

HERITAGE ENGINEERING, LLC

September 12, 2014

Joe Reverman
Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

**Re: Letter of Explanation - Amendment to Binding Element
and Revised Detailed District Development Plan.**

Dear Mr. Reverman:

On behalf of Nicklies Development we are submitting an amendment to Binding Element No. 19 of Docket # 9-73-02. We also request approval of the Revised Detailed District Development Plan for a proposed Coffee Shop located at 10318 Westport Road.


We feel the intent of the original binding element was to prohibit the construction of a fast food type restaurant as that type of facility would have required a menu board. Since the original approval in 2002, many coffee shops have added a drive through lane with menu board for customer use. A coffee shop per code is not considered the same as a restaurant however we want to amend the binding element to ensure no confusion of compliance going forward. Our proposed amended binding element specific to this project is as follows:

19. There shall be no restaurants with menu boards or order windows; restaurants with pick-up only windows/area shall be allowed. Coffee Shops with drive thru lane including a menu board or order windows shall be allowed.

Improvements to the site include construction of a proposed 2,000 sf coffee shop that will include a 320 sf patio area located outside the building. The proposed coffee shop includes a drive thru pick-up window with a menu board located at the rear to place orders.

Thank you for your consideration; please advise us immediately if additional information is needed.

Sincerely,



John D. Campbell

Encl. Development Plan Application
Amendment to Binding Element Application
Revised District Development Plan

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642 S. 4TH STREET, SUITE 100
LOUISVILLE, KENTUCKY 40202
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204
JEFFERSONVILLE, INDIANA 47130
PHONE: 812-280-8201 FAX: 812-280-8281

14-DEV PLAN 1130

Binding Element Amendment Justification:

In order to justify approval of any amendments to binding elements, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

This property being located in a developed suburban area does not contain any natural resources.

2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

This property is located near the intersection of Westport Road and Frey's Hill Road with safe vehicular and pedestrian access to both streets.

3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

This development has an existing parking lot that is constructed in-line with adjacent development and maintains a green space along Westport Road. This project also provides interior landscape areas within the parking lot.

4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

This development provides adequate drainage facilities to the public drainage system located on-site.

5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

This development provides a layout consistent with the suburban corridor of Westport Road.

6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

This development is in conformance with the Comprehensive Plan and the General District Development Plan as approved per Docket #9-73-02.

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