVEWAY: 0.00 FEET
 - EXISTING DRIVEWAY WALL: 0.00 FEET
 - EXISTING DRIVEWAY FENCE: 0.00 FEET
 - EXISTING DRIVEWAY SIGN: 0.00 FEET
 - EXISTING DRIVEWAY WALL: 0.00 FEET
 - EXISTING DRIVEWAY FENCE: 0.00 FEET
 - EXISTING DRIVEWAY SIGN: 0.00 FEET
 - EXISTING DRIVEWAY WALL: 0.00 FEET
 - EXISTING DRIVEWAY FENCE: 0.00 FEET
 - EXISTING DRIVEWAY SIGN: 0.00 FEET

GENERAL NOTES

 1. THESE SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 2. THESE SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 3. THESE SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 5. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 6. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 7. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 8. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 9. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 10. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 11. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 12. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 13. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 14. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 15. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 16. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 17. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 18. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 19. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.
 20. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KY.



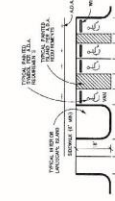
REVISED DETAILED DEVELOPMENT PLAN

SCALE: 1" = 30'

DATE: _____

SCALE: _____

DATE: _____



LANDSCAPE REQUIREMENTS

NO NEW CONSTRUCTION PROPOSED FOR REPLENTISHMENT.

REPLENTISHMENT OF LANDSCAPE AS SHOWN ON THE PLAN.

IMPERVIOUS AREA (SITE)

2.03 ACRES

1.50 ACRES

1.50 ACRES

1.50 ACRES

1.50 ACRES

1.50 ACRES

LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

The Applicant, Cres Bride, is seeking approval of a partial rezoning from C-1 to C-2 on the property referenced above to correct the odd rezoning lines and to redraw the lot lines to sensibly separate the two adjacent properties. The partial rezoning from C-1 to C-2 will move the zoning line approximately 19 ft which will allow restaurant service to an additional small section of the patio. We previously filed a plan for a Conditional Use Permit (CUP) that was assigned case number **21-CUPPA-0032** and case manager **Joel Dock**. We are now changing from a CUP request to a zone change request for the above stated reasons. As such, we will file a rezoning plan for pre-application review with Metro Planning and Design Services (PDS) that will be assigned a case number and case manager.

The property is located on the north side of New La Grange Road as shown on the attached “LOJIC Site Location” attachment.

The present zoning is C-1 and C-2, the proposed partial rezoning is from C-1 to C-2 (commercial). The form district is Town Center with no proposed change thereto.

There are no trees or vegetation on the site to preserve however, landscaping, screening and buffering will contain at least the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC). Greater detail on this should be available at the time of the neighborhood meeting. Existing sanitary sewer connection to be utilized as no new connections are required.

The ingress and egress will remain the same as in currently in use and the intent is to properly divide the property along more sensible lot lines and to then extend the rezoned area consistent with these new lot lines.

NOTICE OF POTENTIAL SUBDIVISION/DEVELOPMENT PLAN CHANGES. Please be advised that this “Detailed Summary” is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the subdivision/development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS’s online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

CONTACT INFORMATION SHEET

1. PRIMARY CONTACT

*Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
Attn: John C. Talbott – (502) 741-8783
John@bardlaw.net*

2. ENGINEERING FIRM

*BTM Engineering, Inc.
3001 Taylor Springs Drive
Louisville, KY 40220
Attn: Chris Brown – (502) 644-0182
cbrown@btmeng.com*

3. APPLICANT

*Cres Bride – (502) 767-5737
mfenterprises1@gmail.com*

4. CASE MANAGER OR SUPERVISOR

*Joel Dock, Planning & Design Case Manager
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-5860
Joel.Dock@louisvilleky.gov*

INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

You may join the meeting using a computer, tablet, smart phone, or standard telephone

Cres Bride/Joe's Older Than Dirt NM
Thu, Jun 10, 2021 6:00 PM - 7:30 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/787579229>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 787-579-229

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/787579229>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at anna@bardlaw.net or Nanci Dively at nsd@bardlaw.net

IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:

John C. Talbott, Esq. – (502) 741-8783
Johnl@bardlaw.net
Bardenwerper, Talbott & Roberts, PLLC

Chris Brown – (502) 644-0182
cbrown@btmeng.com
BTM Engineering, Inc.

Joel Dock, Planning & Design Case Manager
(502) 574-5860
Joel.Dock@louisvilleky.gov

**PLANNING & DESIGN SERVICES (PDS's)
ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the "Search" tab

Then "Planning Applications"

Enter case number in "Record Number" box

Click on "Record Info" tab

AFTER THE NEIGHBORHOOD MEETING SHEET

After the Neighborhood Meeting

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting. Please contact the case manager if you are interested in learning how to request a night hearing or hearing in the district of the project.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

Neighborhood Meeting Summary

A virtual neighborhood meeting was held on Thursday, June 10, 2021 at 6:00 pm. Those in attendance included the applicant's representatives, John Talbott, attorney with Bardenwerper, Talbott & Roberts, and Chris Brown, land planner and engineer with BTM Engineering, Inc., as well as the applicant Cres Bride.

The meeting began with John Talbott showing a PowerPoint presentation explaining the reason for the rezoning, which was to better draw the property lines and use of Joe's Older Than Dirt longstanding City of Lyndon business to permit outdoor alcohol sales. The current state of the site was shown to display the oddly drawn C-2 and C-1 zoning lines and property lines between Joe's Older Than Dirt and the commercial C-1 zoned uses. The history of zoning changes was also briefly provided and explained.

We also provided slides of the area, its current zoning, and nearby development. We did this so that everyone present was fully familiar with exactly the properties being considered and impacted, but no one attended the meeting.

No issues were raised at the meeting.

Mr. Talbott also explained how the DPDS "Case Management Review Process" works, how agencies such as those mentioned above, will review the submitted DDDP and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He said that those attending this meeting, and who have received notice thus far, will receive official notice of those meetings so that they can appear to comment on the application finally filed.

Respectfully submitted,

John C. Talbott

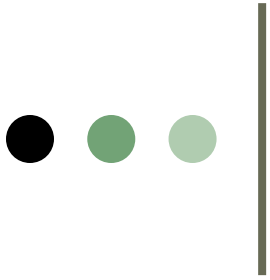
Bardenwerper, Talbott & Roberts, PLLC

Building Association of Greater Louisville Building

1000 N. Hurstbourne Parkway, Second Floor

Louisville, KY 40223

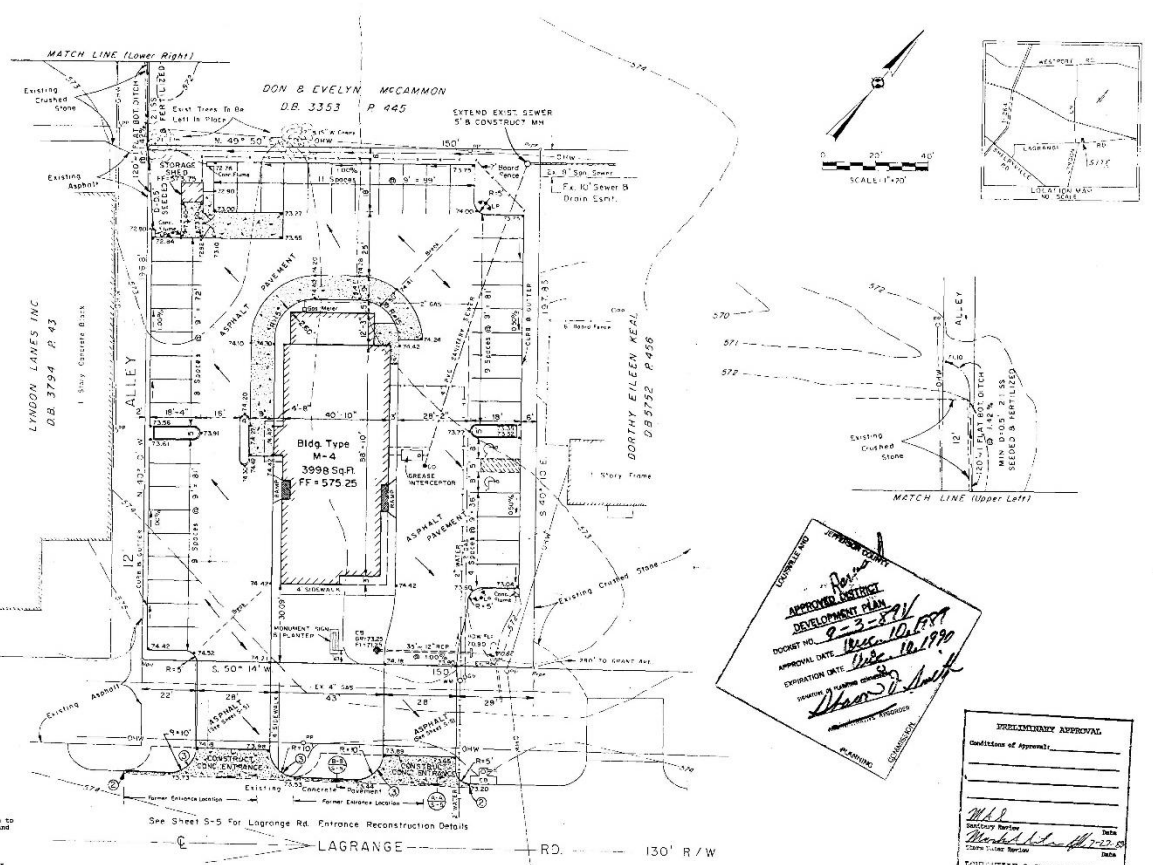
(502) 426-6688



Tab 5 Development Plan


1989 Zone change plan

#9-3-89



CONSTRUCTION NOTES

- REFER TO SHEET S-2 FOR SITE PREPARATION AND/OR GRADING PLAN.
- MAINWAY OF LOT TO BE RECAPED TO MATCH EXISTING. EXISTING PROVIDE MAIN TO UNDERPASS UNDER ADJACENT DRIVEWAY.
- EXISTING ELECTRICAL TO BE REMOVED BY OWNER AND INSTALLED PER SPECIFICATIONS, SECTION 90A ELECTRICAL.
- STAIRING, SITI LIGHTING PACKAGES TO BE FURNISHED BY OWNER AND INSTALLED PER SPECIFICATIONS, SECTION 90A ELECTRICAL.
 - PACKAGE NO. 1
 - 100' 200' LAMP
 - 100' 200' LAMP
 - 100' BRACKET
 - 100' BRACKET
 - PACKAGE NO. 2
 - 100' 200' LAMP
 - 100' 200' LAMP
 - 100' BRACKET
 - 100' BRACKET
 - PACKAGE NO. 3
 - 100' BRACKET
 - 100' 200' LAMP
 - 100' LAMP
 - 100' BRACKET
 - PACKAGE NO. 4
 - 100' 200' LAMP
 - 100' 200' LAMP
 - 100' BRACKET
 - 100' BRACKET
 - PACKAGE NO. 5
 - 100' 200' LAMP
 - 100' 200' LAMP
 - 100' BRACKET
 - 100' BRACKET
- PACKAGE NO. 6
 - 100' BRACKET
 - 100' 200' LAMP
 - 100' LAMP
 - 100' BRACKET


 Alan L. Keal P.E. No. 2966
ALAN L. KEAL & ASSOCIATES
 Consulting Engineer
 Suite 104 Four Seasons Bank Building
 Louisville, Kentucky 40202

LOCATION

8125 LAGRANGE ROAD
LYNDON, KENTUCKY 40222

LEGEND	SITE INFORMATION
CONCRETE PAVEMENT	CONCRETE CURB
TILE	EXIST. SAN SEWER
EXIST. SAN SEWER	SANITARY CONNECTION
SANITARY CONNECTION	SWALS
SWALS	FLOW DIRECTION
FLOW DIRECTION	STORM SEWER
STORM SEWER	EXISTING CONTOUR
EXISTING CONTOUR	PROP. WATER & METER
PROP. WATER & METER	PROP. GAS & VALVE
PROP. GAS & VALVE	LIGHT POLE
LIGHT POLE	CONCRETE CURB
CONCRETE CURB	DETAIL NUMBER
DETAIL NUMBER	SHEET NUMBER

Hardee's

HARDEE'S FOOD SYSTEMS, INC.
1238 A. GIB RCH ST.
BOCKY MOUNTAIN, KY 40260
PHONE: 513/977-2800

REVISIONS	DATE	BY	DESCRIPTION

RECEIVED

JUL 28 1989

LYNDONVILLE & JEFFERSON COUNTY
PLANNING COMMISSION

PRELIMINARY REVIEW
DEVELOPMENT PLAN
SHALL COMPLY WITH ORIGINAL #383

APPROVED DISTRICT
DEVELOPMENT PLAN
DOCKET NO. 8-3-89
APPROVAL DATE: Dec 16, 1989
EXPIRATION DATE: Dec 16, 1990

PRELIMINARY APPROVAL

Conditions of approval:

M.L.S.
Municipal Engineer
Jefferson County
Stamp: Dec 16, 1989

JEFFERSON COUNTY
PUBLIC WORKS DISTRICT

PRELIMINARY APPROVAL
DEVELOPMENT PLAN

BY: *Alan L. Keal*
DATE: 7-28-89
JEFFERSON COUNTY
DEPT. OF PUBLIC WORKS

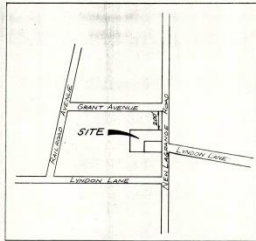
NOTICE

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

1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission. *Dec 16, 1989*
2. The development shall not exceed 3000 square feet of gross floor area.
3. Before a building permit is requested:
a) The development plan must be approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
b) Environment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highway.
c) The property owner/developer must obtain approval of a detailed plan for increasing traffic/lighting/signage as determined by the Planning Commission.
d) All necessary recording fees shall be paid.
4. The only permitted freestanding business signs shall be located as shown on the approved district development plan. The sign height shall not exceed 14.77 square feet in area and 8 feet in height.
5. The only permitted menu signs shall not exceed 16 square feet in area.
6. Outdoor advertising signs (billboards) and small freestanding temporary signs shall be prohibited on the site.
7. If a building permit is not issued within one year of the date of approval of the plan or zoning, 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 office prior to occupancy of the structure or land for the proposed use. All building elements must be implemented prior to receiving issuance of the certificate.
9. The above binding elements may be amended as provided for in the zoning district regulations.

9-3-89 JV

1994 Zone change plan #9-46-94



LOCATION MAP

GENERAL NOTES:

1. TRACTS A & B WERE CONSOLIDATED BY MINOR SUB PLAT DATED APRIL 6, 1994, RECORDED IN O.S. 8468 PG. 189
2. ALL OUTDOOR LIGHTING SHALL BE DIRECTED DOWN AND AWAY FROM ADJOINING RESIDENCES.
3. A VARIANCE SHALL BE REQUESTED AS A PART OF THIS APPLICATION PERMITTING PARKING, MANUEVERING, AND SIGNALING IN THE REQUIRED FRONT YARD, AND TO PERMIT THE EXISTING BUILDING TO REMAIN IN THE REQUIRED SIDE YARD.
4. WHEELTOPS OR CURBS SHALL BE INSTALLED TO PROTECT LANDSCAPE AS DETERMINED AT CONSTRUCTION STAGE BASED ON DRAINAGE DESIGN.
5. ALL OUTDOOR LIGHTING SHALL BE DIRECTED DOWN AND AWAY FROM ADJOINING RESIDENCES.

EXISTING R-4
CHRIS S. W. & ANNE S. JONES
619 CHANT AVENUE
LOUISVILLE, KY. 40222

EXISTING R-4
VACANT
ROY B. PEARL
8135 NEW LAGRANGE ROAD
LOUISVILLE, KY. 40222

EXISTING R-4
EDNA COBBY
602 GRANT AVENUE
LOUISVILLE, KY. 40222

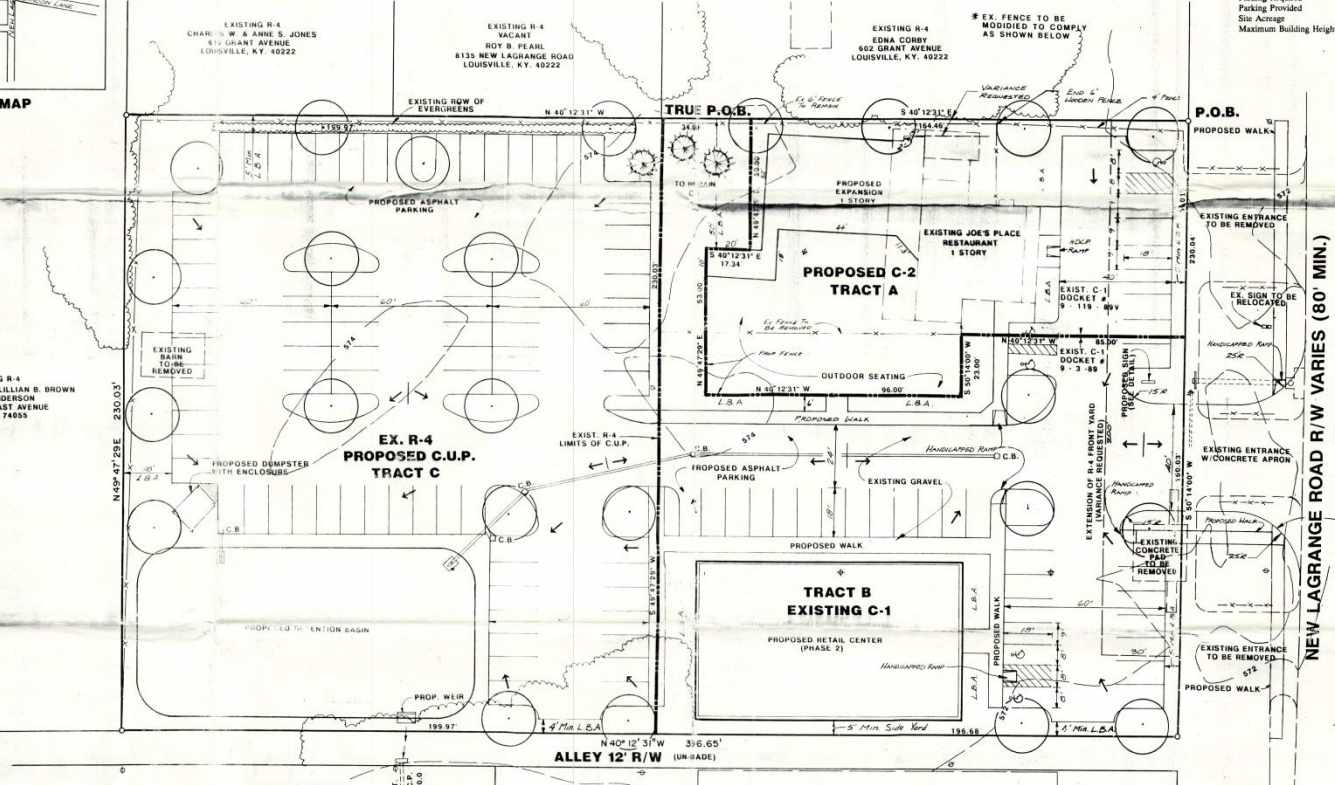
Project Summary

Tract 'A'	Tract 'B'	Tract 'C'
Existing Use Restaurant/Parking	Restaurant/Parking	Vacant
Proposed Use Retail/Parking	Parking	Vacant
Existing Zoning C-1	C-1	R-4
Proposed Zoning C-2	C-1	R-4
Existing Building Sq. Footage 1,732 Square Feet	6,000 Sq. Feet	N/A
Proposed Building Sq. Footage 2,882 Square Feet	N/A	N/A
Outdoor Restaurant Sq. Footage 4,856 Square Feet	N/A	N/A
Total Restaurant Square Footage 6,000 Square Feet	6,000 Sq. Feet	N/A
Vehicular Use Area (Sq. Ft.) N/A	12,288 Sq. Feet	27,896 Sq. Ft.
Interior Greenspace Required N/A	668 Square Feet	1,395 Sq. Ft.
Interior Greenspace Provided N/A	990 Square Feet	2,186 Sq. Ft.
Parking Required 88 Spaces	30 Spaces	N/A
Parking Provided 7 Spaces	30 Spaces	81 Spaces
Site Acreage 0.36 Acres	0.68 Acres	1.05 Acres
Maximum Building Height 35 Feet	35 Feet	N/A

Total Parking Required - 118 Spaces
Total Parking Provided - 118 Spaces

THE C.U.P. REQUESTED IS TO PERMIT ADDITIONAL OFF-STREET PARKING FOR TRACT A.

← DENOTES DRAINAGE FLOW
--- DENOTES ZONING LINE



EXISTING R-4
ALLENE B. GLENN & LILLIAN B. BROWN
C/O BETY ANDERSON
8203 N. 160TH EAST AVENUE
OWASSO, OK. 74055

EXIST. R-4
LIMITS OF C.U.P.

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

JEFFERSON COUNTY
APPROVED DISTRICT DEVELOPMENT PLAN
DOCKET NO. 94-6-94012M
APPROVAL DATE: 11/17/94
EXPIRATION DATE: 12/14/94

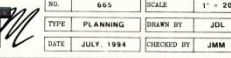
RECEIVED
NOV 17 1994
PLANNING & DEVELOPMENT SERVICES

REVISED DISTRICT DEVELOPMENT, DETAILED DISTRICT DEVELOPMENT & CONDITIONAL USE PERMIT PLAN OF RETAIL CENTER & JOE'S PLACE RESTAURANT
8131 NEW LAGRANGE ROAD
LYNDON, KY 40222

PRELIMINARY RETENTION CALCULATIONS

INTERSTICES	0.78	(1.00)	=	0.408
ROADS	0.11	(0.05)	=	0.105
GRADE	1.2	(0.2)	=	0.72
D.E. 2.10 @ 0.95 Coverage = 2.0				
D.O. (From Assumed) = 0.35 @ 0.95 = 0.33				
D.S. (2.0) 28.1/2 = 0.27 ACRES CELL				

REVISIONS				PROJECT DATA			
NO.	DATE	DESCRIPTION	BY	NO.	665	SCALE	1" = 20'
1	10-10-94	Plan, Revised Comments	BT	DATE	JULY, 1994	CHECKED BY	JMM
2	10-12-94	Final Comments	BT				
3	11-15-94	Final Comments	BT				
4	12-01-94	Final Comments	BT				



OWNERS:
TRACTS A & B
LYNDON INVESTMENT, INC.
8135 NEW LAGRANGE ROAD
LOUISVILLE, KY. 40222
D.B. 6424 PG. 321
D.B. 6427 PG. 388

DEVELOPER:
LYNDON INVESTMENT, INC.
8135 NEW LAGRANGE ROAD
LOUISVILLE, KY. 40222

TRACT C
ALAN & JEAN KEAL
114 CHADWICK ROAD
LOUISVILLE, KY. 40222
D.B. 4184 PG. 184
D.B. 6427 PG. 388

PREVIOUS REQUEST ON SITE, DOCKET # 9 - 119 - 89V-9-3-89V
CO. BLOCK - 268
LOTS: 24, 15 & 25
9-46-94C1W

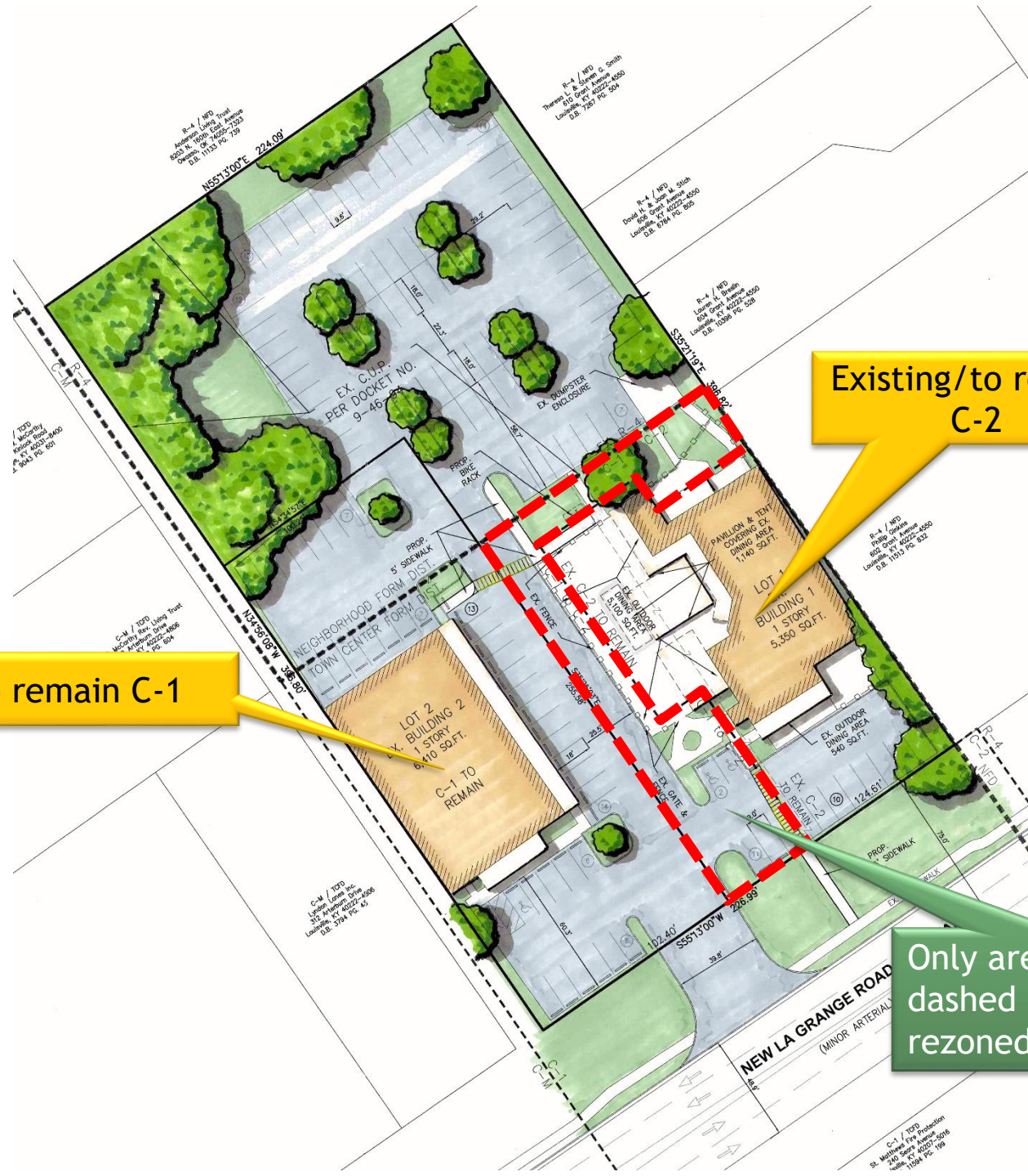




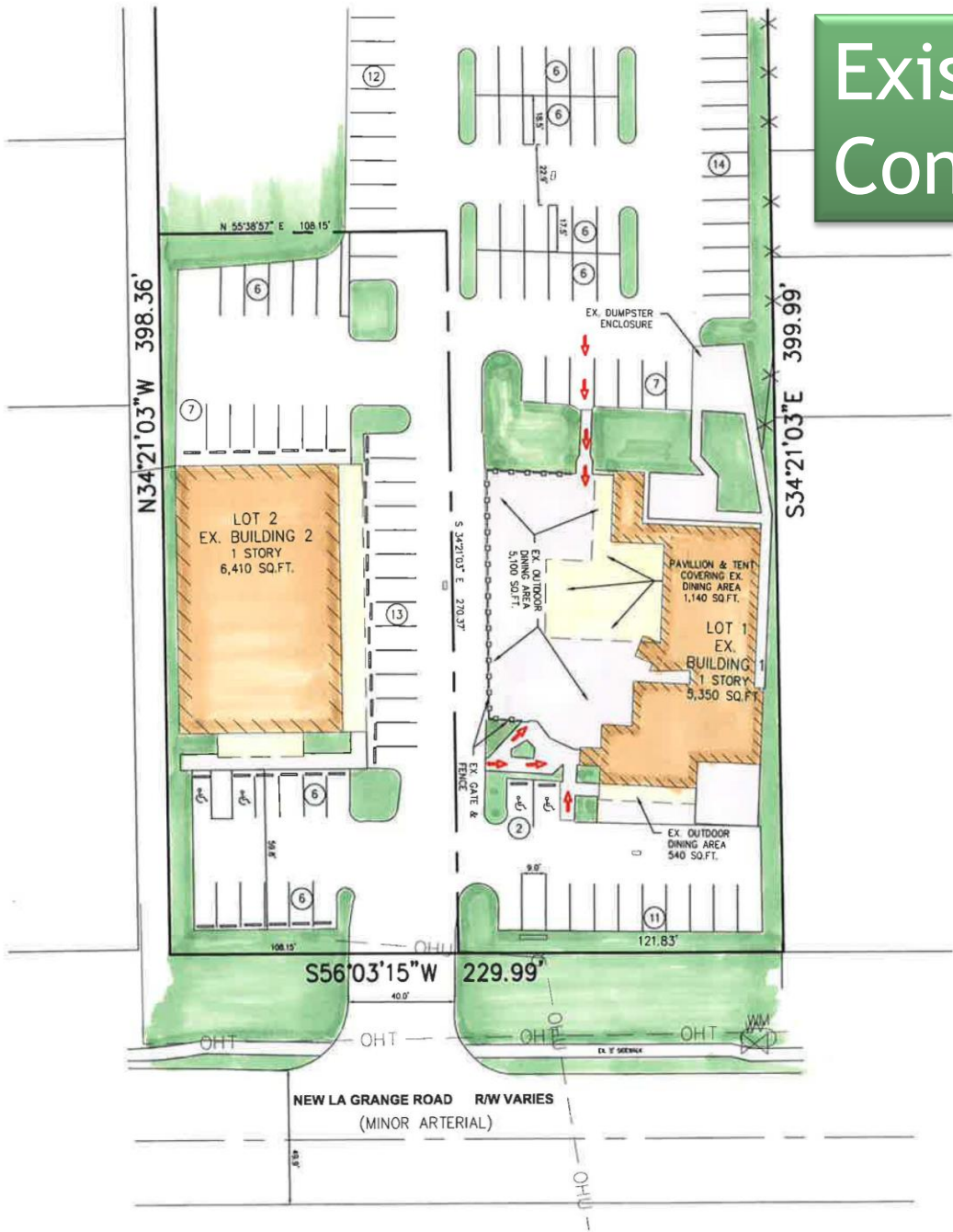
To remain C-1

Existing/to remain C-2

Only area inside red-dashed line to be rezoned to C-2



Existing Pedestrian Connection



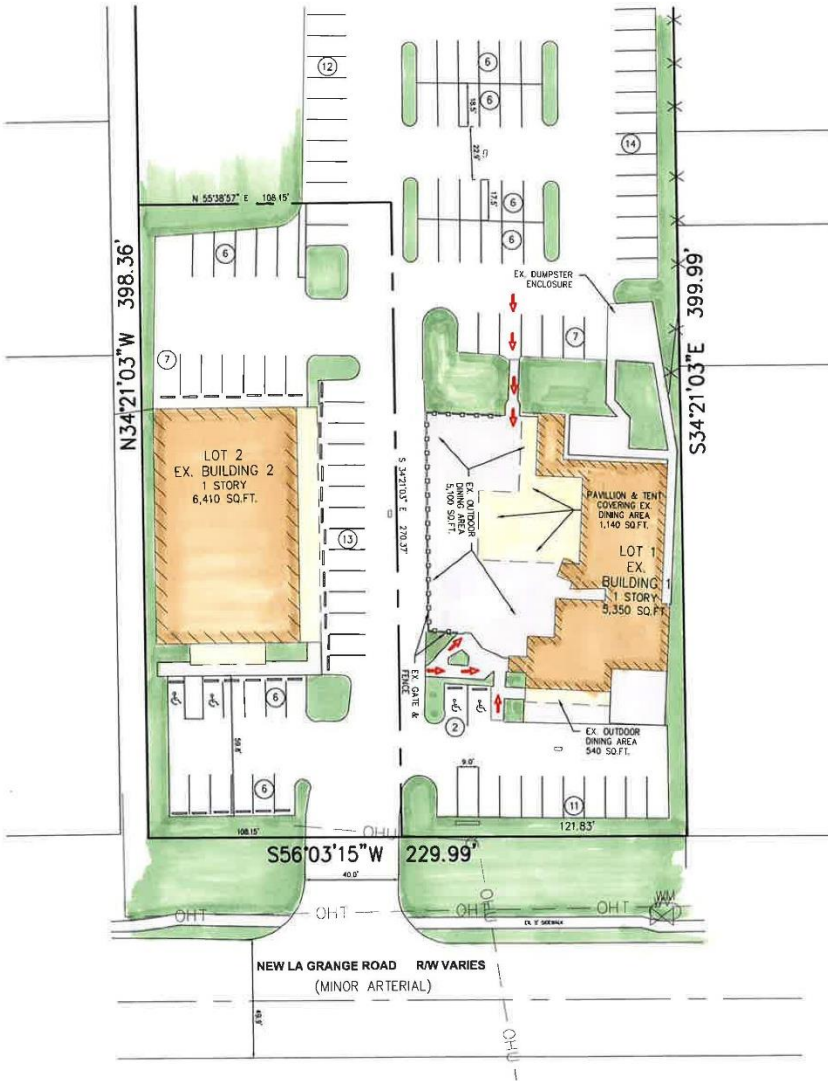
 PEDESTRIAN ROUTE

Proposed Pedestrian Connection



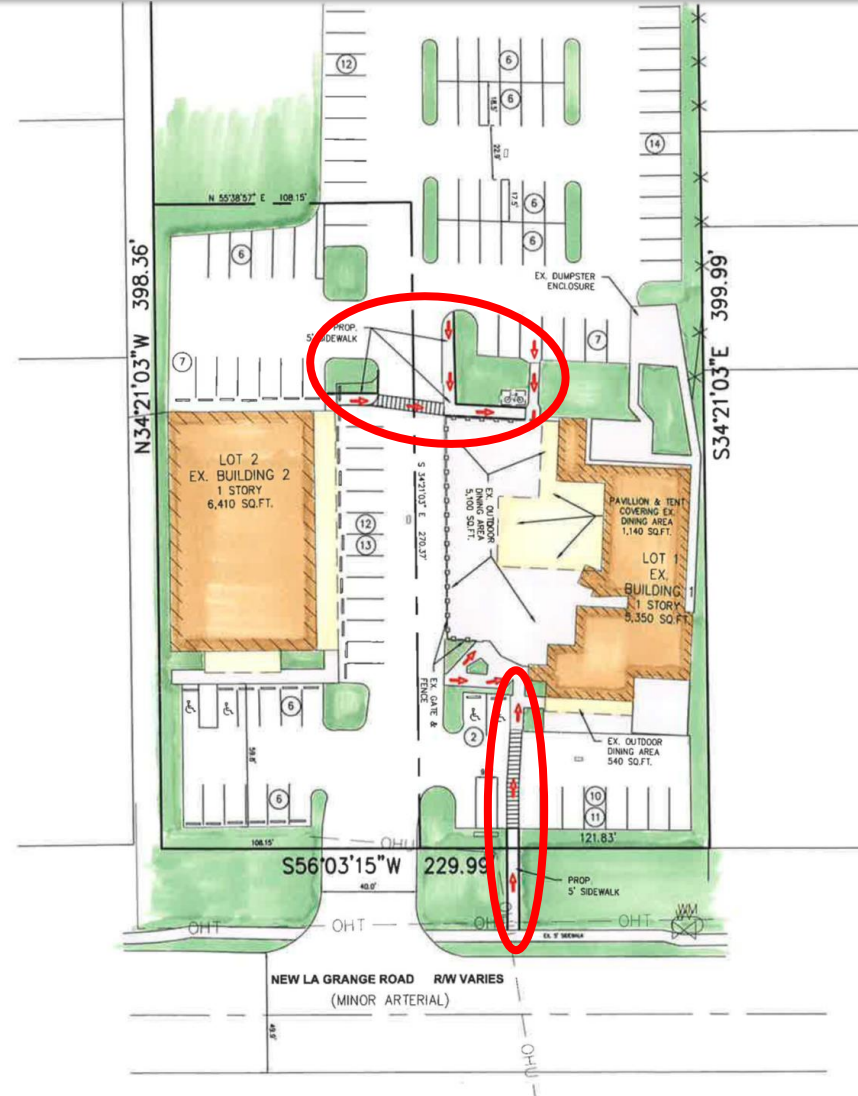
 PEDESTRIAN ROUTE

Existing Pedestrian Connection



PEDESTRIAN ROUTE

Proposed Pedestrian Connection



PEDESTRIAN ROUTE

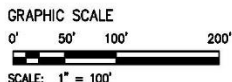
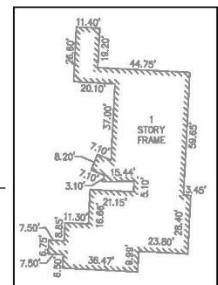
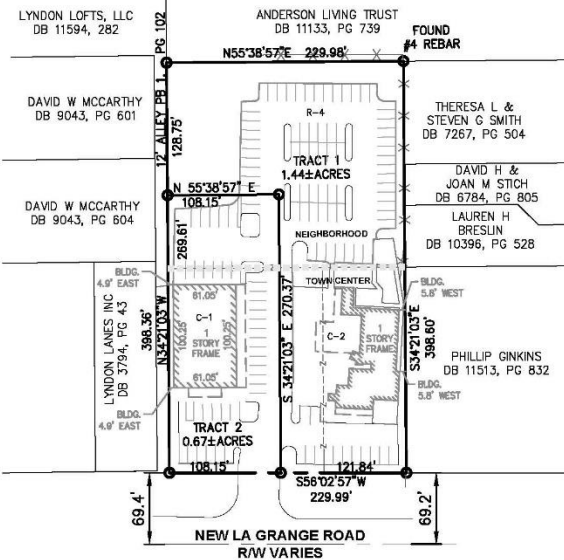
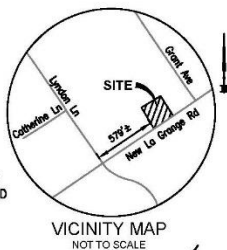
CERTIFICATE OF APPROVAL

Approved this _____ day of _____, 20____
 Invalid if not recorded before _____
 this date: _____
 By: _____
 Louisville Metro Planning Commission.
 Approval subject to attached certificates.
 Special requirement(s): _____
 Docket No. _____

LEGEND

- PROPERTY LINE
- NEW PROPERTY LINE
- - - EASEMENT LINE
- - - RIGHT-OF-WAY LINE
- x - FENCE
- - - - - CONSOLIDATION LINE
- FORM DISTRICT LINE

○ DENOTES SET 5/8" x 18" REBAR WITH CAP STAMPED "JCM 2227" OR MAG NAIL+WASHER STAMPED "JCM 2227" UNLESS OTHERWISE NOTED



MINOR SUBDIVISION PLAT

JOE'S OLDER THAN DIRT MINOR PLAT

-Purpose of Plat-
 TO CREATE TWO TRACTS FROM THREE AND GRANT PRIVATE ACCESS AGREEMENT

-OWNERS-

LYNDON LEASING, LLC
 8131 NEW LAGRANGE ROAD
 LOUISVILLE, KY 40222

-PROPERTY ADDRESS-

8121 NEW LA GRANGE ROAD
 8121 REAR NEW LA GRANGE ROAD
 8131 NEW LA GRANGE ROAD
 TAX BLOCK 0269 LOTS 0015, 0017, 0024

ZONING: C2, C1 & R4 / FORM DISTRICT:

TOWN CENTER & NEIGHBORHOOD

BTM ENGINEERING, INC.

Consulting Engineers Landscape Architects Planners
 3001 Taylor Springs Drive
 Louisville, Kentucky 40220
 (502) 459-8402
 Fax (502) 459-8427



NOTES:

THIS SURVEY IS SUBJECT TO ALL ROADWAYS, EASEMENTS AND RIGHTS-OF-WAYS, IF ANY, WHETHER SHOWN HEREON OR NOT.

AS SHOWN ON FLOOD INSURANCE RATE MAP (FEMA) COMMUNITY PANEL NO. 2111100030F, DATED FEBRUARY 26, 2021 THIS PROPERTY IS LOCATED IN ZONE X, AND DOES NOT APPEAR TO BE IN ANY FLOOD HAZARD AREA.

NORTH AND ALL BEARINGS SHOWN ON THIS PLAT REFER TO GRID NORTH, KENTUCKY STATE PLANE COORDINATE SYSTEM, NORTH ZONE, LAMBERT CONFORMAL PROJECTION.

THIS SURVEY WAS COMPLETED ON JUNE 3, 2021.

ACCESS EASEMENT MUST CONFORM TO ORDINANCE #1, SERIES 2004 LOUISVILLE METRO GOVERNMENT.

SEE ATTACHED CROSS-OVER AGREEMENT FOR SHARED ACCESS TO NEW LA GRANGE ROAD.

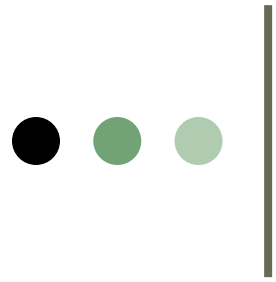
LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND SURVEY WERE MADE UNDER MY SUPERVISION, AND THAT THE ANGULAR AND LINEAR MEASUREMENTS AS WITNESSED BY MONUMENTS SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS MADE BY METHOD OF RANDOM TRAVERSE WITH SIGHTSOTS. THE UNADJUSTED CLOSURE RATIO OF THE TRAVERSE WAS 1:26,591. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR AN URBAN CLASS SURVEY AS ESTABLISHED BY THE STATE OF KENTUCKY PER 201 KAR 18:150.



OCTOBER 26, 2021





Tab 6

Statement of Compliance filed
with the original zone change
application with all applicable
Goals of the 2040 Plan

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/Owner:</u>	Lyndon Leasing, LLC
<u>Location:</u>	8121 New LaGrange Road
<u>Proposed Use:</u>	Expansion of the existing restaurant
<u>Engineers, Land Planners and Landscape Architects:</u>	BTM Engineering
<u>Request:</u>	Change in Zoning from C-1 to C-2

INTRODUCTION

This proposal is a fairly limited one—only for C-2 zoning for a portion of an existing restaurant (the remainder already zoned C-2) Joe’s Older than Dirt Restaurant, to expand on to the adjacent property under the same ownership (lot lines to be shifted by the revised plan) to bring it into zoning compliance for restaurant use and to be able to have “alfresco dining”, meaning sale of food and alcoholic beverages, in a patio area outdoors. The existing restaurant building will continue operations as normal. The new patio area will be an expansion of the existing restaurant business. This location on new LaGrange Road, where other commercial uses already exist and where the existing restaurant has long been located and operating, will allow continued growth of the business with minimal impacts.

4.1 COMMUNITY FORM

This proposal complies with Objectives a., b., and c and Policies 2, 3.1. 6, 4, 6, 7, 17 and 18 as follows:

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

The site of the proposed rezoning is in an area typical of the applicable Town Center Form District, being larger in scale than a neighborhood center and at the intersection of major thoroughfares (Herr Lane and New LaGrange Road). This restaurant does not propose to change anything about the New LaGrange Road conditions with the rezoning and additional patio area to the west side of the existing building and shielded from the road. The site provides accommodations for transit users (TARC route approximately 650’ to the east), bicyclists, and pedestrians being located on New LaGrange Road.

The potential nuisance impacts of the outdoor dining area will be mitigated with a combination of limited hours of operation, limited P.A. system operation and will be enforceable as binding elements. Additionally, the outdoor dining area is located between two buildings providing a visual barrier and additional sound proofing.

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

This proposal supports the Objectives of Goal 2 and Policies 1,4, 5, 6,7 and 9 because it is an expansion of a long standing and popular restaurant site. It supports the neighborhood by expanding a long-standing and popular restaurant. Initially to survive the loss of business during the pandemic, this expansion will ensure its future viability on site rather than relocating to another area.

Goal 3 - Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This proposal complies with the Objectives of Goal 2 and Policies 9, 10 and 12 as the subject site has no recognizable natural features, wet soils, steep slopes or issues that result in erosion.

Goal 4 - Promote and Preserve the historic and archaeological resources that contribute to our authenticity.

This proposal complies with the Objectives of Goal 4 and Policy 2 as the site does possess any significant cultural or historic features.

4.2 MOBILITY

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

This proposal complies with Goal 1 Objectives a, b, c, d and e and Policy 4 because it is a small expansion of an existing restaurant to an adjacent property under common ownership.

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

This proposal complies with all the Objectives of Goal 2 and Policy 4 on access to this location through a mixed-use area that supports the neighborhood with an amenity contributing to a strong sense of place and no new nuisances will be caused by access to the site.

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

This proposal complies with all of the Objectives of Goal 3 and Policies 1, 2, 5, 6, 9 and 10 because Town Form District encourages this neighborhood serving use near a support population in a walkable area supported by multi-modal transportation. It will have a limited impact on the transportation network. Bicycle racks will be provided and sidewalk extensions and repairs will be made as necessary.

4.3 COMMUNITY FACILITIES

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

This proposal complies with the Objectives of Goal 2 and Policies 1, 2 and 3 because the site is served with existing utilities, an adequate supply of both potable water and water for fire-fighting purposes. Sewage treatment is existing and available.

4.4 ECONOMIC DEVELOPMENT

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

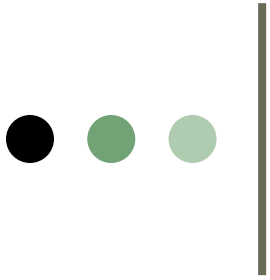
This proposal complies with the Objectives of Goal 1 and Policy 3 because it expands upon an existing popular commercial establishment (restaurant) within a well-connected and walkable neighborhood.

* * *

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,

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



Tab 7

Proposed findings of fact
pertaining to compliance with the
2040 Plan

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

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

<u>Applicant/Owner:</u>	Lyndon Leasing, LLC
<u>Location:</u>	8121 New LaGrange Road
<u>Proposed Use:</u>	Expansion of the existing restaurant
<u>Engineers, Land Planners and Landscape Architects:</u>	BTM Engineering
<u>Request:</u>	Change in Zoning from C-1 to C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on November 4, 2021 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, this proposal is a fairly limited one - only for C-2 zoning for a portion of an existing restaurant (the remainder already zoned C-2) Joe's Older than Dirt Restaurant, to expand on to the adjacent property under the same ownership (lot lines to be shifted by the revised plan) to bring it into zoning compliance for restaurant use and to be able to have "alfresco dining", meaning sale of food and alcoholic beverages, in a patio area outdoors; the existing restaurant building will continue operations as normal; the new patio area will be an expansion of the existing restaurant business; this location on new LaGrange Road, where other commercial uses already exist and where the existing restaurant has long been located and operating, will allow continued growth of the business with minimal impacts; and

4.1 COMMUNITY FORM

WHEREAS, this proposal complies with Objectives a, b, and c and Policies 2, 3.1. 6, 4, 6, 7, 17 and 18 as follows:

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

WHEREAS, the site of the proposed rezoning is in an area typical of the applicable Town Center Form District, being larger in scale than a neighborhood center and at the intersection of

major thoroughfares (Herr Lane and New LaGrange Road); this restaurant does not propose to change anything about the New LaGrange Road conditions with the rezoning and additional patio area to the west side of the existing building and shielded from the road; and the site provides accommodations for transit users (TARC route approximately 650' to the east), bicyclists, and pedestrians being located on New LaGrange Road; and

WHEREAS, the potential nuisance impacts of the outdoor dining area will be mitigated with a combination of limited hours of operation, limited P.A. system operation and will be enforceable as binding elements; and additionally, the outdoor dining area is located between two buildings providing a visual barrier and additional sound proofing; and

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

WHEREAS, this proposal supports the Objectives of Goal 2 and Policies 1,4, 5, 6,7 and 9 because it is an expansion of a long standing and popular restaurant site; it supports the neighborhood by expanding a long-standing and popular restaurant; initially to survive the loss of business during the pandemic, this expansion will ensure its future viability on site rather than relocating to another area; and

Goal 3 - Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.

WHEREAS, this proposal complies with the Objectives of Goal 3 and Policies 9, 10 and 12 as the subject site has no recognizable natural features, wet soils, steep slopes or issues that result in erosion; and

Goal 4 - Promote and Preserve the historic and archaeological resources that contribute to our authenticity.

WHEREAS, this proposal complies with the Objectives of Goal 4 and Policy 2 as the site does not possess any significant cultural or historic features; and

4.2 MOBILITY

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

WHEREAS, this proposal complies with Goal 1 Objectives a, b, c, d and e and Policy 4 because it is a small expansion of an existing restaurant to an adjacent property under common ownership; and

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

WHEREAS, this proposal complies with all the Objectives of Goal 2 and Policy 4 on access to this location through a mixed-use area that supports the neighborhood with an amenity contributing to a strong sense of place and no new nuisances will be caused by access to the site; and

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

WHEREAS, this proposal complies with all of the Objectives of Goal 3 and Policies 1, 2, 5, 6, 9, 10 and 12 because Town Form District encourages this neighborhood serving use near a support population in a walkable area supported by multi-modal transportation; it will have a limited impact on the transportation network; and bicycle racks will be provided and sidewalk extensions and repairs will be made as necessary; and pedestrian access to the building from the parking areas complies with LDC 5.9.2.1.b.i and ii as the sidewalks and safe pedestrian access through the off-street parking area to this non-residential building entrance and vehicular and pedestrian circulation between the adjacent non-residential sites are provided through the parking areas with hard surface drive lanes and walkways; and

4.3 COMMUNITY FACILITIES

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

WHEREAS, this proposal complies with the Objectives of Goal 2 and Policies 1, 2 and 3 because the site is served with existing utilities, an adequate supply of both potable water and water for fire-fighting purposes; and sewage treatment is existing and available; and

4.4 ECONOMIC DEVELOPMENT

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

WHEREAS, this proposal complies with the Objectives of Goal 1 and Policy 3 because it expands upon an existing popular commercial establishment (restaurant) within a well-connected and walkable neighborhood; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from C-1 to C-2 and approve the Detailed District Development Plan.