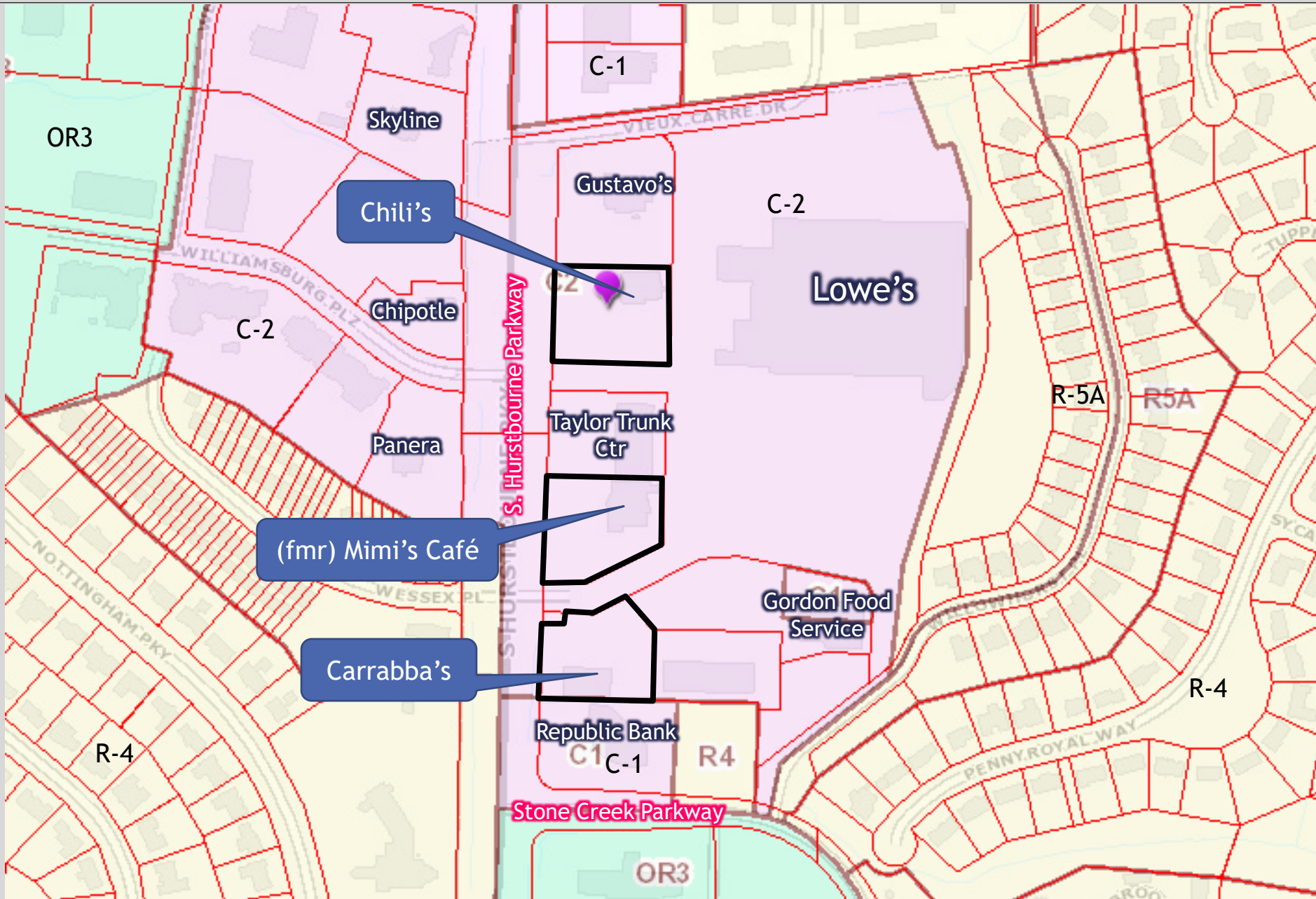


Docket No. 21-AMEND-0006

Amendment to Binding Element #5 (a) and #20 in Case Nos. 9-88-58 and 9-62-93, and Binding Element #11 and #12 in Case No. 9-3-99 to allow drive-thru restaurants on property located at 421, 615 & 617 S. Hurstbourne Parkway (existing Chili's, formerly Mimi's Café and existing Carrabba's restaurants) in the City of Jeffersontown



Chili's

(fmr) Mimi's Café

Carrabba's

Skyline

Gustavo's

Lowe's

Taylor Trunk Ctr

Gordon Food Service

Republic Bank

OR3

C-1

C-2

C-2

Chipotle

Panera

R-5A

R5A

R-4

C1

C-1

R4

R-4

OR3



Skyline

Chili's

Gustavo's

Lowe's

Chipotle

Taylor Trunk Ctr

Panera

(fmr) Mimi's Café

Carrabba's

Republic Bank

Gordon Food Service

Stone Creek Parkway

WESSEX PL

S. HURSTBOURNE PK

WILLIAMSBURG PLZ

WESSEX PL

WILLOWHURST PL

PENNYROYAL WAY

REEK PKY

ROUNDSTONE

PLANNING COMMISSION MINUTES

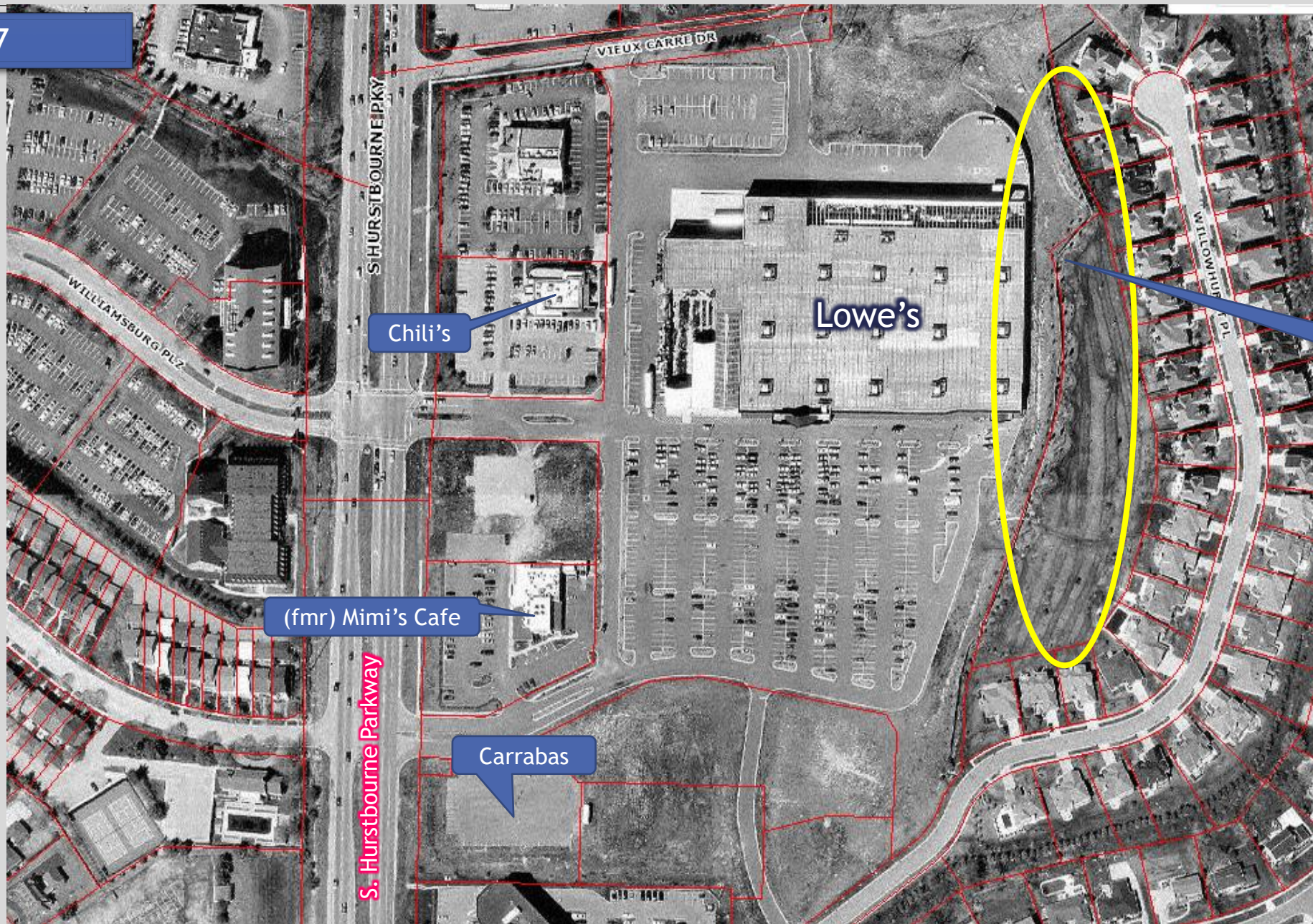
MAY 5, 1994

DOCKET NO. 9-55-88

The developer shall create a landscape buffer along the rear of the proposed R-5A lots, which immediately adjoin the existing R-4 zoned property contained in Plainview being lots having minimum building setbacks from the rear property line of 70 feet for 25% of the lots, 75 feet for 37.5% of the lots and 80 feet for 37.5% of the lots. Within such set back area, there shall be established a buffer strip consisting of a berm or landscape mound planted with (1) approximately 201 evergreen trees a minimum of 8 feet tall planted on 10 foot centers trees which in combination with a berm, if any, shall be 10 feet high at the time of planting, (b) 54 flowering trees 10 feet high at the time of planting, and (c) 27 shade trees having 1.5 inch caliper at the time of planting. Any new berm or graded area shall be sodded.

- a. Construction of the mound or berm and planting shall be completed before construction of any buildings on any of the 44 acre site proposed for development.

1997



Chili's

Lowe's

(fmr) Mimi's Cafe

Carrabas

S. Hurstbourne Parkway

Immature Landscaping



Mature Landscaping

Lowe's

Chili's

(fmr) Mimi's Cafe

Minute Key

Carrabas

Stone Creek Parkway

S. Hurstbourne Parkway

Hurstbourne Christian Church



Fence &
mature trees
b/w houses
and Lowes

Lowe's Home
Improvement
Home Improvement store

Minute Key

Vieux Carre Dr

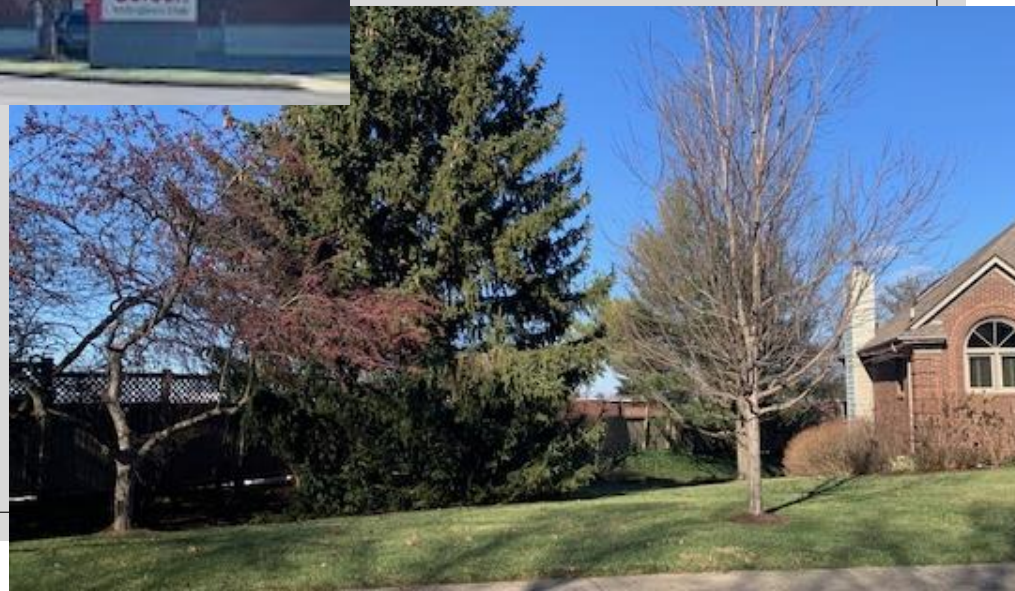
Google



Ima

Site line distances to Willowhurst Place





Approximately ½ mile drive to restaurants from Willowhurst Place



Amendments to the Binding Element 5.a #9-62-93

PLANNING COMMISSION MINUTES

MAY 5, 1994

DOCKET NO. 9-62-93

- area designated as R-5A with this area including the right of way.
- b. R-6, Residential District, not more than twenty (20) single family residences and not fewer than 2.5 acres of open common area.
 - c. OR-3, Office/Residential District, 62,000 square feet not to exceed 697.5' elevation above sea level, which is 3 stories above the highest point of the terrain at the front building line, and not to exceed 4 stories at any point.
 - d. C-2, Commercial District 207,000 square feet, not to exceed 2½ stories or 35 feet in height.
4. The architectural feature above the front door will not extend higher than the parapet. The parapet or architectural feature above the front door will not extend higher than the roof line. The 35' height limitation will remain applicable to the roof line.
 5. In the area zoned C-2, with respect to use:
 - a. The following uses shall not be permitted: Adult Entertainment, Auction Sales, Automobile Repair Garages, Automobile Sales (Agencies), Automobile Service Stations, Beer Depots, Boarding & Lodging Houses, Book Binding, Bowling Alleys, Car Washes, Community Buildings, and Residences, Dance Halls, Day Care Centers, Family Care Home (Mini-Home), Flea Market, Fraternities and Sororities, Garage or Yard Sales, Governmental Buildings including (Armories, Storage, Maintenance, & Repair Facilities), Hotels, Motels, Ice Storage Houses, Self-Service Laundries & laundrettes, Kennels, Nursing Homes, Package Liquor Stores, Plumbing & Heating Shops, Printing & Lithographing or Publishing Establishments, Public Transportation Terminal, Refrigerated Lockers, Restaurants having drive through service windows as a part of their operation, Rubber-stamp Manufacturing, Sign Painting, Skating Rinks, Taverns, Bars, Saloons, & Lounges not connected with service of food, Tourist Home, Trade Schools, Upholstery and Furniture Repair Shops, Used Car Sales, and including uses which may be more similar in appearance and intensity to those in the prohibited list of activities than to uses that are permitted under the C-2 Zoning regulations.
 - b. Use shall be limited to high quality architecture.
 6. In the OR-3, Office/Residential District, the following uses shall not be allowed: Boarding or Lodging Houses, Day Care Center, Family Care Home (Mini-Home), Fraternities and Sororities, and Garage and Yard Sales.

Amendments to the Binding Element #20 #9-62-93

PLANNING COMMISSION MINUTES

MAY 5, 1994

DOCKET NO. 9-62-93

adjoining properties, said adjoining properties to include that which abuts Vieux Carre Drive to the north, or when deemed appropriate by the Jefferson County Traffic Engineer, whichever occurs first.

20. The commercial site shall have not more than 4 out parcel sites, none of which shall be fast-food restaurants. Any structure erected on Lot 3 shall not exceed 9,000 square feet of enclosed floor space. "Fast-food restaurants" as defined in this subsection prohibits drive-through windows and requires served dining; however, nothing herein shall prohibit cafeteria or other self-service, sit-down restaurants.
21. The signage above the main entrance of the Lowe's building shall be no higher than 6 feet for the "L" and 5 feet for the "OWES".
22. The only permitted freestanding sign on the lot containing the Lowe's development shall be a monument style sign located as shown on the approved general district development plan. The sign shall not exceed 56.25 square feet in area and 6 feet in height and must be approved by the City of Jeffersontown.
23. The existing berm along the west side of the entrance to Willowhurst shall be landscaped and retained.
24. The Willowhurst monument sign and the portions of the wooden fence which encroach on Lowe's east property line between Willowhurst and the Lowe's parcel shall remain.
25. The facade of the Lowe's building shall be constructed of brick, except for the Garden Area which shall be constructed of decorative steel fence which shall have the appearance of wrought iron and, except at gates and entrances, a brick knee-wall ranging from two and one-half feet at some points to three and one-half feet at other points; except for architectural features at Lowe's main entrance and contractor service entrance which shall be constructed of dryvit; and except for windows, doors, roof flashing, signage, canopy and other architectural elements which are traditionally not of masonry.
26. The garden area as shown on the development plan shall contain the following additional features: Brick columns on the perimeter of the garden area, twenty-foot high brick wall on north wall of the garden area, and brick wall on the west wall of the garden area beginning at the northwest point and extending at least seventy-five feet south. No portion of the wall of the garden area, including access gates, shall be chain link fencing.

Amendments to the Binding Element #11.v #9-3-99

APRIL 20, 2000

NEW BUSINESS

Public Hearing and Consideration of Cases:

DOCKET NO. 9-3-99

11. The following C-1 uses shall be prohibited:
 - a. Automobile parking areas, public and private
 - b. Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)
 - c. Beer depots where alcoholic beverages are not consumed on the premises
 - d. Boarding and lodging houses
 - e. Bowling alleys
 - f. Car washes
 - g. Community Buildings
 - h. Community residences
 - i. Day care centers, day nurseries, nursery schools and kindergartens
 - j. Dwelling, two family
 - k. Family care home (mini-home)
 - l. Family day care home
 - m. Garage or yard sale
 - n. Homes for the infirm or aged
 - o. Hotels and motels, including ancillary restaurants and lounges
 - p. Ice storage houses
 - q. Laundries or laundrettes, self-service
 - r. Multiple family dwellings
 - s. Nursing homes
 - t. Package liquor stores, where alcoholic beverages are not consumed on the premises
 - u. Parks, playgrounds, and community centers
 - v. ~~Restaurants with drive-thru windows~~
 - w. Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year
 - x. Towers (radio/tv Receiving or Transmitting) for commercial use, in accordance with Federal Communications Commission and/or Federal Aviation Agency requirements
 - y. All Conditional Uses.

12. The following C-2 uses shall be prohibited:
 - a. Adult entertainment
 - b. Auction sales
 - c. Automobile parking areas, public and private

Amendments to the Binding Element #12.11 #9-3-99

APRIL 20, 2000

NEW BUSINESS

Public Hearing and Consideration of Cases:

DOCKET NO. 9-3-99

- d. Automobile rental agencies
- e. Automobile repair garages
- f. Automobile sales agencies
- g. Automobile service stations
- h. Beer depots
- i. Bingo halls and parlors
- j. Boarding and lodging houses
- k. Bookbinding
- l. Bowling alleys
- m. Building materials, storage and sales
- n. Car washes
- o. Community buildings
- p. Community residences
- q. Dance halls
- r. Day care centers, day nurseries, nursery schools and kindergartens
- s. Dwellings, two family
- t. Family care home (mini-home)
- u. Family day care home
- v. Flea market
- w. Fraternities, sororities, clubs and lodges
- x. Garage or yard sale
- y. Governmental buildings, including armories, storage, maintenance and repair facilities
- z. Home for the infirm and aged.
- aa. Hotels and motels
- bb. Ice storage houses
- cc. Laundries or laundrettes, self-service
- dd. Multiple family dwellings
- ee. Nursing homes
- ff. Package liquor stores
- gg. Parks, playgrounds and community centers, not for profit
- hh. Plumbing and heating shops, storage and sales provided all operations are totally enclosed in a building
- ii. Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings
- jj. Public transportation passenger terminals
- kk. Refrigerated lockers
- ll. ~~Restaurants with drive thru windows~~
- mm. Rubber stamp manufacturing
- nn. Sign painting
- oo. Skating rinks (ice or roller)
- pp. Taverns, bars and saloons and lounges and restaurants identified by signs as a "tavern", "bar", "saloon", "lounge", or similar designation

Amendments to the Binding Elements

a. The following uses shall not be permitted:

Adult Entertainment, Auction Sales, Automobile Repair, Garages, Automobile Sales (Agencies), Automobile Service Stations, Beer Depots, Boarding & Lodging Houses, Book Binding, Bowling Alleys, Car Washes, Community Buildings, and Residences, Dance Halls, Day Care Centers, Family Care Home (Mini-Home), Flea Market, Fraternities and Sororities, Garage or Yard Sales, Governmental Buildings including (Armories, Storage, Maintenance, & Repair Facilities), Hotels, Motels, Ice Storage Houses, Self-Service Laundries & laundrettes, Kennels, Nursing Homes, Package Liquor Stores, Plumbing & Heating Shops, Printing & Lithographing or Publishing Establishments, Public Transportation Terminal, Refrigerated Lockers, ~~Restaurants having drive through service windows as a part of their operation~~, Rubber-stamp Manufacturing, Sign Painting, Skating Rinks, Taverns, Bars, Saloons, & Lounges not connected with service of food, Tourist Home, Trade Schools, Upholstery and Furniture Repair Shops, Used Car Sales, and including uses which may be more similar in appearance and intensity to those in the prohibited list of activities than to uses that are permitted under the C-2 Zoning regulations.

The commercial site shall have not more than 4 out parcel sites, none of which shall be Fast-food restaurants (“FFR”). Any structure erected on Lot 3 shall not exceed 9,000 square feet of enclosed floor space. “Fast-food restaurants” as defined in this subsection shall be a restaurant that derives at least 70% of its sales revenue through drive-through window service. Inside seating may be provided, but table service is minimal and inside food sales are ordered from the counter. An FFR does not have a liquor license. It serves quick service “fast-food”, generally characterized having a limited menu, cooked in bulk and in advance which is kept hot, and then finished and packaged when ordered. FFR are usually part of a chain or franchise providing standardized ingredients and/or partially prepared foods and supplies to each restaurant through controlled supply channels. Examples would include but are not limited to Wendy’s, White Castle, McDonald's, KFC, Burger King, Taco Bell, Dairy Queen, Arby’s, and Hardees. Such restaurants which would not be an FFR would include a Panera type restaurants or coffee shops, such as Starbucks, Heine Bros., etc. (The window sales limitation is not applicable during pandemic government restrictions on indoor food service.)



QUESTIONS?