



**NADER GEORGE SHUNNARAH**  
**Attorney at Law**

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March 13, 2015

Susan Hughes  
Legislative Assistant to  
15<sup>th</sup> District Councilwoman Marianne Butler  
601 West Jefferson Street  
Louisville, Kentucky 40202

**RE: Case No.: 14ZONE1055**  
**Owner: Abdellah Badouan**

Dear Ms. Hughes:

As you know, I represent Mr. Badouan regarding his zoning request change for 1504-1506 Berry Boulevard. As we discussed after the LDTC meeting, Mr. Badouan is agreeable to adding a binding element to his zoning change request that the property not have any auto repair performed upon the property.

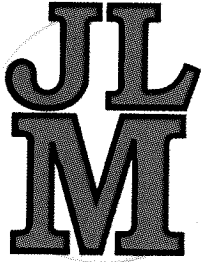
We also discussed that, if the LDTC wishes to close the ingress and egress for the property onto Berry Boulevard, Mr. Badouan would rather withdraw his zoning change application. To close this entryway onto the property would have a substantial negative economic impact upon his ability to conduct his business and attract customers.

Please feel free to call me at 502-589-7919 if you would like to discuss this matter further.

Very truly yours,

A handwritten signature in cursive script, appearing to read "N. G. Shunnarah".

Nader George Shunnarah



**J.L. McCoy & Company**  
**Civil & Environmental Engineering**

426 Watt Street, Suite B • Jeffersonville, IN 47130  
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February 27, 2015

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444 South 5<sup>th</sup> St.  
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RE: **14ZONE1055**

**Berry Auto Sales**  
**1506 Berry Blvd.**

**Proposed Rezoning from C1 to C2**

**Statement of Compliance with the Cornerstone 2020 Comprehensive Plan**  
**Proposed Findings of Fact relating to the Cornerstone 2020 Comprehensive Plan**

The proposed Berry Auto Sales facility will be located on 3 existing lots that are part of the originally platted Jacob's Addition. The applicant proposes to use the existing building for the sales office. The building is currently used for a grocery store and restaurant. There are no additional buildings proposed. The applicant plans to use the existing parking lot, adding striping, landscape islands, screening and buffering to improve the site and mitigate adverse impacts to neighboring properties.

The proposal is compliant with **Guideline 1 (Community Form), Guideline 2 (Centers) & Guideline 3 (Compatibility)** because the property has been zoned and used for commercial use for some time. The characteristics of the existing building are residential in nature, maintaining the neighborhood feel. The site is a corner lot and bordered on 3 sides by public Right-of-Way. There are existing commercial and office zoning districts at the intersection, including a daycare across the street. This pattern of commercial use exists at every intersection along Berry Blvd. between Taylor Blvd. and Manslick Rd.

The proposal complies with **Guideline 4 (Open Space)** because there are no open space requirements and there are no existing natural features that need to be preserved.

The proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)** because there aren't any existing natural features, wildlife habitats or historic landmarks at this site.

14ZONE1055

The proposal complies with **Guideline 6 (Economic Growth and Sustainability)** as the property will continue to be used for commercial purposes as it historically has and the site will be improved with landscaped screening and buffering.

The proposal complies with **Guideline 7 (Circulation), Guideline 8 (Transportation Facility Design) & Guideline 9 (Bicycle, Pedestrian and Transit)** because it is bordered on 3 sides by public Right-of-Way and has historically had 3 access points. The applicant is proposing to close the Wheeler Ave. vehicular access point that would allow for a North-South circulation pattern through the site and prevent drivers from having to negotiate a 3<sup>rd</sup> access point from Wheeler Ave. Pedestrian connections will be provided from the existing sidewalks. Cross connectivity with the adjoining property is not logical since it is a residence.

The proposal complies with **Guideline 10 (Flooding & Stormwater), Guideline 11 (Water Quality) and Guideline 12 (Air Quality)** because the site's existing impervious area will be reduced by the addition of landscaped areas, there have not been any prior stormwater problems identified with this site and the applicant plans to comply with the soil erosion and sediment control standards.

The proposal complies with **Guideline 13 (Landscape Character)** because the applicant plans to provide all of the required landscaping, screening and buffering as shown on the District Development Plan.

The proposal complies with **Guideline 14 (Infrastructure)** as the existing roadways and utilities will be maintained.

A waiver of the requirements in Section 10.2 as it relates to encroachments into the VUA and LBA have been requested and are justified based upon the following findings:

1. The waiver will not adversely affect adjacent property owners because the building has historically existed in its current location with a more intensive use of restaurant and grocery store uses compared to the less intensive proposed use of a small auto sales office. Added landscaping, screening and buffering will also help mitigate any potential adverse impacts.
2. The waiver will not violate the Comprehensive Plan as explained in all of the foregoing statements of compliance and most notably as it will maintain its commercial use and neighborhood feel.
3. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the existing location of the building and parking lot.
4. The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the existing building and parking area would need to be demolished and remodeled in order to meet the requirement.

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**PROPOSED FINDINGS OF FACT PERTAINING TO COMPLIANCE WITH  
THE COMPREHENSIVE PLAN AND WAIVER CRITERIA**

**WHEREAS**, the applicant has proposed to change the use of the existing building from a restaurant and grocery store to an auto sales office and use the existing parking lot as an automobile display and parking area and

**WHEREAS**, the proposal complies with **Guideline 1 (Community Form), Guideline 2 (Centers) & Guideline 3 (Compatibility)** because the property has been zoned and used for commercial use for some time. The characteristics of the existing building are residential in nature, maintaining the neighborhood feel. The site is a corner lot and bordered on 3 sides by public Right-of-Way. There are existing commercial and office zoning districts at the intersection, including a daycare across the street. This pattern of commercial use exists at every intersection along Berry Blvd. between Taylor Blvd. and Manslick Rd. and

**WHEREAS**, the proposal complies with **Guideline 4 (Open Space)** because there are no open space requirements and there are no existing natural features that need to be preserved and

**WHEREAS**, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)** because there aren't any existing natural features, wildlife habitats or historic landmarks at this site and

**WHEREAS**, the proposal complies with **Guideline 6 (Economic Growth and Sustainability)** as the property will continue to be used for commercial purposes as it historically has and the site will be improved with landscaped screening and buffering and

**WHEREAS**, the proposal complies with **Guideline 7 (Circulation), Guideline 8 (Transportation Facility Design) & Guideline 9 (Bicycle, Pedestrian and Transit)** because it is bordered on 3 sides by public Right-of-Way and has historically had 3 access points. The applicant is proposing to close the Wheeler Ave. vehicular access point that would allow for a North-South circulation pattern through the site and prevent drivers from having to negotiate a 3<sup>rd</sup> access point from Wheeler Ave. Pedestrian connections will be provided from the existing sidewalks. Cross connectivity with the adjoining property is not logical since it is a residence and

**WHEREAS**, the proposal complies with **Guideline 10 (Flooding & Stormwater), Guideline 11 (Water Quality) and Guideline 12 (Air Quality)** because the site's existing impervious area will be reduced by the addition of landscaped areas, there have not been any prior stormwater problems identified with this site and the applicant plans to comply with the soil erosion and sediment control standards and

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**WHEREAS**, the proposal complies with **Guideline 13 (Landscape Character)** because the applicant plans to provide all of the required landscaping, screening and buffering as shown on the District Development Plan and

**WHEREAS**, the proposal complies with **Guideline 14 (Infrastructure)** as the existing roadways and utilities will be maintained;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-1 to R-2.

**WAIVER FINDINGS OF FACT:**

**WHEREAS**, the applicant has applied for a waiver from the requirements in Section 10.2 as it relates to encroachment into the VUA and LBA and

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the building has historically existed in its current location with a more intensive use of restaurant and grocery store uses compared to the less intensive proposed use of a small auto sales office. Added landscaping, screening and buffering will also help mitigate any potential adverse impacts and

**WHEREAS**, the waiver will not violate the Comprehensive Plan as explained in all of the foregoing statements of compliance and most notably as it will maintain its commercial use and neighborhood feel and

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the existing location of the building and parking lot and

**WHEREAS**, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the existing building and parking area would need to be demolished and remodeled in order to meet the requirement;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves the requested waivers.

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142-NE/055

**LEGAL DESCRIPTION**

AREA TO BE REZONED  
14ZONE1055  
1504-1506 BERRY BLVD.

Being Lots #20,21,22, Block 47, Jacob's Addition (DB 403, Pages 590-591)

Beginning at the intersection of the south right-of-way of Berry Blvd. and the west right-of-way of Wheeler Ave.

Thence S 90°00'00" W, with the south right-of-way of Berry Blvd., a distance of 100.00 feet to a point;

Thence S 00°00'00" W, a distance of 190.00 feet to the north right-of-way of Conn St.;

Thence N 90°00'00" E, a distance of 100.00 feet to the west right-of-way of Wheeler Ave.;

Thence N 00°00'00" E, a distance of 190.00 feet along the west right-of-way of Wheeler Ave. to the TRUE PLACE OF BEGINNING.

Containing 0.436 ACRES (19,000 sq. ft.)

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14ZONE1055

BERRY BLVD. (100' ROW)

GRAPHIC SCALE



( IN FEET )  
SCALE: 1"=40'

WILLIAM A.  
NESTMANN  
1508 BERRY BLVD.  
0.179 AC.

LOT 20

LOT 21

LOT 22

EXIST. BLDG.

C-1 ZONING

LOT 20

LOT 21

LOT 22

WHEELER AVE. (60' ROW)

CONN ST. (30' ROW)

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# PROPOSED AREA OF REZONING

1504-1506 BERRY BLVD.  
ABDALLAH BADOUAN



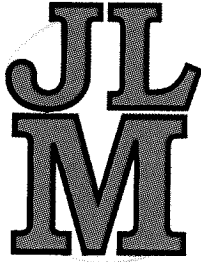
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426 Watt Street, Suite B  
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930-215-7777 phone  
812-285-1007 fax  
jonmccoy@live.com

JONATHAN L. MCCOY, P.E.  
DATE: 02/23/2015

## REVISIONS

NO.	DATE	COMMENT

14ZONE1055



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**TRANSMITTAL**

**DATE: February 23, 2015**

**TO: David Wagner (Planning & Zoning)**

**FROM: Jon McCoy**

**RE: 14ZONE1055**

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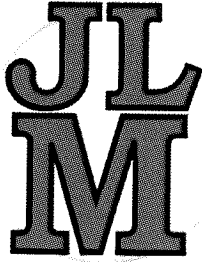
**We are sending you:**

COPIES	DESCRIPTION
1	Area to be rezoned
1	Text Legal Description
1	Letter of Justification

- ☐ FOR REVIEW & COMMENT
- ☐ FOR APPROVAL
- ☒ AS REQUESTED
- ☐ RETURNED FOR CORRECTIONS

COMMENTS:





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**RE: 14ZONE1055**  
**Berry Auto Sales**  
**1506 Berry Blvd.**

Dear Planning & Design Team:

The proposed rezoning is generally compliant with the Guidelines & Policies of the Cornerstone 2020. The proposed rezoning to C-2 continues the commercial corner pattern on Berry Blvd. The design of the existing building will remain the same and is residential in nature, similar to the residences around it. It is also compliant with the circulation, transportation facility design and bicycle, pedestrian & transit guidelines.

The potential adverse impacts to neighboring properties will be mitigated through the added screening and landscaping.

Respectfully,

Jonathan L. McCoy, P.E.

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# **NEIGHBORHOOD MEETING MINUTES**

## **BERRY AUTO SALES**

**1506 BERRY BLVD.**

**CASE 14 ZONE 1055**

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**Date/Time:** 12/30/2014, 6:00 p.m.

**Location:** 1506 Berry Blvd.

**Facilitator:** Jon McCoy, J.L. McCoy & Co., LLC

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Present at the meeting were Jon McCoy (agent), Abdallah Badouan (owner), Susan Hughes (Louisville Council 15 Legal Asst.) & Victor Leachman (APO, 3474 Taylor Blvd.)

The proposal was summarized and site development plans distributed. Ms. Hughes stated she was there to gather information. Mr. Leachman stated that he owns the auto sales/service business at 3474 Taylor Blvd. and was just curious about the proposal and rezoning process. Ms. Hughes asked if the existing store/restaurant would remain. Abdallah Badouan said that they would not. Ms. Hughes asked if any new waivers/variances are being requested. Jon McCoy said no new waivers/variances are being requested. The location of the existing building that encroaches into the new 15' LBA requires a waiver, but besides that item, all regulations will be met. The owner & agent stated that improvements would be made to the site as a result of the proposal and the City's Code requirements for landscaping/screening/pavement, etc. There were no further questions or concerns.

The meeting was adjourned at approximately 6:15 p.m.

142018/055

# MEETING SIGN-IN SHEET

**Project:** **Berry Auto Sales**

**Meeting Date: 12/30/2014**

**Facilitator: Jon McCoy**

**Place/Room: 1506 Berry Blvd.**

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1420 NEWS