

Louisville Metro Planning Commission
August 20, 2015

Docket No. 15ZONE1016

Proposed zone change from R-4 to C-1 to allow a restaurant and a Conditional Use Permit to allow outdoor alcohol sale and consumption in the existing former Indian Springs Golf Course Clubhouse located at 3408 Indian Lake Drive

c/o Indian Springs Green Space, LLC

Attorneys: Bardenwerper Talbott & Roberts, PLLC

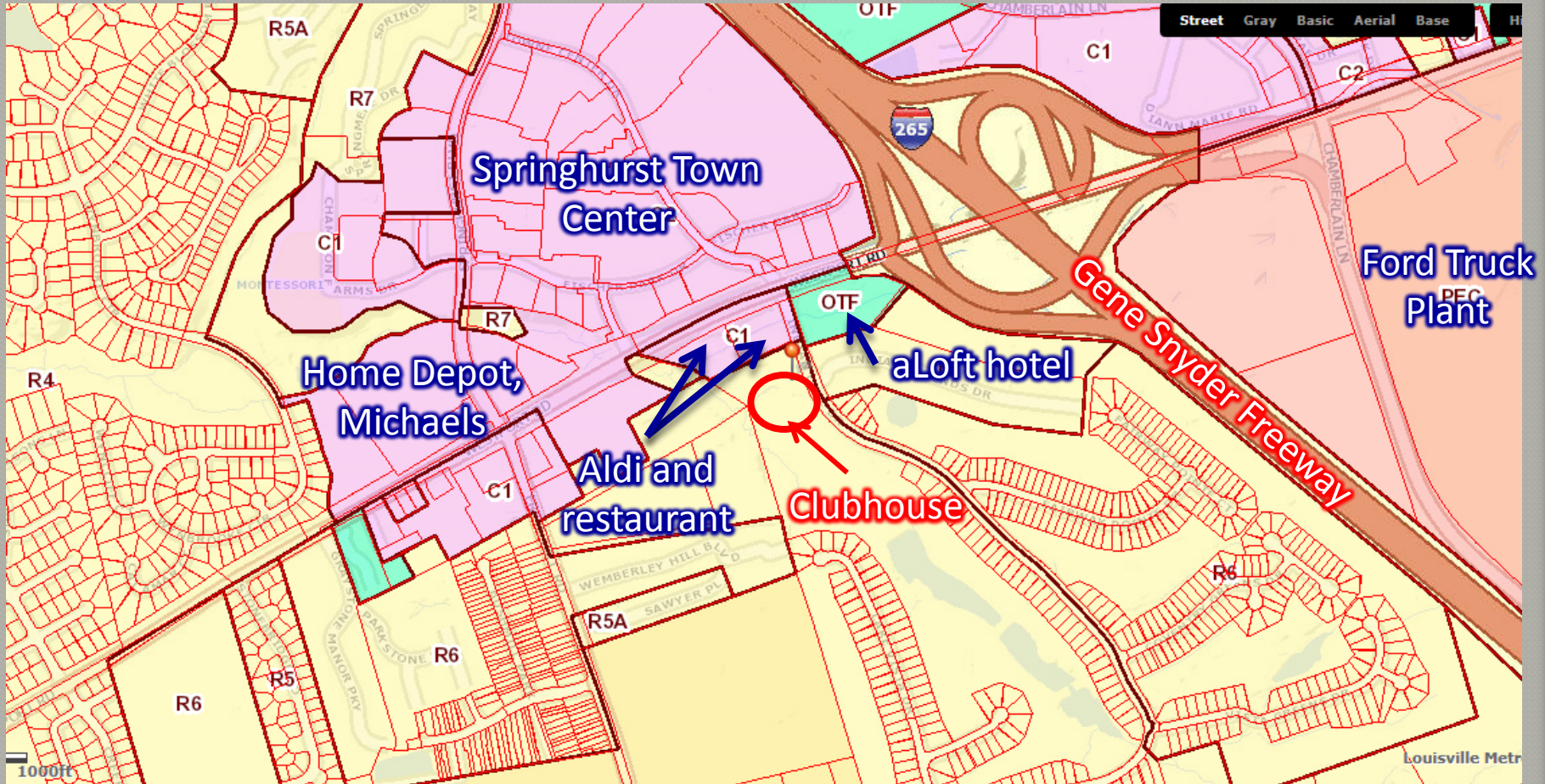
Land Planners, Landscape Architects and Engineers: Blomquist Design Group, LLC

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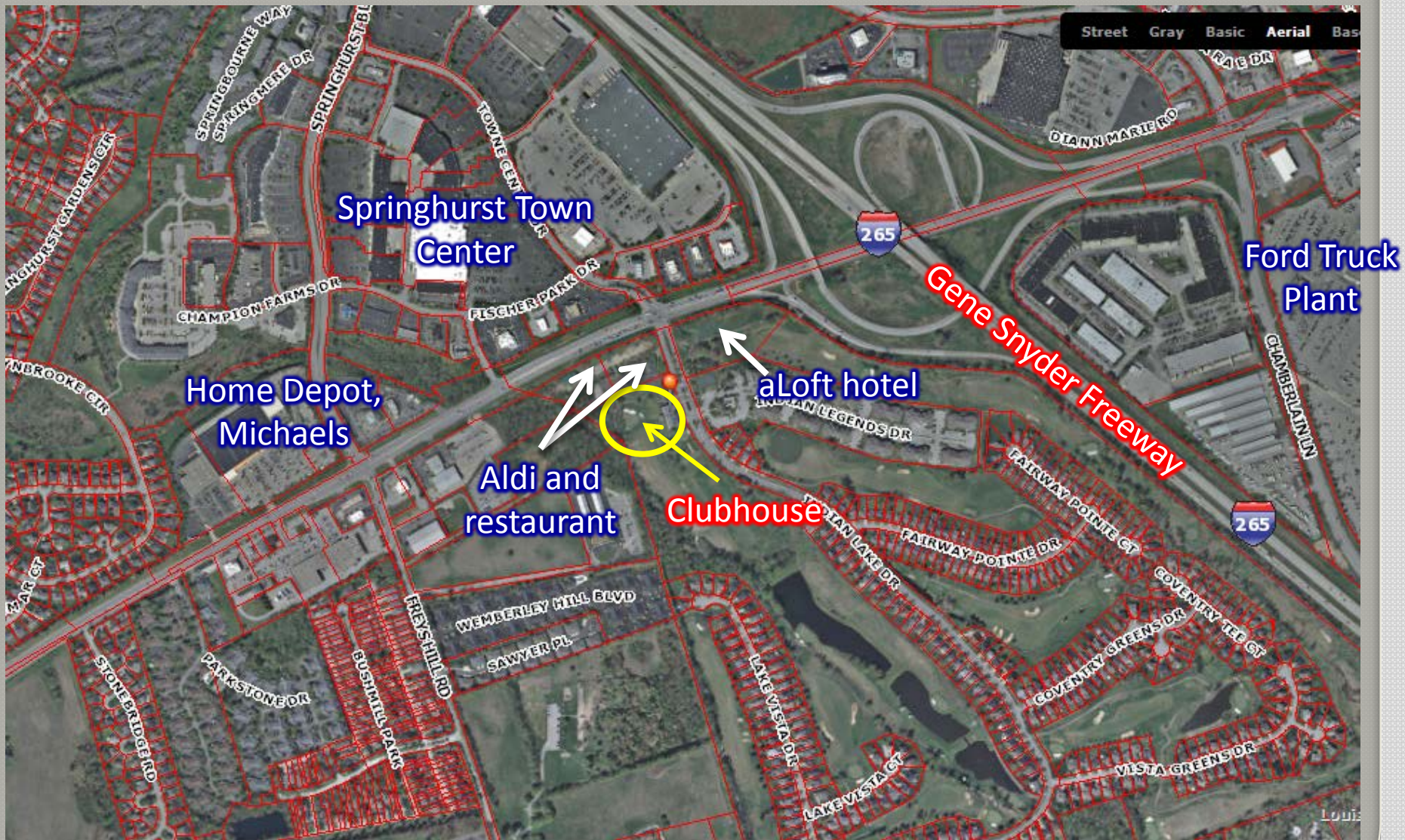
Tab 1

LOJIC Zoning Map



Tab 2

Aerial photograph of the site and
surrounding area



aLoft hotel

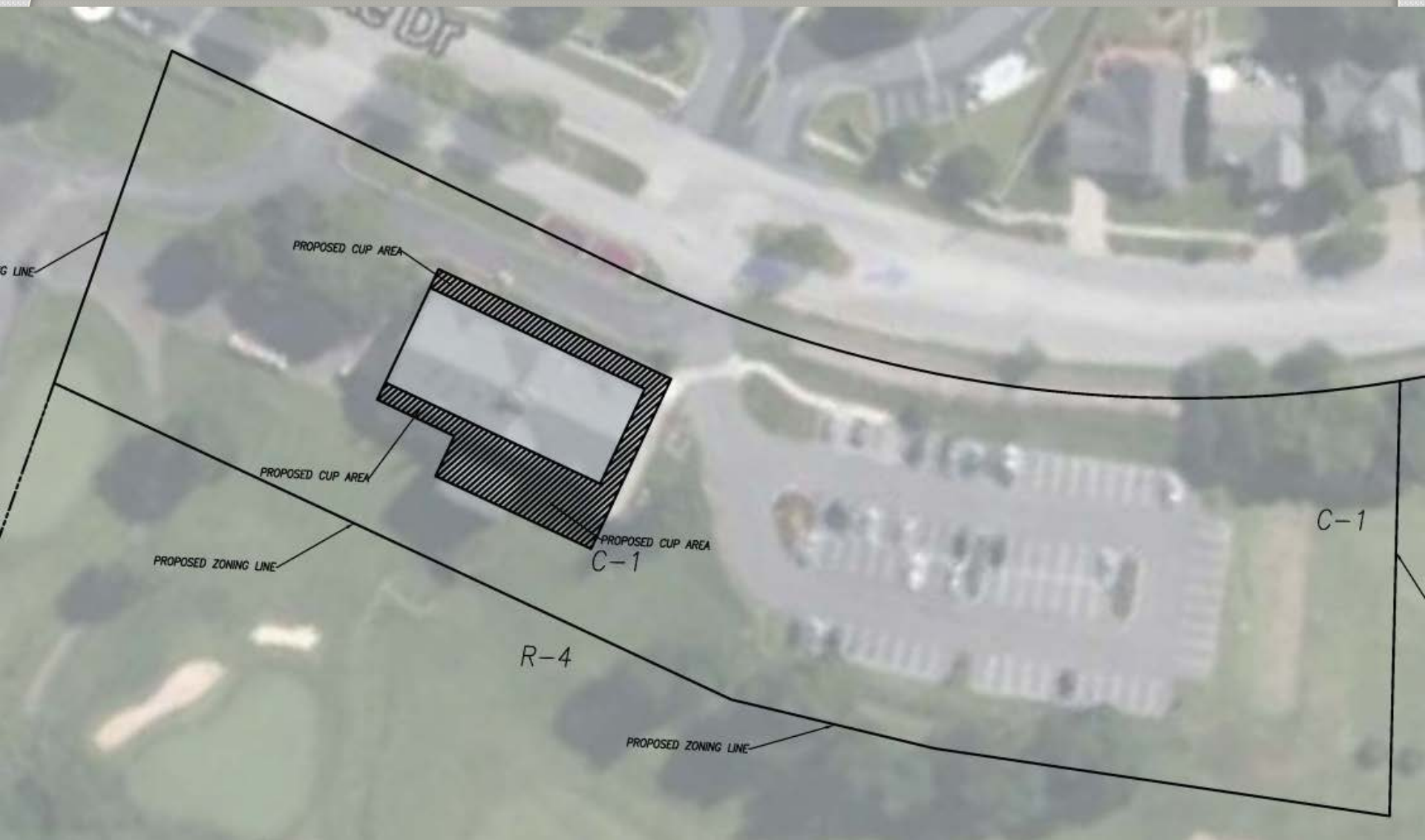
Site/area of zone change

Aldi Grocery

Restaurant

Hatched portion is the CUP area





Tab 3

Ground level
photos of the site



View of existing clubhouse. Exterior of the building will remain mostly the same.



View of existing clubhouse. Exterior of the building will remain mostly the same.



View from parking lot side of the existing clubhouse. Exterior of the building will remain mostly the same.



View from Westport Road side of the existing clubhouse.



View from the open space (former 18th hole) and rear of the existing clubhouse. CUP area will be limited to the covered deck.



View from the open space (former 18th hole) and rear of the existing clubhouse. CUP area will be limited to the covered deck.

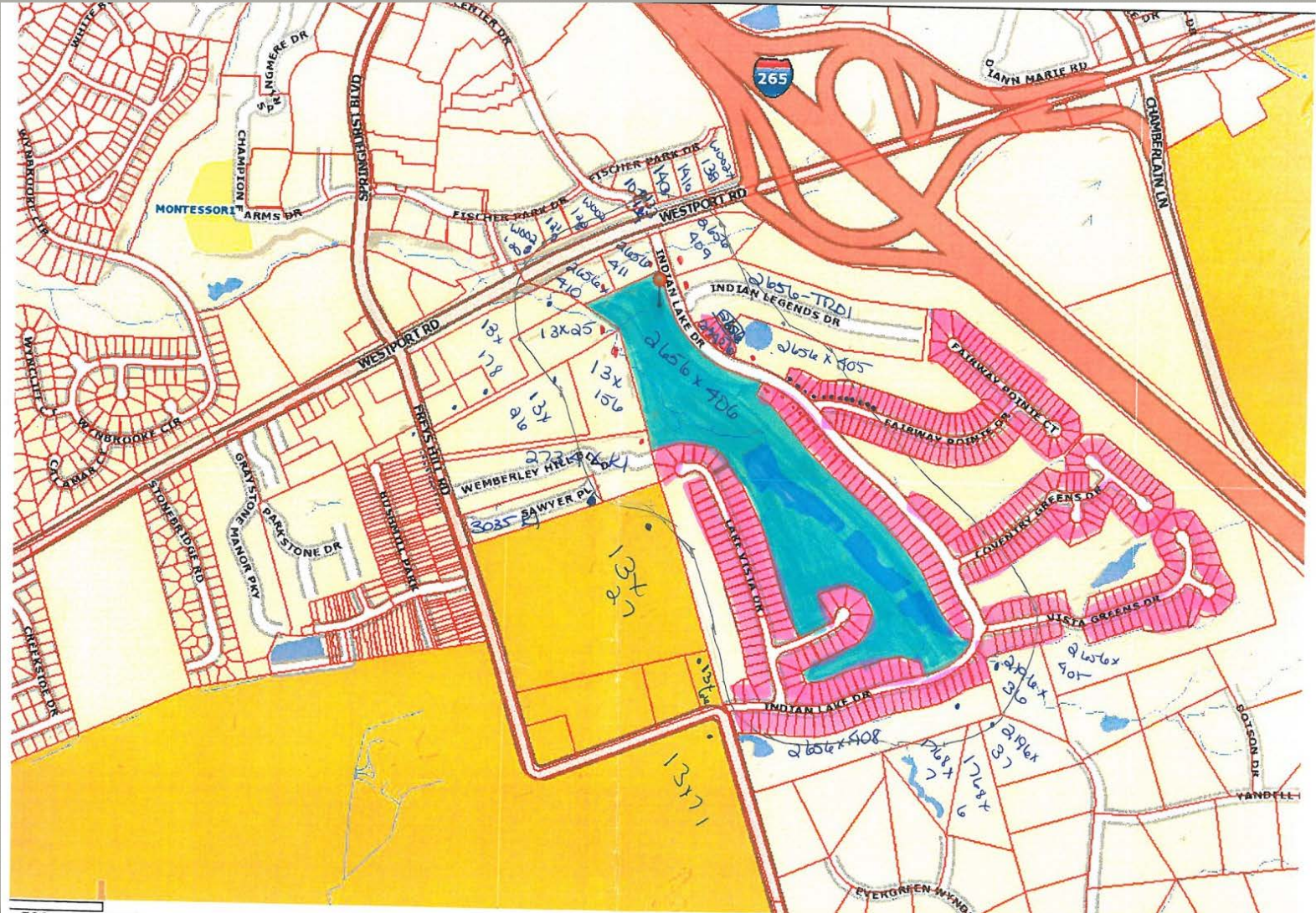


View from the open space (former 18th hole) and rear of the existing clubhouse. CUP area will be limited to the covered deck.

Tab 4

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

Notice map inviting 409 first and second tier property owners, plus those on the “Interested Parties” list e-mailed by DPDS



Indian Springs Community Association, Inc.
9462 Brownsboro Rd. Box 181
Louisville, Kentucky 40241

April 27, 2015

RE: Proposed zone change to allow a restaurant in the existing Indian Springs Clubhouse located at 3408 Indian Lake Drive

Dear Indian Springs residents and nearby property owners,

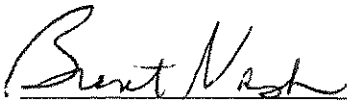
We are writing to invite you to a meeting we have scheduled to present neighbors with our preliminary plan for a restaurant to utilize the existing Indian Springs Clubhouse located as above. This also follows our previous email and pamphlet distribution to the Indian Springs residents notifying all residents of this meeting.

A meeting will be held on **Monday, May 11th at 7:00 p.m.** at the **Sawyer Hayes Center** located at **2201 Lakeland Road** to discuss the plan with interested neighbors.

If you cannot attend the meeting but have questions or concerns, please call our attorney Bill Bardenwerper at 426-6688, or our land planning and engineering firm representative Marv Blomquist at 429-0105.

We look forward to seeing you.

Sincerely,



Brent Nash, President

Cc: Hon. Glen Stuckel, Metro Councilman, District 17
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC
Marv Blomquist, land planner with Blomquist Design Group, LLC

Neighborhood Meeting Summary

A neighborhood meeting was held beginning at 7 PM on Monday, May 11, 2015 at the Sawyer Hayes Community Center, which is near the Indian Springs subdivision and clubhouse which is the subject of this rezoning and CUP Application. ISCA board member Bill Roof called the meeting to order and then introduced Bill Bardenwerper, counsel for ISCA on this rezoning and CUP matter. Mr. Bardenwerper, showed a PowerPoint presentation of the site, area, clubhouse, etc. and explained the other recent Aldi, fast food restaurant and Aloft Hotel/restaurant rezonings and settlement of the litigation cases, reminding everyone present how the Indian Springs Golf Course was turned over free-of-charge to the Indian Springs Community Association. Now the ISCA board needs to figure out ways to pay upkeep, thus this rezoning and CUP.

Mr. Bardenwerper explained where the zoning lines are proposed to be located, how the clubhouse likely will be renovated, why the CUP is needed, where parking is located and how much, access and the rezoning and CUP process.

After his presentation, Shay Tinsley with Martin's BBQ Joint explained the restaurant concept, its menu, cooking techniques, hours of operation, clientele, staffing, seating, service, parking, access, carry-out, outdoor usage, etc. He answered a range of questions on all of these subjects.

There appeared to be only one negative comment, and it was from a resident who lives relatively close by who questioned the ISCA board why this use instead of another. He asked for a show of hands about how many people opposed this project, apparently like him. It appeared that, among those present, no one else was opposed. Another even closer nearby property owner spoke about his issues, which he appeared to say had been satisfactorily addressed.

Respectfully submitted,

Bill Bardenwerper
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

Tab 5

Color Development Plan

Tab 6

Photo of existing Martin's BBQ
Restaurant



Tab 7

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

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	Indian Springs Green Space, LLC
<u>Location:</u>	3408 Indian Springs Drive
<u>Existing Use:</u>	Vacant Golf Course Clubhouse
<u>Proposed Use:</u>	Restaurant
<u>Engineers, Land Planners and Landscape Architects:</u>	Blomquist Design Group, LLC
<u>Request:</u>	Rezoning from R-4 to C-1 <u>and</u> Conditional Use Permit to allow outdoor alcohol sales and consumption

INTRODUCTORY STATEMENT

Since the recent closure, the Indian Springs Golf Course has gone through several changes, including a previous rezoning and development plan for the Westport Road frontage of the old Indian Spring Golf Course for the Aldi grocery, a restaurant and an Aloft Hotel with potential future restaurant. In order to salvage the vacant former clubhouse building, the applicant is proposing a zone change from R4 to C1 (under Docket No. 15ZONE1016) on a portion of the above-referenced property to allow a restaurant with a Conditional Use Permit (“CUP”) to allow outdoor alcohol sales and consumption to fill this now vacant clubhouse space. The building footprint will remain the same.

A neighborhood meeting held on May 11, 2015 to discuss both the zone change and the CUP and there appears to be little to no opposition for this application. Unlike some examples of restaurants with outdoor seating areas for sale and consumption of alcoholic beverages, where their adverse impacts might be felt by nearby neighbors, that would not be the case here because of the fact that this patio is in the rear of the former clubhouse building and surrounded in 3 directions by commercial property. The closest neighbor within Indian Springs is over 200 ft from the front door of the clubhouse building.

GUIDELINE 1 – COMMUNITY FORM

The Community Form for this property is the Suburban Neighborhood Form District which is characterized by both residential as well as neighborhood centers with a mixture of uses, such as that found along this area of Westport Road. This application complies with this Guideline because there is a mixture of neighborhood serving uses with accessibility, not just to customers visiting in automobiles, but also in time via transit, and presently by pedestrian walkways and

bicycles.

GUIDELINE 2 – CENTERS

This application complies with the Intents of this Guideline because, as explained above, Indian Springs has undergone several changes recently in order to repurpose the former golf course. This restaurant is a welcome addition to the recently approved hotel and promotes the efficient use of land and investment in existing infrastructure, also lowering utility costs by reducing the need for extensions and by reducing commuting time and transportation related air pollution. This added outdoor seating area should also better encourage vitality within this existing subdivision to generate additional income for the upkeep of the former golf course, now open space.

Policies 1, 2, 3, 4, 5, 7, 8 and 9 all pertain to the location, compact development, mix and desirability of uses in activity centers, especially those located in and around residential areas. The proposed restaurant for this site complies with these Policies of this Guideline because, as stated above, we are talking about a location near an arterial and an interstate highway, with a Regional Center across Westport Road and with other retail recently approved by the Planning Commission and Metro Council next door. This restaurant adds to an already large mix of uses in this immediate area, and this restaurant location exists within the neighborhood it serves, just as it is close to Westport Road, which serves a larger population base.

Policies 11 and 12 of this Guideline pertain to the design of centers and the desirability of focal points in them. This proposed restaurant at this site also complies with these Policies of this Guideline because the former Indian Springs clubhouse is a focal point for the neighborhood with a lovely patio overlooking the former 18th hole, now part of the large connected community green space.

This application also complies with applicable Policies 13 and 14 of this Guideline because it utilizes existing parking.

GUIDELINE 3 – COMPATIBILITY

This proposed restaurant at this site complies with these Intents of this Guideline because it adds a new mix to the already existing land uses in the area, as described above. It does not involve any new noise, lighting or similar nuisances or negatively impact visual quality like some kinds of more intense commercial uses could, among other reasons because the former golf course clubhouse had a restaurant in it. And, as described elsewhere in this Compliance Statement, this restaurant helps to preserve the neighborhood by paying towards open space maintenance.

Policies 1, 2 and 4 of this Guideline all pertain to compatibility in terms of design, especially when located in or near an upscale residential area. The old clubhouse building will remain essentially as is, perhaps with some brick added to it.

This application also complies with applicable Policies 5, 6, 7, 8 and 9 of this Guideline because the impacts of odors, traffic, noise, lighting and visual effects are mitigated by virtue of the location of this added outdoor seating area at the rear of the clubhouse building and near other commercial uses, away from the nearby residents, so that it will have no impacts on nearby neighborhood.

This application also complies with applicable Policies 21, 22 and 23 of this Guideline because it does not require any additional landscaping, screening or buffering than already exists to protect nearby neighborhoods, which are protected as described hereinabove.

GUIDELINES 4, 5 AND 13 – OPEN SPACE, NATURAL AND SCENIC AREAS, AND LANDSCAPE CHARACTER

This application complies with the Intents and applicable Policies of these Guidelines because what is applied for here is simply outdoor seating to service the proposed restaurant where alcoholic beverages may be served outdoors.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

This application complies with Intents and specifically applicable Policy 6 of this Guideline because, by expanding the functionality and use of this purposeful reuse of the existing clubhouse building with this added outdoor seating area, the restaurant should become more popular to users, thus reducing commuting distances to farther away shopping centers with restaurants that have outdoor seating. Because this is an existing building, the redevelopment of things such as this also helps reduce public and private cost for land development and creates funds to help with the upkeep of the former golf course land.

GUIDELINES 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN

This application specifically complies with applicable Policies 1, 2, 10, 11, 12, 13, 14, 15 and 16 of Guideline 7 and with applicable Policies 9, 10 and 11 of Guideline 8 because, as stated, this building was formerly used as the golf course clubhouse and at the time the golf course was originally approved, the plan received a preliminary stamp of approval from Metro Transportation. Likewise, this application as well will need to receive the stamp of approval from Metro Transportation Planning in advance of docketing for Planning Commission review. That stamp will once again demonstrate compliance with all Metro Transportation Planning standards governing access, internal circulation and so on.

GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT

This application complies with the Intents and applicable Policies 1, 2, 3 and 4 of this Guideline because this restaurant will be accessible by people using bicycles and those walking.

GUIDELINE 10 – FLOODING AND STORMWATER

This application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline because, as when it was first approved, it will again receive the preliminary stamp of approval from MSD, thus demonstrating compliance with MSD regulations regarding stormwater management. Furthermore, little if any additional impervious surface is being created because the applicant is proposing to reuse the former clubhouse building as it exists today.

GUIDELINE 11 – WATER QUALITY

This application complies with the Intents and applicable Policy 3 of this Guideline because, to the extent that any additional construction is required, it will be required to comply with the MSD soil erosion and sedimentation control ordinance.

GUIDELINE 12 – AIR QUALITY

This application complies with the Intents and applicable Policies of this Guideline because, locating a restaurant within the Indian Springs subdivision, it can actually help contribute to improved air quality overall in the Louisville Metro community because locating this restaurant, as proposed in the neighborhood, permits Indian Springs residents to access it by walking. That helps reduce travel times, automobile usage and travel distances.

GUIDELINES 14 AND 15 – INFRASTRUCTURE AND COMMUNITY FACILITIES

This application complies with the Intents and applicable Policies of these Guidelines because infrastructure already exists, utilities are available at the site, and this facility is located near the Worthington Fire Department so that fire service is readily available.

* * *

For all of the above reasons and others identified on the Site Plan submitted with these applications, these applications for rezoning and a CUP comply with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
BARDENWERPER TALBOTT & ROBERTS, PLLC
Building Industry Association of Greater Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

Tab 8

Proposed findings of fact pertaining to
compliance with the Comprehensive
Plan

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: Indian Springs Green Space, LLC

Location: 3408 Indian Springs Drive

Existing Use: Vacant Golf Course Clubhouse

Proposed Use: Restaurant

Engineers, Land Planners and Landscape Architects: Blomquist Design Group, LLC

Request: Rezoning from R-4 to C-1 and Conditional Use Permit to allow outdoor alcohol sales and consumption

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on August 20, 2015 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTORY STATEMENT

WHEREAS, since the recent closure, the Indian Springs Golf Course has gone through several changes, including a previous rezoning and development plan for the Westport Road frontage of the old Indian Spring Golf Course for the Aldi grocery, a restaurant and an Aloft Hotel with potential future restaurant; in order to salvage the vacant former clubhouse building, the applicant is proposing a zone change from R4 to C1 on a portion of the above-referenced property to allow a restaurant with a Conditional Use Permit ("CUP") to allow outdoor alcohol sales and consumption to fill this now vacant clubhouse space; and

WHEREAS, as a consequence of a neighborhood meeting held on May 11, 2015 to discuss both the zone change and the CUP, there appears to be little to no opposition for this application; unlike some examples of restaurants with outdoor seating areas for sale and consumption of alcoholic beverages, where their adverse impacts might be felt by nearby neighbors, that would not be the case here because of the fact that this patio is in the rear of the former clubhouse building and surrounded in 3 directions by commercial property; the closest neighbor within Indian Springs is over 200 ft from the front door of the clubhouse building; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the Community Form for this property is the Suburban Neighborhood Form District which is characterized by both residential as well as neighborhood centers with a mixture of uses, such as that found along this area of Westport Road; this application complies with this Guideline because there is a mixture of neighborhood serving uses with accessibility, not just to customers visiting in automobiles, but also in time via transit, and presently by pedestrian walkways and bicycles; and

GUIDELINE 2 – CENTERS

WHEREAS, this application complies with the Intents of this Guideline because, as explained above, Indian Springs has undergone several changes recently in order to repurpose the former golf course; this restaurant is a welcome addition to the recently approved hotel and promotes the efficient use of land and investment in existing infrastructure, also lowering utility costs by reducing the need for extensions and by reducing commuting time and transportation related air pollution; this added outdoor seating area should also better encourage vitality within this existing subdivision to generate additional income for the upkeep of the former golf course, now open space; and

WHEREAS, Policies 1, 2, 3, 4, 5, 7, 8 and 9 all pertain to the location, compact development, mix and desirability of uses in activity centers, especially those located in and around residential areas; the proposed restaurant for this site complies with these Policies of this Guideline because, as stated above, we are talking about a location near an arterial and an interstate highway, with a Regional Center across Westport Road and with other retail recently approved by the Planning Commission and Metro Council next door; this restaurant adds to an already large mix of uses in this immediate area, and this restaurant location exists within the neighborhood it serves, just as it is close to Westport Road, which serves a larger population base; and

WHEREAS, Policies 11 and 12 of this Guideline pertain to the design of centers and the desirability of focal points in them; this proposed restaurant at this site also complies with these Policies of this Guideline because the former Indian Springs clubhouse is a focal point for the neighborhood with a lovely patio overlooking the former 18th hole, now part of the large connected community green space; and

WHEREAS, this application also complies with applicable Policies 13 and 14 of this Guideline because it utilizes existing parking; and

GUIDELINE 3 – COMPATIBILITY

WHEREAS, this proposed restaurant at this site complies with these Intents of this Guideline because it adds a new mix to the already existing land uses in the area, as described above; it does not involve any new noise, lighting or similar nuisances or negatively impact visual quality like some kinds of more intense commercial uses could, among other reasons because the former golf course clubhouse had a restaurant in it; and, as described elsewhere in these Findings of Fact this restaurant helps to preserve the neighborhood by paying towards open space maintenance; and

WHEREAS, Policies 1, 2 and 4 of this Guideline all pertain to compatibility in terms of design, especially when located in or near an upscale residential area and the old clubhouse building will remain essentially as is, perhaps with some brick added to it; and

WHEREAS, this application also complies with applicable Policies 5, 6, 7, 8 and 9 of this Guideline because the impacts of odors, traffic, noise, lighting and visual effects are mitigated by virtue of the location of this added outdoor seating area at the rear of the clubhouse building and near other commercial uses, away from the nearby residents, so that it will have no impacts on nearby neighborhood; and

WHEREAS, this application also complies with applicable Policies 21, 22 and 23 of this Guideline because it does not require any additional landscaping, screening or buffering than already exists to protect nearby neighborhoods, which are protected as described hereinabove; and

GUIDELINES 4, 5 AND 13 – OPEN SPACE, NATURAL AND SCENIC AREAS, AND LANDSCAPE CHARACTER

WHEREAS, this application complies with the Intents and applicable Policies of these Guidelines because what is applied for here is nothing that changes the open space or landscape of the former golf course; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, this application complies with Intents and specifically applicable Policy 6 of this Guideline because, by expanding the functionality and use of the existing clubhouse building with this added outdoor seating area, the restaurant should become more popular to users, thus reducing commuting distances to farther away shopping centers with restaurants that have outdoor seating; and because this is an existing building, this redevelopment helps reduce public and private cost for land development and creates funds to help with the upkeep of the former golf course land; and

GUIDELINES 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN

WHEREAS, this application specifically complies with applicable Policies 1, 2, 10, 11, 12, 13, 14, 15 and 16 of Guideline 7 and with applicable Policies 9, 10 and 11 of Guideline 8 because, as stated, this building was formerly used as the golf course clubhouse; this plan has received the preliminary stamp of approval from Metro Transportation; and that stamp demonstrates compliance with all Metro Transportation Planning standards governing access, internal circulation and so on; and

GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3 and 4 of this Guideline because this restaurant will be accessible by people using bicycles and those walking; and

GUIDELINE 10 – FLOODING AND STORMWATER

WHEREAS, this application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline because, as when it was first approved, it again received the preliminary stamp of approval from MSD, thus demonstrating compliance with MSD regulations regarding stormwater management; and, furthermore, little if any additional impervious surface is being created because the applicant is proposing to reuse the former clubhouse building as it exists today; and

GUIDELINE 11 – WATER QUALITY

WHEREAS, this application complies with the Intents and applicable Policy 3 of this Guideline because, to the extent that any additional construction is required, it will be required to comply with the MSD soil erosion and sedimentation control ordinance; and

GUIDELINE 12 – AIR QUALITY

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because, locating a restaurant within the Indian Springs subdivision, can actually help contribute to improved air quality overall in the Louisville Metro community because locating this restaurant, as proposed in the neighborhood, permits Indian Springs residents to access it by walking, which helps reduce travel times, automobile usage and travel distances; and

GUIDELINES 14 AND 15 – INFRASTRUCTURE AND COMMUNITY FACILITIES

WHEREAS, this application complies with the Intents and applicable Policies of these Guidelines because infrastructure already exists, utilities are available at the site, and this facility is located near the Worthington Fire Department so that fire service is readily available; and

* * * * *

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.

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves the Conditional Use Permit for outdoor alcohol sales and consumption.