

Planning Commission Cont. Public Hearing – 1/18/17

Land Development & Transportation Committee – 12/8/16

Planning Commission Public Hearing – 10/17/16

Land Development & Transportation Committee – 8/25/16

Docket No. 15ZONE1045

Zone change from R-4 to C-1 to allow a 4,900 sq ft restaurant/retail building with a drive thru with variance and waiver on property located at 5103 Outer Loop



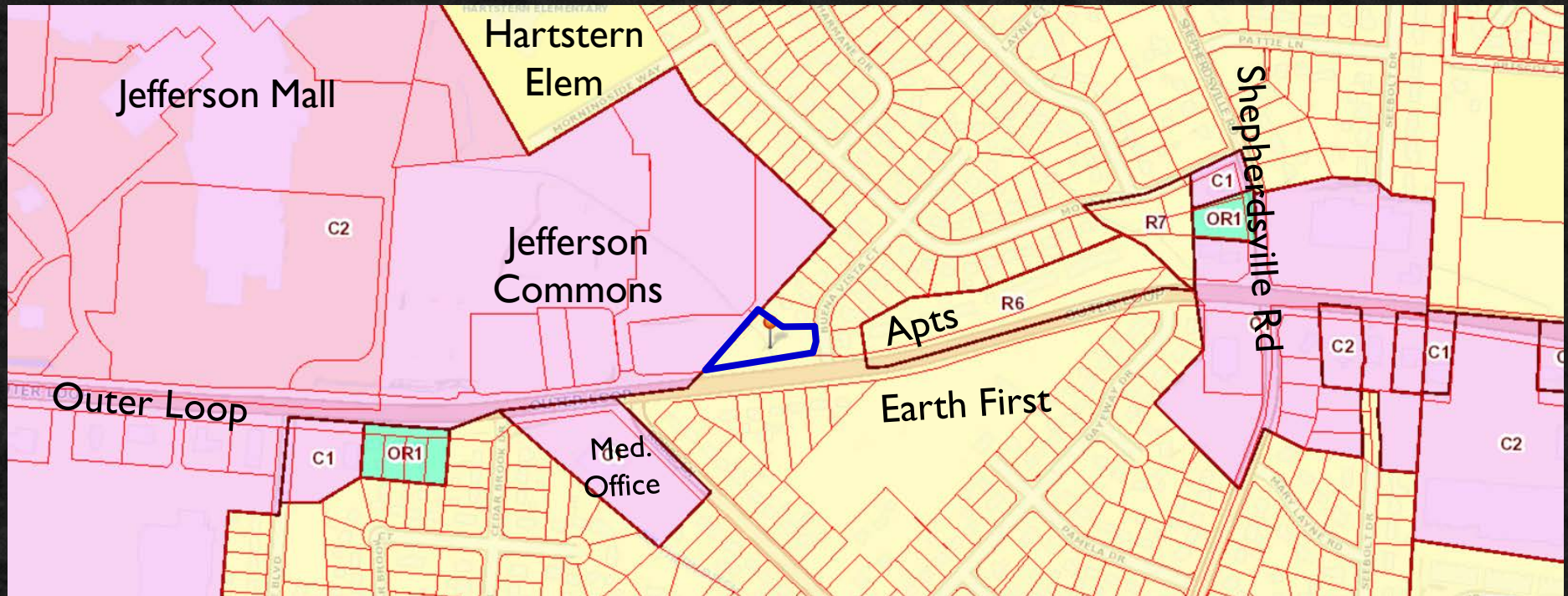
Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planner: Blomquist Design Group

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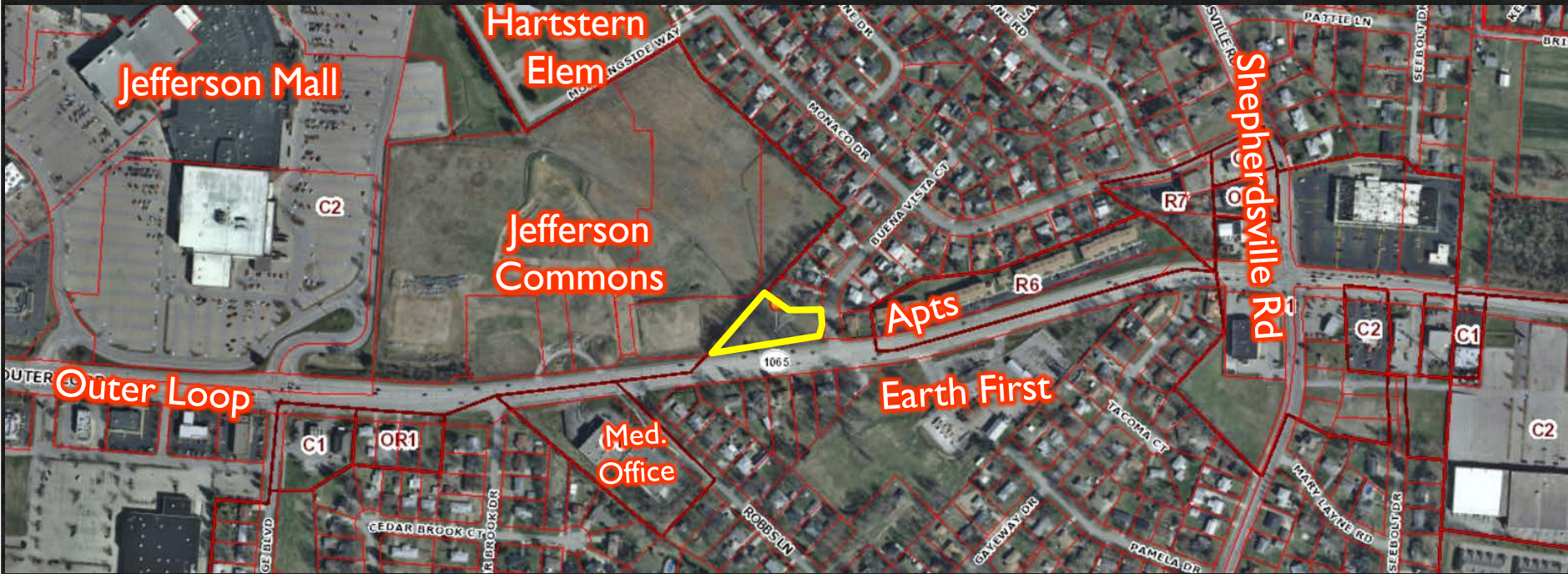
Tab I  
LOJIC Zoning Map



## Tab 2

Aerial photograph of the site and  
surrounding area





Jefferson Mall

Hartstern  
Elem

Jefferson  
Commons

Apts

Earth First

Med.  
Office

Outer Loop

Shepherdsville Rd

C2

R7

R6

C2

C1

C1

OR1

C2

1065

OUTER

CE BLVD

CEDAR BROOK CT

ROBINSON

ROBINSON

GATEWAY DR

PAMELA DR

MARY LANE RD

SEEBOLT DR

TACOMA CT

MONACO DR

QUEEN VISTA CT

SYLLER

PATTIE LN

SEEBOLT DR

BR

BR





Jefferson  
Commons

SITE

Outer Loop

Buena Vista Ct









Jefferson Mall

Hartstern  
Elem

Jefferson  
Commons

SITE

Buena Vista Ct

Apts

Outer Loop

## Tab 3

Ground level photographs of the site and surrounding area



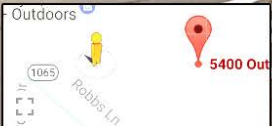


View of site looking east down Outer Loop towards Shepherdsville Road. Site is to the north (left).



Outer Loop

SITE



Google

Looking west down Outer Loop towards Jefferson Mall. Site is to the north (right).





View of site from intersection of Outer Loop and Buena Vista Court.



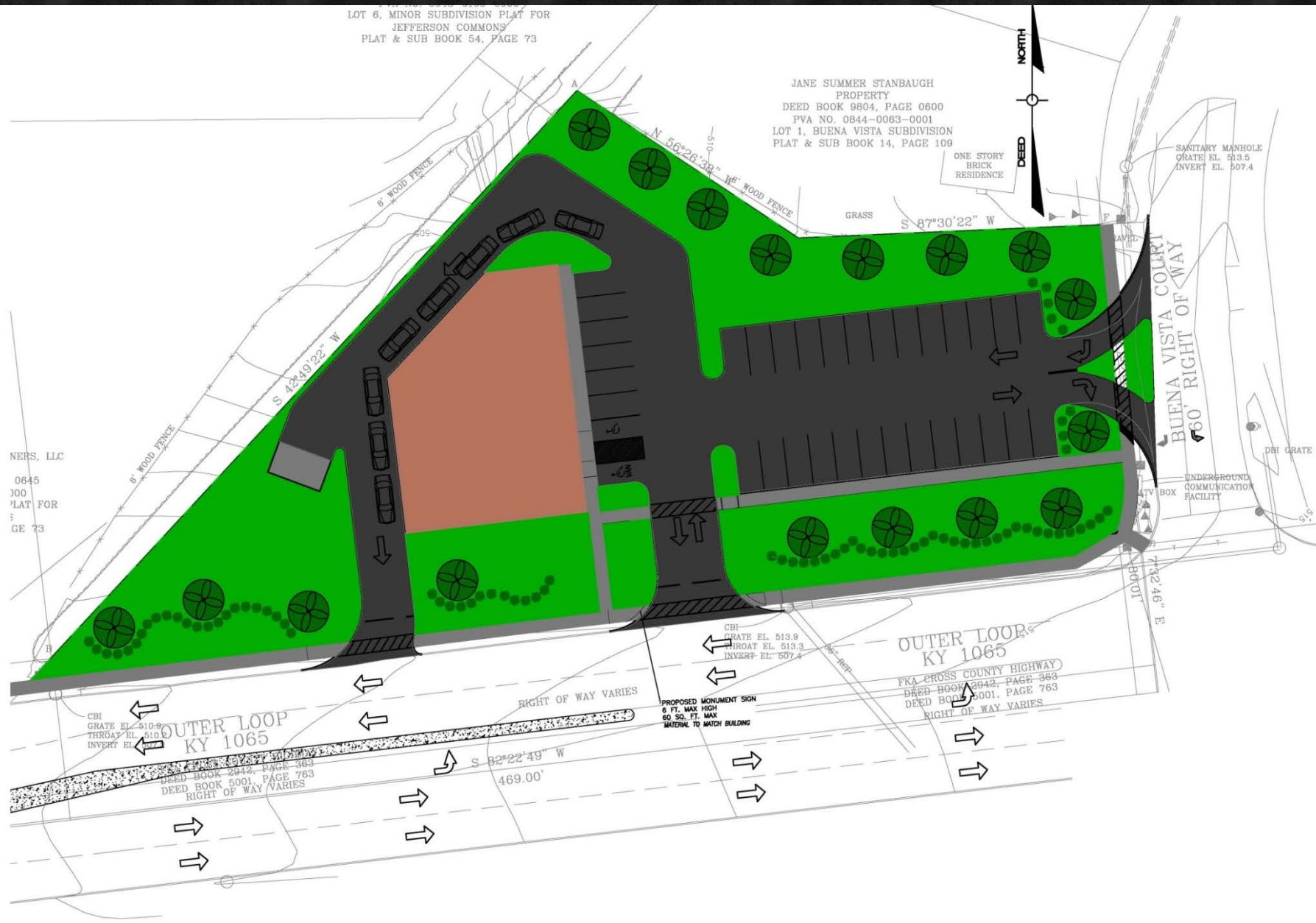


View of site from Buena Vista Court.



**Tab 4**  
**Previous Development Plan**

# Development Plan shown at the 10/17/16 Public Hearing



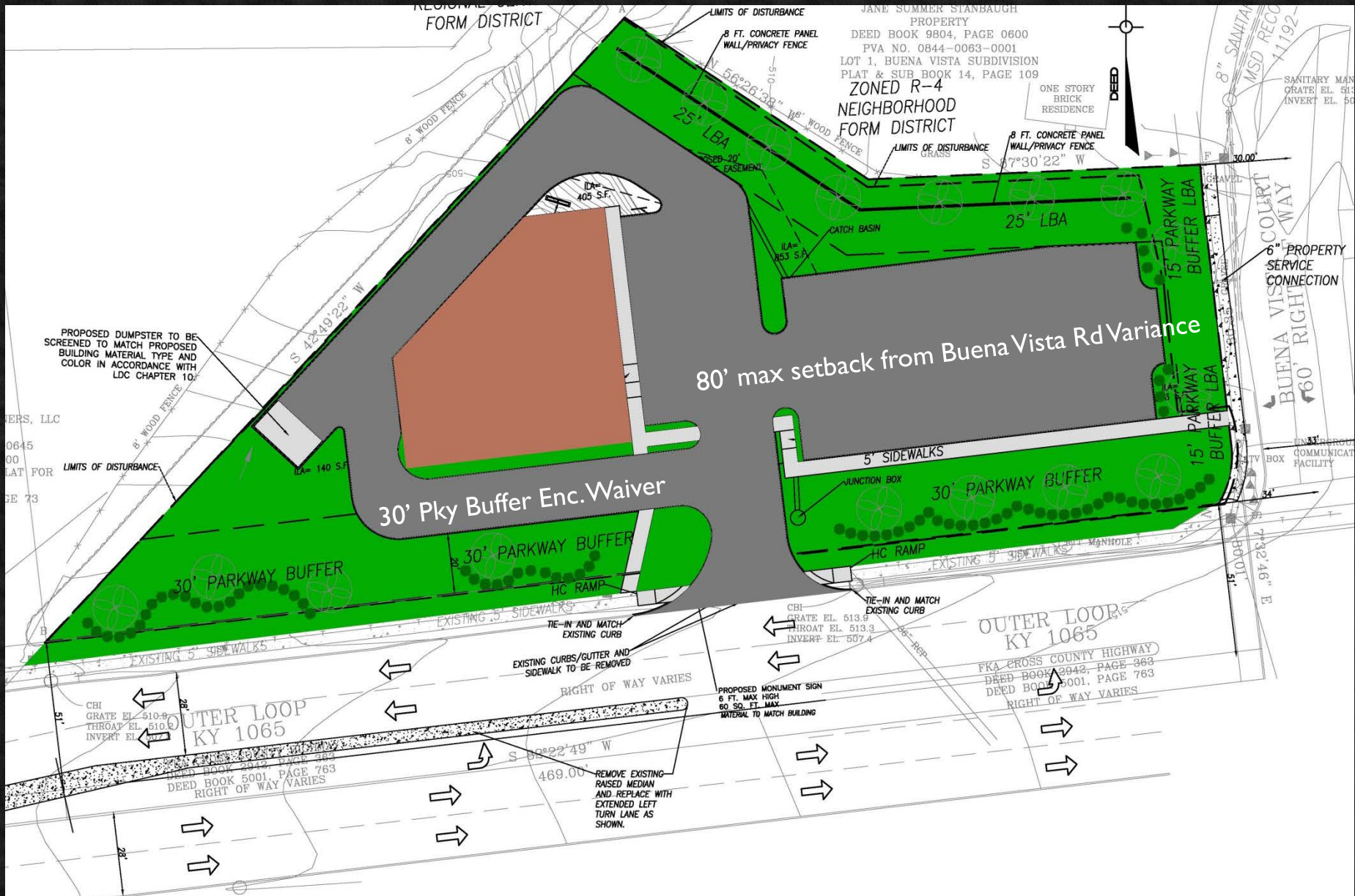


**Tab 5**  
**Current Development Plan**





# Current Development Plan







Proposed 8 ft masonry wall to be located along the north property line



**Tab 6**  
**Traffic Study**

# Traffic Impact Study

Diane Zimmerman

*October 17, 2016*



**CDM  
Smith**



# Trip Generation

	AM Peak Hour			PM Peak Hour		
	Total	Enter	Exit	Total	Enter	Exit
Fast-Food w/ Drive-Through (2,700 sq. ft.)	123	63	60	88	46	42
Specialty Retail (2,700 sq. ft.)	NA			7	3	4
<b>TOTAL</b>	<b>123</b>	<b>63</b>	<b>60</b>	<b>95</b>	<b>49</b>	<b>46</b>

# Level of Service Results

	AM Peak Hour			PM Peak Hour		
	2016 Existing	2018 No Build	2018 Build	2016 Existing	2018 No Build	2018 Build
Outer Loop at Buena Vista Court						
Outer Loop Eastbound (left)	A 8.8	A 8.9	A 9.0	A 9.9	B 10.1	B 10.2
Buena Vista Court Southbound	B 11.0	B 11.2	B 11.4	B 12.4	B 12.6	B 12.8
Outer Loop at Entrance						
Outer Loop Eastbound (left)			A 8.8			B 10.0
Entrance Southbound			B 13.3			C 18.4



# Crash Analysis

Route	Description	Avg AADT	Begin MP	End MP	Segment Length	Number of Crashes	Spot Crash Rate	Highway Type	M ( MV)	Calculated Critical Crash Rate	Critical Crash Rate Factor
KY 1065	Buena Vista	16,700	7.28	7.58	0.3	21	0.69	Urban Four-Lane Divided	30.48	1.86	0.37

## Tab 7

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan



**JUSTIFICATION STATEMENT FOR COMPLIANCE WITH CORNERSTONE 2020**

**Project:**

Outer Loop Restaurant/ Retail/ Residential

**Applicant:**

DFWM Outer Loop, LLC

**Location:** 5103 Outer Loop

**Engineer:** Blomquist Design Group, LLC

**Request:** Change in zoning to C-1 with Detailed District Development Plans

**General Statement**

The proposed Restaurant/ Retail building is located on approximately 1 acre of vacant land located along Outer Loop, a major arterial and commercial corridor. Several years ago, this site was part of the proposed commercial center now called Jefferson Commons and was approved for a conditional use permit for parking associated with the center. Since that time, the center has changed ownership and was developed without utilizing this site in its overall Development plan. Consequently, the owners have been maintaining a vacant piece of potentially valuable land waiting for the economic conditions to turn positive to warrant rezoning the property. The owners are now requesting a zone change from R-4 to C-1 to allow for a 5,400 SF Restaurant/ Retail building and associated parking. The proposed building is located closest to the Jefferson Commons Development (Chick-Fil-A Restaurant) and as far from the adjacent residential structure as possible. The proposed parking is then located in front of the building with access to both Outer Loop and Buena Vista Court. A proposed Drive Thru window is also located behind the building, shielding it from the adjacent residential property.

A neighborhood meeting was held on April 26, 2016 to discuss the proposed zone change. A concern of the neighbors is the traffic currently along Outer Loop and Buena Vista and the impact of this proposed development. A traffic impact study with Trip Generations was performed by Dianne Zimmerman, Traffic Engineer with CDM Smith, Inc. and is attached as part of this application. Another concern of the neighbors is the request for outdoor alcohol consumption. Based on hearing this concern and reconsidering the need, the owners have decided to NOT request a Conditional Use Permit (CUP) for outdoor alcohol consumption.

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**Guideline 1: Community Form**

The proposed development is located in the Neighborhood Form District and the surrounding area is primarily residential to the east and across Outer Loop. Jefferson Commons is located adjacent/west of this proposed development and is a major Regional Commercial Center located in the Regional Center Form District. The Development is proposed to be rezoned to C-1 and is located to serve as a transition between the two Form Districts. As such, this proposed development complies with Guideline 1.

**Guideline 2: Centers**

One issue that was raised in the April 26, 2016 Neighborhood Meeting was access to Buena Vista Court. The concern was related to patrons leaving this development and travelling through the residential area instead of utilizing Outer Loop. We have addressed this concern by limiting this curb cut on Buena Vista Court to a right in/ right out only maneuver. This will allow the neighborhood access to the Development and allow existing patrons access to the intersection to travel east on Outer Loop.

We are also proposing elimination/reconstruction of the raised median in Outer Loop to allow east bound left turns into this site. A pedestrian sidewalk connection and proposed bicycle facilities are shown on the proposed Development Plan.

**Guideline 3: Compatibility**

As stated previously, the proposed Development will provide a transition from the higher intensity Regional Center (Jefferson Commons) to the Residential areas east of the site. The proposal is for Rezoning the property to C-1 only. The previously considered request for a CUP to allow outdoor consumption of alcohol has been dropped from the proposal. In addition, the proposed building is located at the far western section of the property to provide the maximum distance to the adjacent residence. The drive thru window and dumpster are also located on the western side of the proposed building away from the adjacent residence. The proposed parking is being screened from the adjacent residence by a proposed 25 ft. Landscape buffer area to include trees and an 8-foot screen. A 30 foot wide Parkway Buffer Area with an earthen berm is also provided along Outer Loop to shield the parking lot and building.

Parking lot lighting will comply with the required foot candles at the adjacent property lines and will be directed away from the residential properties, while still providing adequate light for security purposes.

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The proposed building as stated will be located along the western property line. To do so requires a Variance from the setback requirements for the Neighborhood Form District. To comply with the requirements would place the building at the southeast corner of the property at the intersection of Buena Vista and Outer Loop. This would place the building in front of the adjacent residential structure and would not be similar to other buildings located along Outer Loop to the west of this site.

A monument style sign is proposed near the entrance to the parking lot from Outer Loop.

**Guideline 6: Economic Growth and Sustainability**

The proposed Development is for rezoning to C-1 only and the CUP for outdoor alcohol consumption has been dropped from this proposal. In addition, the curb cut from the proposed parking lot to Buena Vista Court is proposed as a right in/ right out maneuver only. This should help mitigate the impact of the proposed Development on the residential subdivision and help promote traffic to utilize Outer Loop, a major arterial facility.

**Guideline 7: Circulation and Guideline 9: Bicycle, Pedestrian and Transit**

Pedestrian sidewalks are proposed to connect the building with the existing Outer Loop sidewalk and bicycle facilities are proposed as shown on the Detailed District Development Plan. The proposed Development provides for safe vehicular maneuvering to allow access from the neighborhood via the Buena Vista Court entrance and provides access from Outer Loop directly into the site without having to use Buena Vista Court. The drive thru lane exits directly onto Outer Loop to prevent movement conflicts on site and allow direct access to a major arterial.

**Guideline 8: Transportation Facility Design**

The proposed curb cut from the Development onto Buena Vista Court is proposed to be limited to a right in/ right out maneuver only. This will help alleviate traffic flow directly from this site into the neighborhood by promoting movement toward the major arterial (Outer Loop). A curb cut along Outer Loop will allow access to/from the Development without requiring access to Buena Vista Court.

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**Guideline 10: Flooding and Stormwater**

The existing storm water pipe that discharges onto this site from Outer Loop will be extended through the site to discharge into the existing ditch line along the west property line. The on-site drainage system will also direct storm water to this same extended pipe. Redwing Ecological Services, Inc. have been employed by the owner to provide consultation and permitting for the existing ditchline and environmental concerns on the proposed site. The required approvals and permits from MSD and the US Army Corps of Engineers will be obtained prior to construction.

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15 ZONE 1045

## Tab 8

Proposed findings of fact pertaining to  
compliance with the Comprehensive Plan

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Project:	Outer Loop Restaurant/ Retail/ Residential
Location:	5103 Outer Loop
Applicant:	DFWM Outer Loop, LLC
Engineer:	Blomquist Design Group, LLC
Request:	Zone Change from R-4 to C-1 with Detailed District Development Plan

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearings held on October 17, 2016 and January 18, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **Introductory Statement**

**WHEREAS**, the proposed restaurant/retail building is located on approximately 1 acre of vacant land located along Outer Loop, a major arterial and commercial corridor; several years ago, this site was part of the proposed commercial center now called Jefferson Commons and was approved for a Conditional Use Permit for parking associated with the center; since that time, the center has changed ownership and was developed without utilizing this site in its overall development plan; consequently, the owners have been maintaining a vacant piece of potentially valuable land waiting for the economic conditions to turn positive to warrant rezoning the property; the owners are now requesting a zone change from R-4 to C-1 to allow for a 4,900 SF restaurant/retail building and associated parking; the proposed building is located closest to the Chick-Fil-A Restaurant at Jefferson Commons and as far from the adjacent residential structure as possible; the proposed parking is located in front of the building with access to both Outer Loop and Buena Vista Court; and a proposed drive-thru window is also located behind the building, shielding it from the adjacent residential property with what is now proposed as a masonry screening wall; and

**WHEREAS**, a concern of neighbors has been the traffic currently along Outer Loop and Buena Vista Court and the traffic impacts of this proposed development; a traffic impact study (TIS) with trip generation was performed by Dianne Zimmerman, Traffic Engineer with CDM Smith, Inc. and was included in the formal filing of this application and presented and discussed at the Public Hearings; another concern of the neighbors was the request for outdoor alcohol consumption; based on hearing this concern and reconsidering the need, the owners decided not to request a Conditional Use Permit (CUP) for outdoor alcohol consumption; and



### **Guideline 1: Community Form**

**WHEREAS**, the proposed development is located in the Neighborhood Form District and the surrounding area is primarily residential to the east and across Outer Loop; Jefferson Commons is located adjacent/west of this proposed development and is a major Regional Commercial Center located in the Regional Center Form District; this proposed development is proposed to be rezoned to C-1 and is located to serve as a transition between the two Form Districts and as such, this proposed development complies with Guideline 1; and

### **Guideline 2: Centers**

**WHEREAS**, the application complies with applicable Intents and Policies 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 14 and 15 of the Comprehensive Plan because this small retail center is connected to a large Regional Center shopping center which is connected to another one which together include a mix of uses which are made compatible through design and which have mitigated their impacts on adjoining residential neighborhoods based on limitation of uses, setbacks, landscaping, screening, buffering, location of parking and limited lighting; and the issue of access to Buena Vista Court has been resolved by eliminating that connectivity; and

**WHEREAS**, the application is also proposing elimination/reconstruction of the raised median in Outer Loop to allow east bound left turns into this site and a pedestrian sidewalk connection and proposed bicycle facilities are shown on the proposed development plan; and

### **Guideline 3: Compatibility**

**WHEREAS**, the application complies with applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24 and 28 of the Comprehensive Plan because this center includes a desirable mix of uses which are made compatible through design and use of building materials whose potentially negative impacts are mitigated through the C-1 limitation of potential uses, by including good setbacks, landscaping, screening and buffering, by locating parking away from and screening it from residential properties and by limiting lighting through compliance with the new LDC, while limiting noise and odor impacts through building location plus screening and buffering; further the proposed building is located at the far western section of the property to provide the maximum distance to the adjacent residence; the drive-thru window and dumpster are also located on the western side of the proposed building away from the adjacent residence; the proposed parking is being screened from the adjacent residence by a proposed 25 ft. landscape buffer area to include trees and an 8-foot screen; and a 30 foot wide parkway buffer area with an earthen berm, except where the drive line is located, is also provided along Outer Loop to shield the parking lot and building; and

**WHEREAS**, parking lot lighting will comply with the required foot candles at the adjacent property lines and will be directed away from the residential properties, while still providing adequate light for security purposes; and

**WHEREAS**, the proposed building as stated will be located along the western property line; to do so would require a variance from the setback requirements for the Neighborhood Form District; to comply with the requirements would place the building at the southeast corner of the property at the intersection of Buena Vista and Outer Loop; this would place the building in front of the adjacent residential structure and would not be similar to other buildings located along Outer Loop

to the west of this site; and a monument style sign is proposed near the entrance to the parking lot from Outer Loop; and

**Guideline 6: Economic Growth and Sustainability**

**WHEREAS**, the application complies with applicable Intents and Policies 1, 2 and 6 of the Comprehensive Plan because this is an addition to the existing retail workplace center located from this location west to Jefferson Blvd.; and

**Guidelines 7: Circulation; Guideline 8: Transportation Facility Design; and Guideline 9: Bicycle, Pedestrian and Transit**

**WHEREAS**, the application complies with applicable Intents and Policies 1, 2, 3, 4, 10, 11, 12, 14 and 15 of Guideline 7, Policies 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3, and 4 of Guideline 9 of the Comprehensive Plan because the pedestrian sidewalks are proposed to connect the proposed building with the existing Outer Loop sidewalk and bicycle facilities are also proposed as shown on the Detailed District Development Plan; the Detailed District Development Plan was prepared in accordance with all Metro Public Works and Transportation Planning design criteria such that these agencies were able to stamp the plan for preliminary approval prior to these public hearings; and since the October 17, 2016 Public Hearing access was eliminated to Buena Vista Court; and

**Guideline 10: Stormwater; Guideline 11: Water Quality; and Guideline 12: Air Quality**

**WHEREAS**, the application complies with applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10, Policies 3 and 5 of Guideline 11, and Policies 1, 2, 3, 5, 6, 7, 8 and 9 of Guideline 12 of the Comprehensive Plan because the existing storm water pipe that discharges onto this site from Outer Loop will be extended through the site to discharge into the existing ditch line along the west property line; the on-site drainage system will also direct storm water to this same extended pipe; Redwing Ecological Services, Inc. has been engaged by the applicant to provide consultation and permitting for the existing ditchline and environmental issues relative to same; required approvals and permits from MSD and the US Army Corps of Engineers, as necessary, will be obtained prior to construction; and at time of construction the development will comply with MSDs Water Quality and Soil Erosion/Sedimentation Control regulations;

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved Detailed District Development Plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to C-1 and approves the Detailed District Development Plan.