

ORDINANCE No. 155, SERIES 2006

AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 4001, 4003 AND 4009 OLD OUTER LOOP, CONTAINING 1.34 ACRES AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-12-06V).

SPONSORED BY: COUNCILWOMAN 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 and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Docket No. 9-12-06V; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Docket No. 9-12-06V and approves and accepts the recommendations 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 property located at 4001, 4003 and 4009 Old Outer Loop, containing 1.34 acres and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Docket No. 9-12-06V 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 Docket No. 9-12-06V.

Section II: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Kathleen J. Herron
Metro Council Clerk

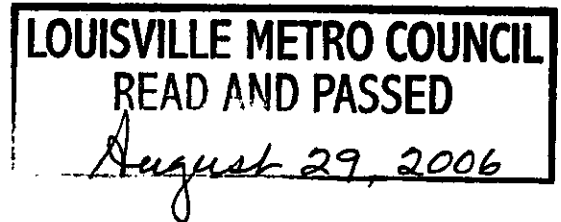
Kevin J. Kramer
Kevin J. Kramer
President of the Council

Jerry Abramson
Jerry Abramson
Mayor

Approved: 9-1-06
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney



By: William P. O'Brien

TC

Millwood, Kristen

From: Whitty, Paul B. [PBW@gdm.com]
Sent: Thursday, January 04, 2007 3:22 PM
To: Millwood, Kristen
Cc: Mark Madison
Subject: RE: 9-12-06

Kristen

I seriously doubt that they have started anything but will check and confirm. I assume they will want to wait until they are ready for construction before taking those additional steps.

Paul B. Whitty

Member

Greenebaum Doll & McDonald PLLC
3500 National City Tower
Louisville, Kentucky 40202
502-587-3655

From: Millwood, Kristen [mailto:Kristen.Millwood@louisvilleky.gov]
Sent: Thursday, January 04, 2007 3:13 PM
To: Whitty, Paul B.; Dively, Nanci S.
Subject: 9-12-06
Importance: High

Paul – Has a building permit been issued for Ole Hickory Pit on Old Outer Loop? I have the signed ordinance for 9-12-06 (Ole Hickory Pit) and would like to transmit it, however, I see no evidence of a minor plat to consolidate lots, improved elevations, an approved landscape plan with additional landscaping, and the addition of sidewalks or pedestrian paths from Maplewood Avenue to each structure. All of these things were noted as being necessary in the staff report and minutes of the case.

Kristen Millwood, Planner II
Louisville Metro Planning & Design Services
444 S. Fifth Street, Suite 200
Louisville, KY 40202
Phone: (502) 574-6019
Fax: (502) 574-8129
kristen.millwood@louisvilleky.gov
www.louisvilleky.gov

The following warning is required by the IRS whenever tax advice is given. If this email contains no direct or indirect tax advice, the warning is not applicable.

As a result of perceived abuses, the Treasury has recently promulgated Regulations for practice before the IRS. These Circular 230 regulations require all attorneys and accountants to provide extensive disclosure when providing certain written tax communications to clients. In order to comply with our obligations under these Regulations, we would like to inform you that since this document does not contain all of such disclosure, you may not rely on any tax advice contained in this document to avoid tax penalties, nor may any portion of this document be referred to in any marketing or promotional materials.

milestone
design praxis, inc.
108 Deventry Lane
Suite 300
Louisville, KY 40223
t (502) 527-7073
f (502) 527-7068

OLE HICKORY PIT
4001, 4003 & 4009 OUTER LOOP
LOUISVILLE, KENTUCKY 40219
DETAILED DISTRICT DEVELOPMENT PLAN
FOR
ZONING MAP AMENDMENT

DATE	10/20/06
SCALE	AS SHOWN
PROJECT NO.	0410
JOB NUMBER	0410
PLANS	1
SHEET	1

GENERAL NOTES

1. ALL DISTRICT DEVELOPMENT PLANS (DDP) SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 100.020-100.030.
2. THE DDP SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 100.020-100.030.
3. THE DDP SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 100.020-100.030.
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9. THE DDP SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 100.020-100.030.
10. THE DDP SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 100.020-100.030.

BOUNDARY
THE BOUNDARY OF THE DISTRICT DEVELOPMENT PLAN SHALL BE THE BOUNDARY OF THE ZONING MAP AMENDMENT.

ALIGNED PLAIN NOTES:
ALL DISTRICT DEVELOPMENT PLANS SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 100.020-100.030.

PROJECT SUMMARY TRACT A	PROJECT SUMMARY TRACT B
<p>EXISTING TRACT NAME: []</p> <p>PROPOSED USE: []</p> <p>PROPOSED ZONING: []</p> <p>PROPOSED LOTS: []</p> <p>PROPOSED ACRES: []</p> <p>PROPOSED PARKING: []</p> <p>PROPOSED TOTAL PARKING: []</p>	<p>EXISTING TRACT NAME: []</p> <p>PROPOSED USE: []</p> <p>PROPOSED ZONING: []</p> <p>PROPOSED LOTS: []</p> <p>PROPOSED ACRES: []</p> <p>PROPOSED PARKING: []</p> <p>PROPOSED TOTAL PARKING: []</p>

LEGEND

A = 10' FROM []

B = 20' FROM []

C = 30' FROM []

D = 40' FROM []

E = 50' FROM []

F = 60' FROM []

G = 70' FROM []

H = 80' FROM []

I = 90' FROM []

J = 100' FROM []

K = 110' FROM []

L = 120' FROM []

M = 130' FROM []

N = 140' FROM []

O = 150' FROM []

P = 160' FROM []

Q = 170' FROM []

R = 180' FROM []

S = 190' FROM []

T = 200' FROM []

U = 210' FROM []

V = 220' FROM []

W = 230' FROM []

X = 240' FROM []

Y = 250' FROM []

Z = 260' FROM []

AA = 270' FROM []

AB = 280' FROM []

AC = 290' FROM []

AD = 300' FROM []

AE = 310' FROM []

AF = 320' FROM []

AG = 330' FROM []

AH = 340' FROM []

AI = 350' FROM []

AJ = 360' FROM []

AK = 370' FROM []

AL = 380' FROM []

AM = 390' FROM []

AN = 400' FROM []

AO = 410' FROM []

AP = 420' FROM []

AQ = 430' FROM []

AR = 440' FROM []

AS = 450' FROM []

AT = 460' FROM []

AU = 470' FROM []

AV = 480' FROM []

AW = 490' FROM []

AX = 500' FROM []

AY = 510' FROM []

AZ = 520' FROM []

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BX = 760' FROM []

BY = 770' FROM []

BZ = 780' FROM []

CA = 790' FROM []

CB = 800' FROM []

CC = 810' FROM []

CD = 820' FROM []

CE = 830' FROM []

CF = 840' FROM []

CG = 850' FROM []

CH = 860' FROM []

CI = 870' FROM []

CJ = 880' FROM []

CK = 890' FROM []

CL = 900' FROM []

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CO = 930' FROM []

CP = 940' FROM []

CQ = 950' FROM []

CR = 960' FROM []

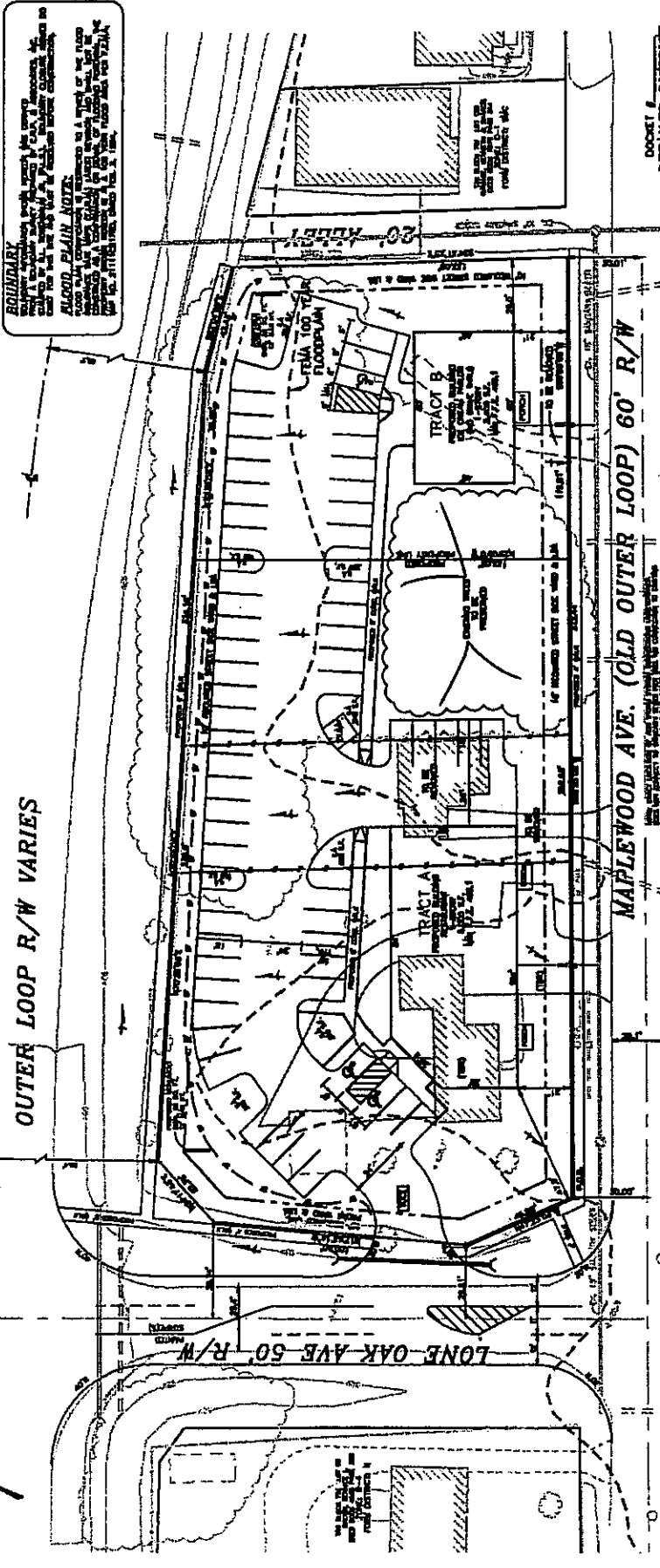
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CT = 980' FROM []

CU = 990' FROM []

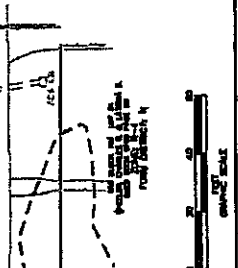
CV = 1000' FROM []

CV = 1000' FROM []



DOCKET # []
DETAILED DISTRICT DEVELOPMENT PLAN
FOR
ZONING MAP AMENDMENT
OLE HICKORY PIT
4001, 4003 & 4009 OUTER LOOP
LOUISVILLE, KY 40219

MEMORANDUM FOR THE RECORD
BY: []
DATE: []



RECEIVED
APR 16 2006
PLANNING & DESIGN SERVICES

EXISTING CONDITIONS

EXISTING TRACT NAME: []

EXISTING ZONING: []

EXISTING LOTS: []

EXISTING ACRES: []

EXISTING PARKING: []

EXISTING TOTAL PARKING: []

Metro Council received transmittal from Planning & Design Services for

July 20, 2006 public hearing; Docket Number(s)
9-8-06VW, 9-12-06V + 9-16-06 + 10-23-06

on this 4th day of Aug., 2006.

Kay R. Mussett
Signature



LOUISVILLE, KENTUCKY

LOUISVILLE METRO PLANNING AND DESIGN SERVICES

JERRY E. ABRAMSON
MAYOR

August 4, 2006

C. BRUCE TRAUGHBER
SECRETARY OF THE CABINET
FOR COMMUNITY DEVELOPMENT

CHARLES C. CASH, JR., AIA
DIRECTOR

Kathy Herron
Metro Council Clerk
601 W. Jefferson Street
Louisville, KY 40202

Dear Ms. Herron,

On July 20, 2006, the Planning Commission made recommendation to Metro Council on a change in zoning request filed under Docket Number(s) 9-8-06VW, 9-12-06V and 9-16-06 & 10-23-06.

The minutes of this meeting were approved by the Planning Commission on August 3, 2006; however, in order to expedite your consideration of the request(s); I am forwarding to you, if applicable, an application, development plan(s), staff report(s), map(s), official copies of the minutes, a copy of the cd(s) and other correspondence relating to these cases.

If we can be of further service to you please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Beth Stevenson".

Beth Stevenson
Management Assistant

Enclosures

BINDING ELEMENTS

DOCKET NO. 9-12-06V

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. The development shall not exceed 7,400 square feet of gross floor area.
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
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, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. 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.
- d. A reciprocal access and crossover and parking easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 in the rendering as presented at the July 20, 2006 Planning Commission meeting.

The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to transmittal of the plan to the appropriate agencies.

11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

12. 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 Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
13. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.

5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.
14. The hours of operation shall be no earlier than 10:00 a.m. and not later than 10:00 p.m.
15. The parking lots for both uses on site will be cleaned daily.
16. This site will be used for no other use than the approval without a public review meeting.

The above binding elements of the district development plan are agreed to by the property owner August 3, 2006.

Paul Mitty, Attorney
OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE

PLANNING COMMISSION MINUTES

JULY 20, 2006

NEW BUSINESS:

Public Hearing and Consideration of Cases

DOCKET NO. 9-12-06V

Change in zoning from R-4 Single Family Residential to C-1 Commercial on property located at 4001, 4003 & 4009 Old Outer Loop (Tax Block 751, Lot Numbers 19, 20, 55, 21 & SL 27); and variance for exceeding maximum setback; containing 1.34 acres and being in Louisville Metro

Project Name: Ole Hickory Pit

Owner/applicant: Kenneth & Sharon Ramage
5525 Beth Road
Louisville, Kentucky 40219

Attorney: Paul Whitty
Greenebaum Doll & McDonald
3500 National City Tower
Louisville, Kentucky 40202

Existing Use: Single Family Residential

Proposed Use: Restaurant

Form District: Neighborhood

Council District: 24 – Madonna Flood
Staff Case Manager: Kristen Millwood, Planner II

Notice of this public hearing appeared in **The Courier Journal** on June 29, 2006, a notice was posted on the property, and 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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Public Hearing and Consideration of Cases

DOCKET NO. 9-12-06V

The following spoke in favor of this request:

Paul Whitty, Attorney, 3500 National City Tower, Louisville, Kentucky 40202; who submitted a booklet with various pictures and exhibits.

The following spoke in opposition:

No one.

Agency Personnel:

Paula Wahl, Planning & Design's Transportation Department, 444 S. 5th Street, Suite 200, Louisville, Kentucky 40202.

SUMMARY OF TESTIMONY OF PROPONENTS:

Paul B. Whitty, Attorney for the Applicant, stated the current location of the Ole Hickory Pit on Shepherdsville Road has been serving employees of General Electric for many years. The Applicant would like to expand their business to serve people in the Okolona area. The new location will be at the corner of a neighborhood but next to existing commercial businesses along Preston Highway and Outer Loop.

Based on Staff's recommendations, the Applicant agreed to a Binding Element that will state the hours of operation will be from 10 a.m. to 10 p.m. The Applicant also agrees to add windows to the rear façade of the ice cream parlor building.

Mr. Whitty stated that there will be interconnectivity in the site with sidewalks along Lone Oak, Old Outer Loop and Outer Loop. The buildings have been pushed to the back of the site with parking along Outer Loop for the convenience of the neighbors. The Applicant is also preserving 6000 square feet of the existing trees that are on site.

In response to Commissioner Wells-Hatfield's question regarding the variance for the set back, Mr. Whitty stated that the variance is due to the Ice Cream Parlor being more than 80 feet from Lone Oak Drive, and that to be in compliance would cause an encroachment into the parkway buffer.

PLANNING COMMISSION MINUTES

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NEW BUSINESS:

Public Hearing and Consideration of Cases

DOCKET NO. 9-12-06V

In response to Commissioner Wells-Hatfield's statement regarding the monument style sign, the Applicant agreed to bring a sign plan back before the Commission.

In response to Commissioner Carlson's statement regarding more landscaping along the back of the buildings to screen the service equipment from the neighbors, Mr. Whitty stated that the Applicant would be willing to do more landscaping and will incorporate that within the Landscape Plan. Mr. Whitty also stated that the Applicant would be willing to make that a binding element as well.

SUMMARY OF TESTIMONY OF OPPONENTS:

No one spoke in opposition.

AGENCY TESTIMONY:

Commissioner Carlson asked Paula Wahl, with Transportation, if the access off Lone Oak is sufficient to keep people from backing out onto Outer Loop. Ms. Wahl explained this and said that they preliminarily approved the plan.

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning and Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the cd of the July 20, 2006 public hearing proceedings.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

On a motion by Commissioner Wells-Hatfield, the following resolution was unanimously adopted:

PLANNING COMMISSION MINUTES

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NEW BUSINESS:

Public Hearing and Consideration of Cases

DOCKET NO. 9-12-06V

WHEREAS, The Commission finds that based upon testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case the proposal conforms with Community Form/Land Use Guideline 1 and all applicable policies thereunder, including Policy B.3 because the Neighborhood Form District may include commercial uses that serve the neighborhood, including restaurants and the proposed restaurant and ice cream parlor are designed to serve the surrounding neighborhood, which currently suffers from a lack of sit-down restaurants, and will be within walking distance of many single family residential areas, and the Subject Property is located immediately adjacent to commercially zoned properties, including C-1 and C-2 zoning districts, located along Preston Highway in the Suburban Marketplace Corridor; because this location will form a suitable transition from these higher intensity uses to residential properties located south of the site; and because the proposed restaurant and ice cream parlor are designed to look more residential, and include features such as residential-style open space and landscaping, false porches on the rear of the proposed structures, and an approximately 6,000 S.F. area in which existing trees will be preserved; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Centers Guideline 2, including Policies 2.1, 2.2, 2.8, 2.9, 2.10, 2.15 and 2.16 because mixed land uses are encouraged when organized around compact activity centers that are existing, proposed or planned and the proposed site is at the northeast corner of a very large residential area bounded by Outer Loop, I-65, Preston Highway and I-265 and this location is the southwest corner of an existing commercial node created by the intersection of Outer Loop and Preston Highway both of which are classified higher than collector level with established non-residential uses; and because the parking is located in front of the buildings so that, with a residential character to the architecture and being well landscaped, it will buffer the residents to the south from the nuisances typically associated with parking and those patronizing Ole Hickory Pit from outside this residential area will not have to enter or pass through the neighborhood to gain access to the site but rather will enter directly from arterial level streets; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Community Form/Land Use Guideline 3, including Policies 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.21, 3.22, 3.23, 3.24, and 3.28 because the

PLANNING COMMISSION MINUTES

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NEW BUSINESS:

Public Hearing and Consideration of Cases

DOCKET NO. 9-12-06V

proposed restaurant and ice cream parlor are compatible with the scale and design of surrounding development; the proposed buildings are residential in character with brick facades, peaked roofs and false porches along the Maplewood Drive property line with landscaping to mimic residential landscape patterns rather than commercial styles, and will include a large area of trees to be preserved between the two uses with parking oriented toward Outer Loop; and the restaurant and ice cream parlor will not produce noxious odors as a result of their operations; because all activities for the uses will be conducted indoors, and the dumpster will be enclosed as is required under the Land Development Code, and the smoker associated with the Ole Hickory Pit restaurant on Shepherdsville Road will remain at its current location and will not be moved to the Subject Property which eliminates any potential for nuisances such as smoke and odor; because most traffic associated with the proposed restaurant and ice cream parlor will likely come from Outer Loop, however, a significant source of customers for the site will be the local neighborhood; because the signs associated with the Subject Property will be oriented toward Outer Loop, which will associate the site with access from that road, because the area currently experiences high traffic volume, and the addition of the proposed uses will not significantly increase traffic in the area since peak hours for Outer Loop are between 7 and 9 AM and between 4 and 6 PM and peak hours for the Subject Property are expected to be between 6 and 8 PM during the week; because the proposed uses are not typically associated with excessive noise and ambient noise levels in the area are likely higher as a result of traffic along Outer Loop, and no outdoor paging or PA system will be installed at either building, and the proposed dumpster will not be emptied outside the times permitted for such activity under the Land Development Code and lighting will be directed down and away from adjacent residential properties and will otherwise comply with the requirements of the Land Development Code; because visual impacts will be mitigated through the residential design of the proposed buildings in which the rear of the buildings, which face single family homes on Maplewood Avenue, will include residential-style landscaping and false "front porches" and appropriate landscape buffer areas will be provided and plantings will be arranged to appear residential in character; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that setbacks for the proposed development meet the requirements of the Land Development Code, and no variances or waivers are required with the exception of the ice

PLANNING COMMISSION MINUTES

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NEW BUSINESS:

Public Hearing and Consideration of Cases

DOCKET NO. 9-12-06V

cream parlor; building heights are designed to be compatible with area development, and do not exceed the form district maximums and the relatively small scale of the project and its appropriate location in the Neighborhood Form District is further evidenced by the fact that with a total of 7,400 square feet of building footprint, it is very near the lowest threshold for non-residential development allowable in the District per Table 5.3.2 which dictates dimensional standards for non-residential uses in the NFD up to 80,000 feet; because one proposed monument-style sign will be located at the intersection of Outer Loop and Lone Oak Avenue and another at the intersection of Outer Loop and an unnamed alley to the east. The signs will be approximately 80 sf in area, which is compatible with the requirements of the Land Development Code, and with area business signs and will be lit from the exterior and will comply with all other requirements of the Land Development Code; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Community Form/Land Use Guideline 4, including Policies 4.1, 4.3 and 4.5, because the proposal includes a large stand of trees to be preserved between the proposed restaurant and the proposed ice cream parlor; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Mobility/Transportation Guideline 7, including Policies 7.1, 7.3, 7.10, and 7.16 because the proposal will not have an adverse impact on the existing roadway network since Outer Loop, the most likely source of traffic coming to the Subject Property, is currently a highly traveled arterial road, and will not experience additional traffic as a result of the proposed development and other area roads will be similarly unaffected, as the proximity of the site to Outer Loop will encourage drivers to use that road (from the intersection of Lone Oak Avenue and Outer Loop) to enter and leave mitigating any potential impact to Lone Oak Avenue as a result of the proposed development and, the Applicant will add a third lane to Lone Oak to serve as a left turn lane into the Subject Property; because adequate parking will be provided for the proposed restaurant and ice cream parlor (44 spaces for Ole Hickory Pit, and 17 for the ice cream parlor); because TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the Subject Property and sidewalks will be installed along Outer Loop and will connect to internal sidewalks and pedestrian

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connections encouraging the use of alternative transportation to access to site;
and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Mobility/Transportation Guideline 9, including Policies 9.1 and 9.2 because the proposal includes sidewalks along the perimeter property lines, as well as internal sidewalks that provide access to the restaurant and ice cream parlor which will encourage the use of alternative forms of transportation, including bicycle, pedestrian and transit and the site is located approximately 2000 feet from Briarcliff Road which connects to a very large residential area which will enable large numbers of area residents to conveniently walk or make a short drive or cycle to the site without having to use Outer Loop which reduces vehicle miles traveled ("VMTs"); and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Livability/Environment Guideline 10, including Policies 10.1, 10.2, 10.3, 10.6 and 10.7 because the Subject Property and most of the surrounding area is considered to be flood prone, so the site will provide compensatory storage at a rate of 1:1.5 as required by MSD and the Applicant will also make a payment to MSD to fund area flood control projects and all runoff from the Subject Property will be directed to a swale located along Outer Loop and the Kentucky Department of Highways has approved this impact to the state right-of-way because the impact of the development will result in minimal runoff; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Livability/Environment Guideline 12, including Policy 12.1 because as stated in a letter dated October 21, 2004, from Tom Pinto, Technical Coordinator for the Louisville Air Pollution Control District, the proposal will not have an adverse impact on the National Ambient Air Quality Standards for carbon monoxide; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Community Facilities Guideline 14, including Policies 14.2, 14.3, and 14.4 because as stated in a letter dated October 13, 2004, from Michael

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Ballard, Environmental Health Engineer for the Louisville Metro Health Department, public water service and sanitary sewers exist at the Subject Property which has access to all necessary utilities, as it is currently used for single family residential purposes; and

WHEREAS, the Planning Commission finds, based upon the staff report, application submittals and evidence heard at the public hearing that the proposal conforms with Community Facilities Guideline 15, including Policy 15.9 because fire protection for the Subject Property will be provided through the Okolona Fire Protection District; and

WHEREAS, The Commission finds that the proposal has received preliminary approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Department of Public Works, and the Metropolitan Sewer District; and

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative council of the Louisville/Jefferson County Metro Government that the change in zoning **from R-4 Single Family Residential to C-1 Commercial**; **ON CONDITION** that a binding element be added regarding: the hours of operation (10:00 a.m. to 10:00 p.m.); and **ON CONDITION** that additional landscaping and screening of the air conditioning unit be completed and included on the landscape plan; and that a soils report by the Natural Resources Conservation Service is provided that establishes that the site can be developed as the plan shown; and that the elevations are improved to include windows on the rear façade of the ice cream parlor and that rear elevations for both structures show the porches clearly and add sidewalks or pedestrian paths from Maplewood Avenue to each structure; and that the elevations are approved by Planning & Design Services staff prior to transmittal; and that the binding elements related to use of the site and cleaning the parking lots are approved; and that the sign plan will come back for review to the appropriate committee; and that the existing trees and buffer be preserved along Outer Loop; and on condition that the variance is approved; on property described in the attached legal description be **APPROVED**.

need
need

need

need

take off plan for now.

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The vote was as follows:

YES: Commissioners Hamilton, Abstain, Adkins, Jones, Ernst, Blake, Carlson, Queenan, Wells-Hatfield and Howard.

NO: No one.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: No one.

On a motion by Commissioner Wells-Hatfield, the following resolution was unanimously adopted:

RESOLVED, That the Louisville Metro Planning Commission does hereby **APPROVE** the 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. The development shall not exceed 7,400 square feet of gross floor area.
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
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

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- 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, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. 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.
 - d. A reciprocal access and crossover and parking easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 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

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implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 in the rendering as presented at the July 20, 2006 Planning Commission meeting.

The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to transmittal of the plan to the appropriate agencies.

11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
12. 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 Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

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13. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be

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permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

14. The hours of operation shall be no earlier than 10:00 a.m. and not later than 10:00 p.m.
15. The parking lots for both uses on site will be cleaned daily.
16. This site will be used for no other use than the approval without a public review meeting.

The vote was as follows:

YES: Commissioners Hamilton, Abstain, Adkins, Jones, Ernst, Blake, Carlson, Queenan, Wells-Hatfield and Howard.

NO: No one.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: No one.

VARIANCE:

On a motion by Commissioner Wells-Hatfield, the following resolution was unanimously adopted:

WHEREAS, the Planning Commission further finds, based upon the staff report, application submittals and evidence heard at the public hearing that the requested variance from LDC 3.1.C5 (Table 5.3.2) to allow the ice cream parlor to be greater than 80' from Lone Oak Drive is justified because the site is

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rectangular in shape and the tree preservation area in the middle of the site prevents both buildings from being located in compliance with the regulation which is a special circumstance which does not generally apply to land in the vicinity and are circumstances which are not actions of the Applicant taken subsequent to the adoption of the Land Development Code; and because compliance would cause the building to displace parking and would encroach into the required Parkway buffer or cause the elimination of a desirable tree preservation area which would create an unnecessary hardship on the Applicant; and the grant of the variance will not adversely affect public health, safety or welfare or alter the essential character of the area or cause a hazard or nuisance nor allow an unreasonable circumvention of the regulations because the site design is compatible with the residential area and prevents nuisances associated parking and vehicle maneuvering from affecting residential uses on Maplewood Drive; now, therefore, be it

RESOLVED, That the Louisville Metro Planning Commission does hereby **APPROVE** the requested variance to allow a 2,400 square-foot structure to exceed the maximum street-side setback of 80 feet from Lone Oak Avenue; a variance of 273 feet, filed in Docket No. 9-12-06V.

The vote was as follows:

YES: Commissioners Hamilton, Abstain, Adkins, Jones, Ernst, Blake, Carlson, Queenan, Wells-Hatfield and Howard.

NO: No one.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: No one.

PROPERTY DESCRIPTION

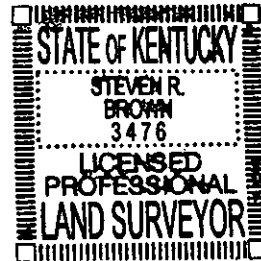
OLE HICKORY PIT

BEING a tract of land situated in Jefferson County, Kentucky, and being more particularly described as follows:

BEGINNING at an point in the southerly right-of-way line of Outer Loop with its intersection with the easterly right-of-way of Lone Oak Avenue, thence with said southerly line of Outer Loop north 70 degrees 33 minutes 03 seconds east 314.16 feet to a point; thence south 82 degrees 04 minutes 09 seconds east 42.43 feet to a point in the westerly line of a 20' Alley; thence with said Alley south 24 degrees 31 minutes 23 seconds east 133.09 feet to a point in the northerly right-of-way line of Maplewood Avenue; thence with said northerly line of Maplewood Avenue south 66 degrees 55 minutes 00 seconds west 372.44 feet to a point in the easterly right-of-way line of Lone Oak Avenue; thence with said easterly line of Lone Oak Avenue north 47 degrees 23 minutes 03 seconds west 45.88 feet to a point; thence north 17 degrees 43 minutes 14 seconds west 100.50 feet to a point; thence north 24 degrees 17 minutes 43 seconds east 32.75 feet to a point in the southerly right-of-way line of Outer Loop, the **POINT OF BEGINNING** and containing 1.34 acres, more or less.

BEING the same property conveyed to Kenneth and Sharon Ramage by deed of record in Deed Book 7340, Page 751 in the Office of the Clerk of Jefferson County, Kentucky.


Steven R. Brown, Reg. Ky. P.L.S. #3476 2-10-06 Date



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PLANNING &
DESIGN SERVICES

9-12-06

Louisville Metro Planning Commission
July 20, 2006

File

Copy

**PUBLIC HEARING EXHIBITS
SUBMITTED BY THE APPLICANT**

THE OLE HICKORY PIT, INC.

FOR

4001, 4003 & 4009 OLD OUTER LOOP

Planning Commission Docket No. 9-12-06VW

INDEX

1. Zoning Map
2. Aerial Photographs
3. Color Site Plan
4. Development Plan
5. Site Photographs
6. Revised Justification Statement

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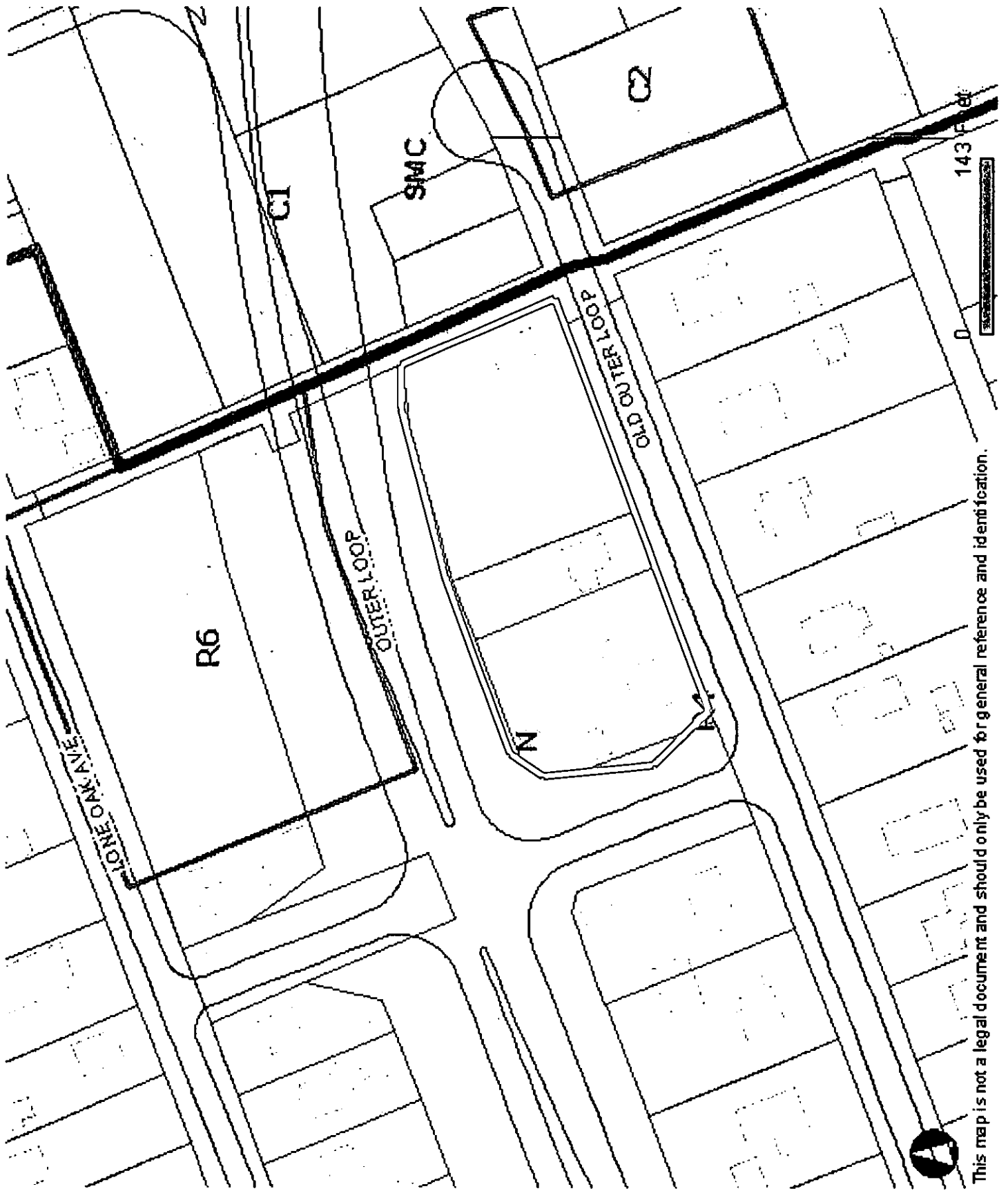
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PLANNING &
DESIGN SERVICES

**Paul B. Whitty
Attorney for Applicant
Greenebaum Doll & McDonald
3500 National City Tower
Louisville, Kentucky 40202
(502) 587-3655**

9-12-06VW



This map is not a legal document and should only be used for general reference and identification.



Lone Oak Ave

Outer Loop

Old Outer Loop

Preston Hwy



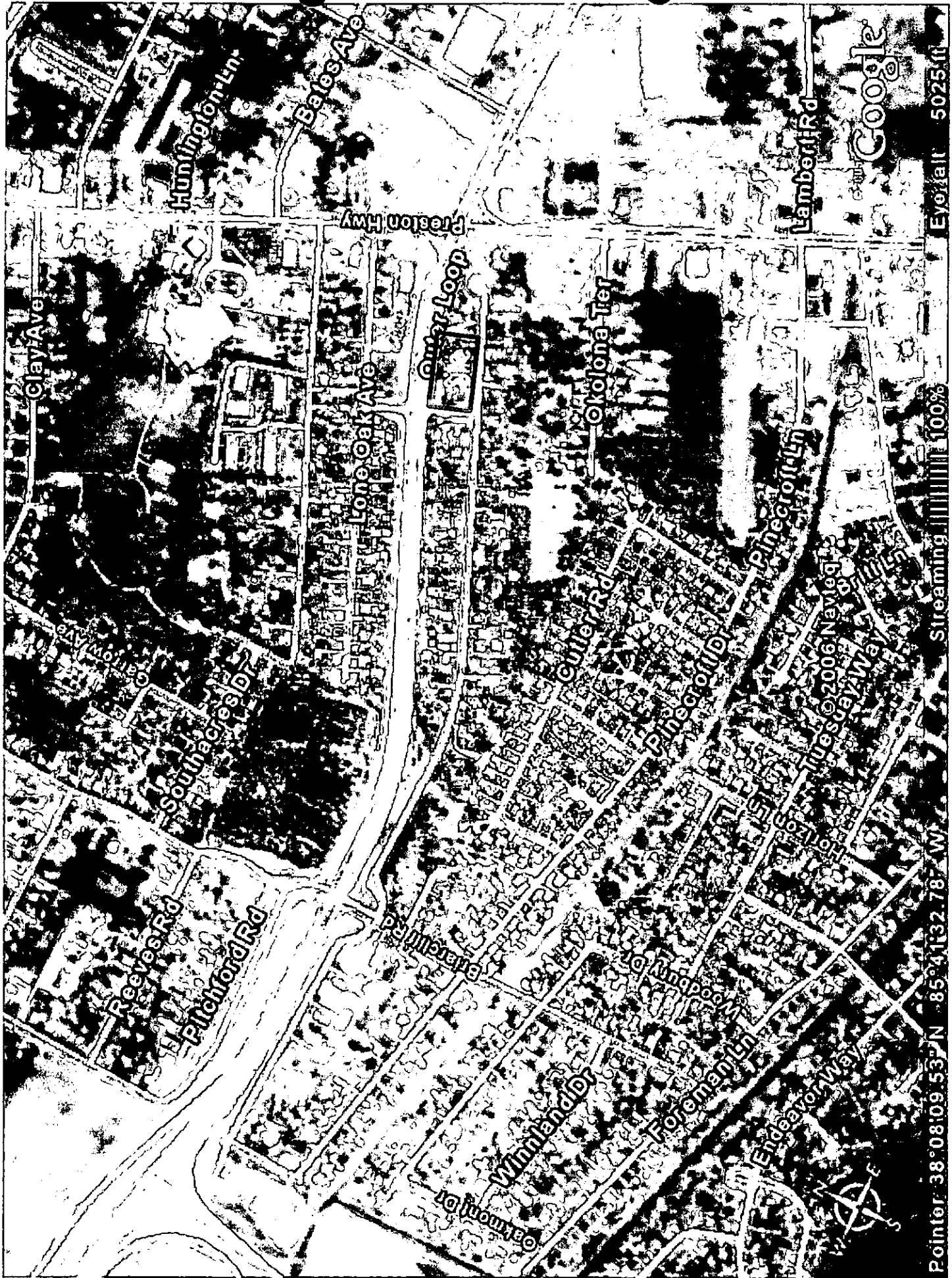
Google

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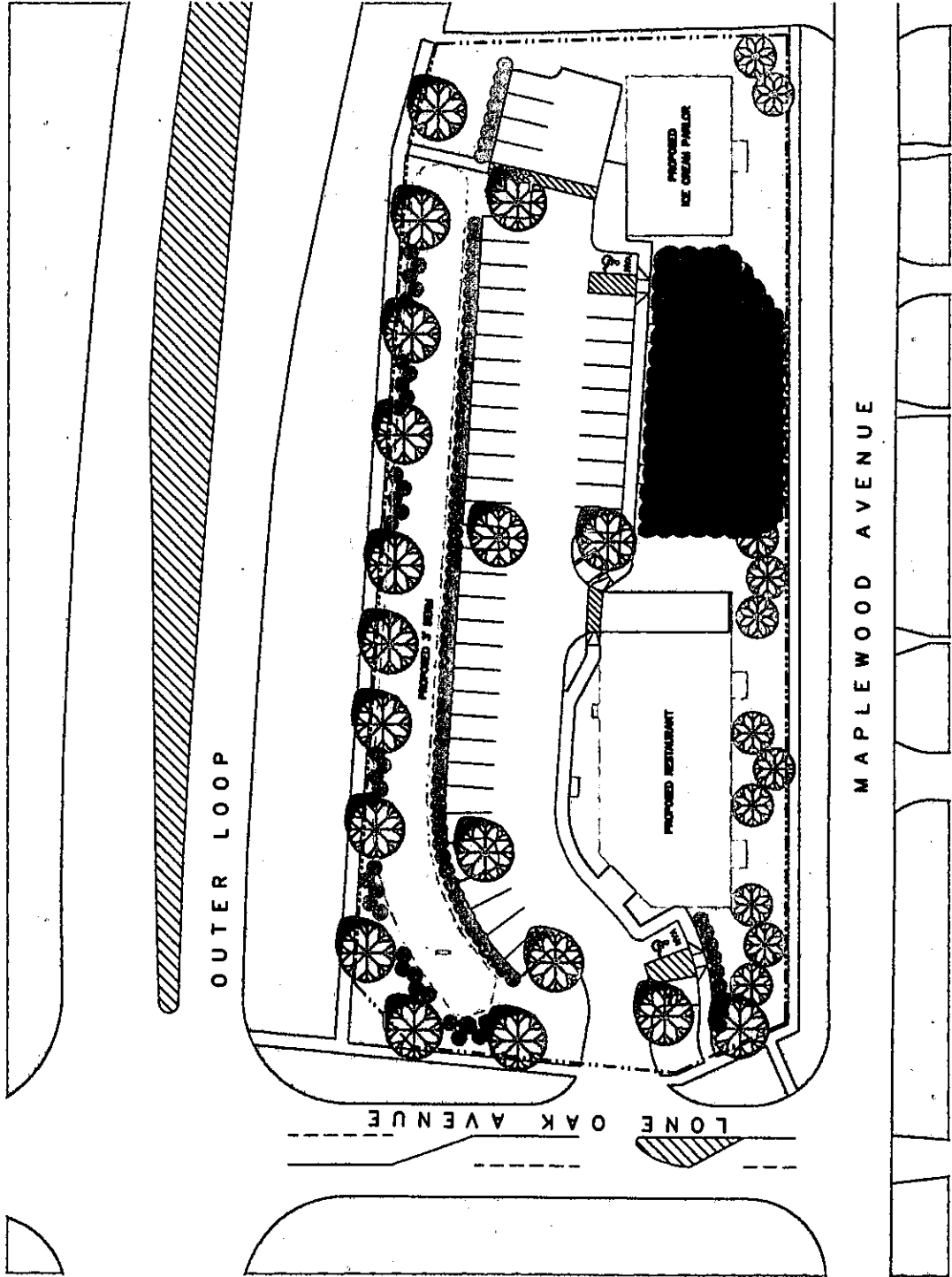
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Streaming 100%

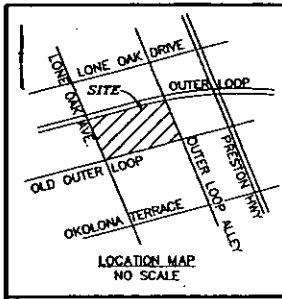
Eye alt 1467 ft



Pointer 38°08:09.53" N 85°41:32.78" W Streaming 100% Eye alt 5025 ft



800-555-5555



LEGEND

- EX. WATER VALVE
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. DRAINAGE LINE AND CATCH BASIN
- EX. SANITARY SEWER
- EX. CONTOUR
- EX. TREE MASS OR TREE LINE
- PROP. DRAINAGE LINE AND CATCH BASIN
- PROP. SILT FENCE
- TEMPORARY GRAVEL CONSTRUCTION ENTRANCE (TGCE)
- (TBR) = TO BE REMOVED

PROJECT SUMMARY

EXISTING ZONE: R-4 (NEIGHBORHOOD)
 EXISTING FORM DISTRICT: SINGLE-FAMILY RESIDENTIAL
 PROPOSED ZONE: C-1
 PROPOSED USE: ONE-IN RESTAURANT & ICE CREAM PARLOR

GROSS SITE ACREAGE: 1.34 AC. (58,370 SQ.FT.)
 BUILDING HEIGHT (MAX. ALLOWED 25'): 22 FT.
 BUILDING SQ.FT. (RESTAURANT): 5,000 SQ.FT.
 BUILDING SQ.FT. (ICE CREAM PARLOR): 2,400 SQ.FT.
 TOTAL BUILDING SQ.FT.: 7,400 SQ.FT.
 FLOOR AREA RATIO (MAX. ALLOWED 1.0): 0.13
 V.U.A.: 18,278 SQ.FT.
 I.L.A. REQUIRED (7.5%): 1,371 SQ.FT.
 PROVIDED: 1,769 SQ.FT.

PARKING SUMMARY

REQUIRED PARKING (RESTAURANT)
 MIN. (1 SP / 125 SQ.FT.): 40 SPACES
 MAX. (1 SP / 50 SQ.FT.): 100 SPACES

REQUIRED PARKING (ICE CREAM PARLOR)
 MIN. (1 SP / 200 SQ.FT.): 12 SPACES
 MAX. (1 SP / 100 SQ.FT.): 24 SPACES

TOTAL PARKING REQUIRED
 MIN.: 52 SPACES
 MAX.: 124 SPACES

PROVIDED PARKING
 STANDARD SPACES: 45 SPACES
 HANDICAP SPACES: 3 SPACES
 TOTAL PARKING PROVIDED: 48 SPACES
 10% TARC CREDIT: 5 SPACES

- GENERAL NOTES**
- DEPICTS DIRECTION OF STORM WATER FLOW FOR SCHEMATIC PURPOSES. DETAILED DRAINAGE PLAN WILL BE SUBMITTED TO MSD FOR FINAL APPROVAL PRIOR TO CONSTRUCTION.
 - ALL SITE LIGHTING WILL BE DIRECTED DOWN AND AWAY FROM ADJOINING RESIDENCES.
 - ALL PARKING SPACES ARE 9 FEET WIDE BY 18 FEET DEEP UNLESS OTHERWISE NOTED.
 - CONSTRUCTION FENCING SHALL BE ERRECTED AT THE EDGE OF THE AREA OF DEVELOPMENT PRIOR TO ANY GRADING OR CONSTRUCTION TO PROTECT THE EXISTING TREE STANDS AND THEIR 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.
 - BOND AND ENCROACHMENT PERMIT REQUIRED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL.
 - SITE IS SUBJECT TO REGIONAL FACILITY FEES.
 - DIVISION OF WATER PERMIT REQUIRED.
 - KDOT PERMIT REQUIRED. NO DIRECT VEHICULAR ACCESS TO THE OUTER LOOP.
 - MSD FLOODPLAIN REVIEW REQUIRED.
 - FLOODPLAIN COMPENSATION REQUIRED FOR FILLING AND INCREASED RUNOFF AT 1.5:1.
 - MSD APPROVAL REQUIRED.
 - LOCAL REGULATORY FLOODPLAIN ELEVATION 468.1.
 - FLOODPLAIN COMPENSATION SHALL BE MITIGATED BY PURCHASING CREDIT AT AN APPROVED FLOODPLAIN COMPENSATION BANK.
 - A RECIPROCAL PARKING AND ACCESS AGREEMENT WILL BE CREATED PRIOR TO A MINOR PLAN BEING APPROVED.
 - DUMPSTER AREA SHALL BE SCREENED IN ACCORDANCE WITH THE LDC WITH WOOD FENCE.
 - NO DIRECT VEHICULAR ACCESS TO MAPLE WOOD AVENUE.
 - LOTS SHALL BE CONSOLIDATED PRIOR TO OBTAINING CONSTRUCTION APPROVALS.

INCREASED RUNOFF CALCULATIONS

C_{pre}=0.35
 C_{post}=0.60
 AREA=1.34 AC.
 [(0.60-0.35) x (2.9/12) x 1.34] x 1.5 = 0.121 AC-FT

PRELIMINARY APPROVAL

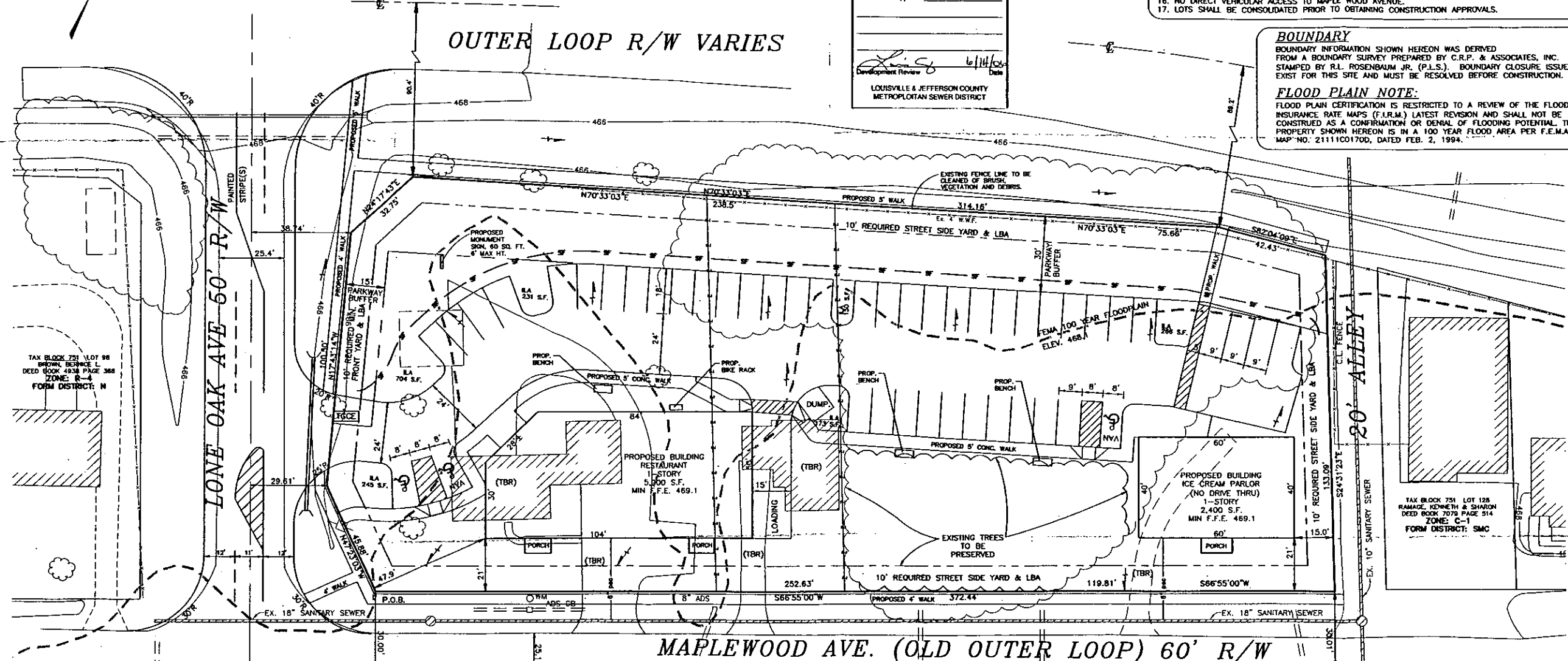
Condition of Approval:

Development Review: [Signature] 6/11/05 Date

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

BOUNDARY
 BOUNDARY INFORMATION SHOWN HEREON WAS DERIVED FROM A BOUNDARY SURVEY PREPARED BY C.R.P. & ASSOCIATES, INC. STAMPED BY R.L. ROSENBAUM JR. (P.L.S.). BOUNDARY CLOSURE ISSUES DO EXIST FOR THIS SITE AND MUST BE RESOLVED BEFORE CONSTRUCTION.

FLOOD PLAIN NOTE:
 FLOOD PLAIN CERTIFICATION IS RESTRICTED TO A REVIEW OF THE FLOOD INSURANCE RATE MAPS (F.I.R.M.) LATEST REVISION AND SHALL NOT BE CONSTRUED AS A CONFIRMATION OR DENIAL OF FLOODING POTENTIAL. THE PROPERTY SHOWN HEREON IS IN A 100 YEAR FLOOD AREA PER F.E.M.A. MAP NO. 21111C0170D, DATED FEB. 2, 1994.



TREE CANOPY REQUIREMENT

CLASS C TREE CANOPY CATEGORY

GROSS SITE AREA	58,370 S.F.
PERCENTAGE TREE CANOPY TO BE PRESERVED	9% (5,413 S.F.)
PERCENTAGE TREE CANOPY TO BE PLANTED	8% (4,670 S.F.)
TOTAL REQUIRED PERCENTAGE TREE CANOPY	17% (9,923 S.F.)
MINIMUM TREES TO BE PLANTED BREAKDOWN:	
7 TYPE-A TREES @ 2" CAL. (720 S.F. CREDIT EACH = 5040 S.F.)	
TOTAL PROVIDED	18% (10,453 S.F.)

TRANSPORTATION APPROVAL

PRELIMINARY DEVELOPMENT PLAN

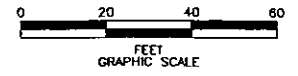
CATEGORY: 2 □ 3 □ 4 □

CONDITIONS:

BY: [Signature] 6/11/05

DATE: 6/11/05

NOTE: EXACT LOCATION OF ADS STORM SYSTEM CONNECTIONS UNDER TERMINATED. DOES NOT CONNECT TO SANITARY SEWER PER MSD. NO CONNECTION TO EXISTING ADS SYSTEM PROPOSED FOR THIS DEVELOPMENT.



DOCKET #

DETAILED DISTRICT DEVELOPMENT PLAN

FOR ZONING MAP AMENDMENT OF

OLE HICKORY PIT
 4001, 4003, & 4009 OUTER LOOP
 LOUISVILLE, KY. 40219

FOR OWNER/DEVELOPER:
 KENNETH & SHARON RAMAGE
 5525 BETH RD.
 LOUISVILLE, KY. 40219
 (502) 968-0585

DEED BOOK 7340 & 7078 TAX BLOCK 751
 PAGE 861 & 857 & 814
 LOT 18, 20 & 35 & 21

milestone
 design group, inc.

108 Daventry Lane
 Suite 300
 Louisville, Ky. 40223
 t: (502) 327-7073
 f: (502) 327-7066

OLE HICKORY PIT
 4001, 4003 & 4009 OUTER LOOP
 LOUISVILLE, KENTUCKY 40219

DETAILED DISTRICT DEVELOPMENT PLAN
 FOR ZONING MAP AMENDMENT

DATE: 3/24/05
 DRAWN BY: S.R.B.
 CHECKED BY: D.L.E.
 SCALE: 1"=20' (HORZ)
 SCALE: N/A (VERT)

REVISIONS

1/27/05	MSD 1ST REVIEW
1/27/05	PM 1ST REVIEW
7/28/05	NEIGHBORHOOD MITG
10/17/05	P.W. COMMENTS
5/8/06	ODS COMMENTS
6/13/06	ODS COMMENTS



JOB NUMBER 04010

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 JUN 14 2005
 OF
 PLANNING & DESIGN SERVICES

filed 6/11/05

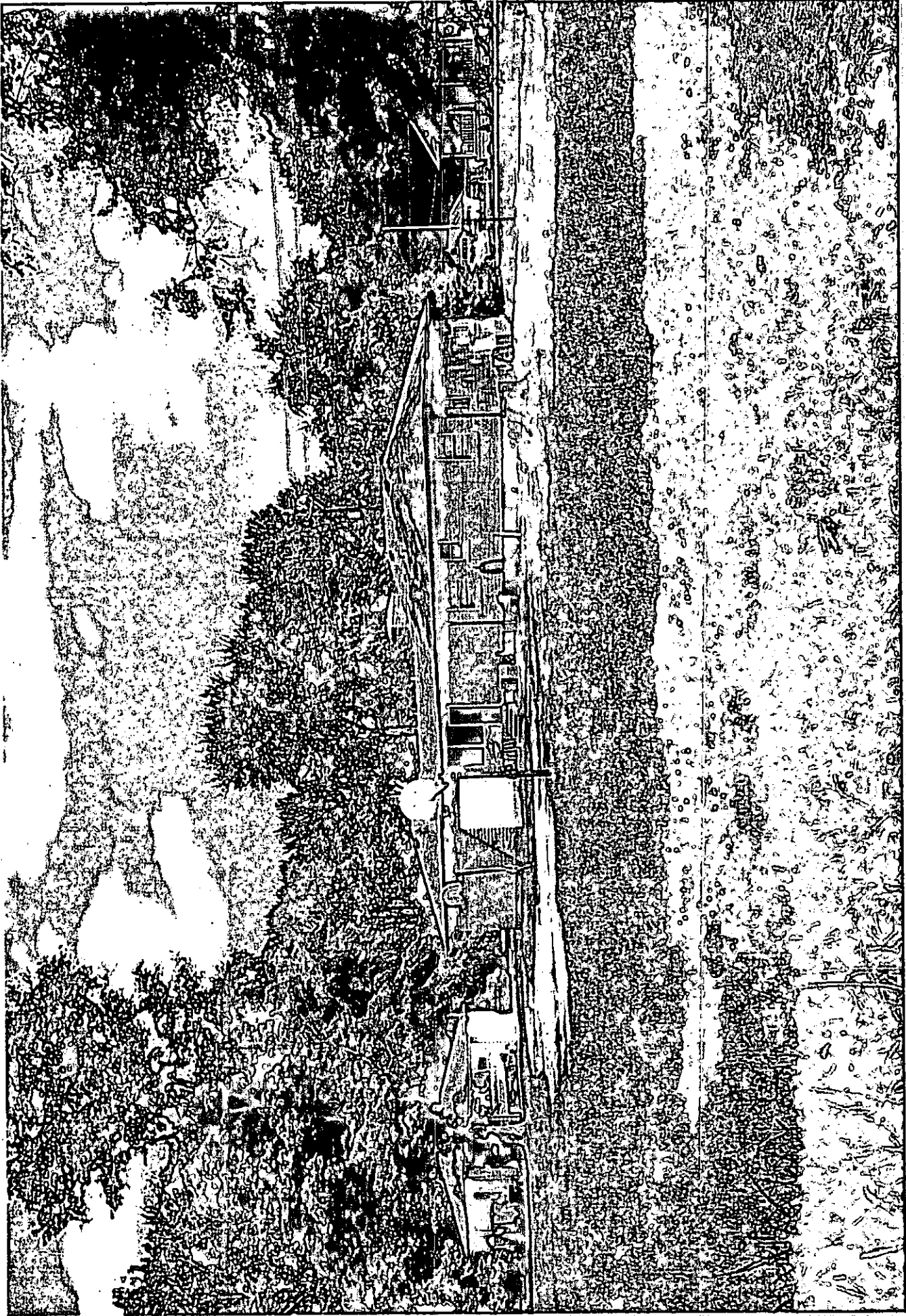
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4009 Old Outer Loop



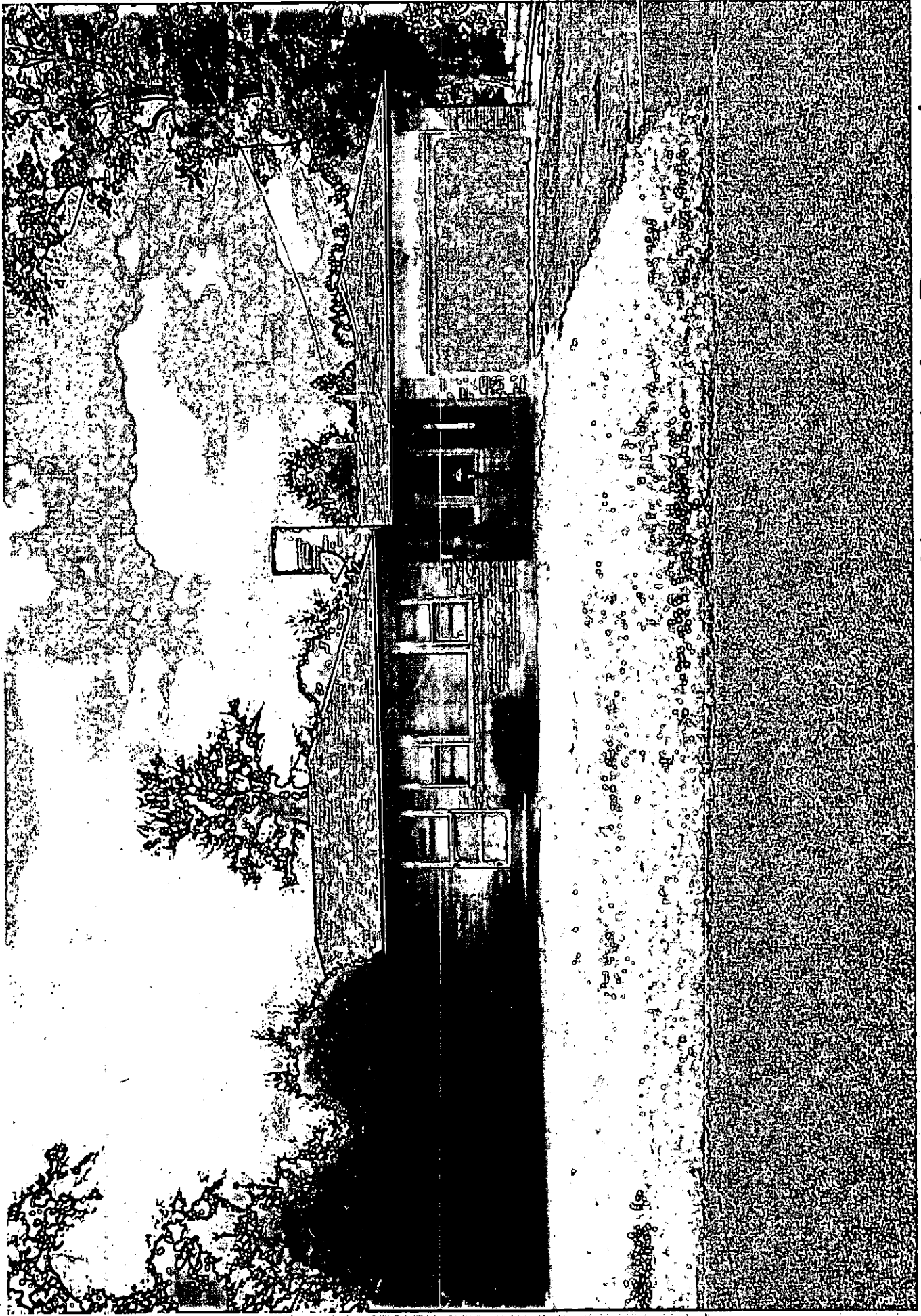
4009 Old Outer Loop



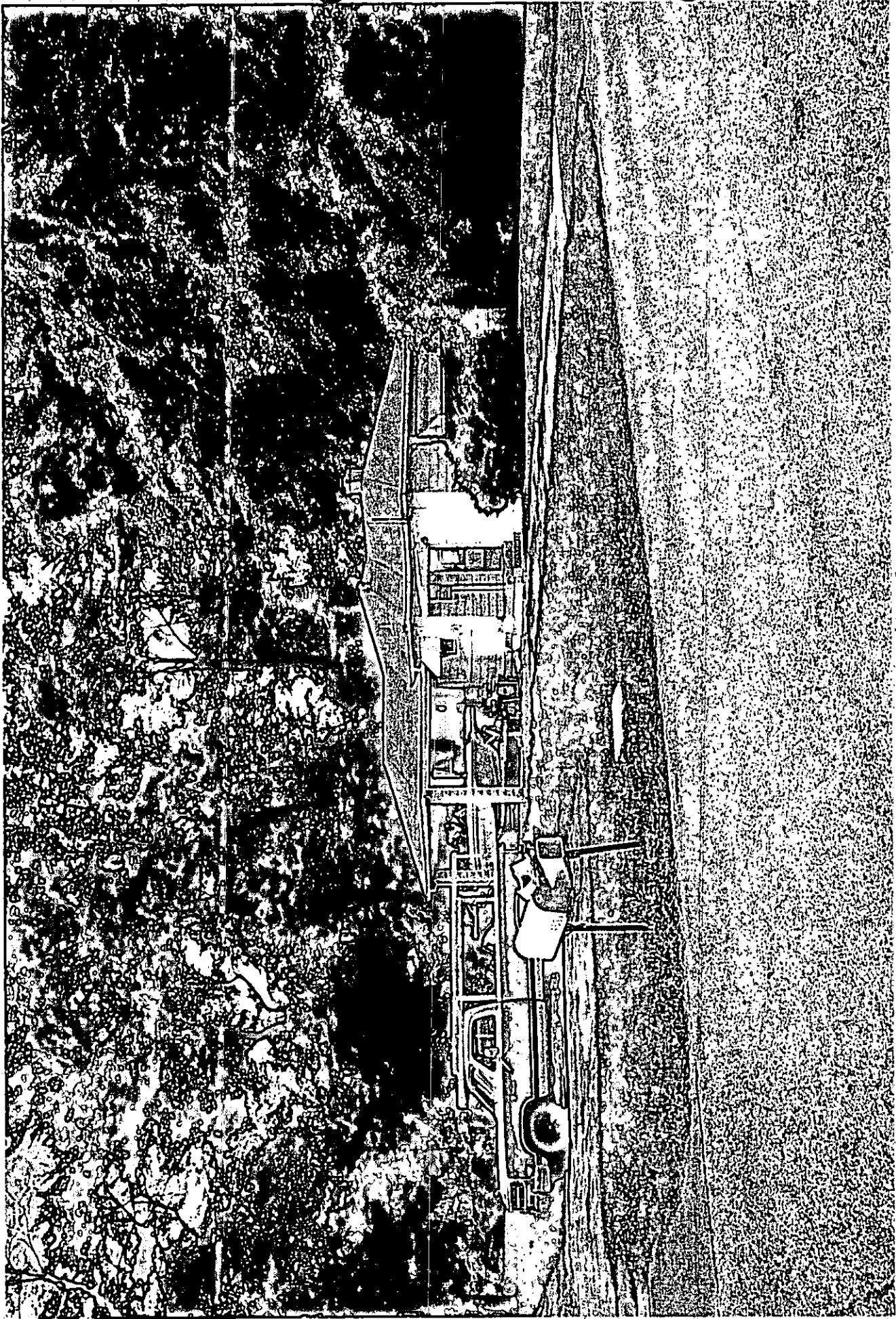
Rear View of Site



Rear View of Site



4001 Old Outer Loop, Existing House to be Removed



4003 Old Outer Loop, Existing House to be Removed

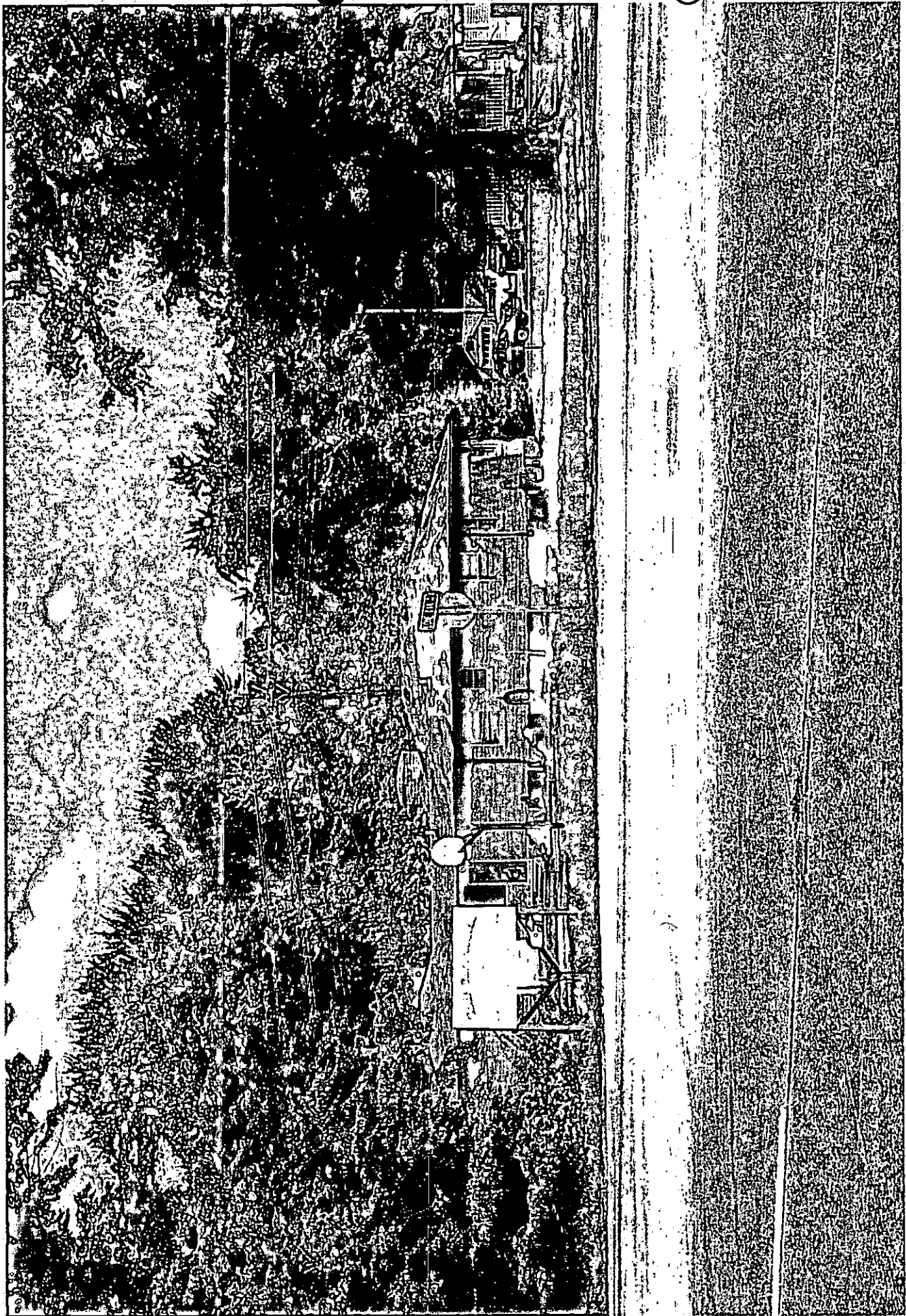
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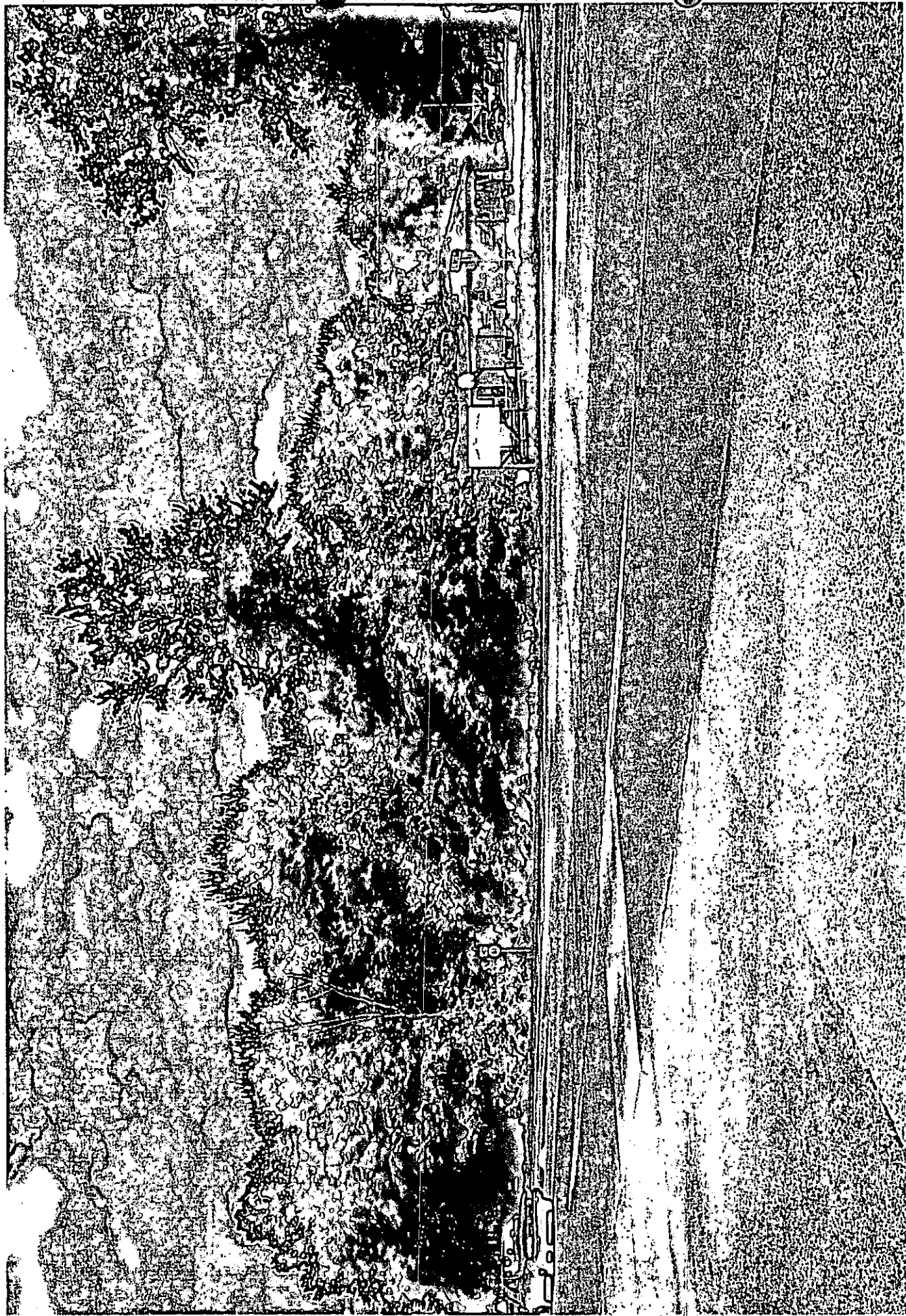
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ZONING CHANGE



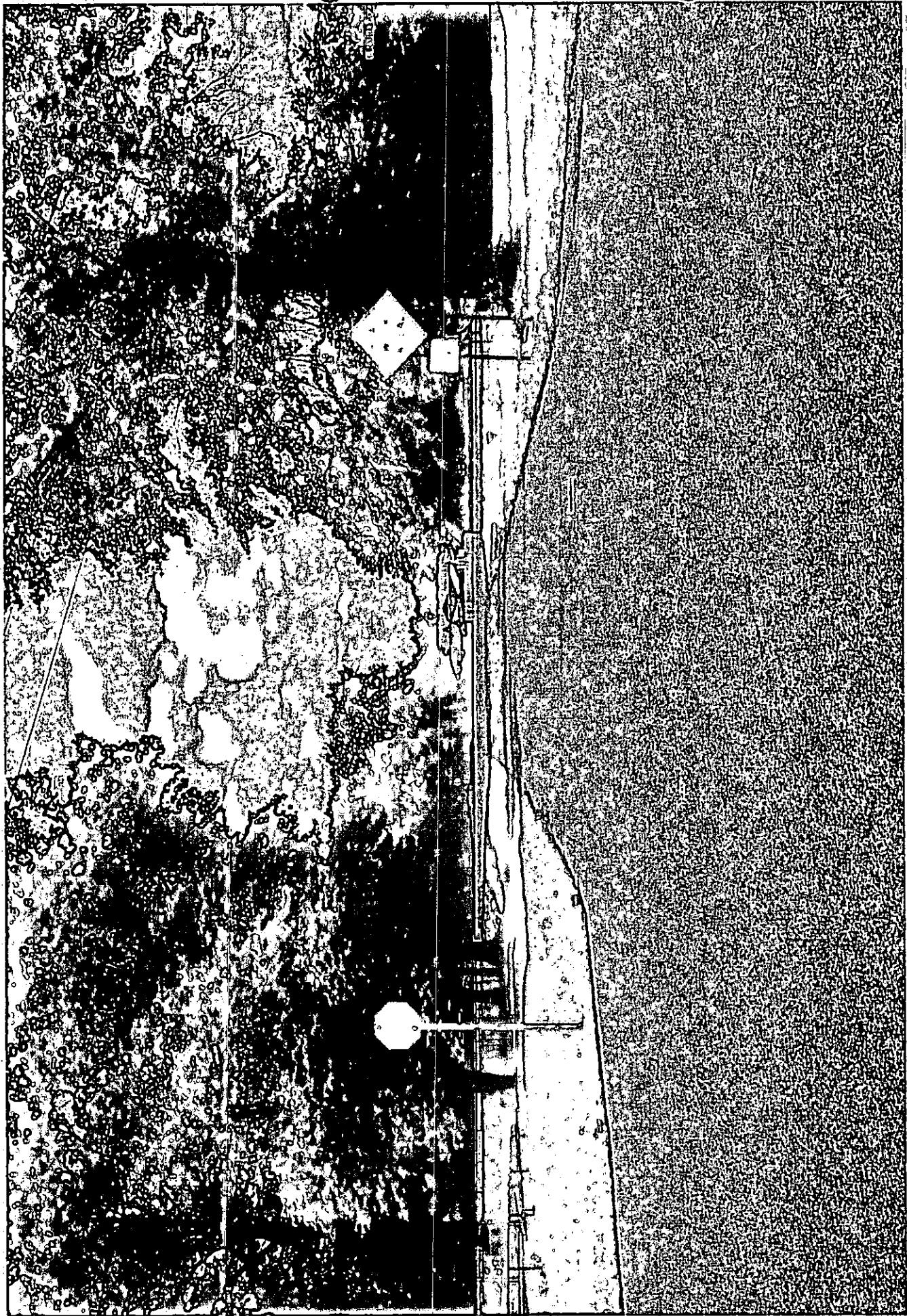
View of Site from Across Outer Loop



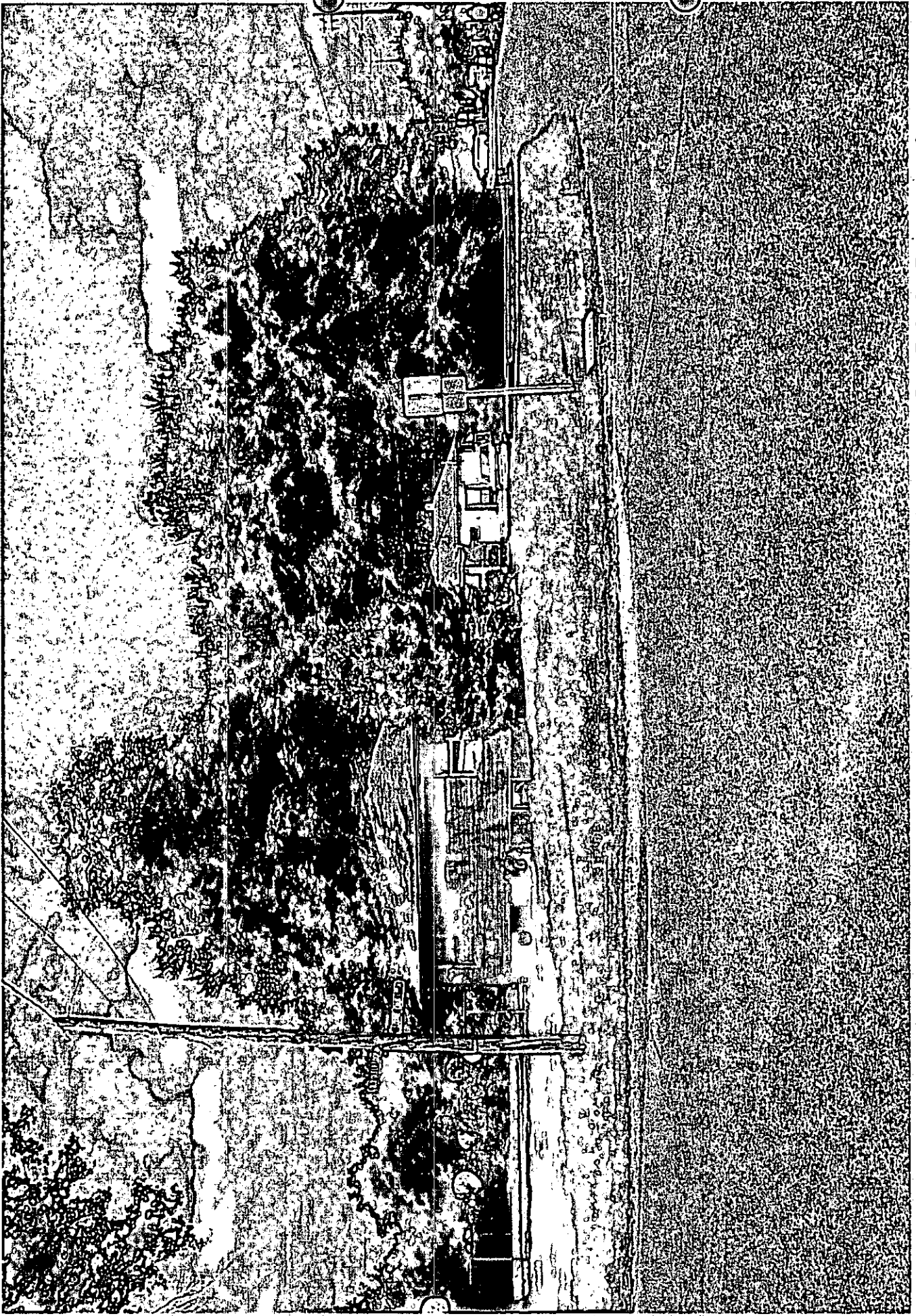
View of Site from Across Outer Loop



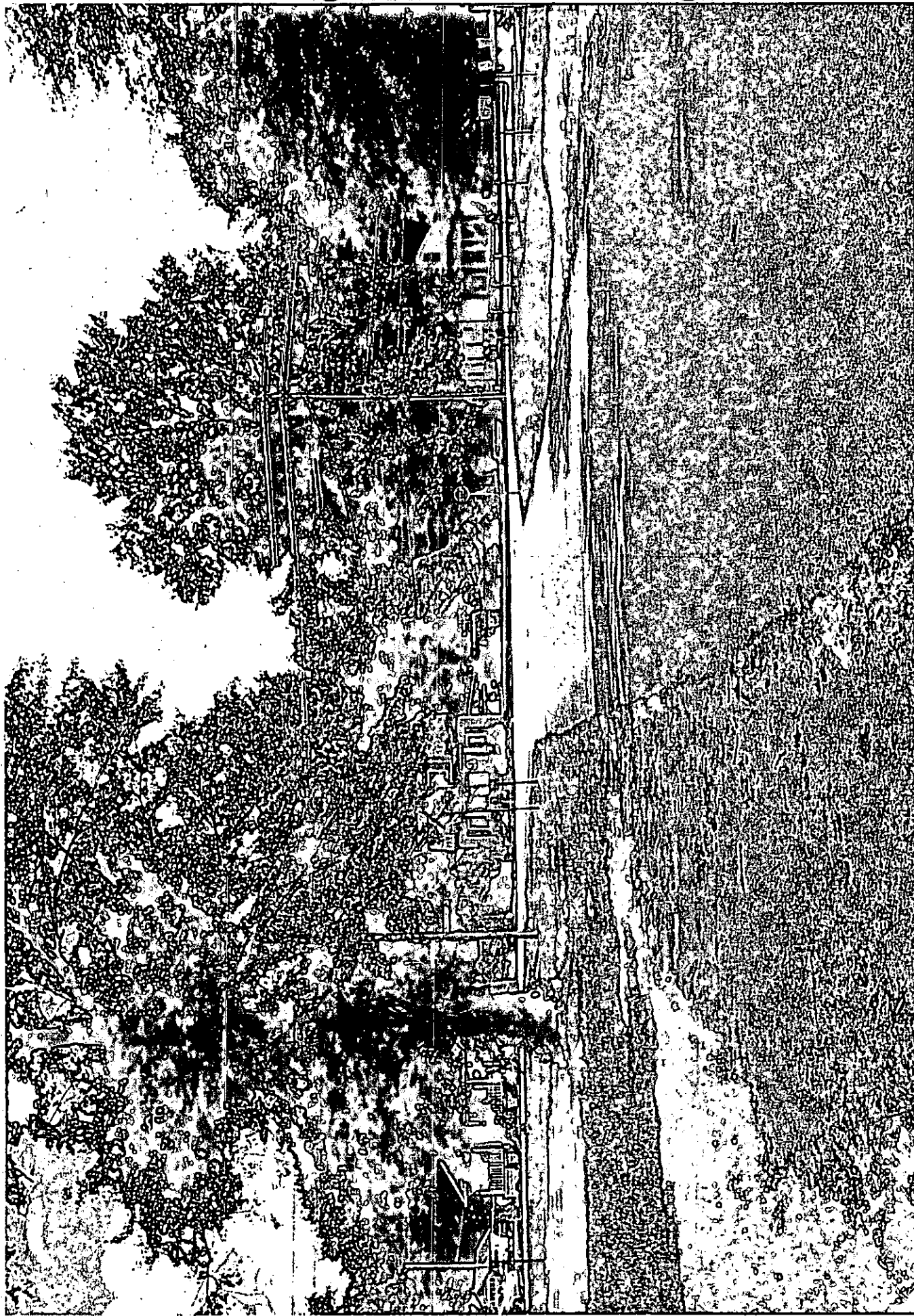
View of Site from Corner of Lone Oak Dr. & Old Outer Loop



View from Old Outer Loop Facing Outer Loop. Site on Right.



View of Site from Corner of Lone Oak Dr. & Old Outer Loop



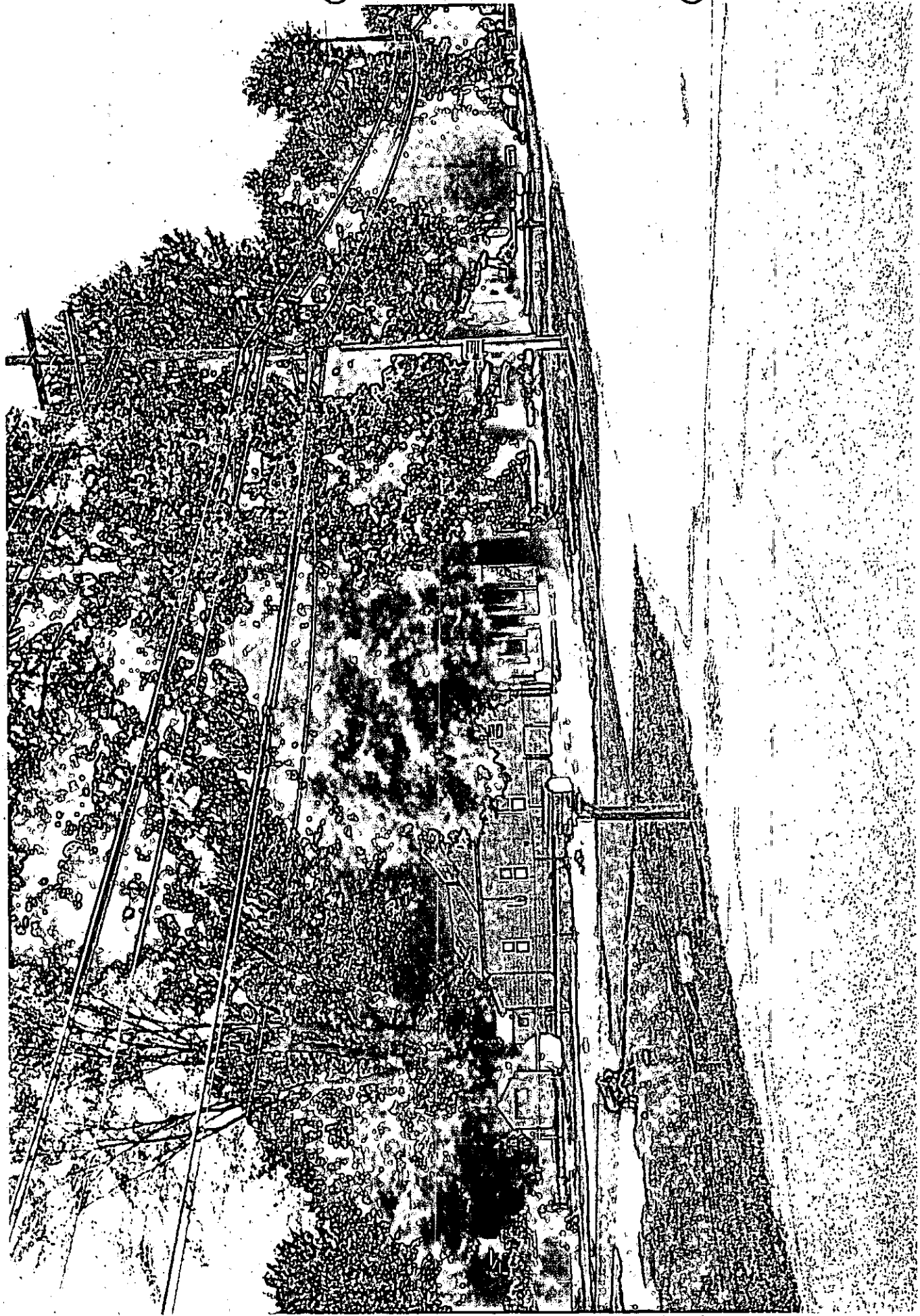
View from Outer Loop Facing Old Outer Loop. Site on Left.



Adjacent Property to West of Site



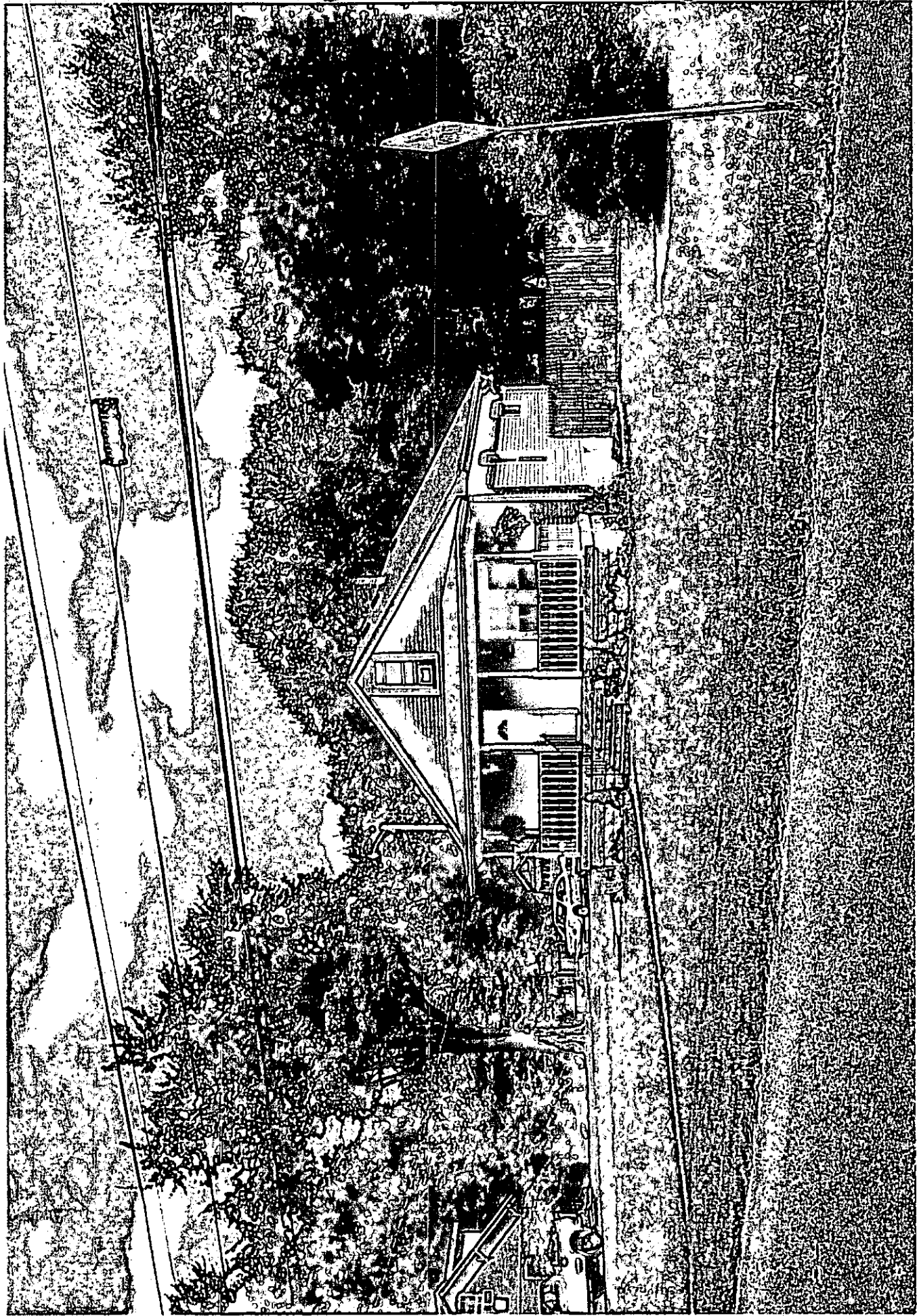
View of Old Outer Loop Facing West



View of Adjacent Property West of Site



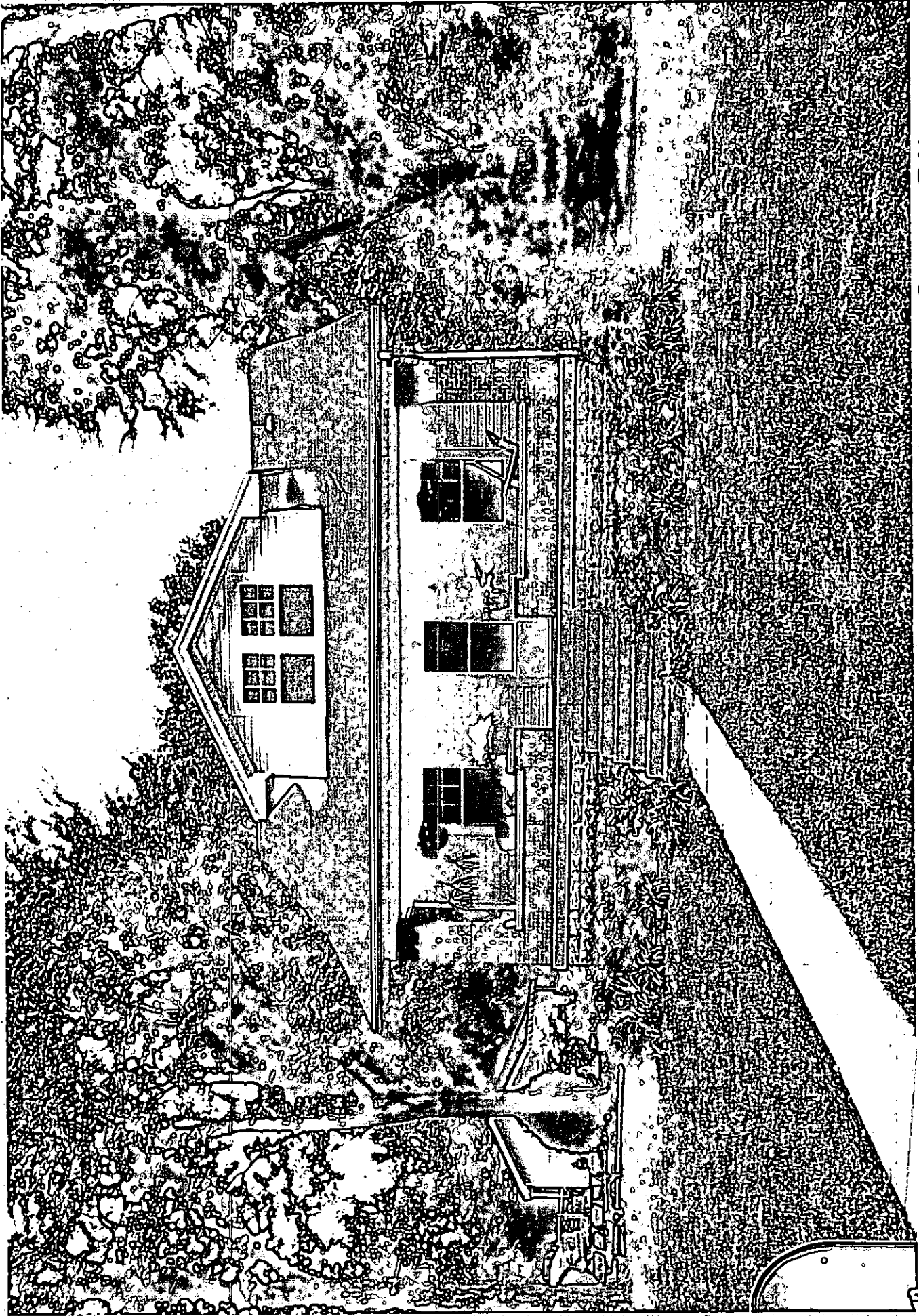
View of Adjacent Property South of Site



View of Adjacent Property South of Site



View of Adjacent Property Across from Site

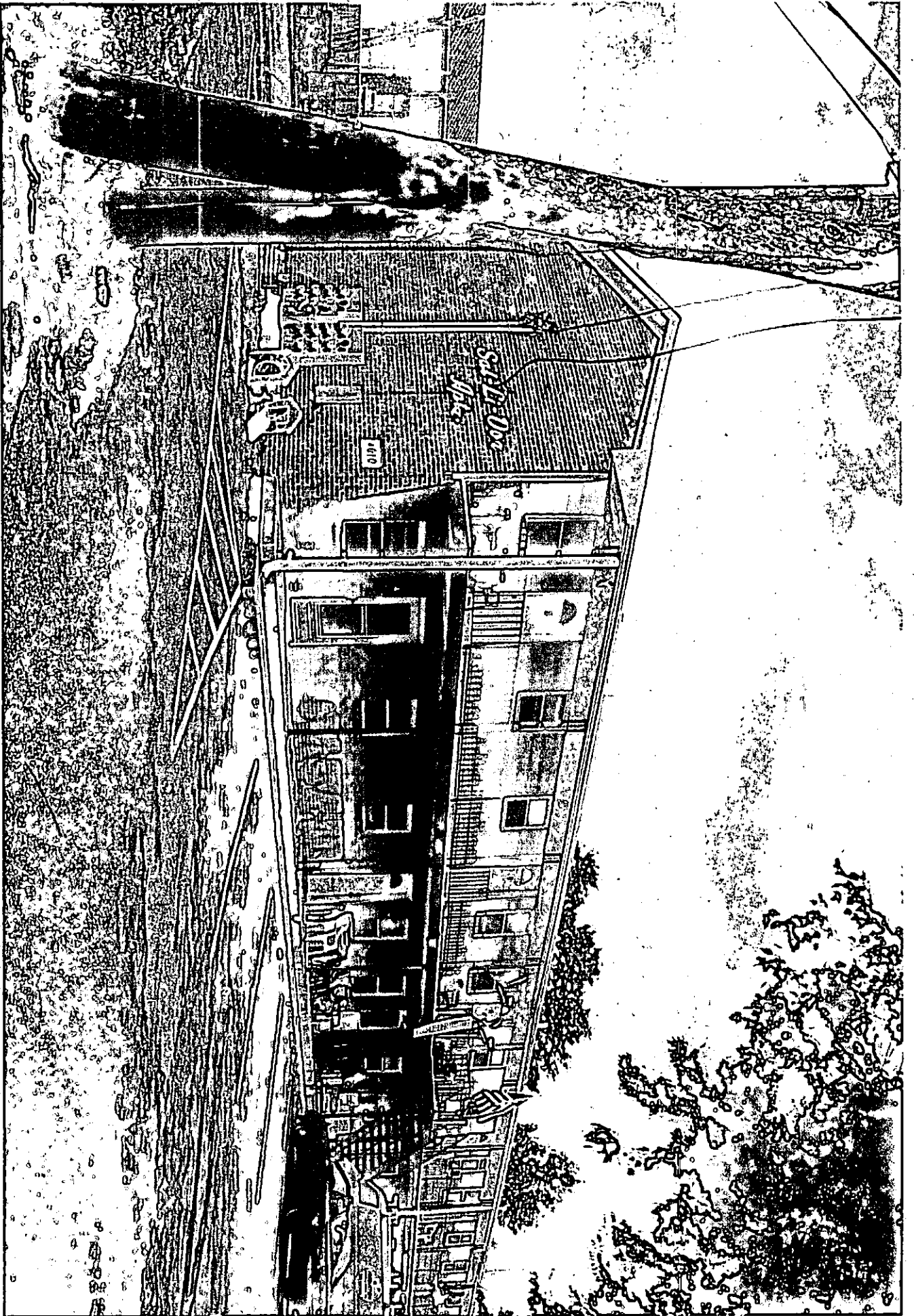


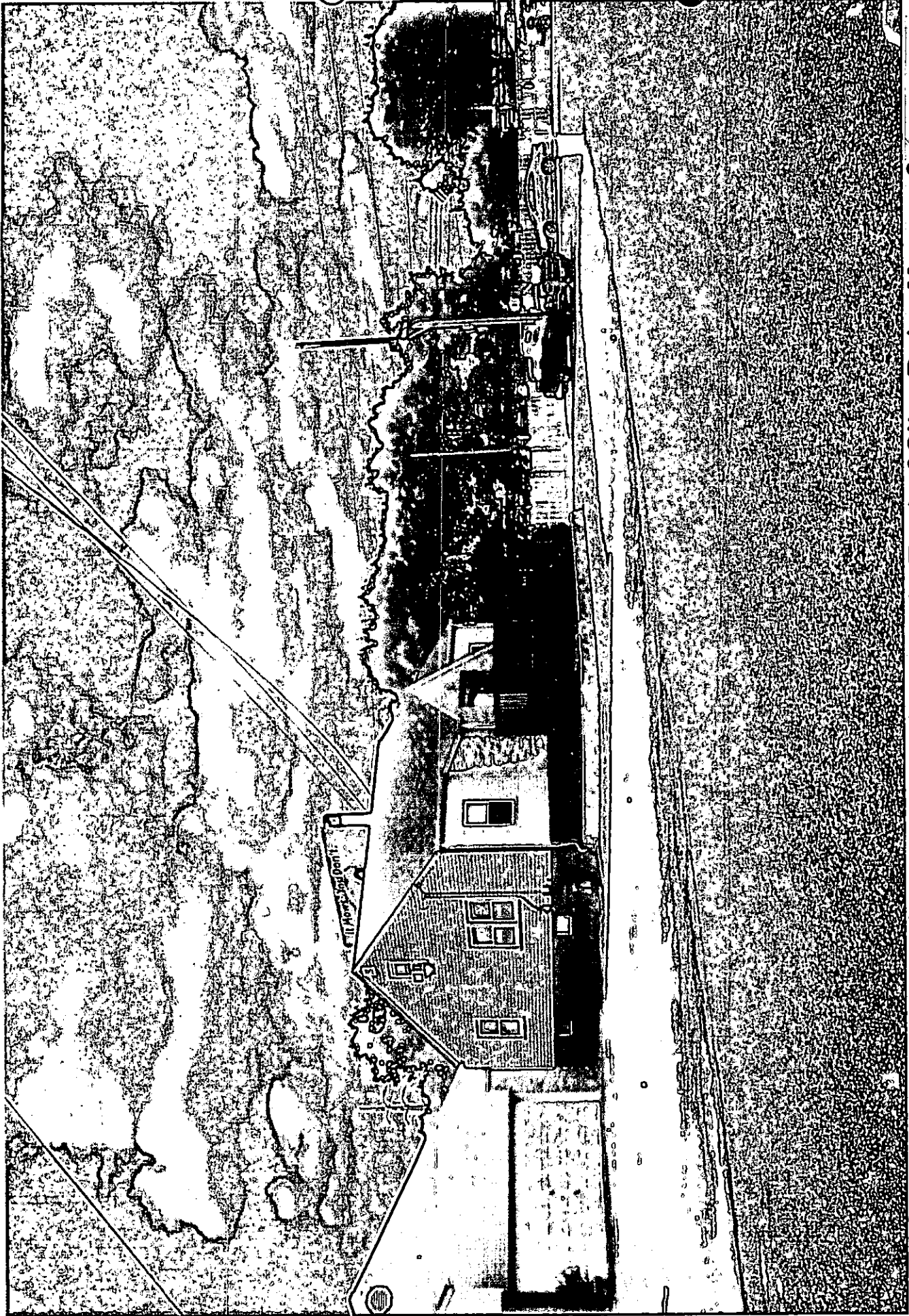
View of Adjacent Property Directly Across from Site



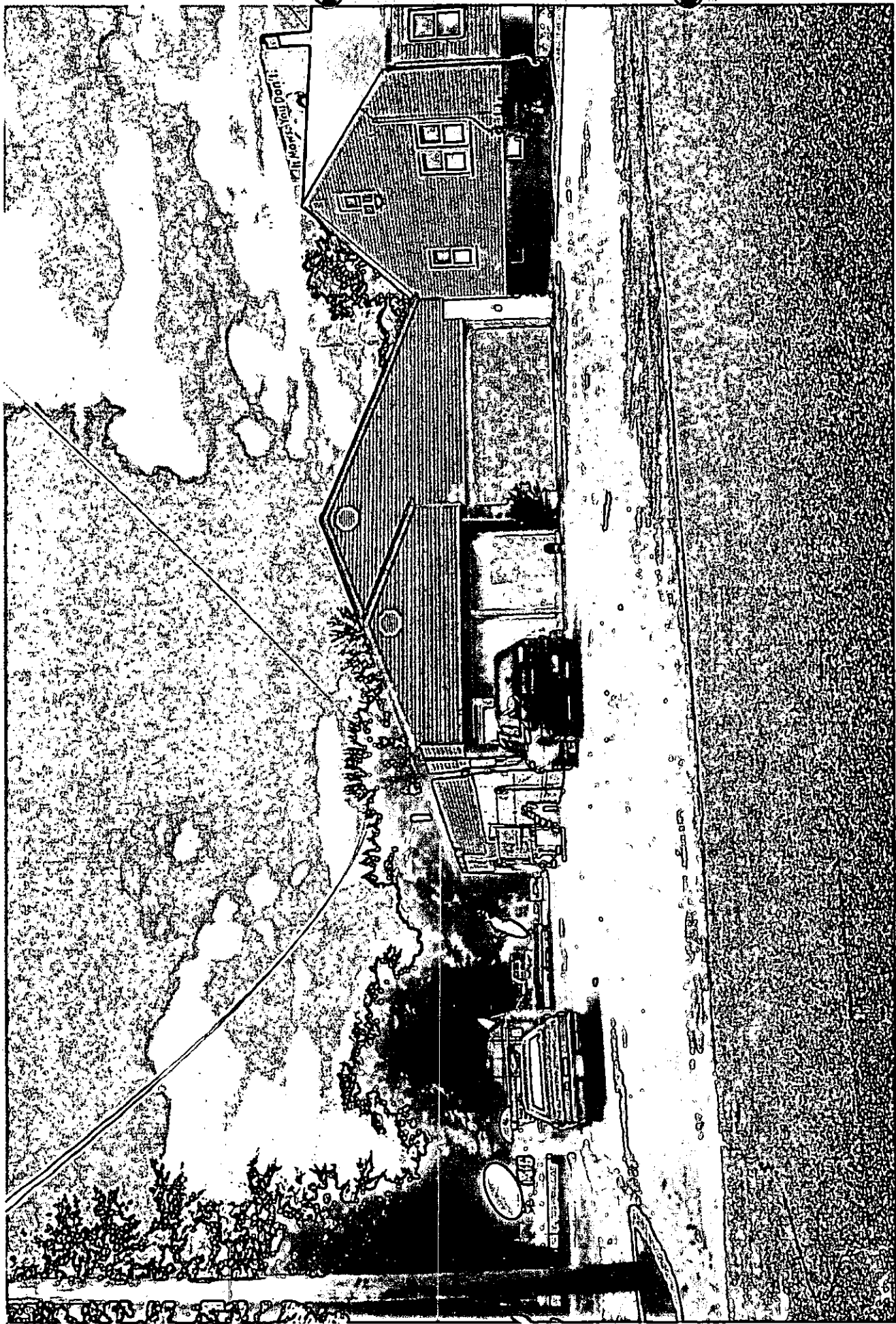
View of Old Outer Loop Facing West. Site on Right.

View of Apartment East of Site

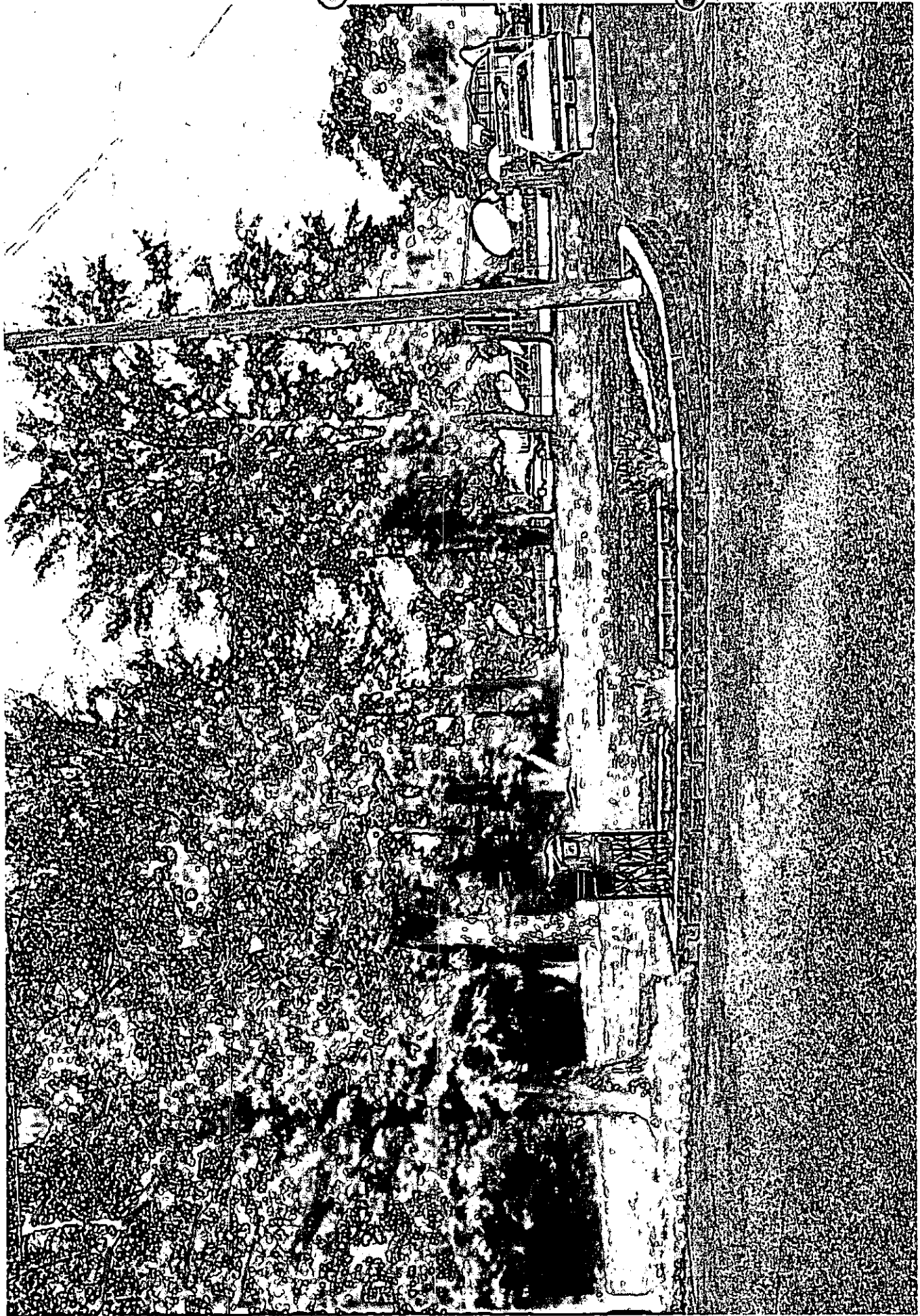




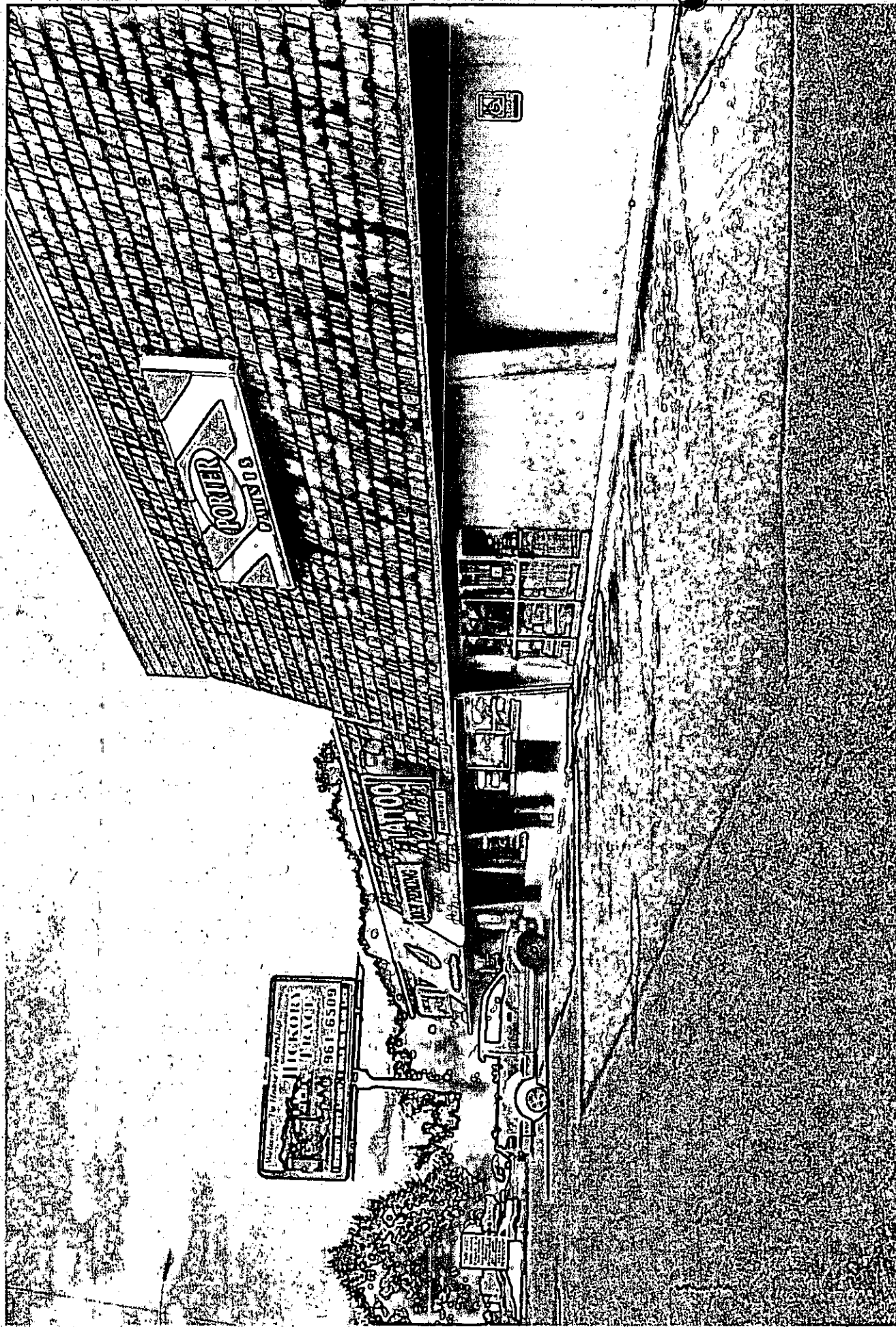
View of Adjacent Commercial Property East of Site, Robo Mower & Counseling Center



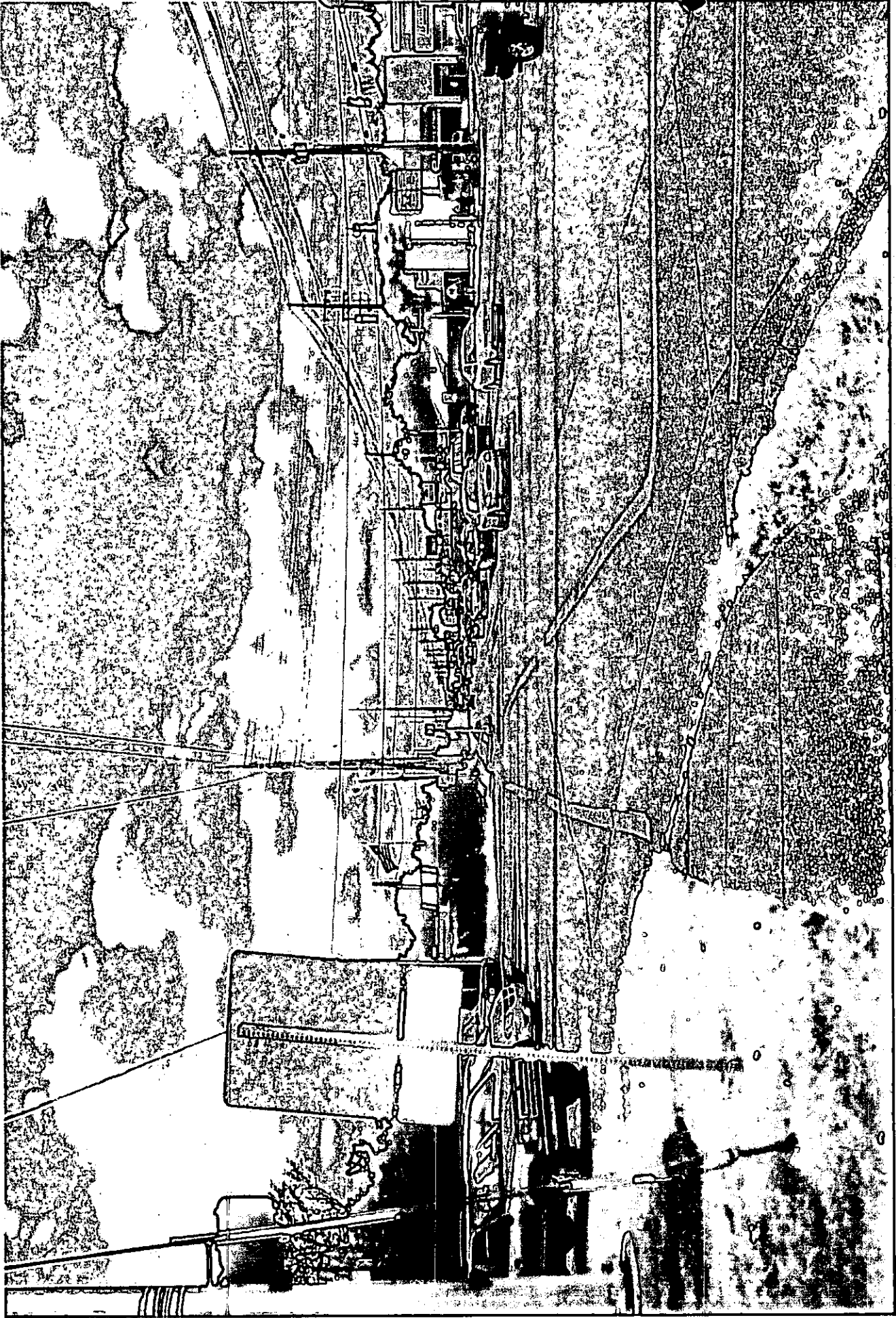
View of Adjacent Property East of Site, Robo Mower & Counseling Center



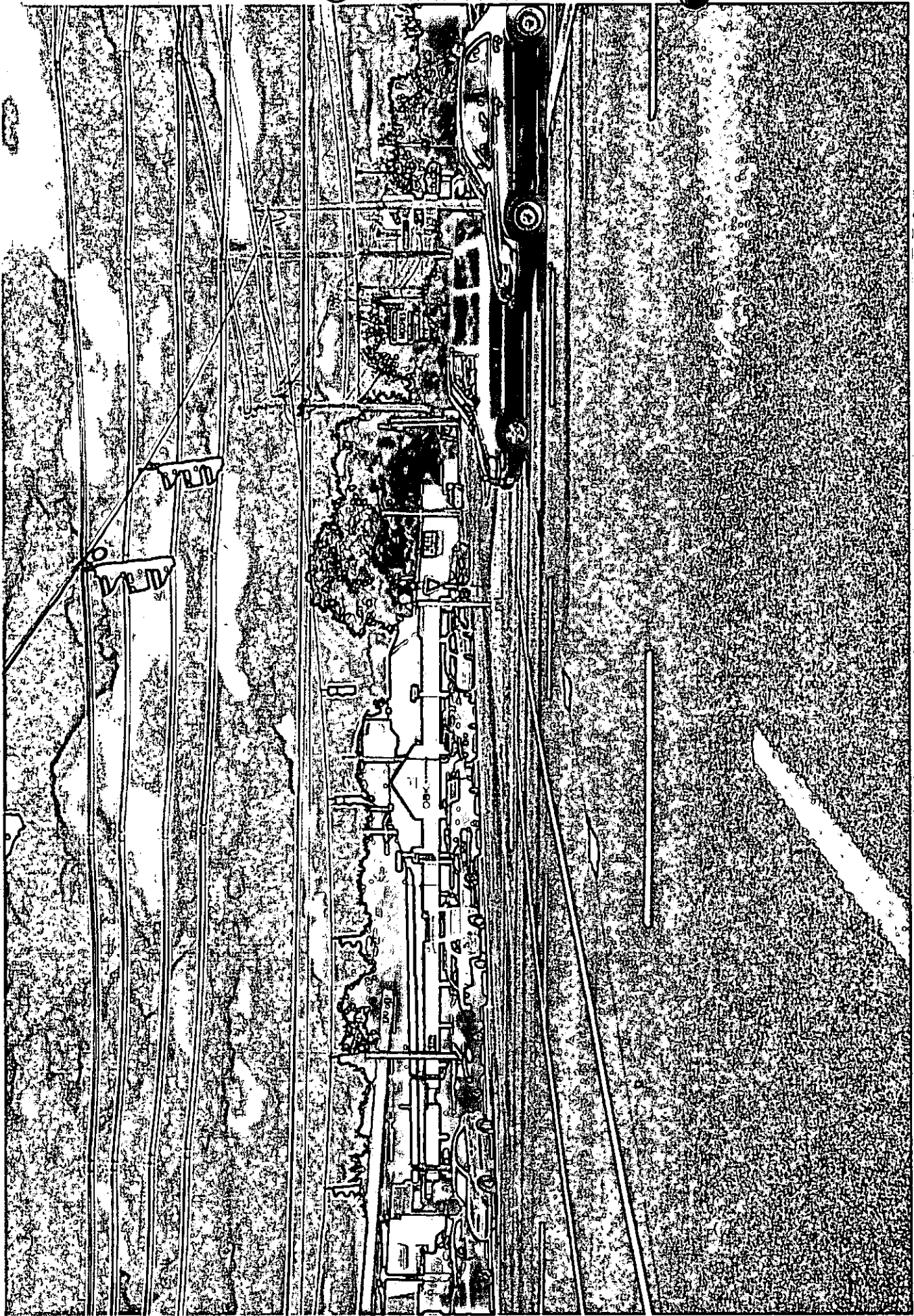
View of Adjacent Property East of Site, Robo Mower



View of Commercial Property Along Outer Loop, East of Site

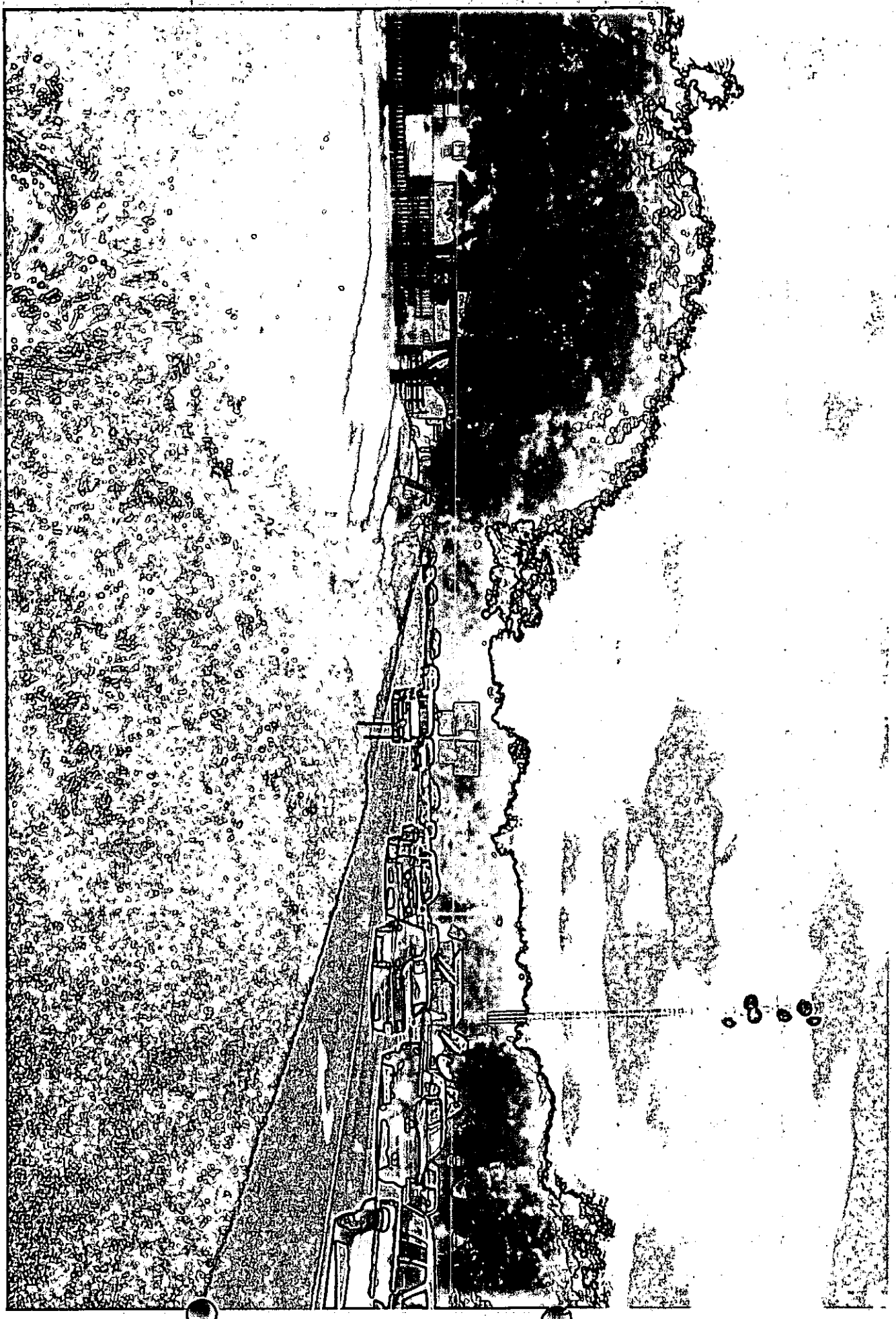


Intersection of Outer Loop and Preston Highway Facing North



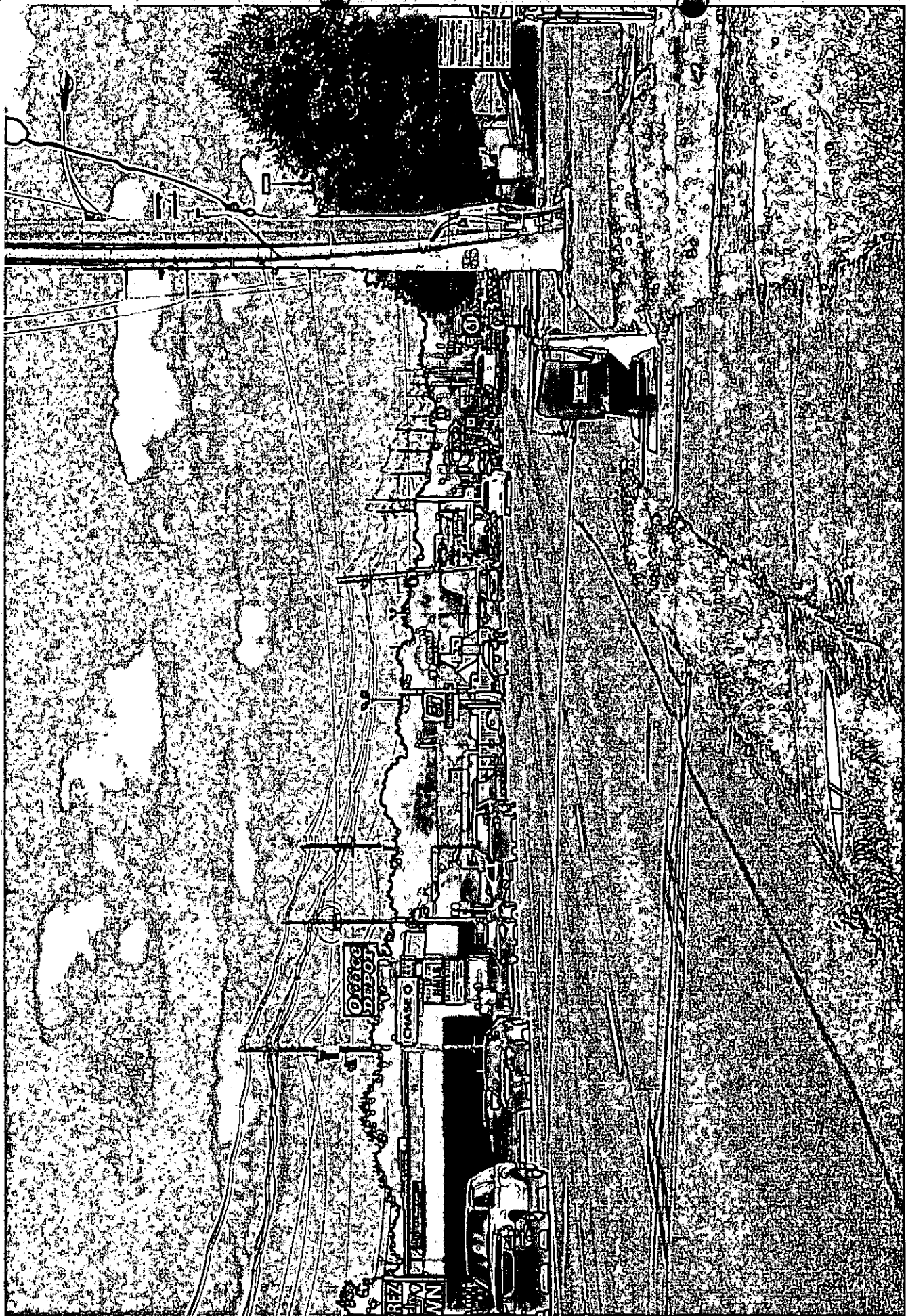
Intersection of Outer Loop and Preston Highway Facing East

Looking West down Outer Loop

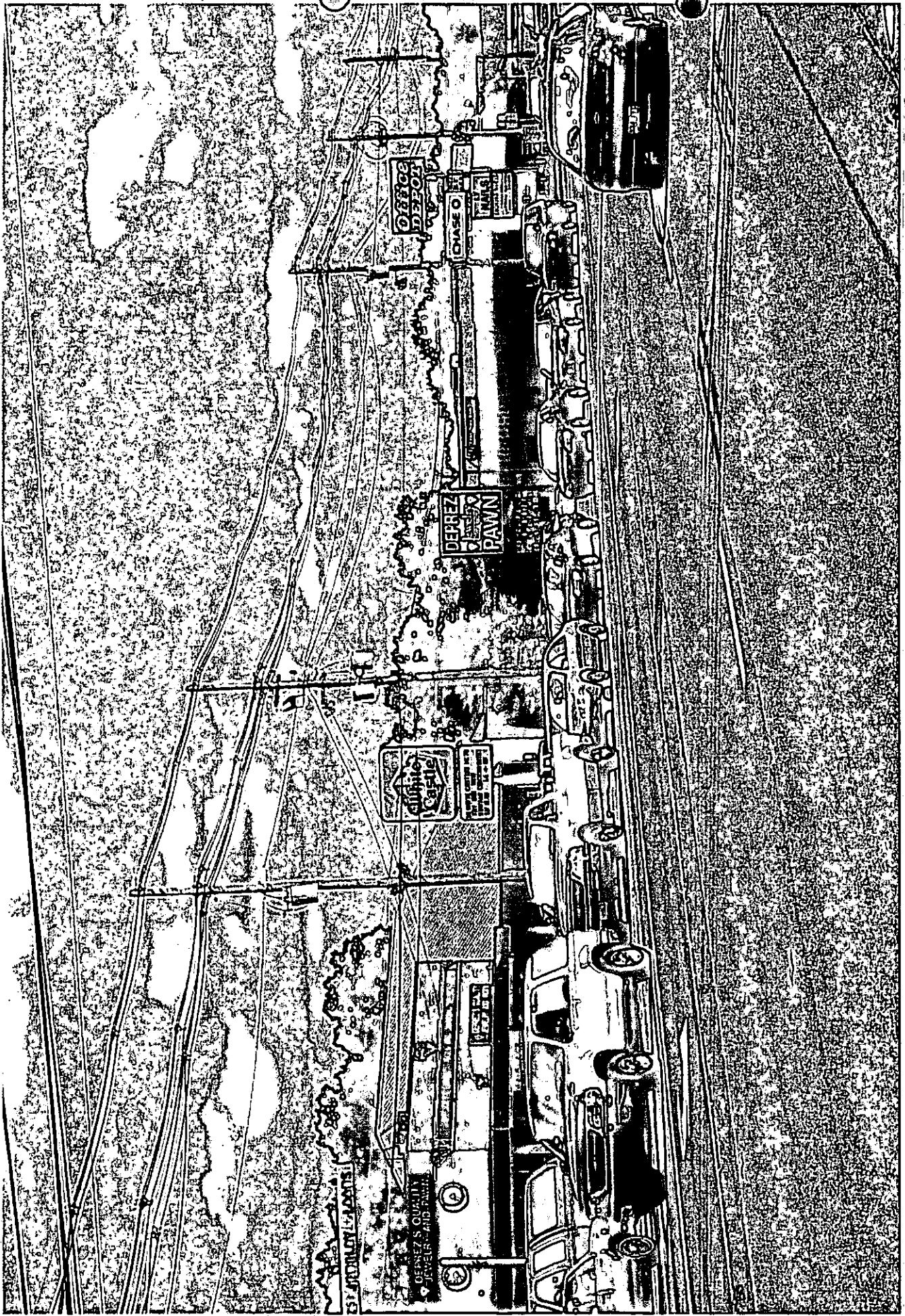




Intersection of Outer Loop and Preston Highway Facing East



Intersection of Outer Loop and Preston Highway Facing South



Commercial Property Along Preston Highway Facing South



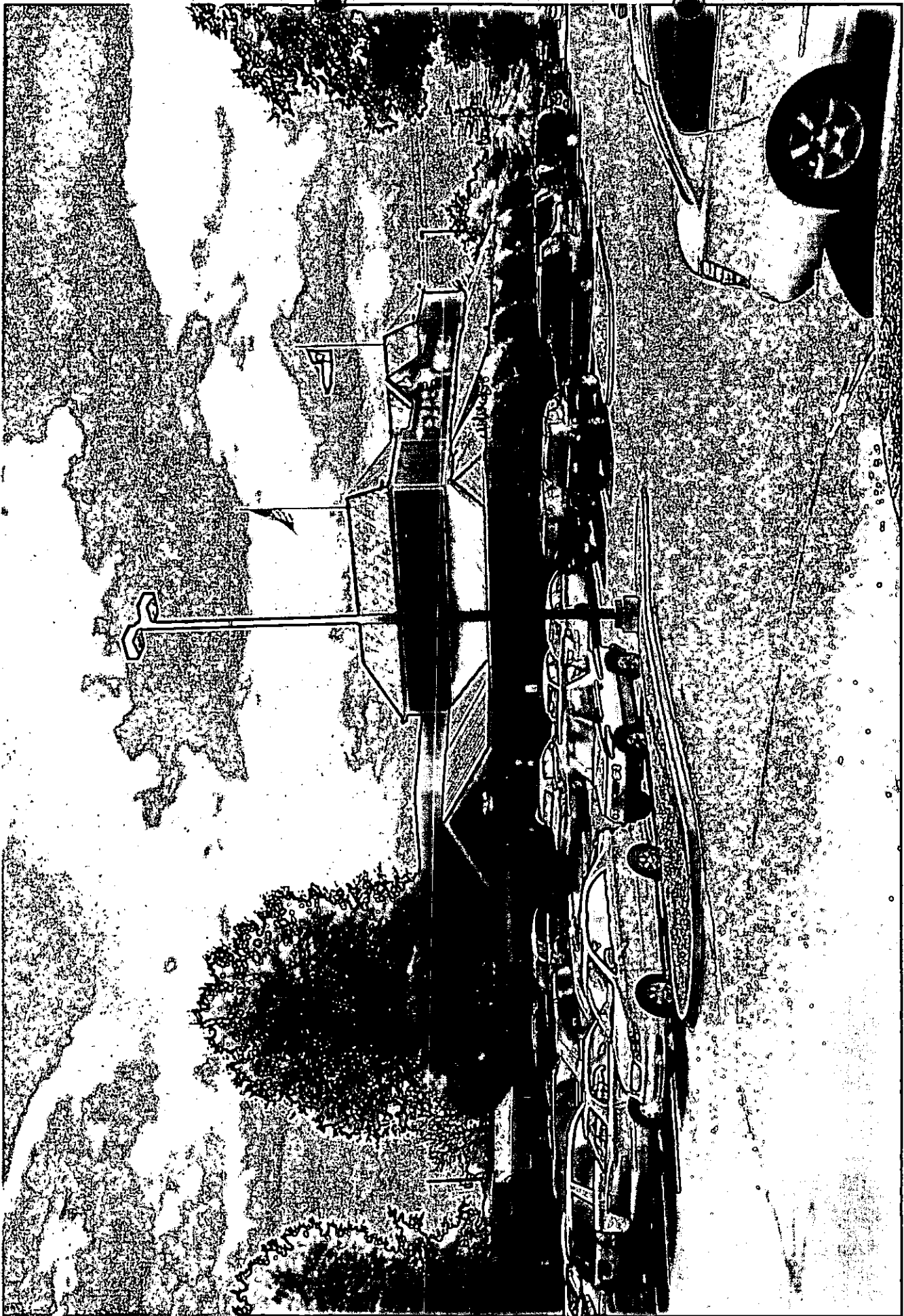
View of Outer Loop Facing East Toward Preston Highway



View from Outer Loop Facing East Toward Preston Highway



Day Care Center West of Site



Texas Roadhouse, West of Site

REVISED JUSTIFICATION STATEMENT FOR ZONE CHANGE

**OLE HICKORY PIT, APPLICANT
4001, 4003 AND 4009 OUTER LOOP
June 14, 2006**

A zone change is requested for an approximately 1.34-acre site located at the intersection of Outer Loop and Lone Oak Avenue in the Neighborhood Form District ("Subject Property"). The Subject Property is currently split into two parcels, one of which is used for a single family residential home, and the other of which is currently vacant, and both properties are zoned R-4, Single-Family Residential. The proposed zoning is C-1, Commercial, and will permit the use of the Subject Property as a barbecue restaurant, "Ole Hickory Pit", and an ice cream parlor. The zone change is appropriate because the proposal conforms with the requirements of KRS 100.213, and Cornerstone 2020, the comprehensive plan for Louisville Metro as stated in greater detail below.

COMMUNITY FORM/LAND USE

1. Guideline 1: Community Form

The proposal conforms with Community Form/Land Use Guideline 1 and all applicable policies thereunder, including Policy B.3. The Neighborhood Form District may include commercial uses that serve the neighborhood, including restaurants. The proposed restaurant and ice cream parlor are designed to serve the surrounding neighborhood, which currently suffers from a lack of sit-down restaurants, and will be within walking distance of several single family residential areas. The Subject Property is located immediately adjacent to commercially zoned properties, including C-1 and C-2 zoning districts, located along Preston Highway in the Suburban Marketplace Corridor. This location suggests that the proposed use of the Subject Property will form a suitable and necessary transition from these higher intensity uses to residential properties located adjacent to the site. The proposed restaurant and ice cream parlor are designed to look more residential, and include features such as residential-style open space and landscaping, false porches on the rear of the proposed structures, and a large area in which existing trees will be preserved. The buildings are specifically designed to present a facade to the residential neighborhood to the south of the site. Renderings submitted to the file clearly show an elevation that presents a pleasing and open face to the neighbors rather than a "back door" or rear building elevation without architectural interest. Ole Hickory Pit is not a franchise, but rather a family owned, and more importantly, a family oriented, restaurant famous for its high quality food. Limited hours of operation (10 a.m. to 10 p.m.) will serve to ensure that these will be a minimal disruption to adjacent neighbors. A similar transition exists across Outer Loop where an R-6 Residential property is located immediately adjacent to the Suburban Marketplace Corridor.

2. Guidelines 2: Centers

The proposal conforms with Centers Guideline 2 and all applicable policies thereunder, including Policies 2.1, 2.2, 2.8, 2.9, 2.10, 2.15 and 2.16.

This Guideline encourages mixed land uses organized around compact activity centers that are existing, proposed or planned. The proposed site is at the northeast corner of a very large

residential area bounded by Outer Loop, I-65, Preston Highway and I-265. This location is the southwest corner of an existing commercial node created by the intersection of Outer Loop and Preston Highway both of which are classified higher than collector level with established non-residential uses. Although the site is not a designated activity center, it is in an older and redeveloping residential area and as set forth herein, the proposed use will not create a nuisance and is compatible with the surroundings in terms of scale, design, building orientation and traffic and pedestrian access.

The family oriented restaurant and ice cream parlor will serve the day-to-day needs of area residents and has been designed to minimize impacts (traffic, aesthetics, hours of operation) on nearby residents. The parking is located in front of the buildings so that with a residential character to the architecture and being well landscaped will buffer the residents to the south from the nuisances typically associated with parking. Those patronizing Ole Hickory Pit from outside this residential area will not have to enter or pass through the neighborhood to gain access to the site but rather will enter directly from arterial level streets.

3. Guideline 3: Compatibility

The proposal conforms with Community Form/Land Use Guideline 3 and all applicable policies thereunder, including Policies 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.21, 3.22, 3.23, 3.24, and 3.28.

The proposed restaurant and ice cream parlor are compatible with the scale and design of surrounding development. The proposed buildings are residential in character with brick facades, peaked roofs and false porches along the Maplewood Drive property line. Landscaping will mimic residential landscape patterns rather than commercial styles, and will include a large area of trees to be preserved between the two uses. Parking will be oriented toward Outer Loop and will not result in glare or other impacts on adjacent residential uses. Adequate parking will be provided for the proposed restaurant and ice cream parlor. A total of 44 parking spaces will be provided for the Ole Hickory Pit, and a total of 17 spaces will be provided for the proposed ice cream parlor. These totals are closer to the minimum number of spaces required, and are indicative of the fact that the proposed uses are neighborhood-oriented in scale and anticipated volume of business.

The location of the Subject Property, which is immediately adjacent to the Suburban Marketplace Corridor along Preston Highway, is more suitable for a transition use than for redevelopment as single family residential homes. The proposed uses provide an appropriate and needed transition between higher intensity uses along the Suburban Marketplace Corridor and lower intensity single family homes along the Outer Loop and Maplewood Drive. The proposed uses are neighborhood-serving and will provide a new opportunity for sit-down dining that is currently lacking in the area.

The proposed uses will not have an adverse impact on the surrounding residential area, as outlined in the following paragraphs. Though the site will be rezoned from a residential to a commercial zoning district, the proposed uses are neighborhood oriented in scale and purpose, and will not result in a degradation of the residential neighborhood. The Subject Property's location on Outer Loop immediately adjacent to the Suburban Marketplace Corridor along Preston Highway makes the proposed development appropriate both as a transition from the

higher intensity commercial uses to lower intensity residential uses, and as a neighborhood amenity.

The restaurant and ice cream parlor will not produce noxious odors as a result of their operations. All activities for the uses will be conducted indoors, and the dumpster will be enclosed as is required under the Land Development Code. The smoker associated with the Ole Hickory Pit restaurant on Shepherdsville Road will remain at its current location and will not be moved to the Subject Property which eliminates any potential for nuisances such as smoke and odor.

Traffic associated with the proposed restaurant and ice cream parlor will likely come from Outer Loop, however, a significant source of customers for the site will be the local neighborhood. The sign associated with the Subject Property will be oriented toward Outer Loop, which will associate the site with access from that road. The area currently experiences high traffic volume, and the addition of the proposed uses will not significantly increase traffic to the area. Peak hours for Outer Loop are between 7 and 9 AM and between 4 and 6 PM. Peak hours for the Subject Property are expected to be between 6 and 8 PM during the week, which will not conflict with the rush hours for the area traffic pattern.

The proposed uses are not typically associated with excessive noise. Ambient noise levels in the area are likely higher as a result of traffic along Outer Loop, however, the proposed restaurant and ice cream parlor will not generate excessive noise. No outdoor paging or PA system will be installed at either building, and the proposed dumpster will not be emptied outside the times permitted for such activity under the Land Development Code. Lighting will be directed down and away from adjacent residential properties and will otherwise comply with the requirements of the Land Development Code.

Visual impacts of the proposed commercial development will be mitigated through the design of the proposed buildings. The buildings will be residential in character, with brick facades and residential-style windows. The rear of the buildings, which face single family homes on Maplewood Avenue, will include residential-style landscaping and false "front porches" that will add to the residential character of the building. Appropriate landscape buffer areas will be provided and plantings will be arranged to appear residential in character.

The Subject Property will serve as an appropriate transition between the higher intensity uses permitted in the Suburban Marketplace Corridor which is immediately to the east of the site, and lower intensity single family residential properties located to the west and south. Though the proposed zoning of the property is commercial, the proposed use is very low in intensity and is designed to be compatible in appearance and function with adjacent single family homes. Appropriate buffers will be provided between the proposed use and adjacent single family homes, and the rear of the proposed building will be softened and made to appear more residential in character through the inclusion of false porches and residential-style landscaping.

Setbacks for the proposed development meet the requirements of the Land Development Code, and no variances or waivers are required. Building heights are designed to be compatible with area development, and do not exceed the form district maximums. The proposal incorporates parking, loading and delivery areas away from adjacent single family residential properties. Parking areas and the proposed dumpster are oriented toward Outer Loop and are appropriately

screened to prevent any adverse impact on adjacent properties. The proposed service entrance to the restaurant is similarly oriented to avoid conflicting with adjacent single family homes, and faces the proposed ice cream parlor.

The relatively small scale of the project and its appropriate location in the Neighborhood Form District is further evidenced by the fact that with a total of 7,400 square feet of building footprint, it is very near the lowest threshold for non-residential development allowable in the District per Table 5.3.2 which dictates dimensional standards for non-residential uses in the NFD up to 80,000 feet.

One proposed monument-style sign will be located at the intersection of Outer Loop and Lone Oak Avenue and another at the intersection of Outer Loop and an unnamed alley to the east. The signs will be approximately 80 sf in area, which is compatible with the requirements of the Land Development Code, and with area business signs. The sign will be lit from the exterior and will comply with all other requirements of the Land Development Code.

4. Guideline 4: Open Space

The proposal conforms with Community Form/Land Use Guideline 4 and all applicable policies thereunder, including Policies 4.1, 4.3 and 4.5. The proposal includes a large stand of trees to be preserved between the proposed restaurant and the proposed ice cream parlor. This area, though not a formal landscaped area, is similar to private yards found throughout the community. The area will serve as a common gathering place for individuals waiting to be seated at the restaurant or those who congregate at the ice cream parlor. The preservation of the area of trees serves to preserve the natural features of the area and to further the residential feel of the development.

MOBILITY/TRANSPORTATION

5. Guideline 7: Circulation

The proposal conforms with Mobility/Transportation Guideline 7 and all applicable policies thereunder, including Policies 7.1, 7.3, 7.10, and 7.16. The proposal will not have an adverse impact on the existing roadway network. Outer Loop, the most likely source of traffic coming to the Subject Property, is currently a highly traveled arterial road, and will not experience additional traffic as a result of the proposed development. Other area roads will be similarly unaffected, as the proximity of the site to Outer Loop will encourage drivers to use that road (from the intersection of Lone Oak Avenue and Outer Loop) to enter and leave. To mitigate any potential impact to Lone Oak Avenue as a result of the proposed development, the Applicant will add a third lane to Lone Oak to serve as a left turn lane into the Subject Property.

Adequate parking will be provided for the proposed restaurant and ice cream parlor. A total of 44 parking spaces will be provided for the Ole Hickory Pit, and a total of 17 spaces will be provided for the proposed ice cream parlor. TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the Subject Property. Sidewalks will be installed along Outer Loop and will connect with internal sidewalks and pedestrian connections and will encourage the use of alternative transportation to access to site. Multiple uses on the site will encourage combined trips for those who drive to the Subject Property. The site will be designed for uniform access and circulation, and will allow for safe vehicular and pedestrian movement.

6. Guideline 9: Bicycle, Pedestrian and Transit

The proposal conforms with Mobility/Transportation Guideline 9 and all applicable policies thereunder, including Policies 9.1 and 9.2. The proposal includes sidewalks along the perimeter property lines, as well as internal sidewalks that provide access to the restaurant and ice cream parlor. These sidewalks will encourage the use of alternative forms of transportation, including bicycle, pedestrian and transit. As stated previously, TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the Subject Property. The site is located approximately 2000 feet from Briarcliff Road which connects to a very large residential area which will enable large numbers of area residents to conveniently walk or make a short drive or cycle to the site without having to use Outer Loop. This convenience reduces vehicle miles traveled ("VMTs").

LIVABILITY/ENVIRONMENT

7. Guideline 10: Flooding and Stormwater

The proposal conforms with Livability/Environment Guideline 10 and all applicable policies thereunder, including Policies 10.1, 10.2, 10.3, 10.6 and 10.7. The Subject Property and most of the surrounding area is considered to be flood prone. As a result, the site will provide compensatory storage at a rate of 1:1.5 as required by MSD. The Applicant will also make a payment to MSD to fund area flood control projects. All runoff from the Subject Property will be directed to a swale located along Outer Loop. The Kentucky Department of Highways has approved this impact to the state right-of-way because the impact of the development will result in minimal runoff. Though impervious surface will increase as a result of the proposed development, a large area of open space will remain and will serve to absorb runoff from the development.

8. Guideline 12: Air Quality

The proposal conforms with Livability/Environment Guideline 12 and all applicable policies thereunder, including Policy 12.1. As stated in a letter dated October 21, 2004, from Tom Pinto, Technical Coordinator for the Louisville Air Pollution Control District, the proposal will not have an adverse impact on the National Ambient Air Quality Standards for carbon monoxide.

COMMUNITY FACILITIES

9. Guideline 14: Infrastructure

The proposal conforms with Community Facilities Guideline 14 and all applicable policies thereunder, including Policies 14.2, 14.3, and 14.4. As stated in a letter dated October 13, 2004, from Michael Ballard, Environmental Health Engineer for the Louisville Metro Health Department, public water service and sanitary sewers exist at the Subject Property. The Subject Property has access to all necessary utilities, as it is currently used for single family residential purposes.

10. Guideline 15: Community Facilities

The proposal conforms with Community Facilities Guideline 15 and all applicable policies thereunder, including Policy 15.9. Fire protection for the Subject Property will be provided through the Okolona Fire Protection District.

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+ 9-12-06

Ole Hickory Pit

Request approval to rezone
4001, 4003 & 4009 Old Outer
Loop from R-4 to C-1 for a
restaurant & ice cream parlor.

9-12-06

Specifics

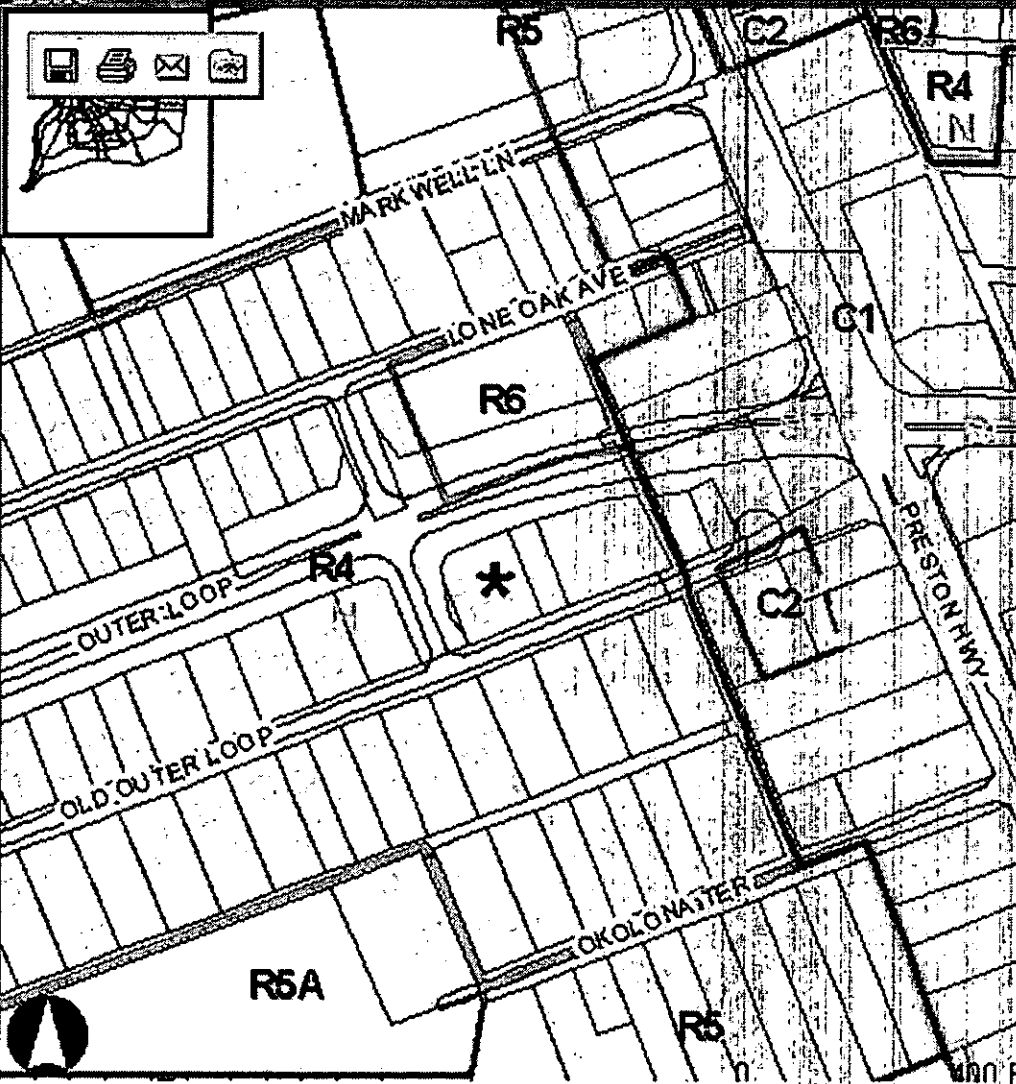
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- Existing single-family house & vacant
- One-story, 5000 s.f. restaurant
- One-story, 2,400 s.f. ice cream parlor
- Separated by tree preservation area
- Access from Lone Oak only
- Parkway buffer met
- Variance for ice cream parlor

Recommendation

+ Approval on condition of the following:

- Soils report from NRCs
- Improved elevations
- Two new binding elements
- Recommend variance approved

Standard Information Map



This map is not a legal document and should only be used for general reference and identification.

SEARCH LAYERS HELP COMMENT

Search by Parcel ID
(ie. Block 014J Lot 0094 Sublot 0000)

Block Lot Sublot

Find Parcel

Search by Street Address
(ie. 700 W Liberty St)

Find Address

Search by Street Intersection
Street (ie. W Liberty St) 1:

Street (ie. S 7th St) 2:

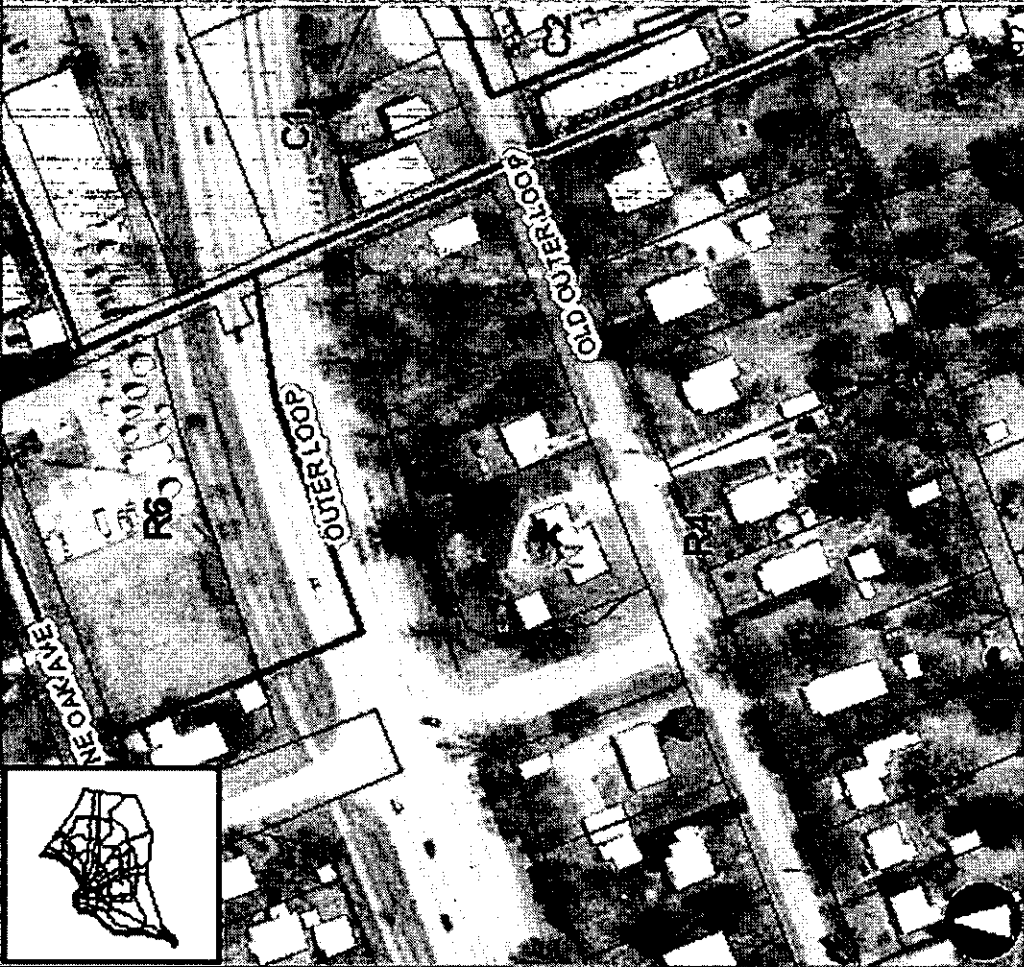
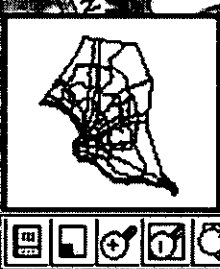
Find Intersection

Zoom In

Scale: 1" = ft Submit

Switch Map: Standard Information Map Go

Standard Information Map



SEARCH **LAYERS** **HELP** **COMMENT**

- Louisville Fire District
- Historic Preservation District
- Ohio River
- Municipality
- Overlay District
- Plan Certain District
- Proposed Subdivision
- Protected Waterway
- Slope
- Subdivision
- Unstable Soil
- Urban Renewal
- Urban Service Area
- Potential Wetland(Hydric Soil)
- Zoning Boundary
- Form District Boundary
- Zoning
- Aerial Photo

Refresh Map

This map is not a legal document and should only be used for general reference and identification.

Zoom Out **Scale: 1" =** **ft** **Go** **Go**

Switch Map: Standard Information Map

New Binding Elements:

- +
- The parking lots will be cleaned daily.
- This site will be used for other use than the approved without a public review meeting.

Issues from LD&T - Resolved

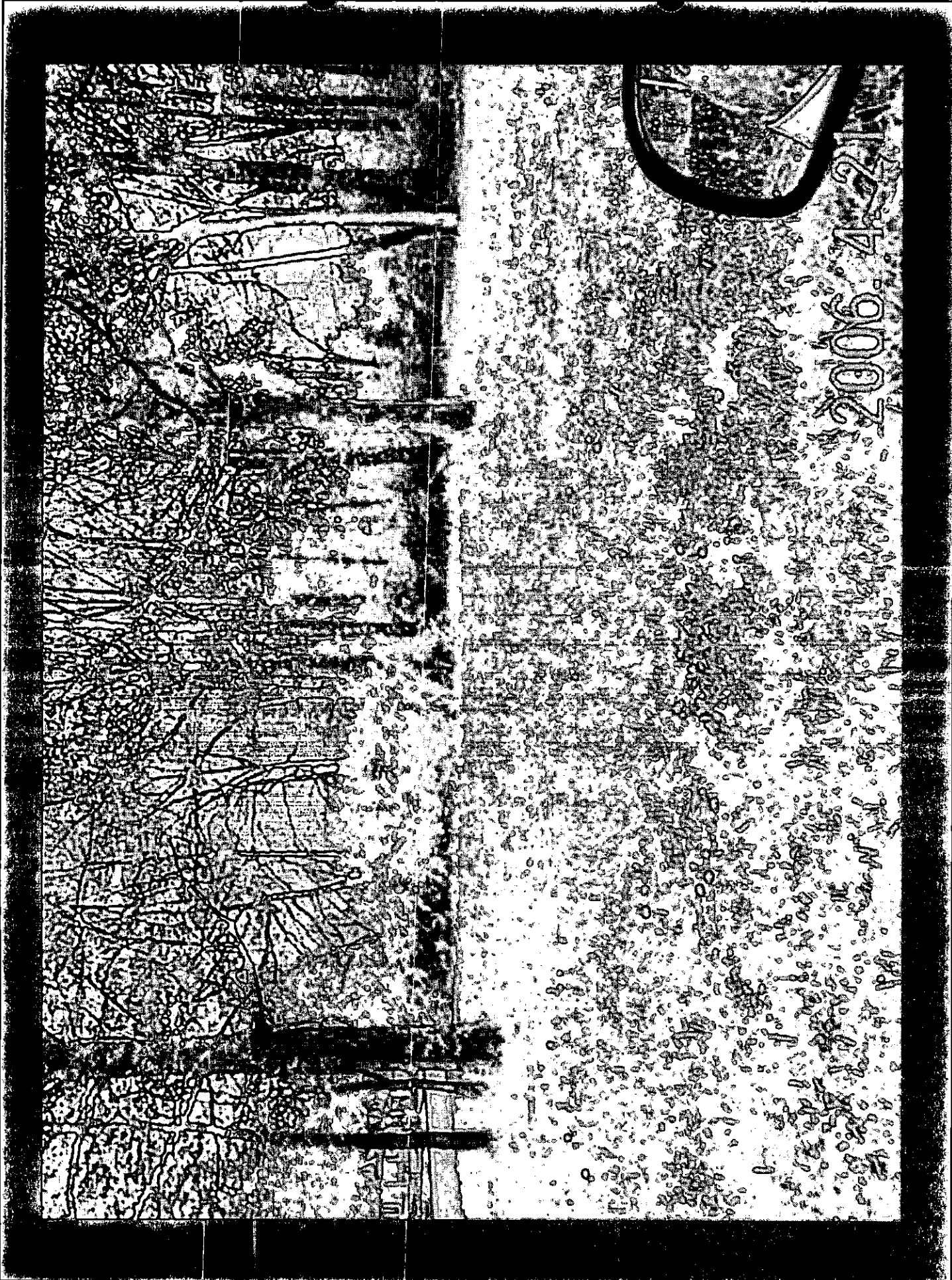
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- Color renderings that are neighborhood-compatible submitted
- Draft landscape plan submitted

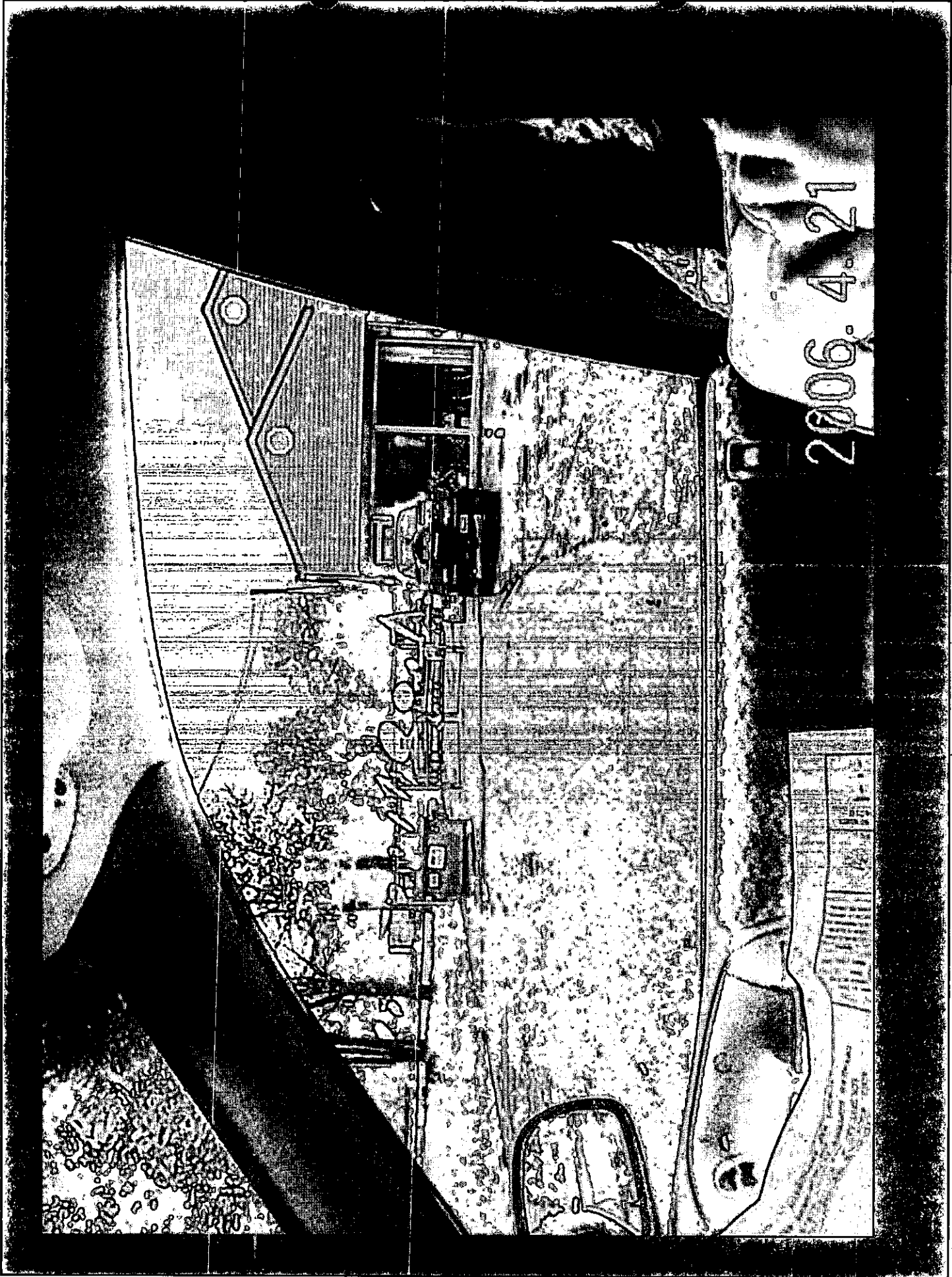
Site Inspection Comments -

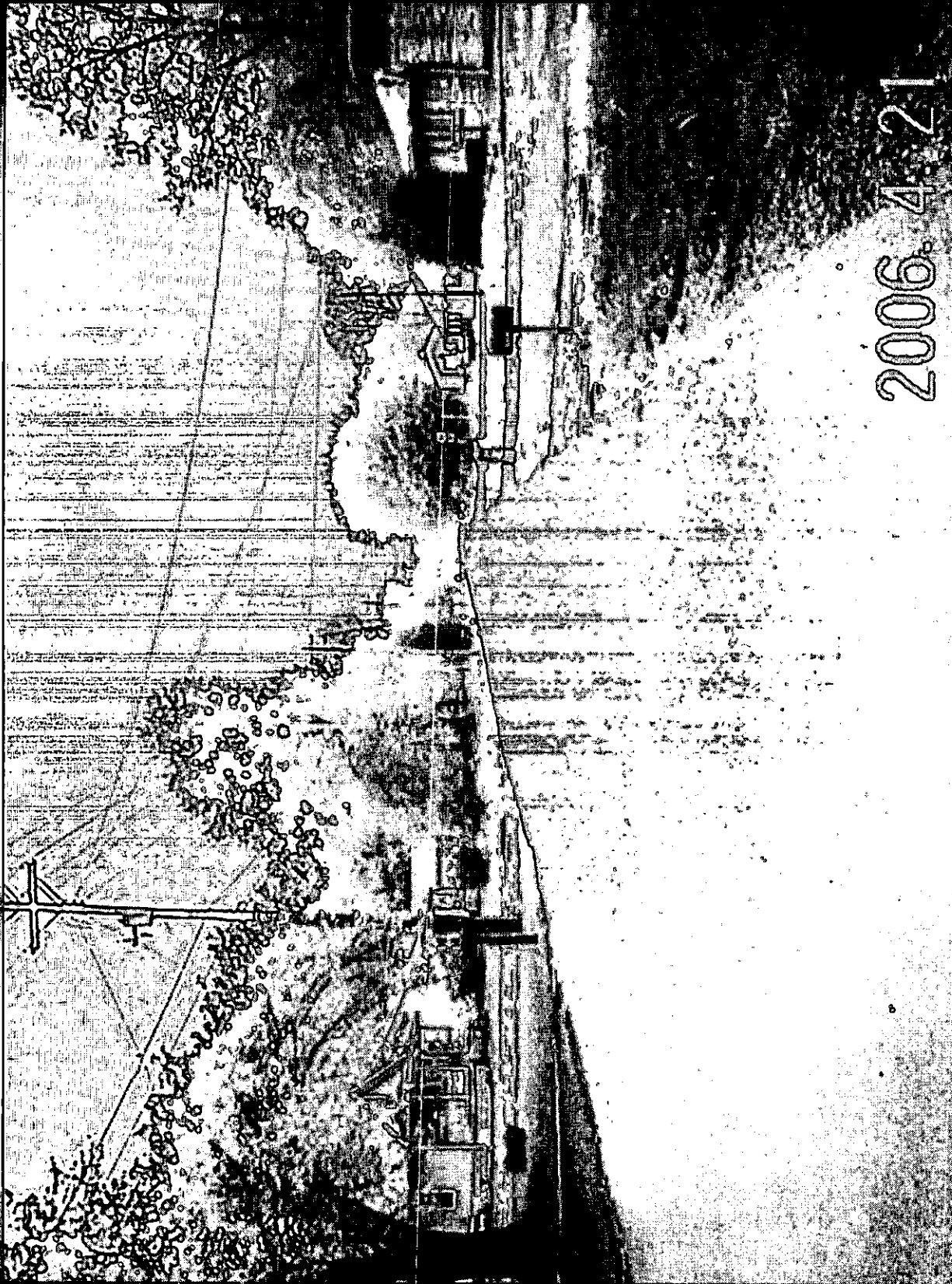
Resolved:

- 2nd dumpster not needed
- Elevations compatible
- Note on plan about fence cleaning
- Binding element to clean parking lots
- Hours = 10 AM to 10 PM
- No smoker grill or wood storage
- Benches to connect buildings added

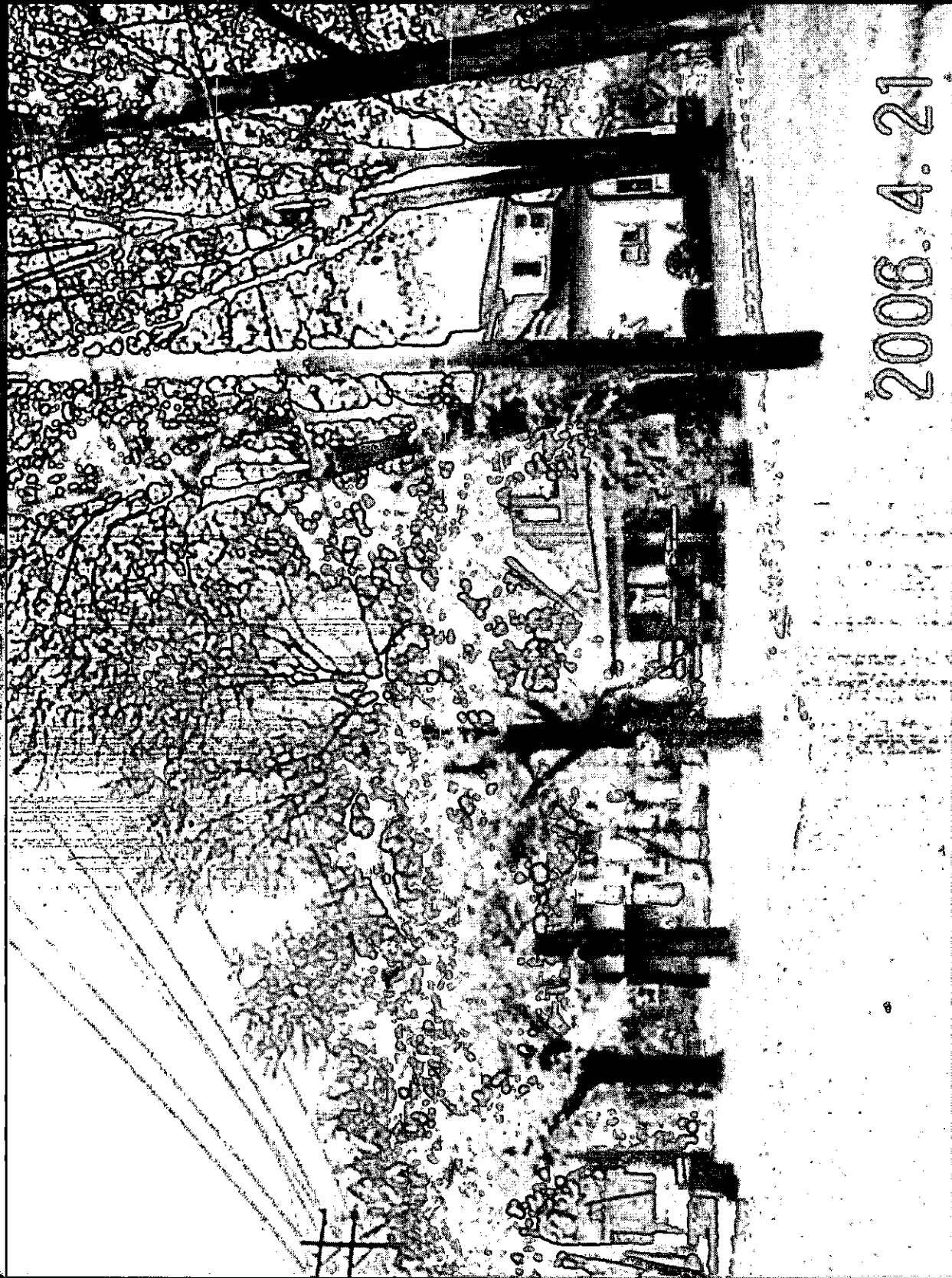


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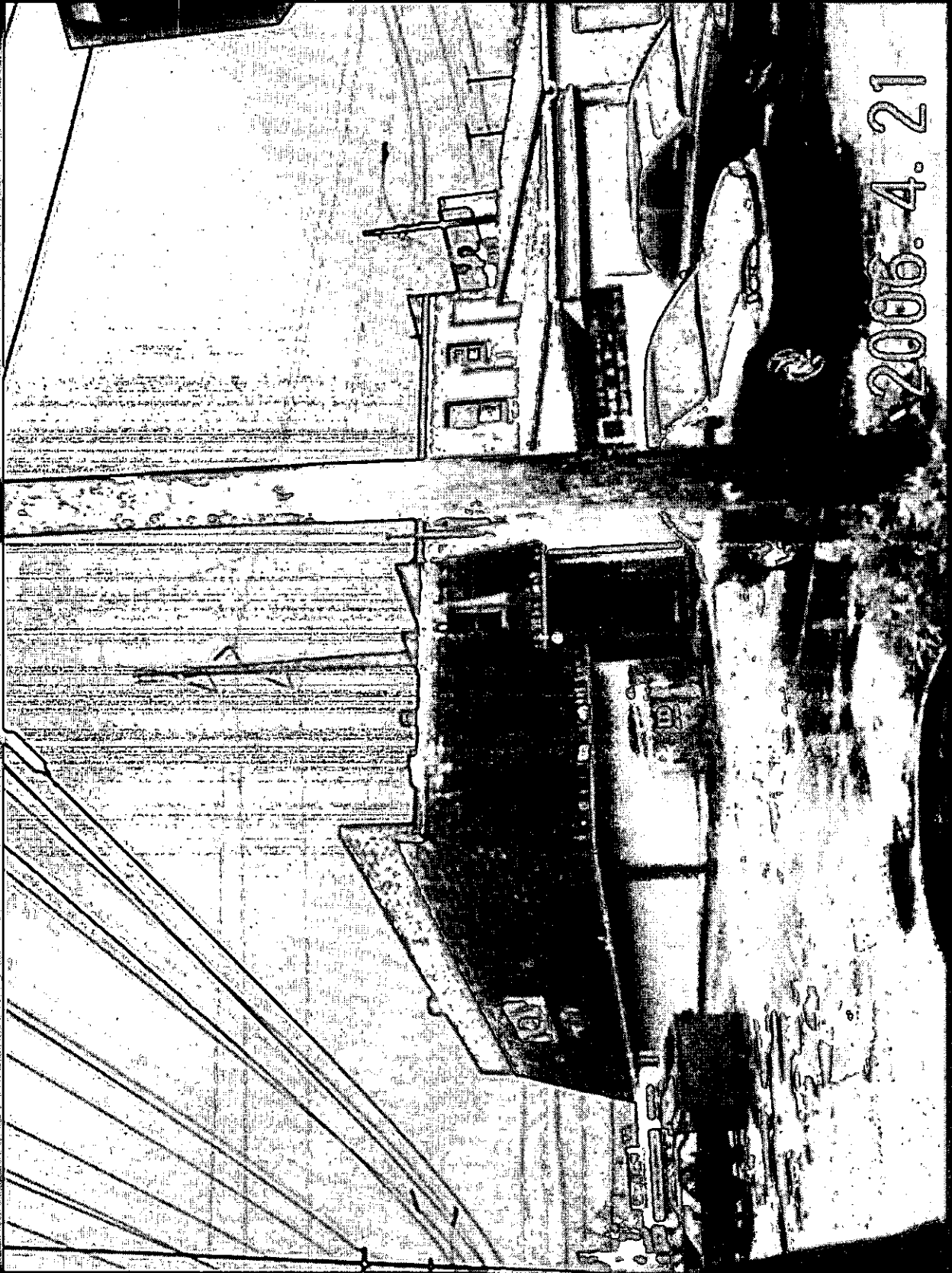




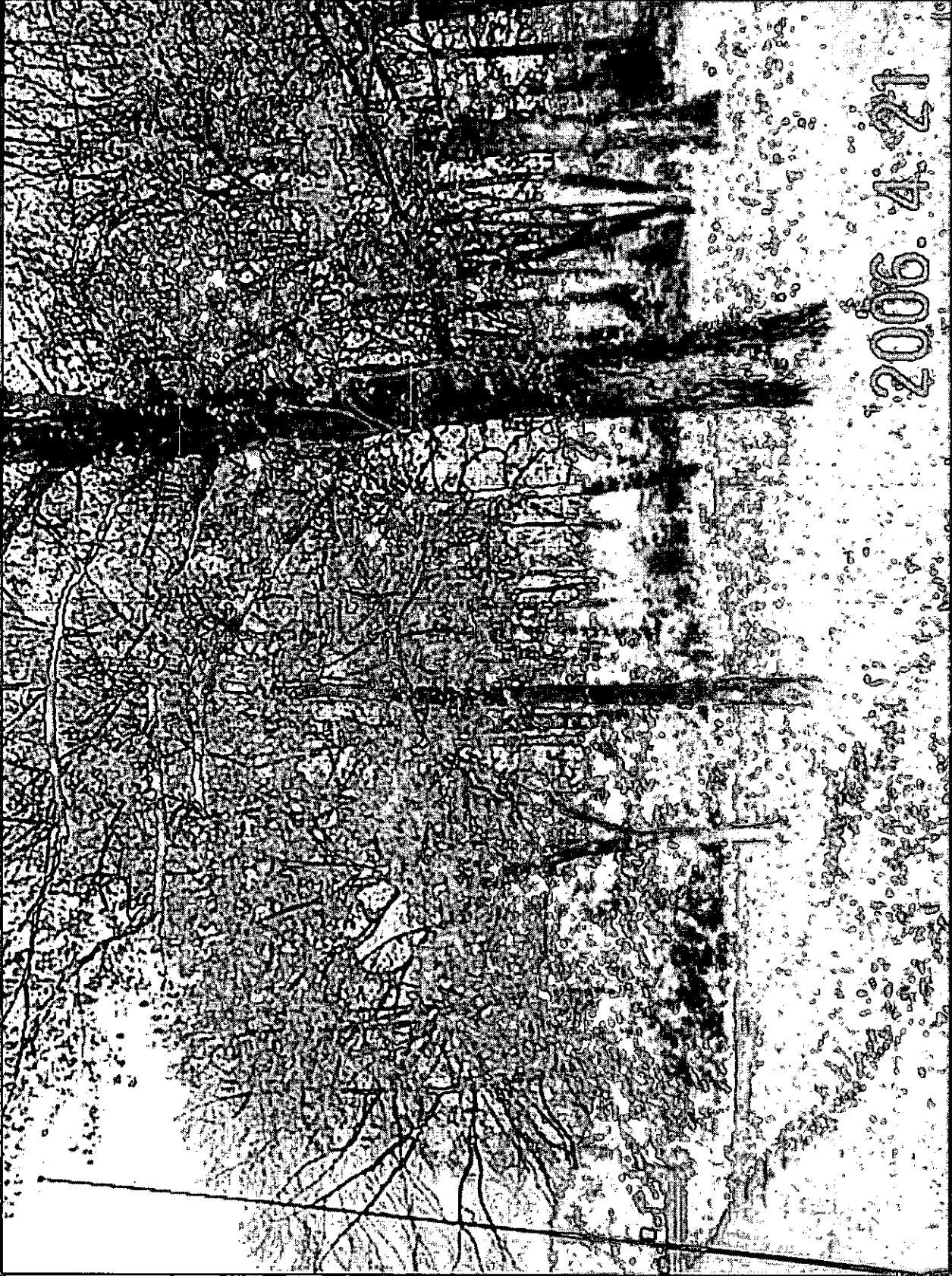
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Planning Commission
Staff Report
July 20, 2006



Case:	9-12-06, Change in zoning from R-4 Single-family Residential to C-1 Commercial on property located at 4001, 4003 & 4009 Old Outer Loop (Tax Block 750, Lots 19, 20 & 55), containing 1.34 acres and being in Louisville Metro. There is a site design wavier for loading screening and variances for in fill setbacks.
Project Name:	Ole Hickory Pit Rezoning
Location:	4001, 4003 & 4009 Old Outer Loop
Owner(s):	Kenneth & Sharon Ramage
Applicant:	Kenneth & Sharon Ramage
Representative:	Paul Whitty, Greenebaum Doll & McDonald
Project Size/Area:	1.34 acres
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Kristen Millwood, Planner II

Request

Change in zoning from R-4 Single-family Residential to C-1 Commercial and a detailed plan to allow restaurant uses.

Staff Recommendation

Staff recommends approval of the zoning change and plan provided that:

1. A soils report by the Natural Resources Conservation Service is provided that establishes that the site can be developed as the plan shown.
2. The elevations are improved to include windows on the rear façade of the ice cream parlor and that rear elevations for both structures show the porches clearly and add sidewalks or pedestrian paths from Maplewood Avenue to each structure and that the elevations are approved by PDS staff prior to transmittal.
3. The binding elements related to use of the site and cleaning the parking lots are approved.

Staff further recommends that the variance is approved.

Case Summary / Background

Summary

The applicant requests to re-zone the subject parcel from R-4 to C-1 to allow a one-story 5,000 square-foot restaurant and a one-story 2,400 square-foot ice

Hearing date: 7/20/06
Case #: 9-12-06WV
Page 1 of 13

cream parlor. The buildings are proposed to be separated by a tree preservation area. The structures are proposed to be linked in the rear by a sidewalk with benches along it. There is a proposed monument sign near the northwest corner of the site that faces Lone Oak Avenue.

Access to this site is from Lone Oak Avenue only. The proposed structures front on Maplewood Avenue. The elevations propose porches on the rear of the structures. The site is currently split into two parcels, one of which is a single-family house; the other is vacant.

Variances

The applicant requests variances to allow the 2,400 square-foot structure to exceed the maximum street-side setback of 80 feet from Lone Oak Avenue.

Location	Requirement	Request	Variance
Exceed maximum setback	80 feet maximum	Approx. 353'	Approx. 273'

Site Context

This site is located south of the Outer Loop and west of Preston Highway. It is accessed off of Lone Oak Avenue. It takes up a block unto itself, bordered by the Outer Loop, an alley, Lone Oak Avenue and Maplewood Avenue. Part of the site is currently wooded.

Land Use / Zoning District / Form District

	Land Use	Zoning Form District	
Subject			
Existing	Single-family residential	R-4	Neighborhood
Proposed	Restaurant	C-1	Neighborhood
Surrounding			
North	Single-family residential & Outer Loop Right-Of-Way	R-6	Neighborhood
South	Single-family residential	R-4	Neighborhood
East	Commercial	C-1	Suburban Marketplace Corridor
West	Single-family residential	R-4	Neighborhood

Background

There have been no previous zoning actions on this site.

Project History

Project History	Date	Issues addressed / discussion / changes to proposal
Project submittal	3/16/06	
Pre-App. Review Revision submittal #1	11/17/04 & 4/5/06 5/11/06	Response to staff comments

Hearing date: 7/20/06
Case #: 9-12-06WV
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LD&T review	5/25/06	Date set for public hearing
Revision submittal #2	6/14/06	Response to staff comments
Planning Commission review	7/20/06	

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Issues from LD&T Review of 5/25/06

1. Color renderings that are neighborhood-compatible to be submitted – *this has been completed.*
2. Draft landscape plan to be submitted – *this has been provided.*

Site Inspection Comments & Responses

1. May need 2nd dumpster – *Will not be necessary due to small amount of waste to be generated by the ice cream parlor.*
2. Design needs to be great to be compatible with neighborhood – *elevations show that it will be.*
3. Clean fence line along Outer Loop – *the applicant has added a note to the plan stating that this will be done.*
4. Binding element to clean both parking lots daily – *this has been added to the plan.*
5. Hours of operation – *will be 10:00 a.m. to 10:00 p.m.*
6. Storing of wood, smoker grill, where will be stored outside? Hours for this? – *a smoker grill will not be used at this location (it will continue at the other restaurant location).*
7. Add benches to sidewalk connecting from restaurant to ice cream shop – *these have been added to the plan.*

Staff Findings

1. The Outer Loop is a Parkway. A 30-foot parkway buffer and setback are required on this plan – neither were met; the applicant reconfigured the plan to delete parking spaces so that the buffer and setback are now met. The applicant also worked with staff to provide benches along the rear sidewalk connecting the proposed structures.
2. The applicant has provided elevations that not only meet code, but that also incorporate residential architectural features and will blend in well with the surrounding neighborhood. Since the structures are proposed to face Outer Loop however and not the neighborhood and Maplewood

Avenue, the rear facades need the improvements mentioned in the conditions of approval.

Relationship to the Comprehensive Plan – Cornerstone 2020 Plan Elements:

Items to be analyzed in the Public Hearing Report:

Community Form/Land Use and Compatibility – the Neighborhood Form District may include commercial uses that serve the neighborhood. The proposed restaurant and ice cream parlor are designed to serve the neighborhood which has a lack of sit-down restaurants and is in walking distance of single-family homes. The site is also adjacent to other commercial uses in the Suburban Marketplace Corridor. This site can serve as a transition from more intense commercial uses as there is no drive-through or outside seating, and the architecture is compatible its surroundings. It is also situated on its own block therefore it is not ripe for linear progression of commercial uses into the neighborhood.

The proposed structures are compatible the scale and design of the surrounding development. They are residential in character with brick facades, peaked roofs and false porches. Landscaping will mimic residential rather than commercial patterns and parking will be oriented toward Outer Loop rather than Maplewood Avenue. The applicant is taking advantage of a TARC reduction credit, so, while, adequate, the site will not be over-parked. The proposed uses will not produce noxious odors, are not typically associated with excessive noise, and all activities will be conducted indoors. No outdoor paging system or PA system will be installed. Visual impacts will be mitigated through the design of the structures. The relatively small scale of the project is near the lowest threshold for non-residential development in the form district. (1.2.a; 3.1; 3.2; 3.4; 3.5, 3.6; 3.7; 3.8; 3.9; 3.22)

Open Space – The proposal includes a large stand of trees to be preserved between the proposed structures which will help preserve the natural features of the site and give it a residential feel. (4.5)

Mobility/Transportation – Transportation is satisfied with this plan. (7.1; 7.2; 7.3)

Bicycle, Pedestrian and Transit – The proposal includes sidewalks along the perimeter of the site as well as internally to link the two structures as well as benches. TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the site. (9.1; 9.2; 9.4)

Livability/Environment – MSD and APCD have approved the plan. (10.7; 10.11)

Relationship to Neighborhood, Small Area, Corridor or Other Plans

The Outer Loop Corridor study recommends that this area remain residential, however this use is neighborhood-serving and on situated on a block unto itself.

Standard of Review

Criteria for granting the proposed rezoning:

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; or
2. The existing 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.

Variances:

The applicant requests variances to allow the 2,400 square-foot structure to exceed the maximum street-side setback of 80 feet from Lone Oak Avenue. A variance of 273 feet is requested.

In order to justify approval of any variance, the Commission considers four criteria. In this report the criteria are listed and followed by the applicant's statement and a staff analysis of the situation.

- (a) Will not adversely affect the public health, safety or welfare.

The applicant states: The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations.

STAFF FINDINGS: The requested variance will not adversely affect the public health, safety or welfare as it does not involve a safety issue but rather a method of preserving natural features on the site (the tree preservation area) and shielding neighboring residences from the parking and maneuvering area.

The Commission must determine that the variance requested will not adversely affect the public health, safety or welfare.

- (b) Will not alter the essential character of the general vicinity.

The applicant states: The granting of this variance will not result in decreased separation of land uses, increased traffic safety issues, or a development that is out of character or scale with the form district or surrounding land uses. The variance is for a necessary deviation from the maximum setback requirements.

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STAFF FINDINGS: The requested variance will not alter the essential character of the general vicinity as the proposed development is situated on the site so as to observe the parkway buffer, keep parking away from residences and conserve natural features.

The Commission must determine that the variance request will not alter the essential character of the general vicinity.

- (c) Will not cause a hazard or a nuisance to the public.

The applicant states: The granting of this variance will not result in decreased separation of land uses, increased traffic safety issues, or a development that is out of character or scale with the form district or surrounding land uses. The variance is for a necessary deviation from the maximum setback requirements.

STAFF FINDINGS: The requested variance will not cause a hazard or nuisance to the public as the public is shielded from parking and maneuvering in the current proposal, which necessitates one of the proposed buildings exceeding the maximum setback.

The Commission must determine that the variance will not cause a hazard or a nuisance to the public.

- (d) Will not allow an unreasonable circumvention of the requirements of the zoning regulation.

The applicant states: The granting of this variance will not result in decreased separation of land uses, increased traffic safety issues, or a development that is out of character or scale with the form district or surrounding land uses. The variance is for a necessary deviation from the maximum setback requirements.

STAFF FINDINGS: The variance request will not allow an unreasonable circumvention of the requirements of the zoning regulation as the proposed structures will provide a street face to the neighborhood and to have a building situated at the corner. This site is unique in that it occupies a block unto itself it has to present a suitable appearance to all sides. It provides an alternative configuration that makes the use compatible with the neighborhood and parkway.

The Commission must determine that the variance will not be an unreasonable circumvention of the requirements of the zoning regulation.

Additional consideration:

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

The applicant states: The variance arises from the configuration of the property and the need to orient parking facing Outer loop away from single-family residences to the south of the site. The site is rectangular with the proposed restaurant on the west and ice cream parlor on the east portion of the tract separated by a tree preservation area. Moving the parlor further west would eliminate the tree preservation area. Relocating it to the west would encroach into the parkway buffer area.

- (b) How the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The applicant states: This would require the applicant to reconfigure the proposed buildings on the property, relocate parking spaces from the Outer Loop side of the proposed buildings to the rear or side yard or eliminate parking spaces all of which would make the parking more intrusive to neighbors and would result in a development that does not properly address compatibility issues.

- (c) Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought?

The applicant states: The circumstances are the result of the shape of the property and the need to locate the ice cream parlor so as to be compatible with the neighborhood.

The Commission must determine if the granting of the variances will adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

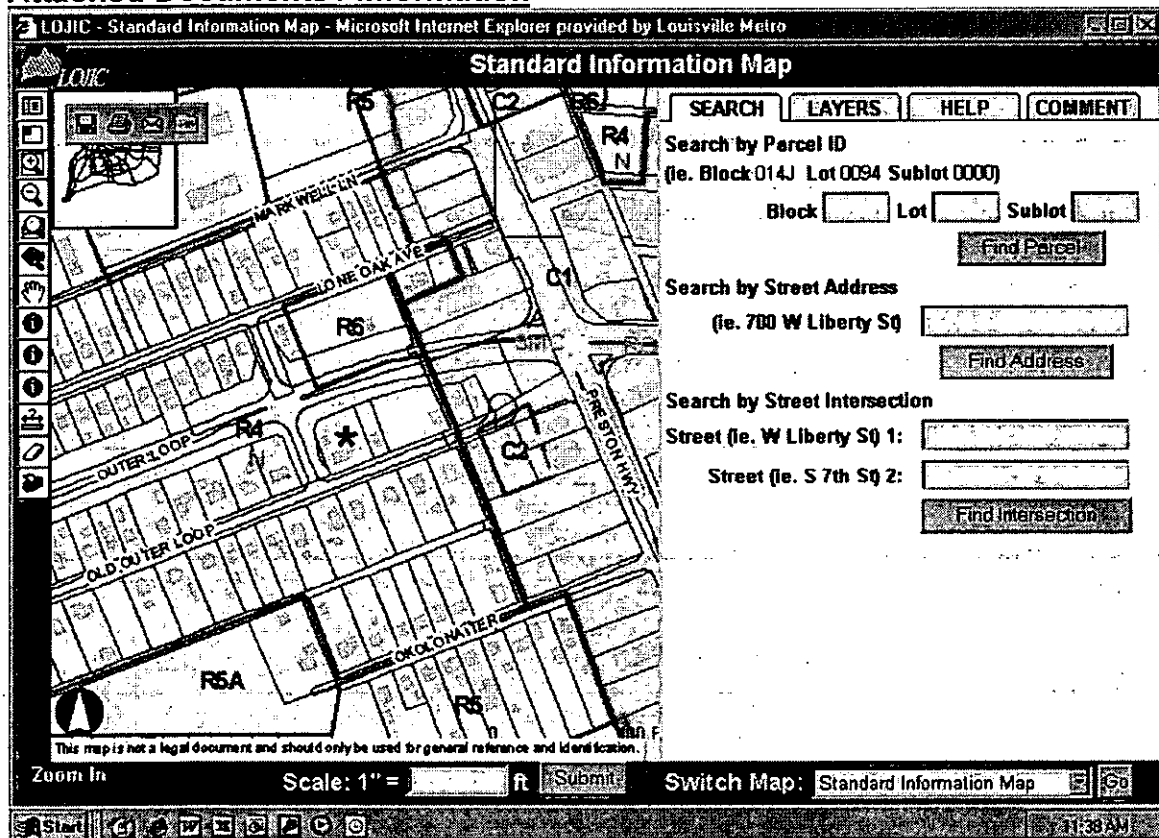
In addition, KRS 100.243 requires the Commission to deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

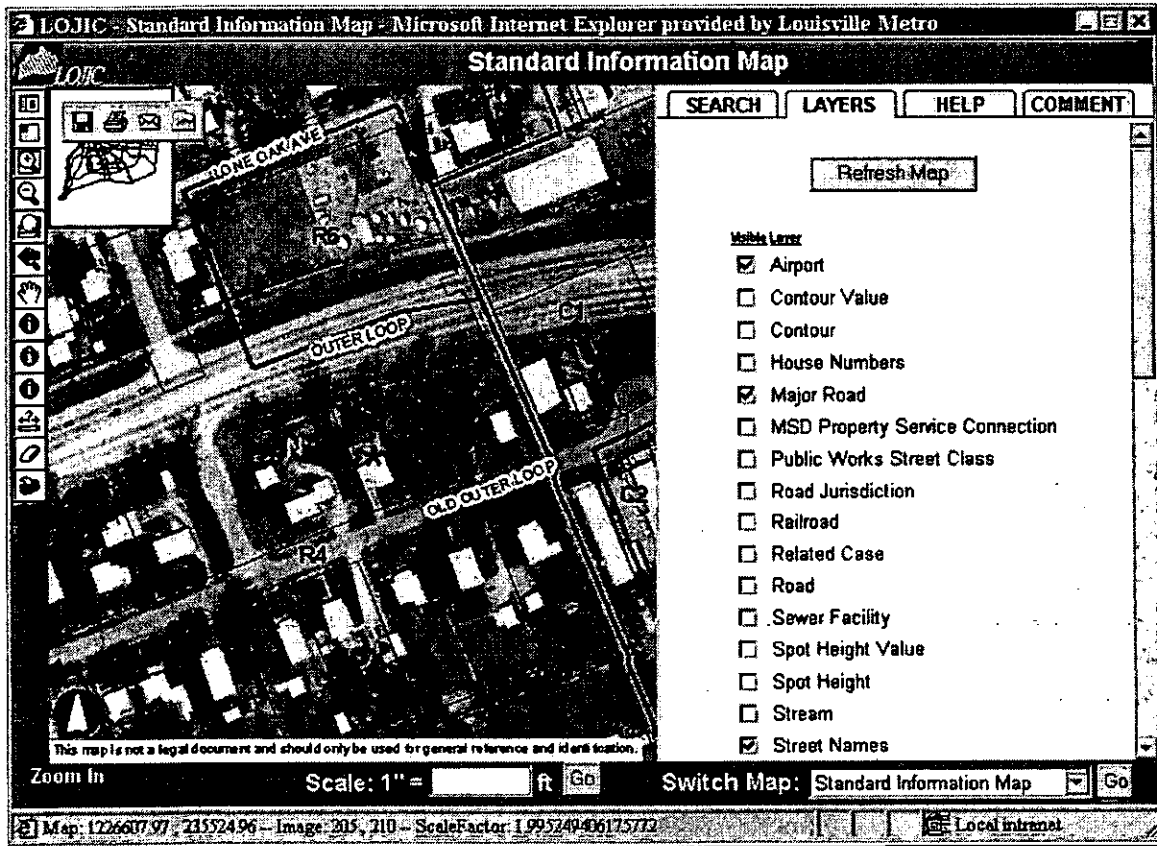
Technical Review

1. Provide height, material and a detail for the existing fence. Are any new fences proposed?
2. A minor plat will be needed to consolidate lots.

3. This site has hydric soils – a soils report from NRCS needs to be provided showing that this property is developable as proposed on the site plan.
4. Please e-mail me a list of surrounding land uses.
5. Show the location of the TARC stop to ensure that this credit may be taken for the 10% reduction claimed.
6. The proposed signs meets parkway standards (maximum 6 feet high and 60 s.f.) however a detail of the sign and the method of illumination if any need to be provided.
7. The loading area must be screened in accordance with the LDC. Note on the plan how it will be screened.

Attached Documents / Information





Notification

The following forms of notification were provided pertaining to this proposal:

Notification

Date	Description	Recipients
6/19/06	Notice of Planning Commission Meeting	Adjoining property owners and neighborhood group listing.

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

Proposed Binding Elements – Docket #9-12-06WV (unique to this case)

1. The parking lots for both uses on site will be cleaned daily.
2. This site will be used for no other use than the approved without a public review meeting.

Proposed Standard Binding Elements - Docket #9-12-06WV

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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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. The development shall not exceed 7,400 square feet of gross floor area.
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
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, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. 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.

- d. A reciprocal access and crossover and parking easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 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 in the rendering as presented at the July 20, 2006 Planning Commission meeting.

The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to transmittal of the plan to the appropriate agencies.
 11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 12. 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 Chapter 4 Part 1.3 of the land

development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

13. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway

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centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

The above binding elements of the district development plan are agreed to by the property owner _____, 2006.

OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE

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).

Name

Title

Date



SUBJECT: SOI - Soil and Site Evaluation for Urban Dev't:
Ole Hickory Pit

DATE: July 12, 2006

To: Ward Wilson, Chair
Jefferson County SWCD
4233 Bardstown Road, Suite 100-A
Louisville, KY 40218-3280

FILE CODE: 430-12-13

Enclosed you will find the soil and site evaluation report on the above referenced development proposal. The 1.3 acre tract is located in a residential/commercial area is proposed for conversion to a commercial development. Existing uses on the tract include existing residential, commercial and open space (tree covered) areas.

Although most of the area is under an existing urbanized use, a small lot remained in vegetative cover (trees, shrubs and forbs). The undisturbed vegetated area was somewhat depressional and comprised of Robertsville series soils. Robertsville silt loam is a hydric soil unit that is poorly drained, as indicated by the dominance of gray colors and mottles in the upper six inches of the soil profile. These soils could be part of a wetland classification as determined by the US Army Corps of Engineers. Prior to disturbing the site or altering the drainage on the lot with vegetation, the Corps should be consulted regarding a "wetland" status on the tract.

A comprehensive sediment and erosion control plan should be developed for the proposal. The plan should focus on addressing the potential of soil movement offsite through stormwater flows or tracking of mud and sediment from vehicles and construction equipment. The plan should include both vegetative measures and designed Best Management Practices for reducing the discharge of sediment offsite.

If our office can assist as the SWCD reviews plans to address the potential soil erosion, water management or natural resource concerns, please feel free to call on us.

KURT D. MASON, CPESC
District Conservationist

Enclosure

Copy furnished: (w/enclosure)
Mark Madison, Milestone Design Group, Inc., Engineers

JUL 18 2006

9-12-06

Soils Inventory Report

Wed Jul 5 11:37:27 EDT 2006

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

Map Unit Symbol	Map Unit Name	Percent
Rb	Robertsville silt loam	100%

JUL 18 2006

9-12-06

BEST MANAGEMENT PRACTICES (BMP's) FOR EROSION, SEDIMENT AND DRAINAGE CONTROL

Ole Hickory Pit

The alternatives listed should serve as a guide in developing components for a specific sediment and erosion control plan for this project. The method of development will determine to what extent these measures are needed. This listing is not all inclusive. It addresses potential uses of components based on particular land features of this site.

- ◆ Minimize the occurrences of erosion by disturbing only the minimal areas needed to construct roads and install utilities.
- ◆ Any disturbed area should be revegetated by preparing a good seedbed which promotes vigorous plant growth. This includes the use of high quality seed with a high germination test rate and a low percentage of noxious weed seed. Use an inoculant on any legume seed.
- ◆ Seed the disturbed areas to a permanent grass cover of KY 31 fescue at a rate of 40 pounds per acre (minimum) plus 15 pounds of annual ryegrass per acre. At a minimum, apply 120 pounds of nitrogen, 120 pounds of P205 and 120 pounds of K20 per acre seeded. An application of 2 to 3 tons of agricultural limestone should also be used on the seeding area.
- ◆ Utilize optimum seeding dates from March 1 to May 15 and August 1 to October 15. Sow seed using a seed drill, broadcast seeder and cultipacker or hydro seed the areas to be seeded. When hydro seeding, use four times the recommended rate of seed. Fertilizer and agricultural limestone should be disked or incorporated into the ground's surface to a depth of 4 to 6 inches prior to seeding. Increase the seed application 20% for each of the following limitations: little or no topsoil, rockiness, droughty weather conditions, poor ground preparation, inability to cover seed and seeding near the end of optimum seeding dates (After May 1 and after October 1.)
- ◆ Utilize a temporary seeding to provide an erosion control ground cover on graded or cleared areas which may be subject to erosion. Temporary seedings are applicable on areas disturbed and left untreated until the entire development area is finish graded and suitable for a permanent ground cover. The following annuals may be used as temporary plantings and are adequate for 3 to 12 months:

Annual Ryegrass	(40 lbs per acre between 2/15 - 6/15)
Spring Oats	(96 lbs per acre between 2/15 - 6/15)
Wheat	(96 lbs per acre between 8/16 - 11/15)
Grain Rye	(120 lbs per acre between 8/16 - 11/15)

JUL 18 2006

BEST MANAGEMENT PRACTICES (BMP's) FOR EROSION, SEDIMENT AND DRAINAGE CONTROL

- ◆ Where extensive grading is to take place, the topsoil if any, should be stripped and stockpiled for final grading and seeding. All stockpiled soil should be temporarily seeded or at least heavily mulched depending on the anticipated time of usage. Surround stockpiled soil at the base with silt fencing.
- ◆ Use sod to line channels and banks requiring immediate vegetation. Sod should be pinned or staked to prevent slippage or rolling out of channel areas.
- ◆ Apply a straw mulch to the seeded areas for the conservation of moisture and to help hold the seed in place. On flatter slopes the mulch can be anchored by running a straight disk over the straw. Straw should be applied at a rate of 2 ton per acre.
- ◆ Install subsurface drainage tile in channel areas where seasonal flows is likely due to intermittent spring flows or soils with seasonal high water tables. In some instances, some form of a surface inlet or a gravel layer may be necessary to intercept water running on the surface.
- ◆ Use a properly installed silt fence parallel to wetlands. The fence should be entrenched about 6 inches below ground level and supported with post as recommended by the manufacturer to hold the fence in place.
- ◆ Place gravel filters around the entrances to existing storm drains to filter out sediment and to retain sediment.
- ◆ Construct diversion channels on the tract to intercept water from adjoining sites or undisturbed areas. The purpose of diverting this water is to reduce the amount of area where "cleaner water" is allowed to mix with the sediment laden water. This reduces the runoff to be contained in sediment or water retention basins.
- ◆ Utilize silt fences to act as a sediment filter along sediment producing areas where sediment flow is sheet like and not concentrated flow.
- ◆ Use a storm drain inlet protector to filter sediment from new stormwater systems. Inlet protectors should be made of a filter fabric with frame or filter fabric and gravel.
- ◆ Use a gravel base construction entrance for ingress and egress. The gravel entrance should have a filter fabric under the gravel support. The construction entrance should be wide enough to accommodate large vehicles. The length of the gravel entry should be adequate to provide roughness and time to deposit mud and sediment from the underside of vehicles prior to their entry onto a public road or street.

BEST MANAGEMENT PRACTICES (BMP's) FOR EROSION, SEDIMENT AND DRAINAGE CONTROL

- ◆ Surface roughen the slopes prior to seeding and mulching. This measure will create horizontal depressions, using tillage implements or tracks of excavation equipment. This is preferred on all slopes greater than 3:1 where a smooth seedbed is not advantageous. Surface roughening reduces runoff velocity and may increase infiltration, reduces erosion and aids in the establishment of vegetative cover.
- ◆ All sediment trapping measures should be inspected after each storm event. The inspection should allow for the following: [1] repair of unsuccessful structures and redesign if necessary, [2] removal of sediment to allow for sediment trapping during the next storm event, [3] installation of additional treatment facilities to adjust for deficiencies, and [4] maintenance of existing structures to insure workability, as designed.
- ◆ All erosion control measures should be inspected after each storm event. The inspection should provide for the following: [1] spot treatment of areas lost during the storm event (reapplication of seed, fertilizer, mulch and anchors), [2] reevaluation of treatment method (i.e. seed versus sod), and [3] evaluation of the need for additional water management techniques such as slope breaks, diversions or other treatments. Rill and gully formation should be evaluated and treated as they occur. The presence of rills and gullies indicate the need to (a) shorten runoff slopes and (b) redirect and manage concentrated flow.

JUL 18 2006

Refer to standards and specifications for structural measures in the
**NRCS Water Management and Sediment Control For Urbanizing Areas Manual.*
**Available through the Jefferson County Soil and Water Conservation District at 502/499-1900.*

Soil Feature Limitations For Building & Development: OLE HICKORY PIT

Symbol	Soil Series	Slope	Water Table	Bedrock	Hydric	Erosion Potential
Rb	Robertsville silt loam	0-2%	0'-1'	4'-10'	yes	slight

JUL 18 2006

9212-00

Site Limitations For Building & Development: OLD HICKORY PIT

SYMBOL	COMMERCIAL	BASEMENTS	FOUNDATIONS	ROADS	LANDSCAPING
Rb	(VS) wetness	(VS) wetness	(VS) wetness	(VS) wetness, low strength	(S) wetness

M=Moderate; S=Severe; VS=Very Severe

Ole Hickory Pit (Rezon)

Field Office: LA GRANGE PROGRAM DELIVERY P

Agency: USDA NRCS

Assisted By: Kurt De Juan Mason

District: LOUISVILLE SOIL & WATER CONSERVATION DISTRICT



Légend

Soils Map

Consplan

cnty24k_a_ky111

Image: nalp_1-1_1n_s_ky111_2004_1.sid

JUL 1 8 2006



170 0 170 340 510 680 Feet

N



9-12-06

PUBLIC HEARING
 July 20, 2006
 Pursuant to KRS
 100.020, the Louisville
 Metro Planning
 Commission will
 hold a public
 hearing on July 20,
 2006, at 1:00 p.m. at
 the Old Jail Build-
 ing located at 514
 W. Liberty Street,
 Louisville, Ken-
 tucky, on the fol-
 lowing proposed
 amendments af-
 fecting the use of
 land in Metro Lou-
 isville, Kentucky.

**THE COURIER JOURNAL & LOUISVILLE TIMES
 INCORPORATED**

STATE OF KENTUCKY
County of Jefferson

DOCKET NO.

9-16-06

Change in zoning
 from R - 7
 Multi-Family Resi-
 dential to C-1 and
 C-2 Commercial on
 property located
 southeast of the
 intersection of An-
 tie Drive and Stan-
 dford Plaza Drive.

Affidavit of Publication

Michelle Wyatt of **THE COURIER JOURNAL & LOUISVILLE TIMES**
COMPANY, clerk of **THE COURIER JOURNAL** general circulation printed and
 published at Louisville, Kentucky, do solemnly swear that from my own personal
 knowledge, and reference to the files of said publication, the advertisement of:

DOCKET NO.

9-12-06

Change in zoning
 from R-4 Single
 Family Residential
 to C-1 Commercial
 on property lo-
 cated at 4001, 4003
 & 4009 Old Outer
 Loop.

Public hearing

as inserted in **THE COURIER JOURNAL** as follows:

DOCKET NO.

9-20-06 & 10-20-06

Change in zoning
 from R - 4
 Single-Family
 Residential to R-5A
 Multi-family Resi-
 dential on prop-
 erty located at
 11000, 10826, 11100,
 11150 Ballardville
 Road and 4976
 Murphy Lane.

Date	Lines
6/29/06	88

DOCKET NO.

1-09-06

Request to close a
 section of an un-
 improved, un-
 named alley lo-
 cated on the south
 side of Railroad
 Avenue, running a
 distance of 269
 feet, containing
 3,214.74 feet.

Michelle Wyatt

 (Signature of person making proof)

The said propos- subscribed and sworn to before me this 12th day of July, 2006

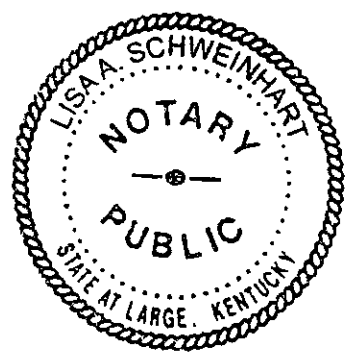
als may be in-
 spected in the
 office of the
 Commission, 444 S.
 5th Street, Ste. 300,
 Louisville, Ken-
 tucky. Persons
 who desire special
 accommodations
 should contact the
 Planning Commis-
 sion office at
 574-6230 at least
 one week prior to
 the public hearing.
 (TDD users please
 use the Relay Ser-
 vice, 1-800-
 648-6056).

Lisa A. Schweinhart

 Lisa A. Schweinhart/ Notary

Commission expires February 20, 2010

RECEIVED
 JUL 14 2006
 PLANNING & DESIGN SERVICES



JUSTIFICATION STATEMENT FOR VARIANCE
SHARON AND KENNETH RAMAGE, APPLICANTS
4001, 4003, 4009 OUTER LOOP
DOCKET No. 9-12-06VW

A variance are requested for an approximately 1.34-acre property requesting C-1 Commercial zoning located at 4001, 4003, 4009 Outer Loop in the Neighborhood Form District (the "Property"). The Property will be used as a family restaurant and ice cream parlor. Section 3.1.C.5, Table 5.3.2 of the Land Development Code ("Code") requires the front and street side setback for buildings of between 5,000 and 30,000 square feet to be a maximum of 80 feet. A variance is requested to allow the street side setback along Lone Oak Drive for the ice cream parlor to be approximately 310 feet ("Setback Variance").

The requested variance is appropriate for the following reasons:

A. THE REQUESTED VARIANCES ARISE FROM SPECIAL CIRCUMSTANCES WHICH DO NOT GENERALLY APPLY TO LAND IN THE GENERAL VICINITY.

The requested Setback Variance arises from the configuration of the Property and the need to orient parking facing Outer Loop away from single family residences to the south of the site. The site is rectangular (approximately 134' x 372') with the proposed restaurant on the west and the ice cream parlor on the east portion of the tract separated by a tree preservation area. Moving the ice cream parlor further west would eliminate the tree preservation area. Relocating the ice cream parlor to the west would move it further from existing commercial uses and closer to single family residences and would encroach into the required Parkway buffer area.

B. THE STRICT APPLICATION OF THE PROVISIONS OF THE REGULATIONS WOULD CREATE AN UNNECESSARY HARDSHIP ON THE APPLICANT.

The strict application of the setback regulations of the Code would require the Applicant to reconfigure the proposed buildings on the Property, relocate parking spaces from the Outer Loop side of the proposed buildings to the rear or side yard, or eliminate parking spaces all of which would make the parking more obtrusive to the neighbors. Any of these options would require major changes to the Development Plan and would result in a development that does not properly address compatibility issues.

C. THE CIRCUMSTANCES DESCRIBED ABOVE ARE NOT THE RESULT OF ACTIONS OF THE APPLICANT TAKEN SUBSEQUENT TO THE ADOPTION OF THE LAND DEVELOPMENT CODE

The circumstances necessitating the Setback Variance are a result of the shape of the Property and the need to locate the ice cream parlor so as to be compatible with neighborhood.

D. THE GRANT OF THE VARIANCES WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY, WILL NOT CAUSE A HAZARD OR NUISANCE TO THE PUBLIC, AND WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS.

9-12-06

The grant of this variance will not result in decreased separation of land uses, increased traffic safety issues, or a development that is out of character or scale with the Neighborhood Form District or surrounding land uses. The requested Setback Variance is for a necessary deviation from the maximum setback requirements.

1111530_1

9-12-20



Louisville Metro Planning & Design Services

APPLICATION FOR VARIANCE

For staff use only

Docket No. 9-12-06V Date Filed 7/20/06 Intake Staff LEH Fee \$ 471

Please submit Application Forms in person to PDS Customer Service

1. This is an application for a variance from Section 3.1.C.5, Table 5.3.2 of the Land Development Code Regulations for property located in the C-1 Zoning District and the Neigh. Form District to permit the street side setback along Lone Oak Drive to be 310 feet

2. The address/location of the property is: 4001, 4003, 4009 Old Outer Loop
In Metro Council District #: 24

Give street address. If no street address, list the number of feet from nearest intersecting street and which side of street (i.e., north, east, west or south side) the property fronts on.

3. In order to justify approval of any variance, the Board considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

Reasons that the granting of the variance:

a) Will not adversely affect the public health, safety or welfare.
see attached Justification Statement

b) Will not alter the essential character of the general vicinity.

c) Will not cause a hazard or a nuisance to the public.

d) Will not allow an unreasonable circumvention of the requirements of the zoning regulations

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Louisville Metro Planning & Design Services
444 South Fifth St.
Louisville, KY 40202
502-574-6230 Fax 502-574-8129

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4. Additional consideration:

a. Whether the variance arises from special circumstances, which do not generally apply to land in the general vicinity; (Please specify/identify)

b. Whether 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;

c. Whether the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought. _____

5. If this property has been the subject of action by either the Metro Louisville Planning Commission or the Board of Zoning Adjustment, please give:

Docket Number 9-12-06VW Date of action _____

7079 514

6. The property is recorded in: Deed Book(s): 7340 Page(s): 861 & 857

Tax Block: 751 Lot No.: 19, 20, 55

751 21, SL 27

7. Environmental Constraints on Site?

Note: Certain development activities are exempt from compliance with the environmental constraints regulations; refer to Section 4.6.1.B. of the Land Development Code.

- 1. Are there unstable soils on-site? Yes No
- 2. Are there slopes of 20% or greater on site? Yes No
- 3. Are there hydric soils or wetlands on-site in excess of 0.1 acres? Yes No
- 4. Are there blue line streams on or adjacent to the property? Yes No
- 5. Are there lakes and/or impoundments in excess of 3 acres on site? Yes No
- 6. Is the development located in a local regulatory flood plain or conveyance zone? Yes No

Note: Preliminary determination of presence of the constraints listed above may be based on the Development Info Tool in LOJIC (www.lojic.org). Wetlands information is also available from the National Wetlands Inventory website: <http://wetlands2.nwi.fws.gov/sites/nwi/>.

If you answered yes to questions 1 or 2, your development is subject to review under Chapter 4 Part 7.

If you answered yes to questions 3, 4, or 5, your development is subject to Chapter 4 Part 8.

If you answered yes to question 6, contact the Metropolitan Sewer District.

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444 South Fifth St.
Louisville, KY 40202
502-574-6230 Fax 502-574-8129

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Owner (Signature is Required)

Print Name Kenneth & Sharon Ramage Signature _____

Address 5525 Beth Road Zip Code 40219 Daytime Phone _____

Print Name _____ Signature _____

Address _____ Zip Code _____ Daytime Phone _____

Applicant (if other than owner)

Print Name _____ Signature _____

Address _____ Zip Code _____ Daytime Phone _____

Agent for Applicant

Print Name Paul B. Whitty Signature _____

Address 3500 National City Tower Zip Code 40202 Daytime Phone _____

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Louisville Metro Planning & Design Services
444 South Fifth St.
Louisville, KY 40202
502-574-6230 Fax 502-574-8129

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9-12-06 ✓

**PROPERTY OWNER SIGNATURE PAGE
FOR 4001, 4003, 4009 OLD OUTER LOOP
(Tax Block 751, Lots 20 and 55)
(Tax Block 751, Lot 21 SL 27)**

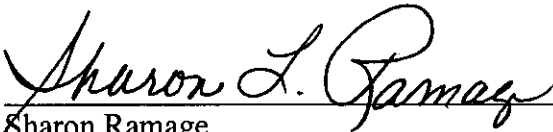
This Property Owner Signature Page shall be effective for the following zoning-related applications which shall be filed, as the case may be, at the offices of The Louisville Metro Department of Planning and Design Services, for the following:

- Zone Change (Map Amendment)
- Any additional zoning-related applications

Owner:


Kenneth Ramage
5525 Beth Road
Louisville, Kentucky 40219

Owner:


Sharon Ramage
5525 Beth Road
Louisville, Kentucky 40219

1006536_1

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9-12-06 ✓

JUSTIFICATION STATEMENT FOR VARIANCE
SHARON AND KENNETH RAMAGE, APPLICANTS
4001, 4003, 4009 OUTER LOOP
DOCKET No. 9-12-06VW

A variance are requested for an approximately 1.34-acre property requesting C-1 Commercial zoning located at 4001, 4003, 4009 Outer Loop in the Neighborhood Form District (the "Property"). The Property will be used as a family restaurant and ice cream parlor. Section 3.1.C.5, Table 5.3.2 of the Land Development Code ("Code") requires the front and street side setback for buildings of between 5,000 and 30,000 square feet to be a maximum of 80 feet. A variance is requested to allow the street side setback along Lone Oak Drive for the ice cream parlor to be approximately 310 feet ("Setback Variance").

The requested variance is appropriate for the following reasons:

A. THE REQUESTED VARIANCES ARISE FROM SPECIAL CIRCUMSTANCES WHICH DO NOT GENERALLY APPLY TO LAND IN THE GENERAL VICINITY.

The requested Setback Variance arises from the configuration of the Property and the need to orient parking facing Outer Loop away from single family residences to the south of the site. The site is rectangular (approximately 134' x 372') with the proposed restaurant on the west and the ice cream parlor on the east portion of the tract separated by a tree preservation area. Moving the ice cream parlor further west would eliminate the tree preservation area. Relocating the ice cream parlor to the west would move it further from existing commercial uses and closer to single family residences and would encroach into the required Parkway buffer area.

B. THE STRICT APPLICATION OF THE PROVISIONS OF THE REGULATIONS WOULD CREATE AN UNNECESSARY HARDSHIP ON THE APPLICANT.

The strict application of the setback regulations of the Code would require the Applicant to reconfigure the proposed buildings on the Property, relocate parking spaces from the Outer Loop side of the proposed buildings to the rear or side yard, or eliminate parking spaces all of which would make the parking more obtrusive to the neighbors. Any of these options would require major changes to the Development Plan and would result in a development that does not properly address compatibility issues.

C. THE CIRCUMSTANCES DESCRIBED ABOVE ARE NOT THE RESULT OF ACTIONS OF THE APPLICANT TAKEN SUBSEQUENT TO THE ADOPTION OF THE LAND DEVELOPMENT CODE

The circumstances necessitating the Setback Variance are a result of the shape of the Property and the need to locate the ice cream parlor so as to be compatible with neighborhood.

D. THE GRANT OF THE VARIANCES WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY, WILL NOT CAUSE A HAZARD OR NUISANCE TO THE PUBLIC, AND WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS.

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9-12-06V

The grant of this variance will not result in decreased separation of land uses, increased traffic safety issues, or a development that is out of character or scale with the Neighborhood Form District or surrounding land uses. The requested Setback Variance is for a necessary deviation from the maximum setback requirements.

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9-12-06V

99-0383

7

DEED

THIS DEED is made by and between Robert H. Hall and LaVerne K. Hall, husband and wife, of 4922 Cedar Brook Court Louisville, KY 40219-4002 FIRST PARTIES and Kenneth Ramage and Sharon Ramage, husband and wife, of 5525 Bell Rd Louisville, KY 40219, SECOND PARTIES.

The full actual consideration paid or to be paid for this conveyance is \$45,000.00.

WITNESSETH: That for a valuable consideration, the receipt of which is hereby acknowledged, the First Parties do hereby convey unto the Second Parties, for and during their joint lives with remainder in fee simple to the survivor of them, with covenant of General Warranty, the following described property, together with any and all improvements thereon, located in Jefferson County, Kentucky, to wit:

BEING the East 50 feet in width of Lot 28 Paris City Addition of record in Plat and Subdivision Book 1, Page 141, in the Office of the Clerk of the County Court of Jefferson County, Kentucky. EXCEPTING THEREFROM so much as was conveyed to Commonwealth of Kentucky for the use and benefit of the Department of Transportation by deed dated June 22, 1976, of record in Deed Book 4863, Page 997, in the aforesaid Office.

BEING the same property conveyed to Robert H. Hall and LaVerne K. Hall, husband and wife, by Deed dated March 27, 1979, of record in Deed Book 5080, Page 364 in the Office of the Clerk aforesaid.

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9-12-06U

The First Parties covenant that they are lawfully seized of the estate hereby conveyed, that they have full power and right to convey the same and that said property is free from any and all encumbrances, except the 1999 State, County, School and Fire District real estate ad valorem taxes which the Second Parties assume and agree to pay.

PROVIDED, however, this conveyance is made subject to restrictions, stipulations and easements of record and applicable zoning laws and regulations.

IN TESTIMONY WHEREOF, witness the signatures of the First Parties this 19th day of October, 1999.

FIRST PARTIES

Robert H. Hall
Robert H. Hall

LaVerne K. Hall
LaVerne K. Hall

COMMONWEALTH OF KENTUCKY)
COUNTY OF JEFFERSON) SS.

I hereby certify the foregoing instrument was subscribed, sworn to and acknowledged before me by Robert H. Hall and LaVerne K. Hall, husband and wife, First Parties, to be their free acts and deeds this 19th day of October, 1999.

My commission expires: 8-7-02
[Signature]
Notary Public

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9-12-06U

COMMONWEALTH OF KENTUCKY)
) ss.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was subscribed, sworn to and acknowledged before me by Kenneth Ramage and Sharon Ramage, husband and wife, Second Parties, to be their free acts and deeds this 19th day of October, 1999.

My commission expires:

8-7-02
Harold W. Thomas
Notary Public

NO TITLE SEARCH MADE

THIS INSTRUMENT PREPARED BY:

Harold W. Thomas
Harold W. Thomas
THOMAS, DODSON & WOLFORD
9200 Shelbyville Road, Suite 611
Louisville, Kentucky 40222
(502) 426-1700

f:\data\fds\99\0383

Document No.: DN1999172500
Lodged By: THOMAS & DODSON
Recorded On: 10/20/1999 02:49:54
Total Fees: 59.00
Transfer Tax: 45.00
County Clerk: Bobbie Holsclaw-JEFF CO KY
Deputy Clerk: PENNIN

END OF INSTRUMENT

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OCT 20 2006

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9-12-06U

99-0383

DEED

THIS DEED is made by and between Raynor Door Company of Louisville, Inc., a Kentucky Corporation, of 3807 Oaklawn Drive, Louisville, KY 40219, FIRST PARTY, and Kenneth Ramage and Sharon Ramage, husband and wife, of 5525 Bizz Rd. Louisville, KY 40219, SECOND PARTIES.

The full actual consideration paid or to be paid for this conveyance is \$125,000.00.

WITNESSETH: That for a valuable consideration paid, receipt of which is hereby acknowledged, the First Party hereby conveys unto the second parties, for and during their joint lives with the remainder in fee simple to the survivor of them, with covenant of General Warranty, the following described property together with any and all improvements thereon, located in Jefferson County, Kentucky, to wit:

BEING the West 138 feet in width of Lot 28, Parie City Addition and Lot 29, Parie City Addition as shown on plat of same recorded in Plat and Subdivision Book 1, Page 141, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, excepting therefrom so much of such property as was

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DESIGN SERVICES

9-12-06U

conveyed to Commonwealth of Kentucky by deed of record in Deed Book 4858, Page 591, in the Office aforesaid and deed dated October 25, 1952 of record in Deed Book 2942, Page 410, in the Office of the County Court Clerk aforesaid, and Deed Book 2402, Page 257, and Deed Book 2930, Page 376, all in the Office of the County Clerk aforesaid.

BEING the same property conveyed to Raynor Door Company of Louisville, Inc., a Kentucky Corporation, by Deed dated August 12, 1999 of record in Deed Book 7306, Page 211, in the Office of the Clerk aforesaid.

The First Party covenants that it is lawfully seized of the estate hereby conveyed, that it has full power and right to convey same and that said estate is free from all encumbrances except the lien herein retained, State, County, School and Fire District real estate ad valorem taxes for 1999, which second parties assume and agree to pay.

PROVIDED, however, this conveyance is made subject to easements, restrictions, and stipulations of record and applicable zoning laws and regulations.

IN TESTIMONY WHEREOF, witness the signature of the First Party, this 19th day of October, 1999.

FIRST PARTY:
Raynor Door Company of
Louisville, Inc.
By: Dwight A. Hall Pres
Dwight A. Hall, President

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9-12-06U

CERTIFICATE

We Dwight A. Hall as President of Raynor Door Company of Louisville, Inc., First Party, and Kenneth Ramage and Sharon Ramage, Second Parties, do hereby certify, pursuant to KRS Chapter 382, that the above stated consideration in the amount of \$125,000.00 is the true, correct, and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.

SECOND PARTIES:

Kenneth Ramage
Kenneth Ramage

Sharon A. Ramage
Sharon Ramage

FIRST PARTY:

Raynor Door Company of
Louisville, Inc.

By: Dwight A. Hall Pres
Dwight A. Hall, President

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9-12-06V

COMMONWEALTH OF KENTUCKY)
) SS.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was subscribed, sworn to and acknowledged before me by Dwight A. Hall as President of Raynor Door Company of Louisville, Inc., First Party, to be his free act and deed this 19th day of October, 1999.

My commission expires 8-7-02

[Signature]
Notary Public

COMMONWEALTH OF KENTUCKY)
) SS.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was subscribed, sworn to and acknowledged before me by Kenneth Ramage and Sharon Ramage, husband and wife, Second Parties, to be their free acts and deeds, this 19th day of October, 1999.

My commission expires: 8-7-02

[Signature]
Notary Public

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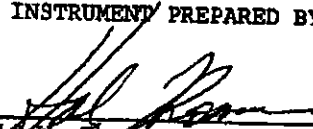
JUL 20 2006

PLANNING &
DESIGN SERVICES

9-12-06V

NO TITLE SEARCH MADE

THIS INSTRUMENT PREPARED BY:



 Harold W. Thomas
 THOMAS, DODSON & WOLFORD
 9200 Shelbyville Road, Suite 611
 Louisville, Kentucky 40222
 (502) 426-1700

f:\data\fds\99\0383

Document No.: DM1999172501
 Lodged By: THOMAS & DODSON
 Recorded On: 10/20/1999 02:50:05
 Total Fees: 141.00
 Transfer Tax: 125.00
 County Clerk: Robbie Holsclaw-JEFF CO KY
 Deputy Clerk: PENNIN

5

END OF INSTRUMENT

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OCT 20 2006

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9-12-06U

99-0383

DEED OF RELEASE

THIS DEED OF RELEASE is made by and between Raynor Door Company of Louisville, Inc., Party of the First Part, and Raynor Door Company of Louisville, Inc., Party of the Second Part.

WITNESSETH: That whereas the party of the first part hold a Vendors Lien dated October 17, 1996 on the property described therein granted by the party of the second part, as recorded in Deed Book 6803, Page 596, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, and the said Vendors Lien and the Promissory Note of even date secured thereby in the original amount of \$129,000.00 have been satisfied in full.

NOW, for a valuable consideration, the receipt of which is hereby acknowledged, the party of the first part does hereby release in full the aforesaid lien.

IN TESTIMONY WHEREOF, witness the signature of the party of the first this 17th day of October, 1999.

Raynor Door Company of Louisville, Inc.

By: Dwight A. Hall Pres
Dwight A. Hall, President

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PLANNING &
DESIGN SERVICES

9-12-06V

COMMONWEALTH OF KENTUCKY)
) ss.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was acknowledged before me this 17th day of October, 1999, by Dwight A. Hall as President of Raynor Door Company of Louisville, Inc., ✓ who is personally known to me, or _____ who has produced _____
(Type of ID)

My commission expires: 8-7-02

[Signature]
Notary Public
(SEAL)

THIS INSTRUMENT PREPARED BY:

[Signature]
Harold W. Thomas
THOMAS, DODSON & WOLFORD
9200 Shelbyville Road, Suite 611
Louisville, Kentucky 40222
(502) 426-1700
f:\data\fds\99\0383

Document No.: DN1999172503
Lodged By: THOMAS & DODSON
Recorded On: 10/20/1999 02:50:34
Total Fees: 9.00
Transfer Tax: .00
County Clerks: Bobbie Holecian-JEFF CO KY
Deputy Clerks: PENNIN

END OF DOCUMENT

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NOV 20 2006

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9-12-06V

DEED

THIS DEED made this 28th day of July, 1998 between:

CLAUDE CARL BARKER, JR., ALSO KNOWN AS CARL BARKER, JR., unmarried, D/B/A
CARL'S OXYGEN DELIVERY SERVICE, a/k/a Carl's Oxgen Delivery Service
4011 Outer Loop
Louisville, kentucky 40219

PARTY OF THE FIRST PART

AND

KENNETH RAMAGE AND SHARON RAMAGE, husband and wife

5525 BETH ROAD
LOU KY. 40219

PARTIES OF THE SECOND PART

WITNESSETH: That for a valuable consideration paid, the receipt of which is hereby acknowledged, the Party of the First Part hereby conveys with covenant of GENERAL WARRANTY, unto the Parties of the Second Part, for and during their joint lives with the remainder in fee simple to the survivor of them, the following described real estate situated in Jefferson County, Kentucky, to wit:

Parcel 1: 4009 Outer Loop

Being Lot No. 27, in Parie City Addition, as shown on plat of same recorded in Plat and Subdivision Book 1, Page 141, in the Office of the Clerk of Jefferson County, Kentucky.

BEING the same property acquired by Carl Barker, Jr., by Deed dated August 21, 1990, of record in Deed Book 5986, Page 531, in the office of the Clerk of Jefferson County, Kentucky.

Parcel 2: 4011 Outer Loop

Beginning at a point in the Northerly line of Maplewood Avenue (now Outer Loop Highway) at the intersection with the Easterly line of the first alley West of Preston Street Road, said point being the Southwesterly corner of Lot No. 5 as shown on plat of Parie City Addition recorded in Plat and Subdivision Book 1, Page 173, in the Office of the Clerk of the Jefferson County Court; and running thence Eastwardly with the Northerly line of Maplewood Avenue (now Outer Loop Highway), North 66 degrees 55 minutes East 50 feet to stake; thence extending back Northwardly between parallel lines of that width throughout North 24 degrees 35 minutes West, 200 feet, the Westerly line being the Easterly line of the aforesaid first alley West of Preston Street Road, and being the Westerly 50 feet of Lots No.s 4 and 5 of the aforesaid Parie City Addition.

BEING the same property acquired by Carl's Oxygen Delivery Service, a/k/a Carl's Oxgen Delivery Service, and Claude Carl Barker, Jr., by Deed dated May 12, 1975, of record in Deed Book 4787, Page 321, re-recorded in Deed Book 5195, Page 729, by deed dated February 23, 1977, of record in Deed Book 4914, Page 83, re-recorded in Deed Book 4915, Page 188, and by deed dated August 21, 1990, of record in Deed Book 5986, Page 534, in the office of the Clerk of Jefferson County, Kentucky.

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9-12-06V

Parcel 3: 4013 Outer Loop

Beginning at a point in the Northerly line of Outer Loop Highway, formerly Maplewood Avenue, at a point North 66 deg. 55 min. East 50 feet from the East line of the first alley West of Preston Street Road; thence with the Northerly line of Outer Loop Highway North 66 deg. 55 min. East 52 feet, and extending back Northwardly between parallel lines, of that width throughout, North 24 deg. 35 min. West 200 feet; being part of Lots 4 and 5, Paris City Addition, a plat of which is of record in Plat and Subdivision Book 1, Page 173, in the Office of the Clerk of Jefferson County, Kentucky; excepting therefrom so much of the above described property as was conveyed to Commonwealth of Kentucky by Deed dated June 10, 1976, of record in Deed Book 4863, Page 720, in the Office of the Clerk aforesaid.

BEING the same property acquired by Claude Carl Barker, Jr., by Deed dated August 21, 1990, of record in Deed Book 5986, Page 537, in the office of the Clerk of Jefferson County, Kentucky.

The Party of the First Part further covenants that he is are lawfully seized of the estate hereby conveyed, has full right and power to convey the same, and that said estate is free from all encumbrances except State, County and School taxes payable in the year 1998 and all subsequent taxes which the Parties of the Second Part hereby assume and agree to pay.

The consideration (sale price) paid for the real property conveyed is \$160,000.00.

PROVIDED, HOWEVER, there are excepted any restrictions, stipulations and easements of record affecting said property.

CONSIDERATION CERTIFICATION: The parties hereto certify the consideration reflected in this deed is the true, correct and full consideration paid for the property herein conveyed. The parties hereto further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00. The Parties of the Second Part join this deed for the sole purpose of certifying the consideration set forth herein.

IN TESTIMONY WHEREOF, WITNESS THE SIGNATURES the Party of the First Part and the Parties of the Second Part on the day and year first above written.

Claude Carl Barker Jr.
CLAUDE CARL BARKER, JR.

CARL'S OXYGEN DELIVERY SERVICE

BY: *Carl Barker Jr.*
CARL BARKER, JR., PRESIDENT

Kenneth Ramage
KENNETH RAMAGE

Sharon L. Ramage
SHARON RAMAGE

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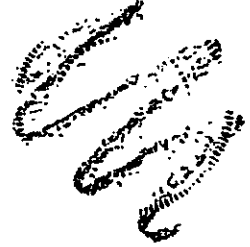
9-12-06V

STATE OF KENTUCKY
COUNTY OF JEFFERSON

The foregoing Deed and Consideration Certification were acknowledged and sworn to before me this 28th day of July, 1998 by CLAUDE CARL BARKER, JR., ALSO KNOWN AS CARL BARKER, JR., unmarried, D/B/A CARL'S OXYGEN DELIVERY SERVICE a/k/a Carl's Oxgen Delivery Service and the Consideration Certification was acknowledged and sworn to before me by KENNETH RAMAGE AND SHARON RAMAGE, husband and wife.

My commission expires: 12/15/2000


Notary Public



Prepared by:


PITT & FRANK ATTORNEYS
6450 Dutchmans Parkway
Louisville, Kentucky 40205
(502) 895-9900

#31851
/gwen/ramage.dec

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END OF DOCUMENT

Document No.: DN1998115727
Lodged By: PITT & FRANK
Recorded On: 07/29/1998 12:28:23
Total Fees: 172.00
Transfer Tax: 160.00
County Clerk: Rebecca Jackson
Deputy Clerk: TERHIG

3

9-12-06U

PROPERTY DESCRIPTION

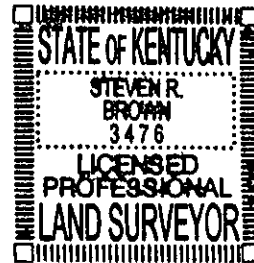
OLE HICKORY PIT

BEING a tract of land situated in Jefferson County, Kentucky, and being more particularly described as follows:

BEGINNING at an point in the southerly right-of-way line of Outer Loop with its intersection with the easterly right-of-way of Lone Oak Avenue, thence with said southerly line of Outer Loop north 70 degrees 33 minutes 03 seconds east 314.16 feet to a point; thence south 82 degrees 04 minutes 09 seconds east 42.43 feet to a point in the westerly line of a 20' Alley; thence with said Alley south 24 degrees 31 minutes 23 seconds east 133.09 feet to a point in the northerly right-of-way line of Maplewood Avenue; thence with said northerly line of Maplewood Avenue south 66 degrees 55 minutes 00 seconds west 372.44 feet to a point in the easterly right-of-way line of Lone Oak Avenue; thence with said easterly line of Lone Oak Avenue north 47 degrees 23 minutes 03 seconds west 45.88 feet to a point; thence north 17 degrees 43 minutes 14 seconds west 100.50 feet to a point; thence north 24 degrees 17 minutes 43 seconds east 32.75 feet to a point in the southerly right-of-way line of Outer Loop, the **POINT OF BEGINNING** and containing 1.34 acres, more or less.

BEING the same property conveyed to Kenneth and Sharon Ramage by deed of record in Deed Book 7340, Page 751 in the Office of the Clerk of Jefferson County, Kentucky.


Steven R. Brown, Reg. Ky. P.L.S. #3476 2-10-06 Date

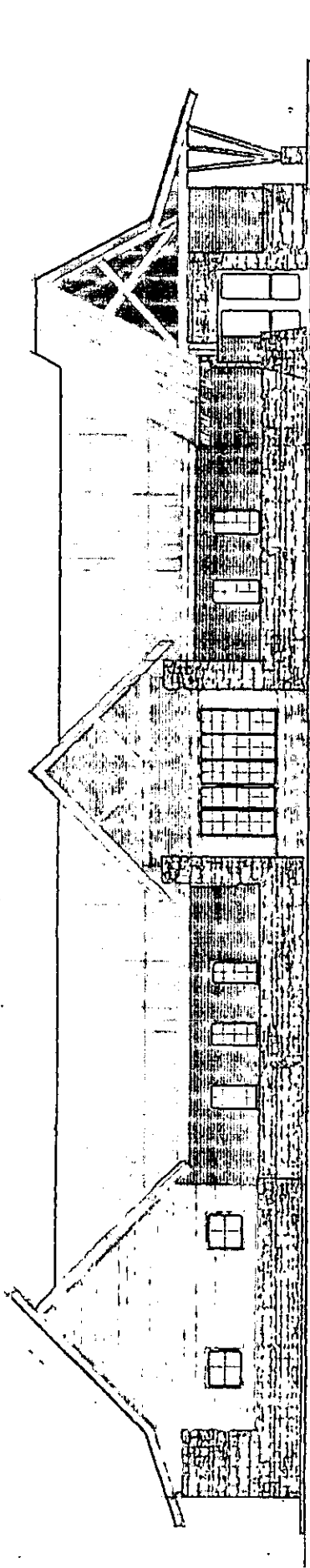


RECEIVED

20 2006

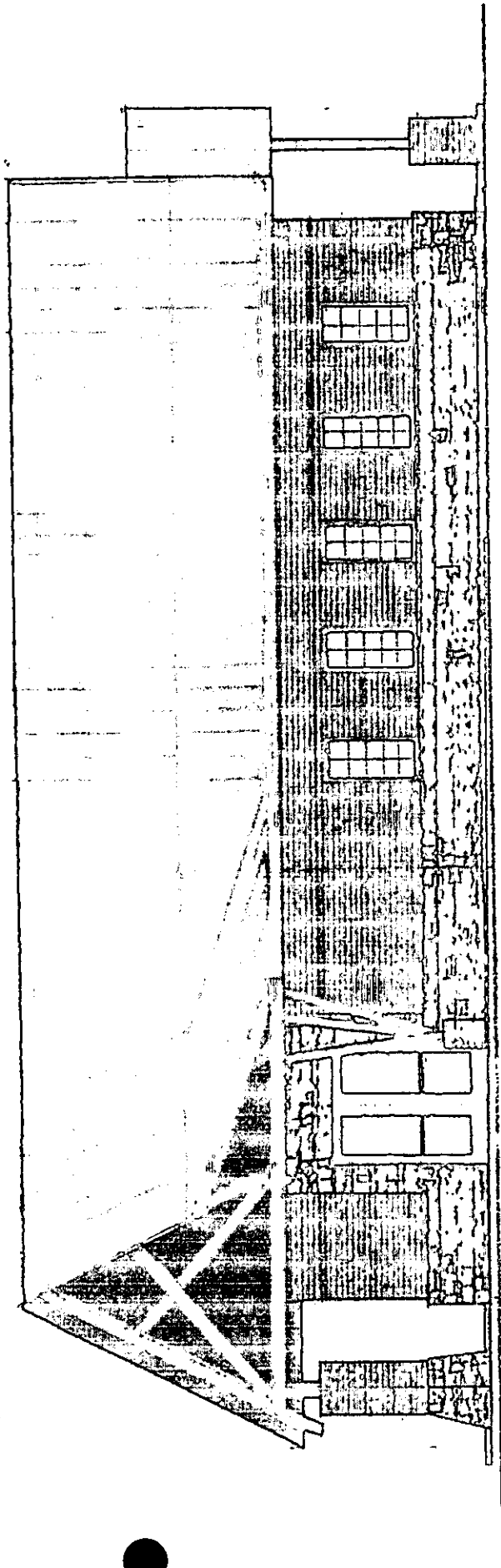
PLANNING &
DESIGN SERVICES

9-12-06V

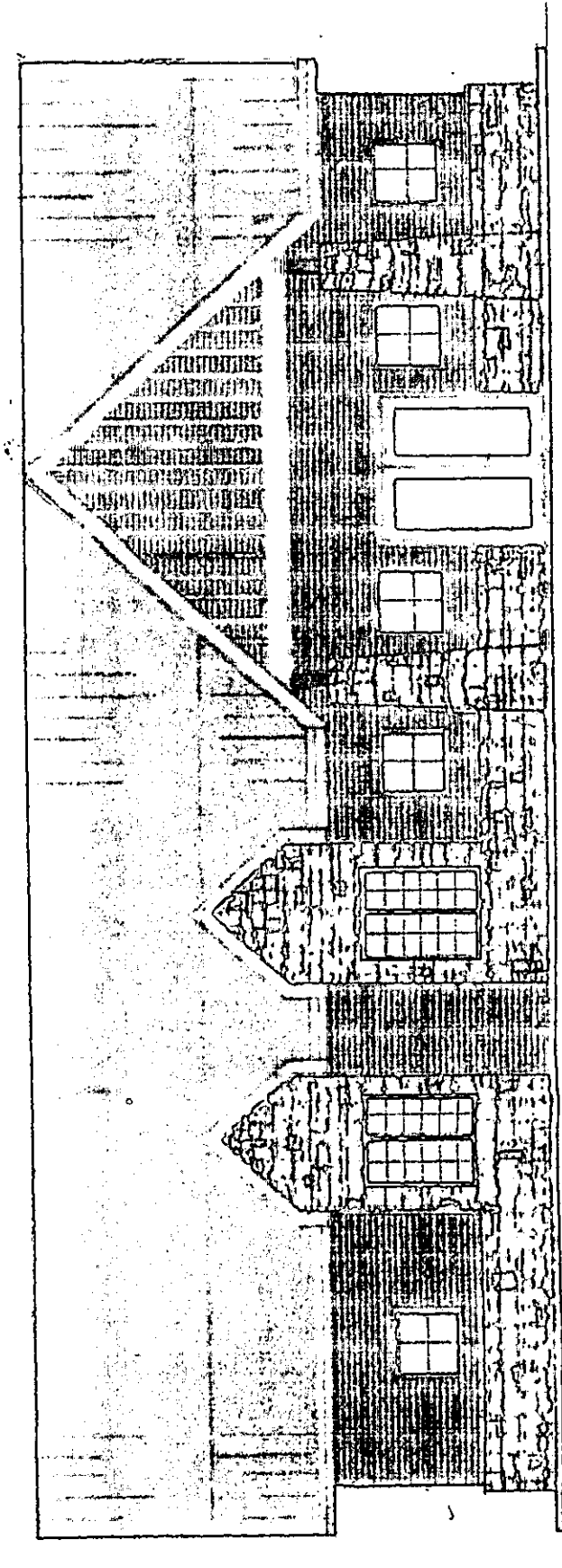


BBQ FRONT ELEVATION

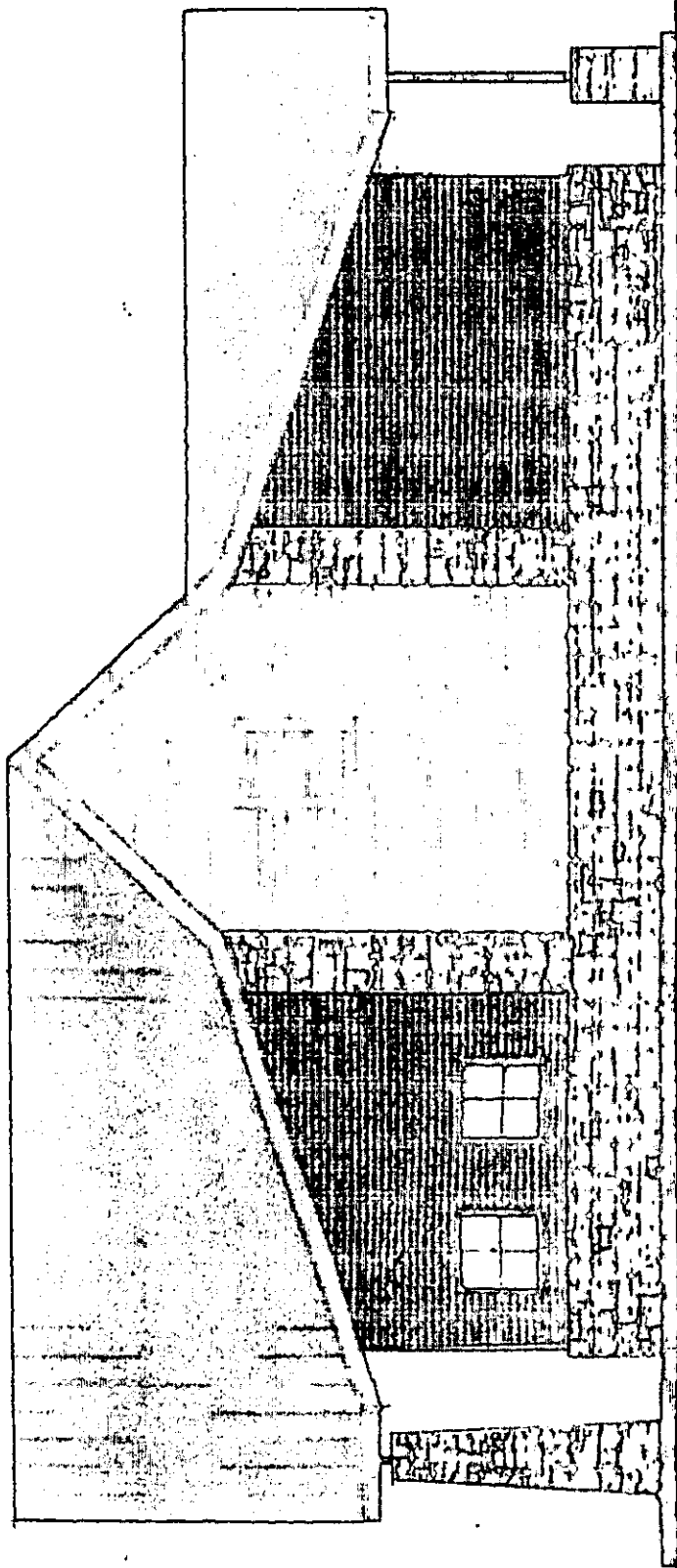
9-12-06 VW



RIGHT SIDE ELEVATION



ICE CREAM PARLOR FRONT ELEVATION



ICE CREAM PARLOR RIGHT SIDE ELEVATION

Millwood, Kristen

From: Mark Madison [mmadison@milestonedesign.org]
Sent: Wednesday, June 14, 2006 4:05 PM
To: Millwood, Kristen
Cc: pbw@gdm.com; 'Dively, Nanci S.'
Subject: Ole Hickory Pit Landscape Plan

Hello Kristen,

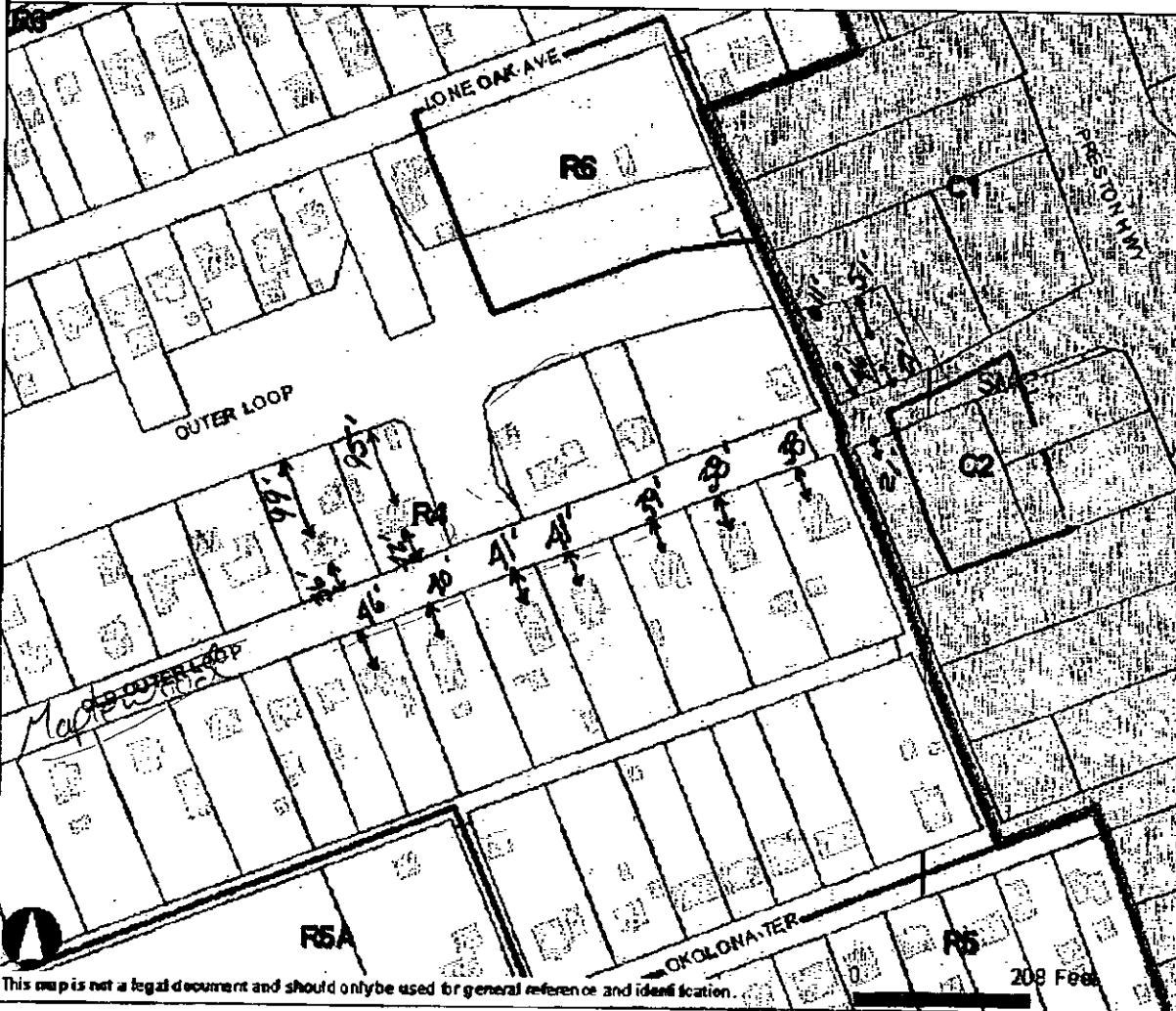
I wanted to follow-up with a quick note regarding the landscape exhibit for this project. As we discussed the plan submitted is a landscape exhibit and not a plan for construction approval. The plan does address the code and is as discussed with the neighbors. This plan does not include the detailed calculations and plant details required for landscape approval. This plan is an accurate representation as to what is planned. If you have any questions or comments please feel free to contact me.

Mark Madison, President
Milestone Design Group, Inc.
108 Daventry Lane, Suite 300
Louisville, Kentucky 40223
T: 502-327-7073
F: 502-327-7066

9-12-06

KRISTEN MILLWOOD

01E' HICKORY Tr

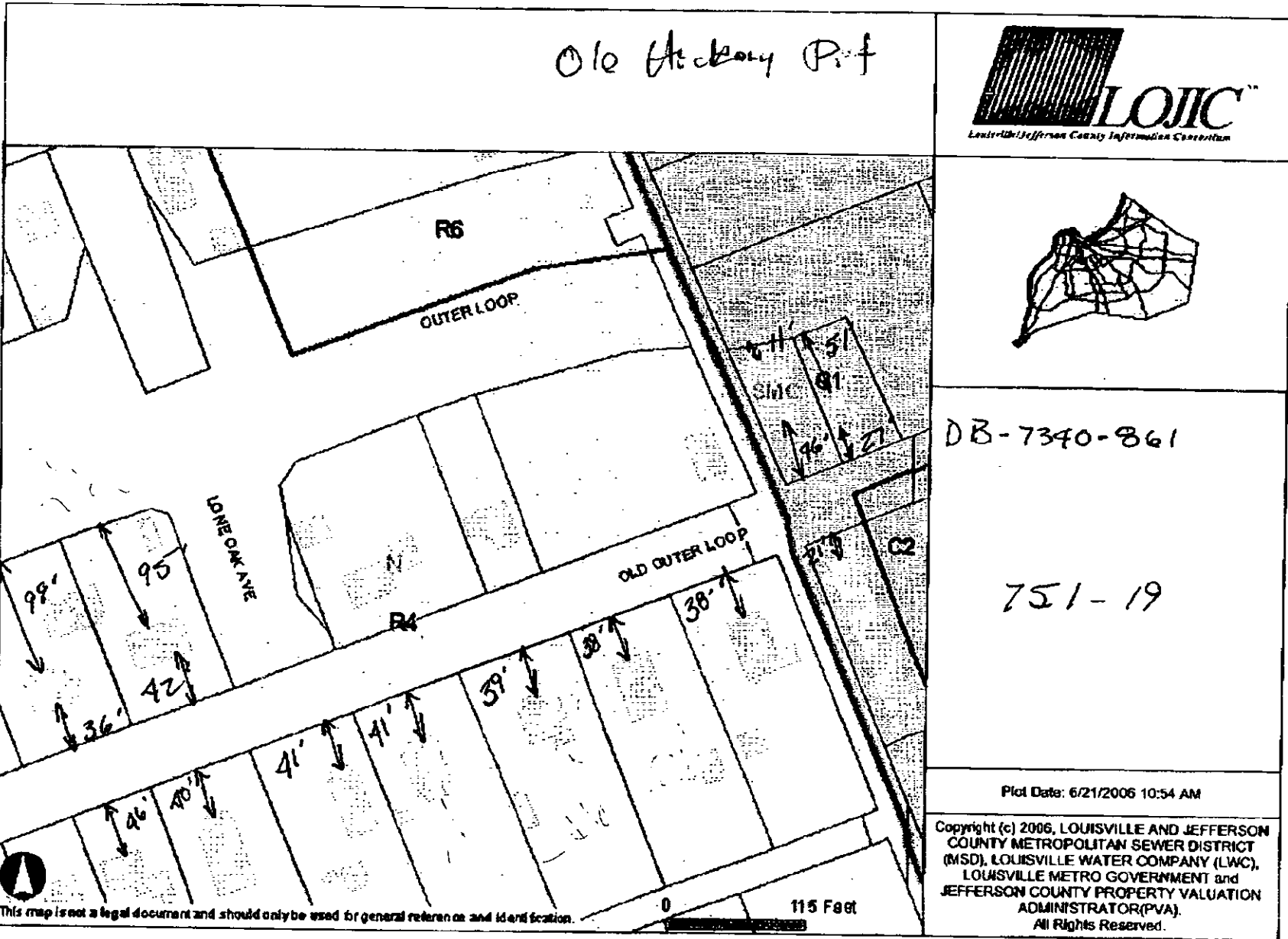


Fax 574-8129

Plot Date: 6/21/2006 11:19 AM

Copyright (c) 2006, 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.

This map is not a legal document and should only be used for general reference and identification.



Old Hickory Pk



DB-7340-861

751-19

Plot Date: 6/21/2006 10:54 AM

Copyright (c) 2006, 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.

06/21/2006 10:14 TEL 502 327 7086

MILESTONE DESIGN GROUP

003

LD&T MINUTES

MAY 25, 2006

DOCKET NO. 9-12-06 (Louisville Metro)

**Land Development and Transportation Committee
Staff Report
May 25, 2006**

Case:	9-12-06WV, Change in zoning from R-4 Single-family Residential to C-1 Commercial on property located at 4001, 4003 & 4009 Old Outer Loop (Tax Block 750, Lots 19, 20 & 55), containing 1.34 acres and being in Louisville Metro.
Project Name:	Ole Hickory Pit Rezoning
Location:	4001, 4003 & 4009 Old Outer Loop
Owner(s):	Kenneth & Sharon Ramage
Applicant:	Kenneth & Sharon Ramage
Representative:	Paul Whitty, Greenebaum Doll & McDonald
Project Size/Area:	1.34 acres
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Kristen Millwood, Planner II

Request

Change in zoning from R-4 Single-family Residential to C-1 Commercial.

Staff Recommendation

Staff recommends that a date be set for a public hearing for this case along with a deadline for the outstanding information to be submitted three days before notice would need to be sent for the public hearing.

Case Summary / Background

Summary

The applicant requests to re-zone the subject parcel from R-4 to C-1 to allow a one-story 5,000 square-foot restaurant and a one-story 2,400 square-foot ice cream parlor. The buildings are proposed to be separated by a tree preservation area. The structures are proposed to be linked in the rear by a sidewalk with benches along it.

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Access to this site is from Lone Oak Avenue only. The proposed structures front on Maplewood Avenue. The front elevations propose front porches.

Waivers

This section, if needed, will be filled in when the outstanding information is submitted.

Variances

This section, if needed, will be filled in when the outstanding information is submitted.

Site Context

This site is located south of the Outer Loop and west of Preston Highway. It is accessed off of Lone Oak Avenue. It takes up a block unto itself, bordered by the Outer Loop, an alley, Lone Oak Avenue and Maplewood Avenue. Part of the site is currently wooded.

Land Use / Zoning District / Form District

	Land Use	Zoning Form District	
Subject			
Existing	Single-family residential	R-4	Neighborhood
Proposed	Restaurant	C-1	Neighborhood
Surrounding			
North	Single-family residential & Outer Loop Right-Of-Way	R-6	Neighborhood
South	Single-family residential	R-4	Neighborhood
East	Commercial	C-1	Suburban Marketplace Corrido
West	Single-family residential	R-4	Neighborhood

Background

There have been no previous zoning actions on this site.

Project History

Project History	Date	Issues addressed / discussion / changes to proposal
Project submittal	3/16/06	
LD&T review	5/25/06	
Pre-App. Review	11/17/04	

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| & 4/5/06 |

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Site Inspection Comments

1. May need 2nd dumpster – *this needs to be addressed*
2. Design needs to be great to be compatible with neighborhood – *this needs to be addressed*
3. Clean fence line along Outer Loop – the applicant has added a note to the plan stating that this will be done.
4. Binding element to clean both parking lots daily – *this needs to be discussed*
5. Hours of operation – *this is still needed*
6. Storing of wood, smoker grill, where will be stored outside? Hours for this? – *this is still needed*
7. Add benches to sidewalk connecting from restaurant to ice cream shop – this has been added to the plan

Staff Findings

1. The Outer Loop is a Parkway. A 30-foot parkway buffer and setback are required on this plan – neither were met; the applicant reconfigured the plan to delete parking spaces so that the buffer and setback are now met. The applicant also worked with staff to provide benches along the rear sidewalk connecting the proposed structures.
2. Provide elevations for all four sides of all proposed structures that meet design standards – consistent design and materials are required for each street-facing façade. The applicant has stated that the elevations for the proposed structures will have a home-like feel and blend in well with the surrounding neighborhood. The elevations need to demonstrate that these structures will not present a visual intrusion into the neighborhood and in fact be an asset to it.
3. Provide a justification for a change to a commercial use in this area or a form district change application would be required.

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DOCKET NO. 9-12-06 (Louisville Metro)

4. Why is there not a connection proposed to the alley? One should be provided.
5. Two comments from the Site Inspection Committee have been addressed. Five are still outstanding.

Relationship to the Comprehensive Plan – Cornerstone 2020 Plan

Elements:

Items to be analyzed in the Public Hearing Report:

Community Form/Land Use
Compatibility
Mobility/Transportation
Livability/Environment

Relationship to Neighborhood, Small Area, Corridor or Other Plans

Standard of Review

Criteria for granting the proposed rezoning:

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; **or**
2. The existing 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.

Criteria for approving variance:

1. The proposed variance will not adversely affect the public health, safety or welfare; **and**
2. The proposed variance will not alter the essential character of the general vicinity; **and**
3. The proposed variance will not cause a hazard or a nuisance to the public; **and**
4. The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

In making these findings, you must consider whether:

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- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
- (b) — 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; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Criteria for approving waiver:

- 2. The waiver will not adversely affect adjacent property owners; and
- 3. The waiver will not violate specific guidelines of Cornerstone 2020; and
- 4. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and
- 5. Either:
 - 1. 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
 - 2. 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.

Technical Review

- 1. Provide the property owner (and deed book, page number, zone & form district) for the property across Outer Loop.
- 2. Provide height, material and a detail for the existing fence. Are any new fences proposed?
- 3. A minor plat will be needed to consolidate lots.
- 4. This site has hydric soils – a soils report from Kurt Mason at NRCS needs to be provided.
- 5. A potential wetland is shown on this site.
- 6. Please e-mail me a list of surrounding land uses.
- 7. There is a potential site design waiver for building location and orientation (buildings with frontage on two streets shall have consistent building design and materials on each façade). The proposed restaurant has 2 primary facades and
- 8. The proposal meets the setbacks for Lone Oak Avenue and the alley. Infill setbacks must be determined for Outer Loop and Maplewood

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Avenue. The lesser of either the established building pattern (infill) or the maximum front and street side setbacks found in the table in Chapter 5 (10 feet minimum and 80 feet maximum) must be met. Please provide setback information for structures within 200' to the east and west for Outer Loop and Maplewood. The maximum setback standards may be more difficult to meet with the current proposal. The proposed structures may need to be shifted or variances may need to be applied for.

9. Show the location of the TARC stop to ensure that this credit may be taken for the four space reduction claimed.
10. How will the off-street loading and dumpster areas be screened? It must not be visible from adjacent public street and residential uses. Put a graphic detail or a note on the plan regarding this. Screening may be accomplished through a fence and landscaping that at maturity will equal the height of the fence, or a wall constructed of the same building materials as the principal structures.
11. Verify that there are no utility easements on site: If so, they must not overlap LBAs by more than 50%.
12. Proposed signs must meet parkway standards (maximum 6 feet high and 60 s.f.) and provide details for each and method of illumination if any. Only one sign may be able to be provided for this site due to the parkway. Two eight-foot high monument-style signs are proposed. One sign must be deleted from the plan and the other must be lowered by two feet.
13. Provide elevations for all four sides of all proposed structures that meet design standards – consistent design and materials are required for each street-facing façade.

Notification

The following forms of notification were provided pertaining to this proposal:

Notification

Date	Description	Recipients
5/10/06	Notice of LD&T Meeting	Adjoining property owners and neighborhood group listing.

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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Proposed Binding Elements – Docket No. 9-12-06WV (unique to this case)

Proposed Standard Binding Elements - Docket No. 9-12-06WV

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. The development shall not exceed 7,400 square feet of gross floor area.
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
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, alteration permit or demolition permit (**NOTE: to be used for sites within an historic preservation district**)) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

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- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. 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.
 - 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 in the rendering as presented at the _____ Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

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12. 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 Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
13. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.

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4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

The above binding elements of the district development plan are agreed to by the property owner _____, 2006.

OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE

The above binding elements of the district development plan are agreed to by the property owner _____, 2005.

OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE

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).

DISCUSSION:

Staff case manager, Kristen Millwood, presented the case. She explained the revisions to the plan. She said a public hearing date can be set on condition that the applicant submit a more detailed justification statement and all elevations prior to notice being sent for the public hearing. She said she believes that this plan has great potential depending on the revised justification statement and

LD&T MINUTES

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elevations. Commissioner Carlson said that Maplewood Street does not exist anymore and that it should be shown as Outer Loop. Ms. Millwood said she would look into this. Ms. Millwood said the applicant has proposed two front facing facades. Mr. Whitty said he would submit the information requested by staff by June 11, 2006. He said it's a beautiful building with nice landscaping. Mr. Whitty said he will bring colored renderings of the elevations and landscaping. He said the hours of operation will be from 10:00 a.m. to 10:00 p.m. He said the applicant feels only one dumpster is necessary for both businesses.

The Committee by general consensus scheduled the public hearing on July 20, 2006 **ON CONDITION** that the applicant submit the revised justification statement, color renderings and landscape plans by June 11, 2006.

Paul Whitty, Mark Madison and Sharon Ramage were present.

SITE INSPECTION COMMITTEE REPORT

Date: April 21, 2006

Docket No.: 9-12-06

Committee Members: Queenan, Hatfield

1. May need second dumpster.
2. Design needs to be great to be compatible with neighborhood.
3. Clean fence line along Outer Loop.
4. Binding element to clean both parking lots daily.
5. Hours of operation.
6. Storing of wood, smoker grill, where will be stored outside. *4 hrs. of*
7. Add benches to sidewalk connecting from restaurant to ice cream shop.

Millwood, Kristen

From: Schmidt, Jay
Sent: Tuesday, April 18, 2006 4:06 PM
To: Millwood, Kristen
Subject: FW: Jeff. Co.- 4001, 4003, & 4009 Outer Loop (KY 1065) - Louisville, KY- MP 5.899 RT

Kristen,

The state has no further comments on the BBQ Pit.

Jay Schmidt
Metro P & D
"Transportation"
502-574-8223

From: Lutz, Andy (KYTC-D05) [mailto:Andy.Lutz@ky.gov]
Sent: Tuesday, April 18, 2006 3:49 PM
To: Ahmadi, Ali; barry@msdlouky.org; Allen, Beth; Merritt, David; Schmidt, Jay; Hensley, Joanne; Wahl, Paula; Bruce, Robert; Lutz, Stephen; Callahan, Tammy
Cc: Seymour, C. W. (KYTC-D05)
Subject: FW: Jeff. Co.- 4001, 4003, & 4009 Outer Loop (KY 1065) - Louisville, KY- MP 5.899 RT

We have no further comment on the new submittal.

Thanks,

Andy Lutz, P.E.
Permit Section Engineer
Department of Highways, District 5
977 Phillips Lane
Louisville, Kentucky 40209
Bus: 502.367.6411

From: Lutz, Andy (KYTC-D05)
Sent: Monday, July 25, 2005 12:55 PM
To: Beth Allen-Large (beth.allen@loukymetro.org); Dave Merritt (david.merritt@loukymetro.org); Pat Barry (barry@msdlouky.org); Robert Bruce; Steve Lutz (Stephen.lutz@loukymetro.org); Tammy Callahan (Tammy.Callahan@loukymetro.org)
Cc: Seymour, C (KYTC-D05)
Subject: Jeff. Co.- 4001, 4003, & 4009 Outer Loop (KY 1065) - Louisville, KY- MP 5.899 RT

P L A N R E V I E W

4/18/2006

9-12-06

KENTUCKY TRANSPORTATION CABINET

DISTRICT 5 - PERMITS

PROJECT NAME: Old Hickory Pit
OWNER: Kenneth & Sharon Ramage
ENGINEER: milestone design group, inc.
LOCATION: Jeff. Co.- 4001, 4003, & 4009 Outer Loop (KY 1065) - Louisville,
 KY- MP 5.899 RT

TYPE PLAN: Detailed District Development Plan
PLAN DATE: 03-24-05
REVIEW AGENCY: KENTUCKY TRANSPORTATION CABINET
REVIEWER: Andy Lutz
DOCKET NUMBER:

Please forward as necessary

Recommendation:
Approve as submitted:
Approve on Condition: X

Deny:

Comments/Conditions:

1. The placement of the proposed 4' sidewalk should be explored further due to the topography from edge of pavement to the partial control fence. Multiple obstacles will have to be addressed before a sidewalk can be placed as proposed.
2. There should be no increase in drainage runoff to the right of way. Calculations will be required for any runoff to the state right of way for 25 and 100 year storms. Qpre vs. Qpost construction should be provided.
3. There should be no commercial signs on the right of way.
4. There should be no landscaping in the right of way without an encroachment permit. Landscaping cannot impede the sight distance of the traveling public and will have to be placed accordingly.
5. Site lighting should not shine in the eyes of drivers. If it does, it should be re-aimed, shielded or turned off.
6. An encroachment permit and bond will be required for all work done in the right of way.

Encroachment permit and bond forms are available at http://transportation.ky.gov/kytci-forms/cfl_permits_branch.asp

If you have any questions, please call.



Andy Lutz, EIT II

Permit Section Engineer

Department of Highways, District 5

977 Phillips Lane

Louisville, Kentucky 40209

Bus: 502.367.6411

Millwood, Kristen

From: Senninger, Theresa Z. [TZS2@gdm.com]
Sent: Thursday, April 06, 2006 4:34 PM
To: Millwood, Kristen
Subject: Ole Hickory Pit

Kristin,

This e-mail is to certify that no significant changes were made to the plans for Ole Hickory Pit between the time of the original pre-application conference in 2004 and the most recent pre-application conference held on April 6, 2006. If you have any questions, please contact Paul Whitty at 587-3655 or pbw@gdm.com. Thanks!

Theresa

Theresa Zawacki Senninger
Greenebaum Doll & McDonald PLLC
3500 National City Tower
101 South Fifth Street
Louisville Kentucky 40202
502.587.3761 direct
502.540.2293 fax
tzs2@gdm.com

The following warning is required by the IRS whenever tax advice is given. If this email contains no direct or indirect tax advice, the warning is not applicable.

As a result of perceived abuses, the Treasury has recently promulgated Regulations for practice before the IRS. These Circular 230 regulations require all attorneys and accountants to provide extensive disclosure when providing certain written tax communications to clients. In order to comply with our obligations under these Regulations, we would like to inform you that since this document does not contain all of such disclosure, you may not rely on any tax advice contained in this document to avoid tax penalties, nor may any portion of this document be referred to in any marketing or promotional materials.

This message has been sent from a law firm and may contain information which is confidential or privileged. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. Please advise immediately if you or your employer do not want us to use Internet e-mail for future messages of this kind. Thank you.

REVISED JUSTIFICATION STATEMENT FOR ZONE CHANGE
OLE HICKORY PIT, APPLICANT
4001, 4003 AND 4009 OUTER LOOP
June 14, 2006

A zone change is requested for an approximately 1.34-acre site located at the intersection of Outer Loop and Lone Oak Avenue in the Neighborhood Form District ("Subject Property"). The Subject Property is currently split into two parcels, one of which is used for a single family residential home, and the other of which is currently vacant, and both properties are zoned R-4, Single-Family Residential. The proposed zoning is C-1, Commercial, and will permit the use of the Subject Property as a barbecue restaurant, "Ole Hickory Pit", and an ice cream parlor. The zone change is appropriate because the proposal conforms with the requirements of KRS 100.213, and Cornerstone 2020, the comprehensive plan for Louisville Metro as stated in greater detail below.

COMMUNITY FORM/LAND USE

1. Guideline 1: Community Form

The proposal conforms with Community Form/Land Use Guideline 1 and all applicable policies thereunder, including Policy B.3. The Neighborhood Form District may include commercial uses that serve the neighborhood, including restaurants. The proposed restaurant and ice cream parlor are designed to serve the surrounding neighborhood, which currently suffers from a lack of sit-down restaurants, and will be within walking distance of several single family residential areas. The Subject Property is located immediately adjacent to commercially zoned properties, including C-1 and C-2 zoning districts, located along Preston Highway in the Suburban Marketplace Corridor. This location suggests that the proposed use of the Subject Property will form a suitable and necessary transition from these higher intensity uses to residential properties located adjacent to the site. The proposed restaurant and ice cream parlor are designed to look more residential, and include features such as residential-style open space and landscaping, false porches on the rear of the proposed structures, and a large area in which existing trees will be preserved. The buildings are specifically designed to present a facade to the residential neighborhood to the south of the site. Renderings submitted to the file clearly show an elevation that presents a pleasing and open face to the neighbors rather than a "back door" or rear building elevation without architectural interest. Ole Hickory Pit is not a franchise, but rather a family owned, and more importantly, a family oriented, restaurant famous for its high quality food. Limited hours of operation (10 a.m. to 10 p.m.) will serve to ensure that these will be a minimal disruption to adjacent neighbors. A similar transition exists across Outer Loop where an R-6 Residential property is located immediately adjacent to the Suburban Marketplace Corridor.

2. Guidelines 2: Centers

The proposal conforms with Centers Guideline 2 and all applicable policies thereunder, including Policies 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.15 and 2.16.

This Guideline encourages mixed land uses organized around compact activity centers that are existing, proposed or planned. The proposed site is at the northeast corner of a very large

9-12-06

residential area bounded by Outer Loop, I-65, Preston Highway and I-265. This location is the southwest corner of an existing commercial node created by the intersection of Outer Loop and Preston Highway both of which are classified higher than collector level with established non-residential uses. Although the site is not a designated activity center, it is in an older and redeveloping residential area and as set forth herein, the proposed use will not create a nuisance and is compatible with the surroundings in terms of scale, design, building orientation and traffic and pedestrian access.

The family oriented restaurant and ice cream parlor will serve the day-to-day needs of area residents and has been designed to minimize impacts (traffic, aesthetics, hours of operation) on nearby residents. The parking is located in front of the buildings so that with a residential character to the architecture and being well landscaped will buffer the residents to the south from the nuisances typically associated with parking. Those patronizing Ole Hickory Pit from outside this residential area will not have to enter or pass through the neighborhood to gain access to the site but rather will enter directly from arterial level streets.

3. Guideline 3: Compatibility

The proposal conforms with Community Form/Land Use Guideline 3 and all applicable policies thereunder, including Policies 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.21, 3.22, 3.23, 3.24, and 3.28.

The proposed restaurant and ice cream parlor are compatible with the scale and design of surrounding development. The proposed buildings are residential in character with brick facades, peaked roofs and false porches along the Maplewood Drive property line. Landscaping will mimic residential landscape patterns rather than commercial styles, and will include a large area of trees to be preserved between the two uses. Parking will be oriented toward Outer Loop and will not result in glare or other impacts on adjacent residential uses. Adequate parking will be provided for the proposed restaurant and ice cream parlor. A total of 44 parking spaces will be provided for the Ole Hickory Pit, and a total of 17 spaces will be provided for the proposed ice cream parlor. These totals are closer to the minimum number of spaces required, and are indicative of the fact that the proposed uses are neighborhood-oriented in scale and anticipated volume of business.

The location of the Subject Property, which is immediately adjacent to the Suburban Marketplace Corridor along Preston Highway, is more suitable for a transition use than for redevelopment as single family residential homes. The proposed uses provide an appropriate and needed transition between higher intensity uses along the Suburban Marketplace Corridor and lower intensity single family homes along the Outer Loop and Maplewood Drive. The proposed uses are neighborhood-serving and will provide a new opportunity for sit-down dining that is currently lacking in the area.

The proposed uses will not have an adverse impact on the surrounding residential area, as outlined in the following paragraphs. Though the site will be rezoned from a residential to a commercial zoning district, the proposed uses are neighborhood oriented in scale and purpose, and will not result in a degradation of the residential neighborhood. The Subject Property's location on Outer Loop immediately adjacent to the Suburban Marketplace Corridor along Preston Highway makes the proposed development appropriate both as a transition from the

higher intensity commercial uses to lower intensity residential uses, and as a neighborhood amenity.

The restaurant and ice cream parlor will not produce noxious odors as a result of their operations. All activities for the uses will be conducted indoors, and the dumpster will be enclosed as is required under the Land Development Code. The smoker associated with the Ole Hickory Pit restaurant on Shepherdsville Road will remain at its current location and will not be moved to the Subject Property which eliminates any potential for nuisances such as smoke and odor.

Traffic associated with the proposed restaurant and ice cream parlor will likely come from Outer Loop, however, a significant source of customers for the site will be the local neighborhood. The sign associated with the Subject Property will be oriented toward Outer Loop, which will associate the site with access from that road. The area currently experiences high traffic volume, and the addition of the proposed uses will not significantly increase traffic to the area. Peak hours for Outer Loop are between 7 and 9 AM and between 4 and 6 PM. Peak hours for the Subject Property are expected to be between 6 and 8 PM during the week, which will not conflict with the rush hours for the area traffic pattern.

The proposed uses are not typically associated with excessive noise. Ambient noise levels in the area are likely higher as a result of traffic along Outer Loop, however, the proposed restaurant and ice cream parlor will not generate excessive noise. No outdoor paging or PA system will be installed at either building, and the proposed dumpster will not be emptied outside the times permitted for such activity under the Land Development Code. Lighting will be directed down and away from adjacent residential properties and will otherwise comply with the requirements of the Land Development Code.

Visual impacts of the proposed commercial development will be mitigated through the design of the proposed buildings. The buildings will be residential in character, with brick facades and residential-style windows. The rear of the buildings, which face single family homes on Maplewood Avenue, will include residential-style landscaping and false "front porches" that will add to the residential character of the building. Appropriate landscape buffer areas will be provided and plantings will be arranged to appear residential in character.

The Subject Property will serve as an appropriate transition between the higher intensity uses permitted in the Suburban Marketplace Corridor which is immediately to the east of the site, and lower intensity single family residential properties located to the west and south. Though the proposed zoning of the property is commercial, the proposed use is very low in intensity and is designed to be compatible in appearance and function with adjacent single family homes. Appropriate buffers will be provided between the proposed use and adjacent single family homes, and the rear of the proposed building will be softened and made to appear more residential in character through the inclusion of false porches and residential-style landscaping.

Setbacks for the proposed development meet the requirements of the Land Development Code, and no variances or waivers are required. Building heights are designed to be compatible with area development, and do not exceed the form district maximums. The proposal incorporates parking, loading and delivery areas away from adjacent single family residential properties. Parking areas and the proposed dumpster are oriented toward Outer Loop and are appropriately

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screened to prevent any adverse impact on adjacent properties. The proposed service entrance to the restaurant is similarly oriented to avoid conflicting with adjacent single family homes, and faces the proposed ice cream parlor.

The relatively small scale of the project and its appropriate location in the Neighborhood Form District is further evidenced by the fact that with a total of 7,400 square feet of building footprint, it is very near the lowest threshold for non-residential development allowable in the District per Table 5.3.2 which dictates dimensional standards for non-residential uses in the NFD up to 80,000 feet.

One proposed monument-style sign will be located at the intersection of Outer Loop and Lone Oak Avenue and another at the intersection of Outer Loop and an unnamed alley to the east. The signs will be approximately 80 sf in area, which is compatible with the requirements of the Land Development Code, and with area business signs. The sign will be lit from the exterior and will comply with all other requirements of the Land Development Code.

4. Guideline 4: Open Space

The proposal conforms with Community Form/Land Use Guideline 4 and all applicable policies thereunder, including Policies 4.1, 4.3 and 4.5. The proposal includes a large stand of trees to be preserved between the proposed restaurant and the proposed ice cream parlor. This area, though not a formal landscaped area, is similar to private yards found throughout the community. The area will serve as a common gathering place for individuals waiting to be seated at the restaurant or those who congregate at the ice cream parlor. The preservation of the area of trees serves to preserve the natural features of the area and to further the residential feel of the development.

MOBILITY/TRANSPORTATION

5. Guideline 7: Circulation

The proposal conforms with Mobility/Transportation Guideline 7 and all applicable policies thereunder, including Policies 7.1, 7.3, 7.10, and 7.16. The proposal will not have an adverse impact on the existing roadway network. Outer Loop, the most likely source of traffic coming to the Subject Property, is currently a highly traveled arterial road, and will not experience additional traffic as a result of the proposed development. Other area roads will be similarly unaffected, as the proximity of the site to Outer Loop will encourage drivers to use that road (from the intersection of Lone Oak Avenue and Outer Loop) to enter and leave. To mitigate any potential impact to Lone Oak Avenue as a result of the proposed development, the Applicant will add a third lane to Lone Oak to serve as a left turn lane into the Subject Property.

Adequate parking will be provided for the proposed restaurant and ice cream parlor. A total of 44 parking spaces will be provided for the Ole Hickory Pit, and a total of 17 spaces will be provided for the proposed ice cream parlor. TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the Subject Property. Sidewalks will be installed along Outer Loop and will connect with internal sidewalks and pedestrian connections and will encourage the use of alternative transportation to access to site. Multiple uses on the site will encourage combined trips for those who drive to the Subject Property. The site will be designed for uniform access and circulation, and will allow for safe vehicular and pedestrian movement.

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REGIONAL SERVICES

6. Guideline 9: Bicycle, Pedestrian and Transit

The proposal conforms with Mobility/Transportation Guideline 9 and all applicable policies thereunder, including Policies 9.1 and 9.2. The proposal includes sidewalks along the perimeter property lines, as well as internal sidewalks that provide access to the restaurant and ice cream parlor. These sidewalks will encourage the use of alternative forms of transportation, including bicycle, pedestrian and transit. As stated previously, TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the Subject Property. The site is located approximately 2000 feet from Briarcliff Road which connects to a very large residential area which will enable large numbers of area residents to conveniently walk or make a short drive or cycle to the site without having to use Outer Loop. This convenience reduces vehicle miles traveled ("VMTs").

LIVABILITY/ENVIRONMENT

7. Guideline 10: Flooding and Stormwater

The proposal conforms with Livability/Environment Guideline 10 and all applicable policies thereunder, including Policies 10.1, 10.2, 10.3, 10.6 and 10.7. The Subject Property and most of the surrounding area is considered to be flood prone. As a result, the site will provide compensatory storage at a rate of 1:1.5 as required by MSD. The Applicant will also make a payment to MSD to fund area flood control projects. All runoff from the Subject Property will be directed to a swale located along Outer Loop. The Kentucky Department of Highways has approved this impact to the state right-of-way because the impact of the development will result in minimal runoff. Though impervious surface will increase as a result of the proposed development, a large area of open space will remain and will serve to absorb runoff from the development.

8. Guideline 12: Air Quality

The proposal conforms with Livability/Environment Guideline 12 and all applicable policies thereunder, including Policy 12.1. As stated in a letter dated October 21, 2004, from Tom Pinto, Technical Coordinator for the Louisville Air Pollution Control District, the proposal will not have an adverse impact on the National Ambient Air Quality Standards for carbon monoxide.

COMMUNITY FACILITIES

9. Guideline 14: Infrastructure

The proposal conforms with Community Facilities Guideline 14 and all applicable policies thereunder, including Policies 14.2, 14.3, and 14.4. As stated in a letter dated October 13, 2004, from Michael Ballard, Environmental Health Engineer for the Louisville Metro Health Department, public water service and sanitary sewers exist at the Subject Property. The Subject Property has access to all necessary utilities, as it is currently used for single family residential purposes.

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10. Guideline 15: Community Facilities

The proposal conforms with Community Facilities Guideline 15 and all applicable policies thereunder, including Policy 15.9. Fire protection for the Subject Property will be provided through the Okolona Fire Protection District.

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99-0383

DEED

THIS DEED is made by and between Robert H. Hall and
 LaVerne K. Hall, husband and wife, of 4922 Cedar Brook Court
 Louisville, KY 40219-4002 FIRST PARTIES and Kenneth Ramace and
 Sharon Ramace, husband and wife, of 5525 Birch Rd
 Louisville, KY 40219, SECOND PARTIES.

The full actual consideration paid or to be paid for this
 conveyance is \$45,000.00.

WITNESSETH: That for a valuable consideration, the
 receipt of which is hereby acknowledged, the First Parties do
 hereby convey unto the Second Parties, for and during their joint
 lives with remainder in fee simple to the survivor of them, with
 covenant of General Warranty, the following described property,
 together with any and all improvements thereon, located in
 Jefferson County, Kentucky, to wit:

BEING the East 50 feet in width of Lot 28
 Paris City Addition of record in Plat and
 Subdivision Book 1, Page 141, in the Office of
 the Clerk of the County Court of Jefferson
 County, Kentucky. EXCEPTING THEREFROM so much
 as was conveyed to Commonwealth of Kentucky
 for the use and benefit of the Department of
 Transportation by deed dated June 22, 1976, of
 record in Deed Book 4863, Page 997, in the
 aforesaid Office.

BEING the same property conveyed to Robert H.
 Hall and LaVerne K. Hall, husband and wife, by
 Deed dated March 27, 1979, of record in Deed
 Book 5080, Page 364 in the Office of the Clerk
 aforesaid.

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The First Parties covenant that they are lawfully seized of the estate hereby conveyed, that they have full power and right to convey the same and that said property is free from any and all encumbrances, except the 1999 State, County, School and Fire District real estate ad valorem taxes which the Second Parties assume and agree to pay.

PROVIDED, however, this conveyance is made subject to restrictions, stipulations and easements of record and applicable zoning laws and regulations.

IN TESTIMONY WHEREOF, witness the signatures of the First Parties this 19th day of October, 1999.

FIRST PARTIES

Robert H. Hall
Robert H. Hall

LaVerne K. Hall
LaVerne K. Hall

COMMONWEALTH OF KENTUCKY)
) ss.
COUNTY OF JEFFERSON)

I hereby certify the foregoing instrument was subscribed, sworn to and acknowledged before me by Robert H. Hall and LaVerne K. Hall, husband and wife, First Parties, to be their free acts and deeds this 19th day of October, 1999.

My commission expires: 8-7-02
[Signature]
Notary Public

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9-12-06

PROPERTY DESCRIPTION

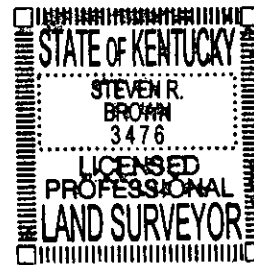
OLE HICKORY PIT

BEING a tract of land situated in Jefferson County, Kentucky, and being more particularly described as follows:

BEGINNING at an point in the southerly right-of-way line of Outer Loop with its intersection with the easterly right-of-way of Lone Oak Avenue, thence with said southerly line of Outer Loop north 70 degrees 33 minutes 03 seconds east 314.16 feet to a point; thence south 82 degrees 04 minutes 09 seconds east 42.43 feet to a point in the westerly line of a 20' Alley; thence with said Alley south 24 degrees 31 minutes 23 seconds east 133.09 feet to a point in the northerly right-of-way line of Maplewood Avenue; thence with said northerly line of Maplewood Avenue south 66 degrees 55 minutes 00 seconds west 372.44 feet to a point in the easterly right-of-way line of Lone Oak Avenue; thence with said easterly line of Lone Oak Avenue north 47 degrees 23 minutes 03 seconds west 45.88 feet to a point; thence north 17 degrees 43 minutes 14 seconds west 100.50 feet to a point; thence north 24 degrees 17 minutes 43 seconds east 32.75 feet to a point in the southerly right-of-way line of Outer Loop, the **POINT OF BEGINNING** and containing 1.34 acres, more or less.

BEING the same property conveyed to Kenneth and Sharon Ramage by deed of record in Deed Book 7340, Page 751 in the Office of the Clerk of Jefferson County, Kentucky.


Steven R. Brown, Reg. Ky. P.L.S. #3476 2-10-06 Date



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9-12-06

CERTIFICATE

We, Robert H. Hall and LaVerne K. Hall, First Parties, and Kenneth Ramage and Sharon Ramage, Second Parties, do hereby certify, pursuant to KRS Chapter 382, that the above stated consideration in the amount of \$45,000.00 is the true, correct, and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.

FIRST PARTIES:

Robert H. Hall
Robert H. Hall
LaVerne K. Hall
LaVerne K. Hall

SECOND PARTIES:

Kenneth Ramage
Kenneth Ramage
Sharon Ramage
Sharon Ramage

COMMONWEALTH OF KENTUCKY)
) ss.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was subscribed, sworn to and acknowledged before me by Robert H. Hall and LaVerne K. Hall, husband and wife, First Parties, to be their free acts and deeds this 19th day of October, 1999.

My commission expires:

10-2-02
[Signature]
Notary Public

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COMMONWEALTH OF KENTUCKY)
) ss.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was subscribed, sworn to and acknowledged before me by Kenneth Ramage and Sharon Ramage, husband and wife, Second Parties, to be their free acts and deeds this 19th day of October, 1999.

My commission expires:

11-8-2-02
[Signature]
Notary Public

NO TITLE SEARCH MADE

THIS INSTRUMENT PREPARED BY:

[Signature]
Harold W. Thomas
THOMAS, DODSON & WOLFORD
9200 Shelbyville Road, Suite 611
Louisville, Kentucky 40222
(502) 426-1700

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Document No.: DM1999172500
Lodged By: THOMAS & DODSON
Recorded On: 10/20/1999 02:49:54
Total Fees: 59.00
Transfer Tax: 45.00
County Clerk: Bobbie Holsclaw-JEFF CO KY
Deputy Clerk: PEMTH

END OF [unclear]

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PLANNING &
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9-12-06

99-0383

DEED

THIS DEED is made by and between Raynor Door Company of Louisville, Inc., a Kentucky Corporation, of 3807 Oaklawn Drive, Louisville, KY 40219, FIRST PARTY, and Kenneth Ramage and Sharon Ramage, husband and wife, of 5525 Bell Rd. Louisville, KY 40219, SECOND PARTIES.

The full actual consideration paid or to be paid for this conveyance is \$125,000.00.

WITNESSETH: That for a valuable consideration paid, receipt of which is hereby acknowledged, the First Party hereby conveys unto the second parties, for and during their joint lives with the remainder in fee simple to the survivor of them, with covenant of General Warranty, the following described property together with any and all improvements thereon, located in Jefferson County, Kentucky, to wit:

BEING the West 138 feet in width of Lot 28, Paris City Addition and Lot 29, Paris City Addition as shown on plat of same recorded in Plat and Subdivision Book 1, Page 141, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, excepting therefrom so much of such property as was

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conveyed to Commonwealth of Kentucky by deed of record in Deed Book 4858, Page 591, in the Office aforesaid and deed dated October 25, 1952 of record in Deed Book 2942, Page 410, in the Office of the County Court Clerk aforesaid, and Deed Book 2402, Page 257, and Deed Book 2930, Page 376, all in the Office of the County Clerk aforesaid.

BEING the same property conveyed to Raynor Door Company of Louisville, Inc., a Kentucky Corporation, by Deed dated August 12, 1999 of record in Deed Book 7306, Page 211, in the Office of the Clerk aforesaid.

The First Party covenants that it is lawfully seized of the estate hereby conveyed, that it has full power and right to convey same and that said estate is free from all encumbrances except the lien herein retained, State, County, School and Fire District real estate ad valorem taxes for 1999, which second parties assume and agree to pay.

PROVIDED, however, this conveyance is made subject to easements, restrictions, and stipulations of record and applicable zoning laws and regulations.

IN TESTIMONY WHEREOF, witness the signature of the First Party, this 19th day of October, 1999.

FIRST PARTY:
Raynor Door Company of
Louisville, Inc.
By: Dwight A. Hall Pres
Dwight A. Hall, President

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CERTIFICATE

We Dwight A. Hall as President of Raynor Door Company of Louisville, Inc., First Party, and Kenneth Ramage and Sharon Ramage, Second Parties, do hereby certify, pursuant to KRS Chapter 382, that the above stated consideration in the amount of \$125,000.00 is the true, correct, and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.

SECOND PARTIES:

Kenneth Ramage
Kenneth Ramage
Sharon L. Ramage
Sharon Ramage

FIRST PARTY:

Raynor Door Company of
Louisville, Inc.
By: Dwight A. Hall Pres
Dwight A. Hall, President

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COMMONWEALTH OF KENTUCKY)
) SS.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was subscribed, sworn to and acknowledged before me by Dwight A. Hall as President of Raynor Door Company of Louisville, Inc., First Party, to be his free act and deed this 19th day of October, 1999.

My commission expires 8-7-02
[Signature]
Notary Public

COMMONWEALTH OF KENTUCKY)
) SS.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was subscribed, sworn to and acknowledged before me by Kenneth Ramage and Sharon Ramage, husband and wife, Second Parties, to be their free acts and deeds, this 19th day of October, 1999.

My commission expires: 8-7-02
[Signature]
Notary Public

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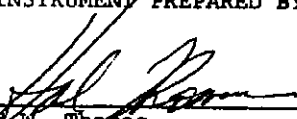
MAR 16 2006

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DB07340PG0865

NO TITLE SEARCH MADE

THIS INSTRUMENT PREPARED BY:



Harold W. Thomas
THOMAS, DODSON & WOLFORD
9200 Shelbyville Road, Suite 611
Louisville, Kentucky 40222
(502) 426-1700

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Document No.: DM1999172501
Lodged By: THOMAS & DODSON
Recorded On: 10/20/1999 02:50:05
Total Fees: 141.00
Transfer Tax: 125.00
County Clerk: Bobbie Molsclaw-JEFF CO KY
Deputy Clerk: PENNIN

END OF

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9-12-08

99-0383

DEED OF RELEASE

THIS DEED OF RELEASE is made by and between Raynor Door Company of Louisville, Inc., Party of the First Part, and Raynor Door Company of Louisville, Inc., Party of the Second Part.

WITNESSETH: That whereas the party of the first part hold a Vendors Lien dated October 17, 1996 on the property described therein granted by the party of the second part, and recorded in Deed Book 6803, Page 596, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, and the said Vendors Lien and the Promissory Note of even date secured thereby in the original amount of \$129,000.00 have been satisfied in full.

NOW, for a valuable consideration, the receipt of which is hereby acknowledged, the party of the first part does hereby release in full the aforesaid lien.

IN TESTIMONY WHEREOF, witness the signature of the party of the first this 19th day of October, 1999.

Raynor Door Company of Louisville, Inc.

By: Dwight A. Hall Pres
Dwight A. Hall, President

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9-12-06

COMMONWEALTH OF KENTUCKY)
) ss.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing instrument was acknowledged before me this 17th day of October, 1999, by Dwight A. Hall as President of Raynor Door Company of Louisville, Inc.,
✓ who is personally known to me, or
_____ who has produced _____
(Type of ID)

My commission expires: 8-7-02

Harold W. Thomas
Notary Public
(SEAL)

THIS INSTRUMENT PREPARED BY:

Harold W. Thomas
Harold W. Thomas
THOMAS, DODSON & WOLFORD
9200 Shelbyville Road, Suite 611
Louisville, Kentucky 40222
(502) 426-1700
f:\data\fds\99\0383

Document No.: DN1999172503
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Recorded On: 10/20/1999 02:50:34
Total Fees: 9.00
Transfer Tax: .00
County Clerk: Bobbie Holsclaw-JEFF CO KY
Deputy Clerk: PENNIN

END OF DOCUMENT

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9-12-06

DEED

THIS DEED made this 28th day of July, 1998 between:

CLAUDE CARL BARKER, JR., ALSO KNOWN AS CARL BARKER, JR., unmarried, D/B/A
CARL'S OXYGEN DELIVERY SERVICE, a/k/a Carl's Oxgen Delivery Service
4011 Outer Loop
Louisville, kentucky 40219

PARTY OF THE FIRST PART

AND

KENNETH RAMAGE AND SHARON RAMAGE, husband and wife

5525 BETH ROAD
LOU KY. 40219

PARTIES OF THE SECOND PART

WITNESSETH: That for a valuable consideration paid, the receipt of which is hereby acknowledged, the Party of the First Part hereby conveys with covenant of GENERAL WARRANTY, unto the Parties of the Second Part, for and during their joint lives with the remainder in fee simple to the survivor of them, the following described real estate situated in Jefferson County, Kentucky, to wit:

Parcel 1: 4009 Outer Loop

Being Lot No. 27, in Parie City Addition, as shown on plat of same recorded in Plat and Subdivision Book 1, Page 141, in the Office of the Clerk of Jefferson County, Kentucky.

BEING the same property acquired by Carl Barker, Jr., by Deed dated August 21, 1990, of record in Deed Book 5986, Page 531, in the office of the Clerk of Jefferson County, Kentucky.

Parcel 2: 4011 Outer Loop

Beginning at a point in the Northerly line of Maplewood Avenue (now Outer Loop Highway) at the intersection with the Easterly line of the first alley West of Preston Street Road, said point being the Southwesterly corner of Lot No. 5 as shown on plat of Parie City Addition recorded in Plat and Subdivision Book 1, Page 173, in the Office of the Clerk of the Jefferson County Court; and running thence Eastwardly with the Northerly line of Maplewood Avenue (now Outer Loop Highway), North 66 degrees 55 minutes East 50 feet to stake; thence extending back Northwardly between parallel lines of .hat width throughout North 24 degrees 35 minutes West, 200 feet, the Westerly line being the Easterly line of the aforesaid first alley West of Preston Street Road, and being the Westerly 50 feet of Lots No.s 4 and 5 of the aforesaid Parie City Addition.

BEING the same property acquired by Carl's Oxygen Delivery Service, a/k/a Carl's Oxgen Delivery Service, and Claude Carl Barker, Jr., by Deed dated May 12, 1975, of record in Deed Book 4787, Page 321, re-recorded in Deed Book 5195, Page 729, by deed dated February 23, 1977, of record in Deed Book 4914, Page 83, re-recorded in Deed Book 4915, Page 188, and by deed dated August 21, 1990, of record in Deed Book 5986, Page 534, in the office of the Clerk of Jefferson County, Kentucky.

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9-12-06

Parcel 3: 4013 Outer Loop

Beginning at a point in the Northerly line of Outer Loop Highway, formerly Maplewood Avenue, at a point North 66 deg. 55 min. East 50 feet with the East line of the first alley West of Preston Street Road; thence with the Northerly line of Outer Loop Highway North 66 deg. 55 min. East 52 feet, and extending back Northwardly between parallel lines, of that width throughout, North 24 deg. 35 min. West 200 feet; being part of Lots 4 and 5, Parie City Addition, a plat of which is of record in Plat and Subdivision Book 1, Page 173, in the Office of the Clerk of Jefferson County, Kentucky; excepting therefrom so much of the above described property as was conveyed to Commonwealth of Kentucky by Deed dated June 10, 1976, of record in Deed Book 4863, Page 720, in the Office of the Clerk aforesaid.

BEING the same property acquired by Claude Carl Barker, Jr., by Deed dated August 21, 1990, of record in Deed Book 5986, Page 537, in the office of the Clerk of Jefferson County, Kentucky.

The Party of the First Part further covenants that he is are lawfully seized of the estate hereby conveyed, has full right and power to convey the same, and that said estate is free from all encumbrances except State, County and School taxes payable in the year 1998 and all subsequent taxes which the Parties of the Second Part hereby assume and agree to pay.

The consideration (sale price) paid for the real property conveyed is \$160,000.00.

PROVIDED, HOWEVER, there are excepted any restrictions, stipulations and easements of record affecting said property.

CONSIDERATION CERTIFICATION: The parties hereto certify the consideration reflected in this deed is the true, correct and full consideration paid for the property herein conveyed. The parties hereto further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00. The Parties of the Second Part join this deed for the sole purpose of certifying the consideration set forth herein.

IN TESTIMONY WHEREOF, WITNESS THE SIGNATURES the Party of the First Part and the Parties of the Second Part on the day and year first above written.

Claude Carl Barker, Jr.
CLAUDE CARL BARKER, JR.

CARL'S OXYGEN DELIVERY SERVICE

BY: *Carl Barker, Jr.*
CARL BARKER, JR., PRESIDENT

Kenneth Ramage
KENNETH RAMAGE

Sharon L. Ramage
SHARON RAMAGE

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DESIGN SERVICES

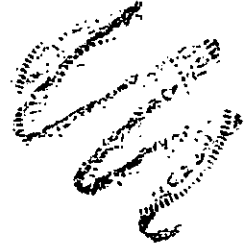
STATE OF KENTUCKY

COUNTY OF JEFFERSON

The foregoing Deed and Consideration Certification were acknowledged and sworn to before me this 28th day of July, 1998 by CLAUDE CARL BARKER, JR., ALSO KNOWN AS CARL BARKER, JR., unmarried, D/B/A CARL'S OXYGEN DELIVERY SERVICE a/k/a Carl's Oxgen Delivery Service and the Consideration Certification was acknowledged and sworn to before me by KENNETH RAMAGE AND SHARON RAMAGE, husband and wife.

My commission expires: 10/15/2000


Notary Public



Prepared by:


PITT & FRANK ATTORNEYS
6450 Dutchmans Parkway
Louisville, Kentucky 40205
(502) 895-9900

#31851
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MAR 16 2006

PLANNING &
DESIGN SERVICES

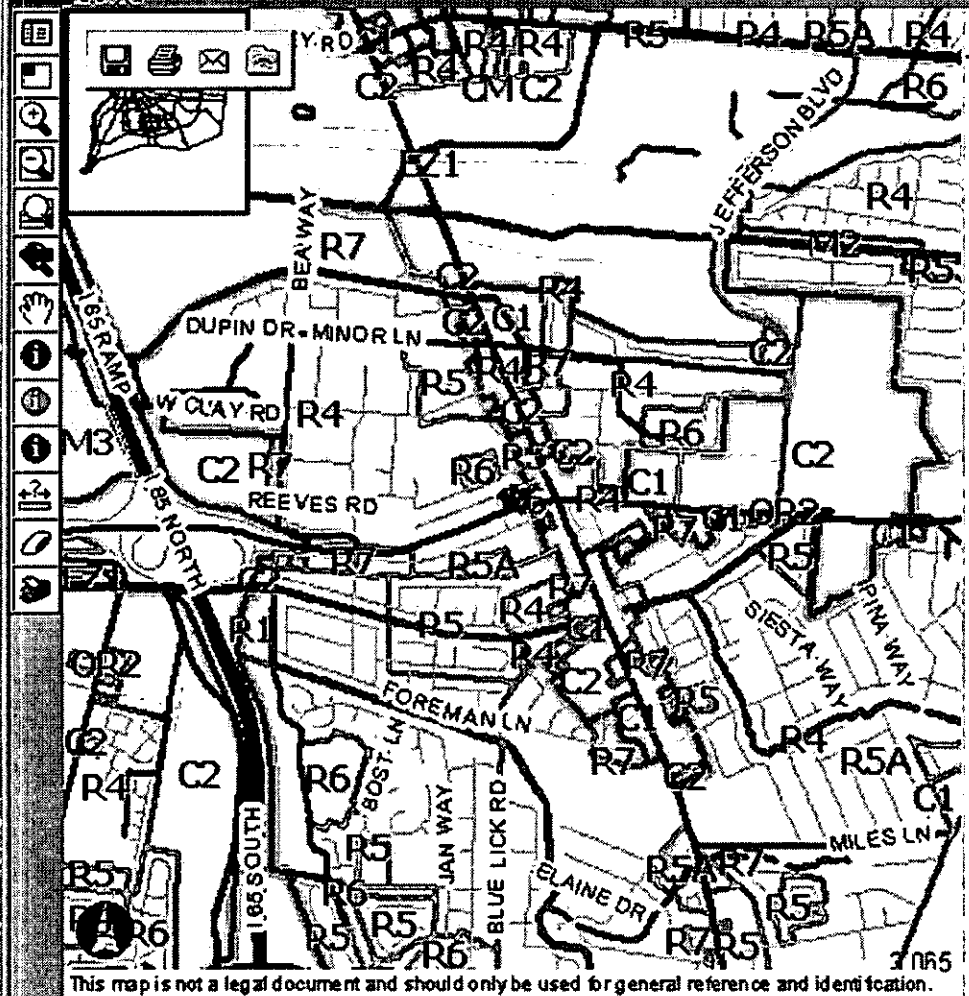
Document No.: DN1998115727
Lodged By: PITT & FRANK
Recorded On: 07/29/1998 12:28:23
Total Fees: 172.00
Transfer Tax: 160.00
County Clerk: Rebecca Jackson
Deputy Clerk: TERHIG

END OF DOCUMENT

3

9-12-06

Standard Information Map



This map is not a legal document and should only be used for general reference and identification.

SEARCH LAYERS

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Standard Information Map



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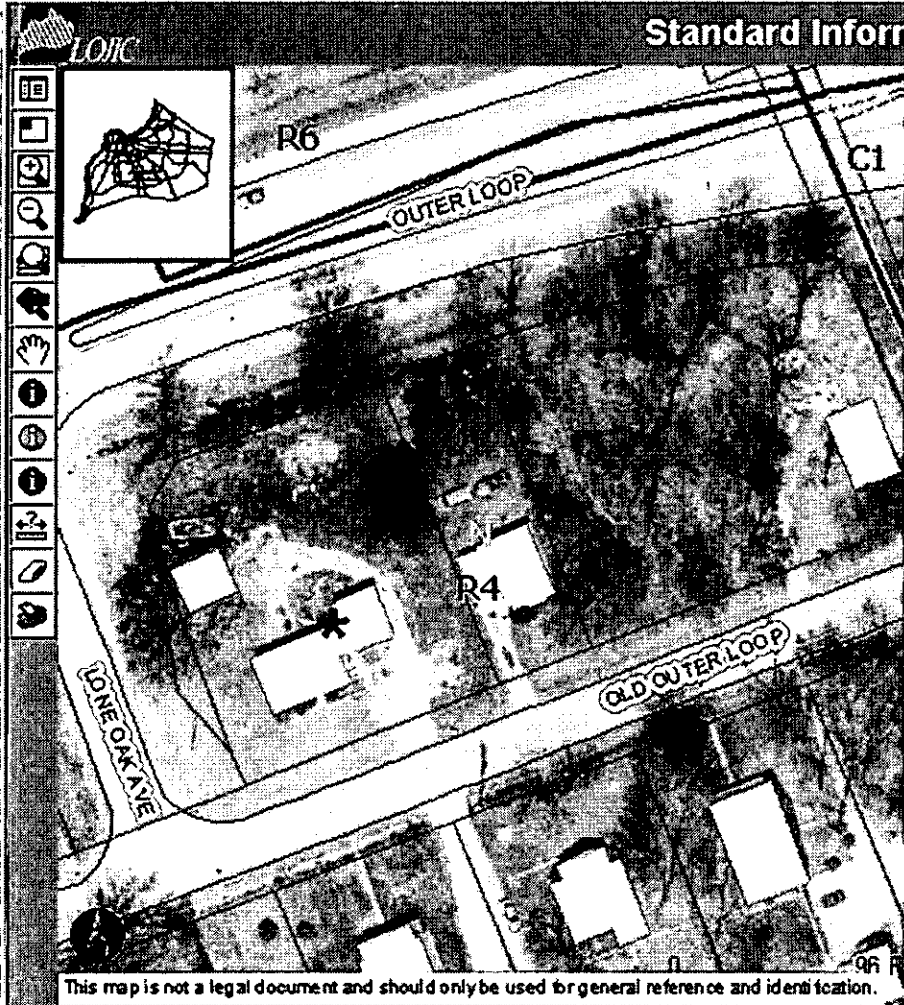
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Standard Information Map



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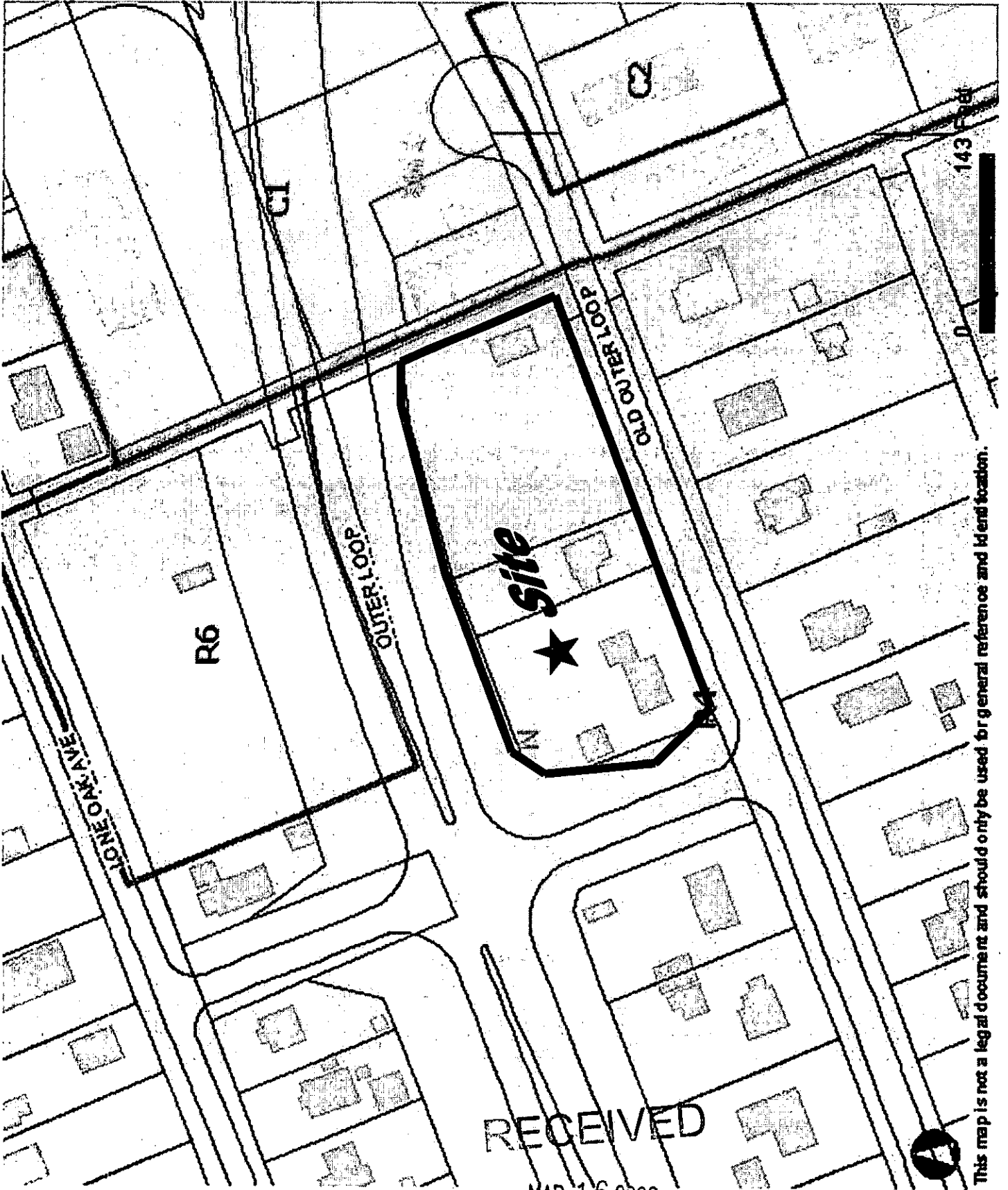
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9-12-06

Standard Information Map

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Search by Parcel ID
(ie. Block 014J Lot 0094 Sublot 0000)

Block Lot Sublot

Search by Street Address
(ie. 700 W Liberty St)

Search by Street Intersection

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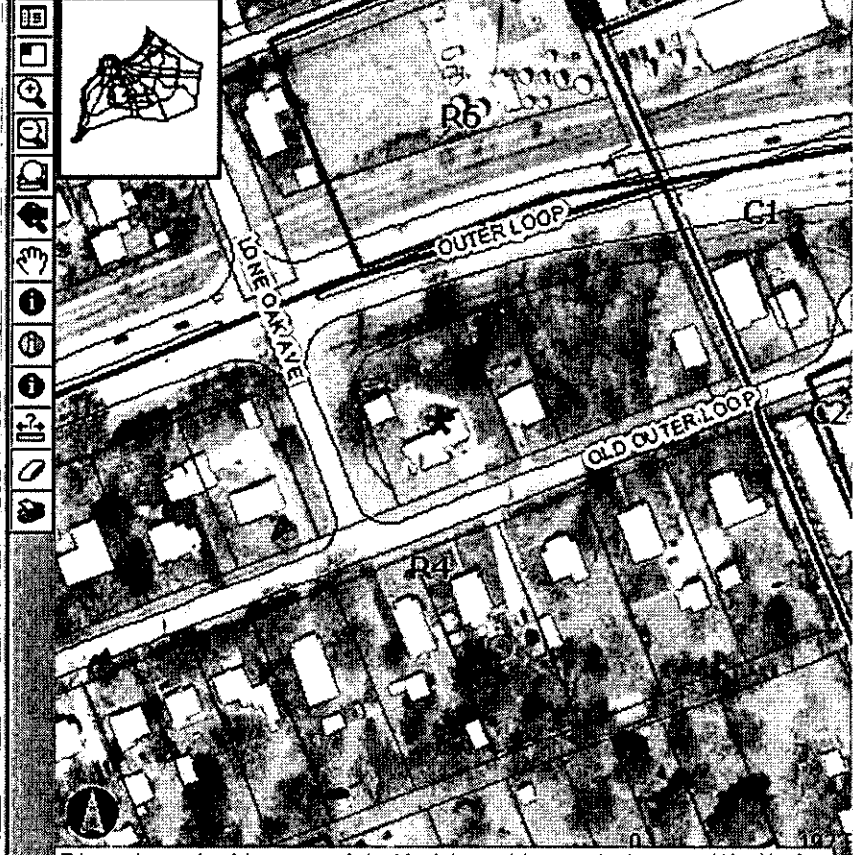
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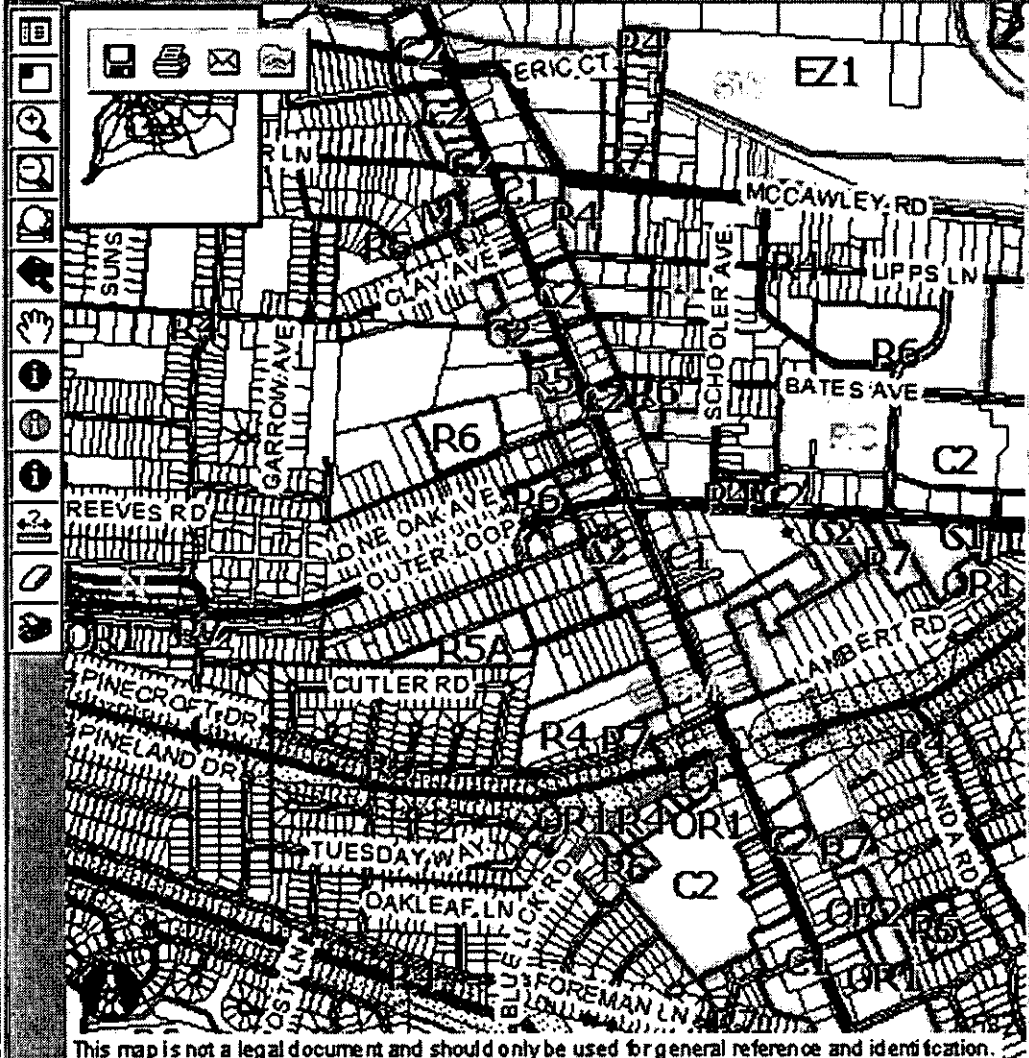
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SEARCH LAYERS HELP

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9-12-08



106 Devenney Lane
Suite 300
Louisville, KY 40223
t: (502) 327-7073
f: (502) 327-7068

**OLE HICKORY PT
4001, 4003 & 4009 OUTER LOOP
LOUISVILLE, KENTUCKY 40219
DETAILED DISTRICT DEVELOPMENT PLAN
FOR
ZONING MAP AMENDMENT**

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JOB NUMBER
041010

DATE
11/16/06

BY
[Signature]

GENERAL NOTES

1. ALL DISTRICT DEVELOPMENT PLANS SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 219.002-003, AND THE DISTRICT DEVELOPMENT PLAN REGULATIONS, KRS 219.004-005.

2. THE DISTRICT DEVELOPMENT PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 219.002-003, AND THE DISTRICT DEVELOPMENT PLAN REGULATIONS, KRS 219.004-005.

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5. THE DISTRICT DEVELOPMENT PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 219.002-003, AND THE DISTRICT DEVELOPMENT PLAN REGULATIONS, KRS 219.004-005.

BOUNDARY

THE BOUNDARY OF THE DISTRICT DEVELOPMENT PLAN SHALL BE THE BOUNDARY OF THE DISTRICT DEVELOPMENT PLAN ACT, KRS 219.002-003, AND THE DISTRICT DEVELOPMENT PLAN REGULATIONS, KRS 219.004-005.

ALLOID PLAIN NOTE

ALL DISTRICT DEVELOPMENT PLANS SHALL BE PREPARED IN ACCORDANCE WITH THE DISTRICT DEVELOPMENT PLAN ACT, KRS 219.002-003, AND THE DISTRICT DEVELOPMENT PLAN REGULATIONS, KRS 219.004-005.

DOCKET #
041010

DETAILED DISTRICT DEVELOPMENT PLAN FOR ZONING MAP AMENDMENT

OLE HICKORY PT
4001, 4003 & 4009 OUTER LOOP
LOUISVILLE, KY 40219

REYNOLDS & SHAWSON R/A/M/GE
8025 BETH RD.
LOUISVILLE, KY 40219
(502) 882-1085

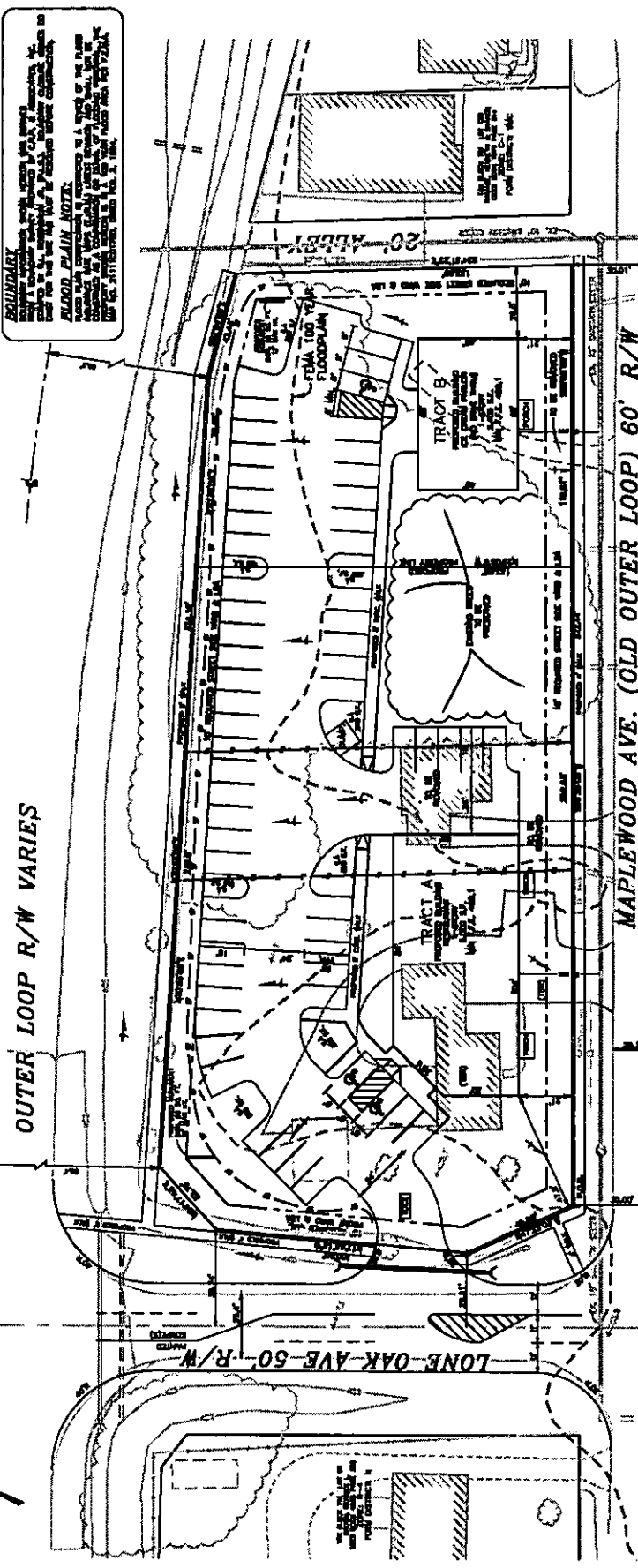
PROJECT SUMMARY TRACT A		PROJECT SUMMARY TRACT B	
EXISTING ZONING	RES-1	EXISTING ZONING	RES-1
PROPOSED ZONING	RES-1	PROPOSED ZONING	RES-1
PROPOSED LOTS	12	PROPOSED LOTS	12
PROPOSED PARKING SPACES	12	PROPOSED PARKING SPACES	12
PROPOSED TOTAL PARKING SPACES	12	PROPOSED TOTAL PARKING SPACES	12
PROPOSED TOTAL PARKING SPACES	12	PROPOSED TOTAL PARKING SPACES	12

LEGEND

- RES-1: RESIDENTIAL SINGLE-FAMILY
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- RES-3: RESIDENTIAL SINGLE-FAMILY
- RES-4: RESIDENTIAL SINGLE-FAMILY
- RES-5: RESIDENTIAL SINGLE-FAMILY
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- RES-10: RESIDENTIAL SINGLE-FAMILY
- RES-11: RESIDENTIAL SINGLE-FAMILY
- RES-12: RESIDENTIAL SINGLE-FAMILY

INCREASED DENSITY CALCULATIONS

FORMULA: $\frac{1000}{\text{LOT AREA}} \times \text{LOT AREA} = \text{LOT AREA}$



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SCALE

1" = 100'

1" = 200'

1" = 300'

1" = 400'

1" = 500'

1" = 600'

1" = 700'

1" = 800'

1" = 900'

1" = 1000'

GREENEBAUM DOLL & McDONALD PLLC

MEMORANDUM

March 10, 2006

To: Ole Hickory Pit
From: Nanci S. Moxley, Paralegal
Subject: Summary of 3/7/06 Neighborhood Meeting for a zone change from R-4 to C-1

Telephone: 502/587-3697
Fax: 502/540-2147
E-Mail: nsm@gdm.com

On March 7, 2006, the Applicant, Ken and Sharon Ramage, owners of the Ole Hickory Pit, held a neighborhood meeting regarding property located at 4001, 4003 and 4009 Old Outer Loop for a proposed zone change from R-4 to C-1 to allow a restaurant and ice cream parlor. This meeting was held at 6:30 p.m. at the Okolona Fire Department, 8501 Preston Highway, Louisville, Kentucky 40219.

Those present on behalf of the Applicant included:

Mark Madison, Milestone Design
Nanci Moxley, Greenebaum Doll & McDonald

There were 7 neighbors in attendance.

Mr. Madison opened the meeting by introducing himself and explaining the development plan. He also stated that this is our third neighborhood meeting and the reason for this meeting was because the filing deadline had passed and we were required to have another meeting. Mr. Madison stated that there would be an entrance off Lone Oak, parking would face Outer Loop and that there would be no rear access. The Applicant will also be widening Lone Oak to add an additional turning lane.

There will be sidewalks added along the site frontage. He stated that C-1 zoning does not allow adult entertainment and that this site would be consolidated and then split into two tracts; one tract for the restaurant and one from the ice cream parlor.

This restaurant will be an addition to an existing restaurant on Shepherdsville Road. The bar-b-que smoker will remain at the existing restaurant. Mr. Madison stated that the back of the proposed restaurant and ice cream parlor will have false porches in order to soften the back of the building and give it a more neighborhood appeal.

Neighbors expressed their concerns about the traffic. Currently, the speed limit is 25 mph and there is a lot of cut-thru traffic in order to avoid Outer Loop.

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MAR 10 2006

GREENEBAUM DOLL & MCDONALD PLLC

Ole Hickory Pit

February 24, 2006

Page 2

Mr. Madison encouraged the neighbors the come to LD&T, Public Hearing and to write letters to the Planning Commission with these concerns.

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9-12-06

NEIGHBORHOOD MEETING

Meeting Date and Time March 7, 2006 @ 6:30 Developer's Name Ken & Sharon Ramage
Location of Meeting Okolona Fire Dept. 8501 Preston Hwy
Description of Proposal Zone Change from R-4 to C-1 for Restaurant
Subject Site Location 4001, 4003 & 4009 Old Outer Loop

NEIGHBORS IN ATTENDANCE

Name	Address	Zip Code	Phone # (Optional)
<u>Pat Zimmerman</u>	<u>601 W. Jefferson St</u>	<u>40202</u>	<u>Fax 574 4420 574-1124</u>
<u>Brent + Jessica Combs</u>	<u>4006 Old Outer Loop</u>	<u>40219</u>	<u>810-0334</u>
<u>DON & DEAN DENNIS</u>	<u>4004 OLD OUTER LOOP</u>	<u>LOU. KY 40219</u>	<u>966-9160</u>
<u>BEVERLY + LEWIS LANGHAM</u>	<u>3804 Old Outer</u>	<u>40219</u>	<u>9629803</u>
<u>Bernice L. Brown</u>	<u>3907 Old Outer Loop</u>	<u>40219</u>	<u>969-7843</u>

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MAR 7 2006

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PLEASE WRITE LEGIBLY

9-12-06

NOTICE

NEIGHBORHOOD MEETING

To: All first and second tier adjoining property owners of the property located at 4001, 4003 and 4009 Old Outer Loop (see attached map), neighborhood group representatives expressing interest in this area, and Madonna Flood, Metro Louisville Councilman, District 24

From: Kenneth & Sharon Ramage, Owners/Applicants

Re: Proposed Zone Change from R-4 to C-1 for Restaurant and Ice Cream Parlor

Today's Date: June 24, 2005

An application for a zone change for the above referenced property to allow a restaurant and ice cream parlor will be submitted to the Louisville Metro Planning Commission. In accordance with new procedures of Louisville Metro Planning and Design Services, we are hereby inviting adjoining property owners and neighborhood group representatives to discuss this proposal before it is formally filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the developer and its representatives. This meeting will be held in addition to the established procedures of the Land Development and Transportation Committee meeting and a Public Hearing before the Planning Commission.

The meeting to discuss this proposal will be held on July 7th, 2005 at 6:30 p.m. at the Okolona Fire Department, 8501 Preston Highway, Louisville, Kentucky 40219.

Please note that you cannot park in the fire department's lot, but parking is available at the Knights of Columbus lot directly behind the fire department. Please park in the area of that lot that is situated closest to the fire department.

At this meeting, representatives for the developer will explain the proposal and then discuss any concerns you have. The purpose of this meeting is to increase your understanding of this case early in the process. We encourage you to attend this meeting and to share any concerns you may have about this proposal.

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NOTICE

NEIGHBORHOOD MEETING

To: All first and second tier adjoining property owners of the property located at 4001, 4003 and 4009 Old Outer Loop (see attached map), neighborhood group representatives expressing interest in this area, those who attended the previous neighborhood meetings and Madonna Flood, Metro Louisville Councilman, District 24

From: Kenneth & Sharon Ramage, Owners/Applicants

Re: Proposed Zone Change from R-4 to C-1 for Restaurant and Ice Cream Parlor

Today's Date: February 24, 2005

An application for a zone change for the above referenced property to allow a restaurant and ice cream parlor will be submitted to the Louisville Metro Planning Commission. In accordance with new procedures of Louisville Metro Planning and Design Services, we are hereby inviting adjoining property owners and neighborhood group representatives to discuss this proposal before it is formally filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the developer and its representatives. This meeting will be held in addition to the established procedures of the Land Development and Transportation Committee meeting and a Public Hearing before the Planning Commission.

The meeting to discuss this proposal will be held on:

March 7, 2006 at 6:30 p.m. at the
Okolona Fire Department,
8501 Preston Highway, Louisville, Kentucky 40219.

Please note that you cannot park in the fire department's lot, but parking is available at the Knights of Columbus lot directly behind the fire department. Please park in the area of that lot that is situated closest to the fire department.

At this meeting, representatives for the developer will explain the proposal and then discuss any concerns you have. The purpose of this meeting is to increase your understanding of this case early in the process. We encourage you to attend this meeting and to share any concerns you may have about this proposal.

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Neighborhood Meeting Summary
Kenneth & Sharon Ramage—Ole Hickory Pit
4001, 4003, 4009 Old Outer Loop

Location: Okolona Fire Department
Date: July 7, 2005
Time: 6:30 p.m.

In attendance: Theresa Senninger, Greenebaum Doll & McDonald PLLC
Mark Madison, Milestone Design Group
Ken & Sharon Ramage
9 adjoining property owners

Theresa Senninger began the meeting by introducing herself and the development team. She gave a brief overview of the rezoning process and the purpose of the neighborhood meeting, which is to give adjoining property owners an opportunity to see the proposed development and ask questions and make comments in advance of the public hearing. She explained that the Ramages proposed to zone their property on Old Outer Loop from R-4, Residential to C-1 Commercial to allow for the development of a third Ole Hickory Pit restaurant and a separate ice cream parlor.

Parking would be located along Outer Loop, and not along the south property line. An approximately 30-ft buffer area will remain between the proposed buildings and the south property line; Mark Madison explained that the intent of this larger than required buffer area was to preserve the existing setback which mirrors area setbacks at residential properties. Additionally, the proposal includes two structures rather than a larger structure, in order to preserve as much of a residential feel as possible in the area.

There was some discussion about binding elements and how they can be used to impose requirements on the developers and to enforce conditions that the developers agree to in the neighborhood meetings. There was also some discussion about deed restrictions to prevent the property from ever being developed for certain uses (adult uses, for example). Theresa Senninger agreed to bring a list of permitted C-1 uses to the next meeting so that neighbors could see what could go on the property after it is zoned and discuss which of those uses the neighbors would like to exclude. A second neighborhood meeting will take place in approximately 3 weeks. This will give the development team an opportunity to review comments made on the plan and come back with answers on several issues, including the access to the development, the dumpster location and the building design. Though a second neighborhood meeting will be held, the development team will pursue formal filing after revisions to the plan have been made and stamps can be obtained from Public Works and MSD.

Questions and Answers:

Q: Will there be a dumpster?

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A: Yes, however it is not currently shown on the plan. We wanted to hear from the neighbors at this meeting where the dumpster should be located—we don't want to put the dumpster in a location that will create a nuisance or an eyesore for neighbors. We want to hear comments from you about the development plan before we say that any aspect of the plan is concrete. It's important to note that no matter where we put the dumpster, we will be required to screen it on three sides so that it is not visible from adjacent residential properties. We will also make sure that the dumpster is emptied regularly so that rodents and stray cats do not become a problem.

Q: What about traffic? There are major traffic problems in the area and the restaurant will create even more of a problem. (There were several questions asked on this point.)

A: Peak hour traffic on Outer Loop is probably from 7-9 in the morning and from 4-6 in the afternoon. However, peak traffic to the restaurant will more likely be from 11-1 for lunch (the restaurant is primarily a lunch destination) and from 6-8 in the evening. Peak hours for the area and for the restaurant will not likely overlap. We will not be permitted to install a traffic light at Lone Oak and Outer Loop, as the state will determine whether it is appropriate. Given the traffic situation and the trips that will be generated by the restaurant, it is highly unlikely that a traffic light will be installed. We have also looked at the possibility of and believe that Public Works will require us to make Lone Oak a three-lane road so that there can be a left turn lane onto Outer Loop and a right turn lane into the development. We have looked into getting access directly from Outer Loop, however this is a state highway and we have been told that the Lone Oak access is the only possible entrance to the site.

Q: We don't like the entrance to the site being on Lone Oak. We have a great deal of cut-through traffic in the neighborhood and we want to prevent this development from causing more. We don't want speed humps or similar devices installed on the street and there is no good place for a stop sign. We also don't want to lose our cut through to Preston Highway.

A: We will discuss the option with Public Works of having a right out/left in entrance on Lone Oak. This will discourage all but a small minority of people from turning left out of the restaurant and cutting through the neighborhood. We can't guarantee that Public Works will allow us to install this kind of entrance, but we will certainly ask that we be allowed to do this. This type of entrance will also have the added benefit of preventing direct glare onto the house across the street from the property on Lone Oak.

Q: We are concerned with noise.

A: There are a couple of different aspects of the development that could produce noise; we can address all of them. First of all, we don't want this property to turn into the local cruising spot. Ken Ramage will take whatever steps are needed—even if it means hiring a security guard or an off-duty police officer. Second, we can work out times for emptying the dumpster that don't interfere with your enjoyment of your homes. We can agree to have the dumpster emptied after 7 a.m. or even later, so long as it doesn't interfere with operating hours for the restaurant. Finally, we anticipate that people will treat this development like a local neighborhood gathering place—people will come for dinner at Ole Hickory Pit and stay to eat ice cream inside or outside.

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Q: We are concerned with what we will look at with the backs of the buildings facing us.

A: We can do things to the back of the buildings to make them look more residential—for example, we can look into putting in a “porch” feature that will effectively split the restaurant building into two with landscaping in between the two “porches” so that it looks more like a home and less like a commercial development. We could also install a wall around the back of the restaurant so that you don’t look at the mechanical side of the building. We want to avoid making this development look like a shopping center or other commercial development, so we will use landscaping in a more residential sense rather than planting a row of trees and shrubs along the property line. We want to use the development of this property as an opportunity to clean up the area and make it look really nice.

Q: What effect will the development have on area drainage?

A: We are required by MSD to compensate at a 1:1.5 ratio because this area is in a flood plain. The Ramages will be required to make a payment to MSD to fund area detention projects, but will not engage in any on-site detention. We will direct all runoff from the site to a swale along Outer Loop. The State Highway Department has agreed to allow this because the runoff from the site will be minimal. Though we will increase impervious surface, we are leaving a great deal of green space which will absorb most of the runoff resulting from the development.

Q: Will there be a sign?

A: There will be a sign, however, the location has not yet been determined. It is most likely that the sign will be placed at the corner of Lone Oak and Outer Loop, as this is where most people will approach the restaurant.

Q: I’m concerned that the restaurant will have a negative impact on my property values because the property will be zoned for commercial use. I would have given serious consideration to not purchasing my property had there been commercial property across the street.

A: We really have no way to tell what the impact of the development will be on property values. Property values are affected by many things, including comparable sales in the area. If we did nothing to this property, there is nothing to prevent your property value from going down for other reasons.

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9-12-06

NEIGHBORHOOD MEETING

Meeting Date and Time July 7, 2005, 6:30 Developer's Name Ken & Sharon Ramage
Location of Meeting Okolona Fire Dept. 8501 Preston Hwy, 40219
Description of Proposal Zone Change from R-4 to C-1
Subject Site Location 4001, 4003, 4009 Old Outer Loop

NEIGHBORS IN ATTENDANCE

Name	Address	Zip Code	Phone # (Optional)
<u>Mae Davis</u>	<u>4700 Walker Dr</u>	<u>40219</u>	
<u>Brent Conatser</u>	<u>4006 Old Outer Loop</u>	<u>40219</u>	<u>810-0334</u>
<u>Dean Dennis</u>	<u>4004 Old Outer Loop</u>	<u>40219</u>	<u>966-9160</u>
<u>TON DENNIS</u>	<u>4004 OLD OUTER LOOP</u>	<u>40219</u>	<u>966-9160</u>
<u>NEAL NEBLETT</u>	<u>4000 Old Outer Loop</u>	<u>40219</u>	<u>964-9796</u>
<u>Kim Neblett</u>	<u>4000 Old Outer Loop</u>	<u>40219</u>	<u>964-9796</u>
<u>Doug Carter</u>	<u>3812 Walker</u>	<u>40219</u>	<u>376-2053</u>
<u>JOAN CARTER</u>	<u>3812 Old Outer Loop</u>	<u>40219</u>	<u>639-7277</u>

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9-12-06

NEIGHBORHOOD MEETING

Meeting Date and Time July 28, 2005; 6:30 Developer's Name Ken & Sharon Ramage
Location of Meeting Okolona Fire Department, 8501 Preston Hwy
Description of Proposal Proposed Zone Change
Subject Site Location 4001, 4003 & 4009 Old Outer Loop

NEIGHBORS IN ATTENDANCE

Highlighted plans
Name

Name	Address	Zip Code	Phone # (Optional)
↓ <u>Sxie Arnold</u>			
✓ <u>Max Davis</u>	<u>3905 Outer Loop</u>	<u>40219</u>	
✓ <u>Pat Zimmerman</u>	<u>Dist 24 Council</u>		<u>601 W. Jefferson St 40262 5741124</u>
<u>Charles G. Wheeler</u>	<u>4008 Old Outer Loop</u>	<u>40219</u>	<u>(502) 648-3791</u>
✓ <u>DON DENNIS</u>	<u>4004 OLD OUTER LOOP</u>	<u>40219</u>	<u>(502) 966-9160</u>
✓ <u>DEAN DENNIS</u>	<u>4004 OLD OUTER LOOP</u>	<u>40219</u>	<u>(502) 966-9160</u>
<u>Kim Nebbett</u>	<u>4000 Old Outer Loop</u>	<u>40219</u>	<u>964-9796</u>
✓ <u>Neal Nebbett</u>	<u>4000 Old Outer Loop</u>	<u>40219</u>	<u>964-9796</u>

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PLEASE WRITE LEGIBLY

9-12-06

JUSTIFICATION STATEMENT FOR ZONE CHANGE
OLE HICKORY PIT, APPLICANT
4001, 4003 AND 4009 OUTER LOOP
March 14, 2006

A zone change is requested for an approximately 1.34-acre site located at the intersection of Outer Loop and Lone Oak Avenue in the Neighborhood Form District ("Subject Property"). The Subject Property is currently split into two parcels, one of which is used for a single family residential home, and the other of which is currently vacant, and both properties are zoned R-4, Single-Family Residential. The proposed zoning is C-1, Commercial, and will permit the use of the Subject Property as a barbecue restaurant, "Ole Hickory Pit", and an ice cream parlor. The zone change is appropriate because the proposal conforms with the requirements of KRS 100.213, and Cornerstone 2020, the comprehensive plan for Louisville Metro as stated in greater detail below.

COMMUNITY FORM/LAND USE

1. Guideline 1: Community Form

The proposal conforms with Community Form/Land Use Guideline 1 and all applicable policies thereunder, including Policy B.3. The Neighborhood Form District may include commercial uses that serve the neighborhood, including restaurants. The proposed restaurant and ice cream parlor are designed to serve the surrounding neighborhood, which currently suffers from a lack of sit-down restaurants, and will be within walking distance of several single family residential areas. The Subject Property is located immediately adjacent to commercially zoned properties, including C-1 and C-2 zoning districts, located along Preston Highway in the Suburban Marketplace Corridor. This location suggests that the proposed use of the Subject Property will form a suitable and necessary transition from these higher intensity uses to residential properties located adjacent to the site. The proposed restaurant and ice cream parlor are designed to look more residential, and include features such as residential-style open space and landscaping, false porches on the rear of the proposed structures, and a large area in which existing trees will be preserved. A similar transition exists across Outer Loop where an R-6 Residential property is located immediately adjacent to the Suburban Marketplace Corridor.

2. Guideline 3: Compatibility

The proposal conforms with Community Form/Land Use Guideline 3 and all applicable policies thereunder, including Policies 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.21, 3.22, 3.23, 3.24, and 3.28.

The proposed restaurant and ice cream parlor are compatible with the scale and design of surrounding development. The proposed buildings are residential in character with brick facades, peaked roofs and false porches along the Maplewood Drive property line. Landscaping will mimic residential landscape patterns rather than commercial styles, and will include a large area of trees to be preserved between the two uses. Parking will be oriented toward Outer Loop and will not result in glare or other impacts on adjacent residential uses. Adequate parking will be provided for the proposed restaurant and ice cream parlor. A total of 44 parking spaces will be provided for the Ole Hickory Pit, and a total of 17 spaces will be provided for the proposed

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ice cream parlor. These totals are closer to the minimum number of spaces required, and are indicative of the fact that the proposed uses are neighborhood-oriented in scale and anticipated volume of business.

The location of the Subject Property, which is immediately adjacent to the Suburban Marketplace Corridor along Preston Highway, is more suitable for a transition use than for redevelopment as single family residential homes. The proposed uses provide an appropriate and needed transition between higher intensity uses along the Suburban Marketplace Corridor and lower intensity single family homes along the Outer Loop and Maplewood Drive. The proposed uses are neighborhood-serving and will provide a new opportunity for sit-down dining that is currently lacking in the area.

The proposed uses will not have an adverse impact on the surrounding residential areas, as outlined in the following paragraphs. Though the site will be rezoned from a residential to a commercial zoning district, the proposed uses are neighborhood oriented in scale and purpose, and will not result in a degradation of the residential neighborhood. The Subject Property's location on Outer Loop immediately adjacent to the Suburban Marketplace Corridor along Preston Highway makes the proposed development appropriate both as a transition from the higher intensity commercial uses to lower intensity residential uses, and as a neighborhood amenity.

The restaurant and ice cream parlor will not produce noxious odors as a result of their operations. All activities for the uses will be conducted indoors, and the dumpster will be enclosed as is required under the Land Development Code. The smoker associated with the Ole Hickory Pit restaurant on Shepherdsville Road will remain at its current location and will not be moved to the Subject Property which eliminates any potential for nuisances such as smoke and odor.

Traffic associated with the proposed restaurant and ice cream parlor will likely come from Outer Loop, however, a significant source of customers for the site will be the local neighborhood. The sign associated with the Subject Property will be oriented toward Outer Loop, which will associate the site with access from that road. The area currently experiences high traffic volume, and the addition of the proposed uses will not significantly increase traffic to the area. Peak hours for Outer Loop are between 7 and 9 AM and between 4 and 6 PM. Peak hours for the Subject Property are expected to be between 6 and 8 PM during the week, which will not conflict with the rush hours for the area.

The proposed uses are not typically associated with excessive noise. Ambient noise levels in the area are likely higher as a result of traffic along Outer Loop, however, the proposed restaurant and ice cream parlor will not generate excessive noise. No outdoor paging or PA system will be installed at either building, and the proposed dumpster will not be emptied outside the times permitted for such activity under the Land Development Code. Lighting will be directed down and away from adjacent residential properties and will otherwise comply with the requirements of the Land Development Code.

Visual impacts of the proposed commercial development will be mitigated through the design of the proposed buildings. The buildings will be residential in character, with brick facades and residential-style windows. The rear of the buildings, which face single family homes on

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Maplewood Avenue, will include residential-style landscaping and false "front porches" that will add to the residential character of the building. Appropriate landscape buffer areas will be provided and plantings will be arranged to appear residential in character.

The Subject Property will serve as an appropriate transition between the higher intensity uses permitted in the Suburban Marketplace Corridor which is immediately to the east of the site, and lower intensity single family residential properties located to the west and south. Though the proposed zoning of the property is commercial, the proposed use is very low in intensity and is designed to be compatible in appearance and function with adjacent single family homes. Appropriate buffers will be provided between the proposed use and adjacent single family homes, and the rear of the proposed building will be softened and made to appear more residential in character through the inclusion of false porches and residential-style landscaping.

Setbacks for the proposed development meet the requirements of the Land Development Code, and no variances or waivers are required. Building heights are designed to be compatible with area development, and do not exceed the form district maximums. The proposal incorporates parking, loading and delivery areas away from adjacent single family residential properties. Parking areas and the proposed dumpster are oriented toward Outer Loop and are appropriately screened to prevent any adverse impact on adjacent properties. The proposed service entrance to the restaurant is similarly oriented to avoid conflicting with adjacent single family homes, and faces the proposed ice cream parlor.

One proposed monument-style sign will be located at the intersection of Outer Loop and Lone Oak Avenue and another at the intersection of Outer Loop and an unnamed alley to the east. The signs will be approximately 80 sf in area, which is compatible with the requirements of the Land Development Code, and with area business signs. The sign will be lit from the exterior and will comply with all other requirements of the Land Development Code.

3. Guideline 4: Open Space

The proposal conforms with Community Form/Land Use Guideline 4 and all applicable policies thereunder, including Policies 4.1, 4.3 and 4.5. The proposal includes a large stand of trees to be preserved between the proposed restaurant and the proposed ice cream parlor. This area, though not a formal landscaped area, is similar to private yards found throughout the community. The area will serve as a common gathering place for individuals waiting to be seated at the restaurant or those who congregate at the ice cream parlor. The preservation of the area of trees serves to preserve the natural features of the area and to further the residential feel of the development.

MOBILITY/TRANSPORTATION

1. Guideline 7: Circulation

The proposal conforms with Mobility/Transportation Guideline 7 and all applicable policies thereunder, including Policies 7.1, 7.3, 7.10, and 7.16. The proposal will not have an adverse impact on the existing roadway network. Outer Loop, the most likely source of traffic coming to the Subject Property, is currently a highly traveled arterial road, and will not experience additional traffic as a result of the proposed development. Other area roads will be similarly unaffected, as the proximity of the site to Outer Loop will encourage drivers to use that road

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(from the intersection of Lone Oak Avenue and Outer Loop) to enter and leave. To mitigate any potential impact to Lone Oak Avenue as a result of the proposed development, the Applicant will add a third lane to Lone Oak to serve as a left turn lane into the Subject Property.

Adequate parking will be provided for the proposed restaurant and ice cream parlor. A total of 44 parking spaces will be provided for the Ole Hickory Pit, and a total of 17 spaces will be provided for the proposed ice cream parlor. TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the Subject Property. Sidewalks will be installed along Outer Loop and will connect with internal sidewalks and pedestrian connections and will encourage the use of alternative transportation to access to site. Multiple uses on the site will encourage combined trips for those who drive to the Subject Property. The site will be designed for uniform access and circulation, and will allow for safe vehicular and pedestrian movement.

2. Guideline 9: Bicycle, Pedestrian and Transit

The proposal conforms with Mobility/Transportation Guideline 9 and all applicable policies thereunder, including Policies 9.1 and 9.2. The proposal includes sidewalks along the perimeter property lines, as well as internal sidewalks that provide access to the restaurant and ice cream parlor. These sidewalks will encourage the use of alternative forms of transportation, including bicycle, pedestrian and transit. As stated previously, TARC routes 18 and 45 run along Preston Highway, which is within walking distance of the Subject Property.

LIVABILITY/ENVIRONMENT

1. Guideline 10: Flooding and Stormwater

The proposal conforms with Livability/Environment Guideline 10 and all applicable policies thereunder, including Policies 10.1, 10.2, 10.3, 10.6 and 10.7. The Subject Property and most of the surrounding area is considered to be flood prone. As a result, the site will provide compensatory storage at a rate of 1:1.5 as required by MSD. The Applicant will also make a payment to MSD to fund area flood control projects. All runoff from the Subject Property will be directed to a swale located along Outer Loop. The Kentucky Department of Highways has approved this impact to the state right-of-way because the impact of the development will result in minimal runoff. Though impervious surface will increase as a result of the proposed development, a large area of open space will remain and will serve to absorb runoff from the development.

2. Guideline 12: Air Quality

The proposal conforms with Livability/Environment Guideline 12 and all applicable policies thereunder, including Policy 12.1. As stated in a letter dated October 21, 2004, from Tom Pinto, Technical Coordinator for the Louisville Air Pollution Control District, the proposal will not have an adverse impact on the National Ambient Air Quality Standards for carbon monoxide.

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COMMUNITY FACILITIES

1. Guideline 14: Infrastructure

The proposal conforms with Community Facilities Guideline 14 and all applicable policies thereunder, including Policies 14.2, 14.3, and 14.4. As stated in a letter dated October 13, 2004, from Michael Ballard, Environmental Health Engineer for the Louisville Metro Health Department, public water service and sanitary sewers exist at the Subject Property. The Subject Property has access to all necessary utilities, as it is currently used for single family residential purposes.

2. Guideline 15: Community Facilities

The proposal conforms with Community Facilities Guideline 15 and all applicable policies thereunder, including Policy 15.9. Fire protection for the Subject Property will be provided through the Okolona Fire Protection District.

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Development Information for Parcel ID: 075100200000

Address: 4001 OLD OUTER LOOP

Zoning Information

Zoning: R4
Form District: NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: PARIE CITY ADDITION JEFFERSON C
Plat Book - Page: 01-173
Related Cases: NONE

Special Review District Information

Overlay District
 Floyds Fork Special District: NO
 Waterfront Review District: NO
 Bardstown Road District: NO
 Downtown Development District: NO
Historic Preservation District: NONE
Urban Renewal: NO
Enterprise Zone: NO

Environmental Constraint Information

Flood Prone Area
FEMA Floodplain or Floodway Review Zone: YES
Floodplain Ordinance Review Zone YES
Protected Waterways
 Potential Wetland(Hydric Soil): YES
 Streams NO
 Surface Water NO
Slopes & Soils
 Slopes 20% and 30%: NO
 Slopes > 30%: NO
 Unstable Soil: NO

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Municipality: LOUISVILLE
 Council District: 24
 Fire Protection District: OKOLONA
 Urban Service Area: NO

Development Information for Parcel ID: 075100550000

Address: 4003 OLD OUTER LOOP

Zoning Information

Zoning: R4
Form District: NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: PARIE CITY ADDITION JEFFERSON C
Plat Book - Page: 01-173
Related Cases: NONE

Special Review District Information

Overlay District
 Floyds Fork Special District: NO
 Waterfront Review District: NO
 Bardstown Road District: NO
 Downtown Development District: NO
Historic Preservation District: NONE
Urban Renewal: NO
Enterprise Zone: NO

Environmental Constraint Information

Flood Prone Area
FEMA Floodplain or Floodway Review Zone: YES
Floodplain Ordinance Review Zone YES
Protected Waterways
 Potential Wetland(Hydric Soil): YES
 Streams NO
 Surface Water NO
Slopes & Soils
 Slopes 20% and 30%: NO
 Slopes > 30%: NO
 Unstable Soil: NO

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Municipality: LOUISVILLE
 Council District: 24
 Fire Protection District: OKOLONA
 Urban Service Area: NO

Development Information for Parcel ID: 075100210027

Address: 4009 OLD OUTER LOOP

Zoning Information

Zoning: R4
Form District: NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: PARIE CITY ADDITION JEFFERSON C
Plat Book - Page: 01-173
Related Cases: NONE

Special Review District Information

Overlay District
 Floyds Fork Special District: NO
 Waterfront Review District: NO
 Bardstown Road District: NO
 Downtown Development District: NO
Historic Preservation District: NONE
Urban Renewal: NO
Enterprise Zone: NO

Environmental Constraint Information

Flood Prone Area
FEMA Floodplain or Floodway Review Zone: YES
Floodplain Ordinance Review Zone YES
Protected Waterways
 Potential Wetland(Hydric Soil): YES
 Streams NO
 Surface Water NO
Slopes & Soils
 Slopes 20% and 30%: NO
 Slopes > 30%: NO
 Unstable Soil: NO

Sewer Information

MSD Property Service Connection: YES

Jurisdictional Information(Political/Service Area)

Municipality: LOUISVILLE
 Council District: 24
 Fire Protection District: OKOLONA
 Urban Service Area: NO

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Change in Zoning/Form District Request Staff Checklist

Docket Number: 9-12-06 Date: 3/16/06 Staff: DFW

- 1. Completed "Change in Zoning Application" form
- 2. A Certification Statement if the ownership is in the form of a corporation, limited company, partnership, etc.
- 3. Development Information Sheet
- 4. Copy of the current Recorded Deed. Every page of the recorded deed must be submitted. The last page should have an "End of Document" stamp.
- 5. Legal description of the area of the rezoning on a separate 8.5" X 11" sheet of paper.
- 6. A written justification statement detailing why this development is in compliance with Cornerstone 2020 and how it is compatible with the Form District in which the development is proposed to be located.
- 7. Pre-app tax map (obtained at Pre-App Conference).
- 8. One 8.5 x 11 inch copy of the site plan for distribution with the staff report that will be prepared for the case.
- 9. Six copies (6) copies of the Development Plan. Two of the copies must have original preliminary approval stamps from MSD and Transportation Plan Review

All plans must show the following minimum information or the submittal can't be accepted.

Plan drawn to engineer's scale	Property lines with dimensions (new lots shall show bearings)
North arrow shown.	Contour Lines shown on plan (relevant for new construction only)
Vicinity map shown.	Existing and/or proposed structures shown and identified
Site Address	Gross building footprint area
Tax Block and Lot Number	Gross Floor Area of Buildings
Zoning of property	Location, ownership, Deed Book & Page # of adjacent property owners
Zoning of adjacent properties	Net and Gross acreage of site
Existing Use	If residential, provide net & gross density, and number of dwelling units
Proposed Use	Off-street loading areas
Street names shown	Accessory structures shown with required screening
Right-of-way width shown	ILA / VUA calculations (may be shown on tree canopy plan)
Height of structures	Landscape buffer areas (labeled and dimensioned)
Plan Date	Form District and Form District boundaries if nearby
Revision Date Box	Form District transition zone shown if required by regulation (
Owner's name and address	Legend

- 10. Label matrix of adjoining first tier and second tier property owners from PVA records.
- 11. 2 sets Mailing labels of adjoining first tier and second tier property owners from PVA records.

- 12. Land Use Restriction form.
- 13. Self-addressed Green Card obtained from customer service staff at time of submittal.
- 14. Copy of Developer's Neighborhood meeting notice.
- 15. List of adjoining property owners and neighborhood group representatives who received the meeting notice.
- 16. Developer's Neighborhood Meeting Attendance sheet.
- 17. Summary of the meeting detailing specific items of concern and proposed resolutions.
- 18. Cash or check made payable to Louisville Metro Government. The check must have a current address and phone number. Add the \$21 clerk's fee to the appropriate fee below.

Note: If two or more applications requiring a land use restriction form are submitted simultaneously for the same site, only one \$21 Clerk's fee is required in addition to the application fees).

R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, PRD, PTD and TNZD District	
Area less than 2.0 acres	\$ 450
Area 2.0 acres to 4.9 acres	\$ 900
Area 5.0 acres or more	\$1800

R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, or C-R District	
Area less than 2.0 acres	\$ 900
Area 2.0 acres to 4.9 acres	\$1800
Area 5.0 acres or more	\$3600

C-1, C-2, C-3, or C-M, W-1, W-2, W-3, EZ-1, M-1, M-2, M-3, PRO, and PEC District	
Area less than 2.0 acres	<u>\$1350</u>
Area of 2.0 to 4.9 acres	\$2700
Area of 5.0 acres or more	\$5400

- 19. **If the above information and materials are submitted**, open the computer log (G:\Planning\DATA\Logs\Zoning 2004.doc). Assign the next docket number and indicate the zoning request, proposed use, address, jurisdiction, intake staff and date filed.
- 20. Fill out a receipt (\$10.50 Clerk's Fee, other \$ in Zoning Fees), sign it and give it to the applicant
- 21. Stamp the date received on each page of all materials submitted.
- 22. Write the docket number in **RED** in the lower right hand corner of each page of submitted materials.
- 22. Write the docket # on the tab, place materials loosely in a "pocket" file folder & put it in the zoning team area, in Steve Lutz's inbox.


9-12-06

**PROPERTY OWNER SIGNATURE PAGE
FOR 4001, 4003, 4009 OLD OUTER LOOP
(Tax Block 751, Lots 20 and 55)
(Tax Block 751, Lot 21 SL 27)**


This Property Owner Signature Page shall be effective for the following zoning-related applications which shall be filed, as the case may be, at the offices of The Louisville Metro Department of Planning and Design Services, for the following:

- Zone Change (Map Amendment)
- Any additional zoning-related applications

Owner:


Kenneth Ramage
5525 Beth Road
Louisville, Kentucky 40219

Owner:


Sharon Ramage
5525 Beth Road
Louisville, Kentucky 40219

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Louisville Metro Planning & Design Services

APPLICATION FOR A CHANGE IN ZONING / FORM DISTRICT

Staff Use Only

Docket No.: 9-12-06 Date: 3/16/06 Intake Staff: DBW Fees: \$1,371.00

Please submit Application Forms in person to PDS Customer Service

The undersigned agrees that the filing of this application constitutes an agreement by the owner(s) and other parties having an interest in the subject property, their heirs, successors, and assigns; that, if the zoning district map amendment(s) requested by this application is (are) enacted, building permits for improvement of the subject property shall be issued only in conformance with the binding elements of the district development plan approved by the Metro Louisville Planning Commission, and that such binding elements shall be strictly complied with and may be enforced in the same manner as the zoning district regulations.

1. Existing Zoning District R4 Existing Form District Neighborhood Pre-application # 81-04

Existing Use Single Family Residential Proposed Use Restaurant

2. This is a request to change the zoning district classification(s) of the subject property from R4 to C1

3. This is a request to change the form district classification of the subject property from: _____ to _____

4. The address of the property is: 4001, 4003, 4009 Old Outer Loop

If an address is not available, please describe the location of the property.

The property is located on the (N., S., E., W.) side of _____ street or public way

and is _____ feet (N., S., E., W.,) of _____ street or public way

and _____ feet (N., S., E., W.,) of _____ street or public way

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* Give distance to the nearest intersecting streets or public ways on each side of the property.

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Louisville Metro Planning & Design Services
444 S. 5th St.
Louisville, KY 40202
502-574-6230 Fax 502-574-8129

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5. The property contains _____ square feet, or 1.34 acre(s).

6. The current deed to the property is recorded in:

Deed book 7340 Page no. 861 and 875; Tax block 751 Lot no. 19, 20, 55

Deed book 7079 Page no. 514; Tax block 751 Lot no. 21, SL 27

7. Do any of the following apply to the subject property?

- a. A pending subdivision application. Yes No; Docket No. _____
- b. Binding Elements of a district development plan. Yes No; Docket No. _____
- c. Previous rezoning request: Yes No; Docket No. _____
- d. Previous subdivision request: Yes No; Docket No. _____

8. Environmental Constraints on Site?

Note: Certain development activities are exempt from compliance with the environmental constraints regulations; refer to Section 4.6.1.B. of the Land Development Code.

- 1. Are there unstable soils on-site? Yes No
- 2. Are there slopes of 20% or greater on site? Yes No
- 3. Are there hydric soils or wetlands on-site in excess of 0.1 acres? Yes No
- 4. Are there blue line streams on or adjacent to the property? Yes No
- 5. Are there lakes and/or impoundments in excess of 3 acres on site? Yes No
- 6. Is the development located in a local regulatory flood plain or conveyance zone? Yes No

Note: Preliminary determination of presence of the constraints listed above may be based on the Development Info Tool in LOJIC (www.lojic.org). Wetlands information is also available from the National Wetlands Inventory website: <http://wetlands2.nwi.fws.gov/sites/nwi/>.

If you answered yes to questions 1 or 2, your development is subject to review under Chapter 4 Part 7.

If you answered yes to questions 3, 4, or 5, your development is subject to Chapter 4 Part 8.

If you answered yes to question 6, contact the Metropolitan Sewer District.

9. The applicant or their representative held a meeting with interested persons in the subject area for the purpose of exchanging views and answering questions concerning the proposed development on

July 7, 2005; July 28, 2005 &

March 7, 2206

(Date)

at 6:30, Okolona Fire Department, 8501 Preston Hwy, Lou. Ky, 40219

(Time & location)

The following is applicable to any property located within the incorporated area (s) of a 5th or 6th class city.

I _____ do hereby certify that I have contacted _____, an official of the City of _____ and have made the above City official aware of this request.

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Signature

Louisville Metro Planning & Design Services
444 S. 5th St.
Louisville, KY 40202
502-574-6230 Fax 502-574-8129

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Revised 4/1/04

9-12-06

Engineer/Designer (if applicable)

Print Name Mark Madison

Address 108 Daventry Lane

Zip Code 40219

Daytime Phone 327-7073 x 2

Fax _____

E-mail mmadison@milestonedesign.org

Attorney (if applicable)

Print Name Theresa Senninger

Address 3500 National City Tower

Zip Code 40202

Daytime Phone 502/587-3761

Fax 502/540-2293

E-mail tzs2@gdm.com

Contact Person

587-3655

Print Name Theresa Z. Senninger

Address (see above)

Zip Code _____

Daytime Phone _____

Fax _____

E-mail _____

The undersigned has read the application associated with the above listed review request and is familiar with the information submitted herewith. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned warrants their authority to bind the owner and to subject the property to restrictions and conditions that may be attached to the proposed development. Note: Category 3 reviews are not subject to binding elements unless they include plan certain or another discretionary review.

Applicant (if other than owner)

Print Name _____

Signature _____

Address _____

Zip Code _____

Daytime Phone _____

Owner(s) (Signature is required)

Print Name Kenneth Ramage

Signature _____

See Attached Signature Sheet

Address 5525 Beth Road

Zip Code 40219

Daytime Phone _____

Print Name Sharon Ramage

Signature _____

See Attached Signature Sheet

Address 5525 Beth Road

Zip Code 40219

Daytime Phone _____

Note: The owner's signature is required for filing.

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444 S. 5th St.
Louisville, KY 40202
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Revised 4/1/04

9-12-06

5-02-06

Kristen,

This project will not
affect any known historic
or cultural resources.

Richard
9-12-dp