

Planning Commission

Staff Report

April 2, 2026



Case No:	25-DDP-0085
Project Name:	Chick-Fil-A
Location:	9718 Dixie Hwy
Applicant	Stern Properties
Representative:	Bardenwerper, Talbott, & Roberts
Jurisdiction:	Louisville Metro
Council District:	14 – Crystal Bast
Case Manager:	Catherine Gomez, Planner I

REQUESTS

- **Waiver** of Land Development Code (LDC) Section 5.6.1.C.1 to allow the façade along the street frontage facing Dixie Highway to contain less than 50% clear windows (26-WAIVER-0014).
- **Waiver** of Land Development Code (LDC) Section 10.2.1 to reduce the required 35' Landscape Buffer Area on the Northern and Southern property lines (26-WAIVER-0015).
- **Parking Waiver** of Land Development Code (LDC) 9.1.16 to exceed the 53 maximum required parking spaces by 16, for a total of 69 parking spaces (26-PARKWAIVER-0004).
- **Revised Detailed District Development Plan** with revised binding elements.

CASE SUMMARY

The subject site is approximately 2.5 acres and is zoned C-2 Commercial in the Neighborhood form district along the intersection of Dixie Highway and Citation Road. The existing building on this property is eligible for a listing in the National Register of Historic Places, so the required 30-day notice of the proposed demolition site has been provided. The 30-day hold will expire on April 1st, and a wrecking permit may be issued if there are no petitions received to preserve the structure. The applicant is proposing a 5,304 square foot drive-thru restaurant with 2 queue lanes and 69 parking spaces, including 4 ADA parking spaces. The maximum parking for this site is 53 parking spaces, so a parking waiver has been requested to exceed the required number of spaces by 16. In addition to the restaurant, the applicant is proposing to extend the local road, Fiesta Way, and create a new public right-of-way connection to Citation Road.

Case History

- **23-ZONE-0029:** Change in zoning from R-4 Single Family Residential to C-2 Commercial for an event center and ceremony space.

STAFF FINDING

The proposal meets the guidelines of the Comprehensive Plan and the requirements of the Land Development Code, except for the requested waivers, which are adequately justified for approval based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

All interested party comments have been incorporated into the record and are attached as an agenda item for review by the Commissioners.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 (26-WAIVER-0014)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect the adjacent property owners because the proposed restaurant will follow a traditional drive thru façade similar to ones on the same commercial corridor along Dixie Highway.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 Community Form Goal 1 Policy 4 ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 2 Policy 6 encourages a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. The façade facing the street frontage will be screened and buffered by landscaping requirements.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant could have had the drive thru queue window face the adjacent residential property instead of the street frontage, but that would require a redesign of the entire project. Facing the queue window to be adjacent to the residential properties would be a more intense impact than facing the street.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the subject site has sufficient landscape buffering in front of the façade to screen the drive thru from the street frontage. The rest of the facades meets all other requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 (26-WAIVER-0015)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect the adjacent property owners because the applicant will maintain most of the required 25-foot buffer on the southern property line and a 12.5-foot

buffer along the northern property line. The required plantings and screening along both buffers will be maintained.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 Community Form Goal 1 Policy 4 ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 2 Policy 6 encourages a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. A portion of the vehicle use area encroaches into the required landscape buffer area along the southern property line and a portion of the parking lot encroaches into the buffer along the northern property line. Community Form Goal 2 Policy 15 states parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.

The development will maintain the required plantings of the buffer area and provide a safe street-level pedestrian connection between the principal buildings within a unified development as stated in Mobility Goal 1 Policy 1.3. The front of the property will maintain a sidewalk and will provide sufficient screening and landscape buffering from Dixie Highway.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant could reduce the number of parking spaces to meet the buffer requirement, but that would require a redesign of the entire project. There are not any existing environmental or site constraints preventing compliance with the requirements of the LDC.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the subject site has sufficient landscape buffering to screen the drive thru from adjacent residential properties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER (26-PARKWAIVER-0004)

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: Plan 2040 characterizes the Neighborhood form district to contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture on uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale appropriate for nearby neighborhoods. The neighborhoods should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle, and transit.

Community Form Goal 1, Policy 7 calls to locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 2, Policy 15 states that parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental, and aesthetic considerations. Mobility Goal 2, Policy 1 advocates for the provision of transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts. Mobility Goal 3, Policy 14 states that parking requirements should consider the density and relative proximity of residences to businesses in the market area, the availability and use (both current and potential) of multi-modal transportation options, the character and pattern of the Form District, and advances in technology. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. Sidewalks, pedestrian connections, and bicycle parking will be provided on site. The proposed development will be serviced from a major arterial road near a plethora of activity centers along Dixie Highway. The Comprehensive Plan acknowledges that parking demand can vary; however, the parking study sufficiently demonstrates the need for 69 parking spaces, not including the ADA parking and queue spaces, to accommodate the peak demand of this restaurant.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions. The proposal has sufficient site area for the maximum required parking in accordance with the LDC, and the applicant is requesting to increase the maximum permitted parking on-site to 69 spaces and 4 ADA parking spaces.

- (c) The requirements found in Table 9.1.3 do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use; and

STAFF: The requirements found in LDC Table 9.1.3B do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use. The LDC bases the parking calculation for restaurants on the size of the associated dining space, resulting in a 53-space maximum for the proposed use. In some cases, this method of calculation may potentially create a conflict due to the overlap in the demand between drive thru and dine in visits; thus, the veracity and reliability of the data within the parking study is paramount to justifying the discrepancy if it does exist, and it is clear the applicant's parking study sufficiently demonstrates the need for 69 parking spaces.

- (d) The requested increase is the minimum needed to do so.

STAFF: The applicant has provided a parking study and analysis comparing the demand of parking spaces for varying locations at every hour of the day.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks. The proposed development's overall site design is compatible with the Neighborhood form district pattern of development.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. Community Form Goal 1 Policy 4 calls to ensure new development is compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development projects. Community Form Goal 1 Policy 6 discourages non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on

residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Screening will be provided between the development and the adjacent residential properties. Community Form Goal 1 Policy 7 desires to locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. The proposed development is on Dixie Highway, which is a major transportation facility and transit corridor near activity centers. Community Form Goal 1 Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1 Policy 11 ensures setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines. Community Goal 1 Policy 17 asks to mitigate adverse impacts of traffic from proposed development on nearby existing communities. Community Form Goal 2 Policy 4 allows non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity. Mobility Goal 2 Policy 2 coordinates the use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users. Mobility Goal 2 Policy 6 ensures that the internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development. Mobility Goal 3 Policy 12 ensures that transportation facilities of new developments are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. The proposed public right-of-way along the development will connect Velle Vista Drive and extend Fiesta Way, two dead end streets, and create a connection between local level access roads. Economic Development Goal 1 Policy 3 locates commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.

In addition to the Comprehensive Plan, the development plan conforms to applicable guidelines and policies of the Dixie Highway Corridor Master Plan. Overall Goal 3 intends to promote positive land use development, Goal 4 encourages better access management to improve function and safety, and Goal 5 intends to promote the development of a unified visual character of the entire corridor. Proposing retail use meets the objectives of the Master Plan's Land Use Goals and Objectives, which promotes best land use development practices for new economic development along the corridor and promotes development that is desired by the community and is consistent with surrounding areas.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver** of Land Development Code (LDC) Section 5.6.1.C.1 to allow the façade along the street frontage facing Dixie Highway to contain less than 50% clear windows (26-WAIVER-0014).

- **APPROVE** or **DENY** the **Waiver** of Land Development Code (LDC) Section 10.2.1 to reduce the required Landscape Buffer Area on the Western and Eastern property lines (26-WAIVER-0015).
- **APPROVE** or **DENY** the **Parking Waiver** of Land Development Code (LDC) 9.1.16 to exceed the 53 maximum required parking spaces by 16, for a total of 69 parking spaces (26-PARKWAIVER-0004).
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revised binding elements.

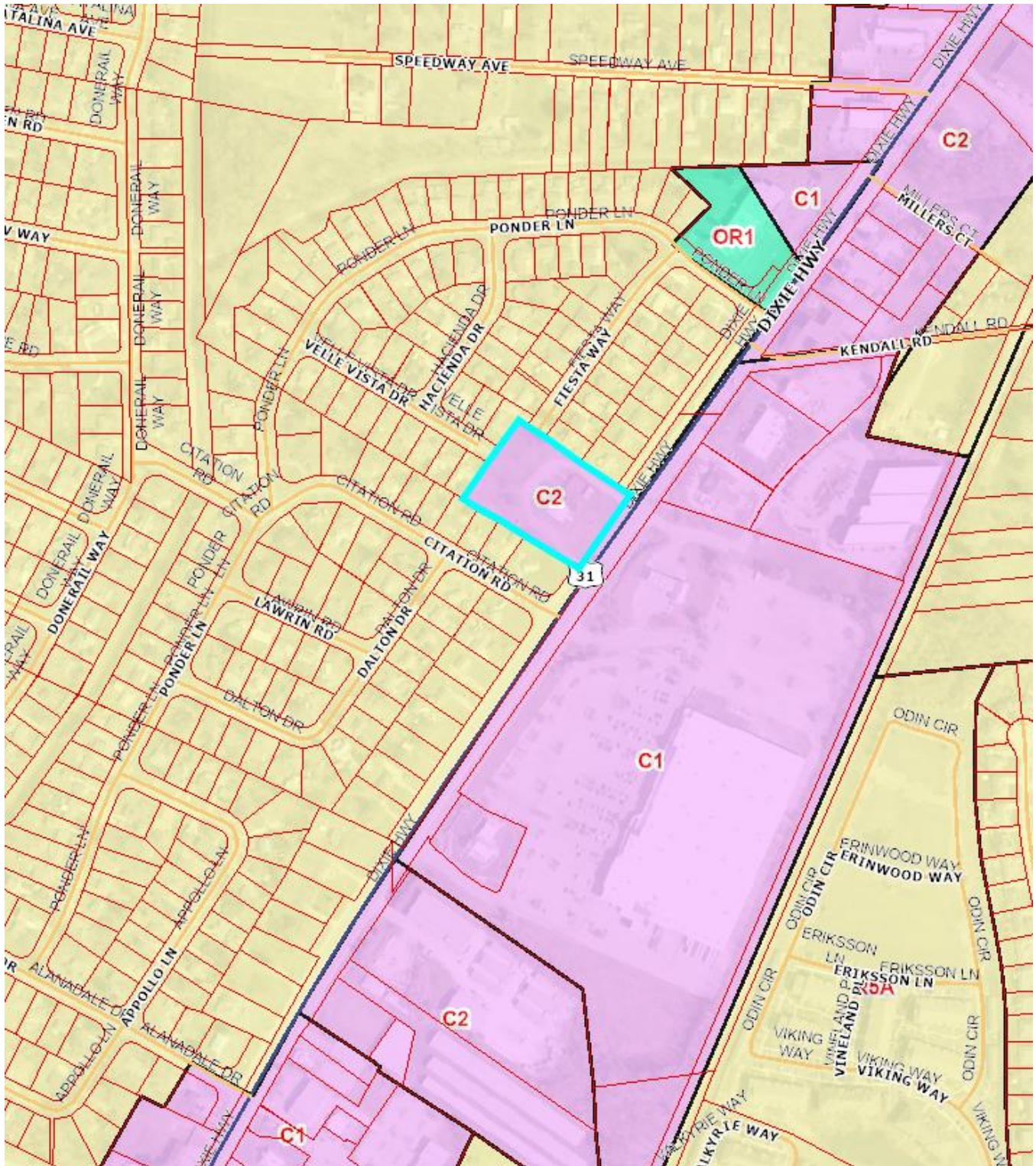
NOTIFICATION

Date	Purpose of Notice	Recipients
3/2/2026	Hearing before Planning Commission	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14

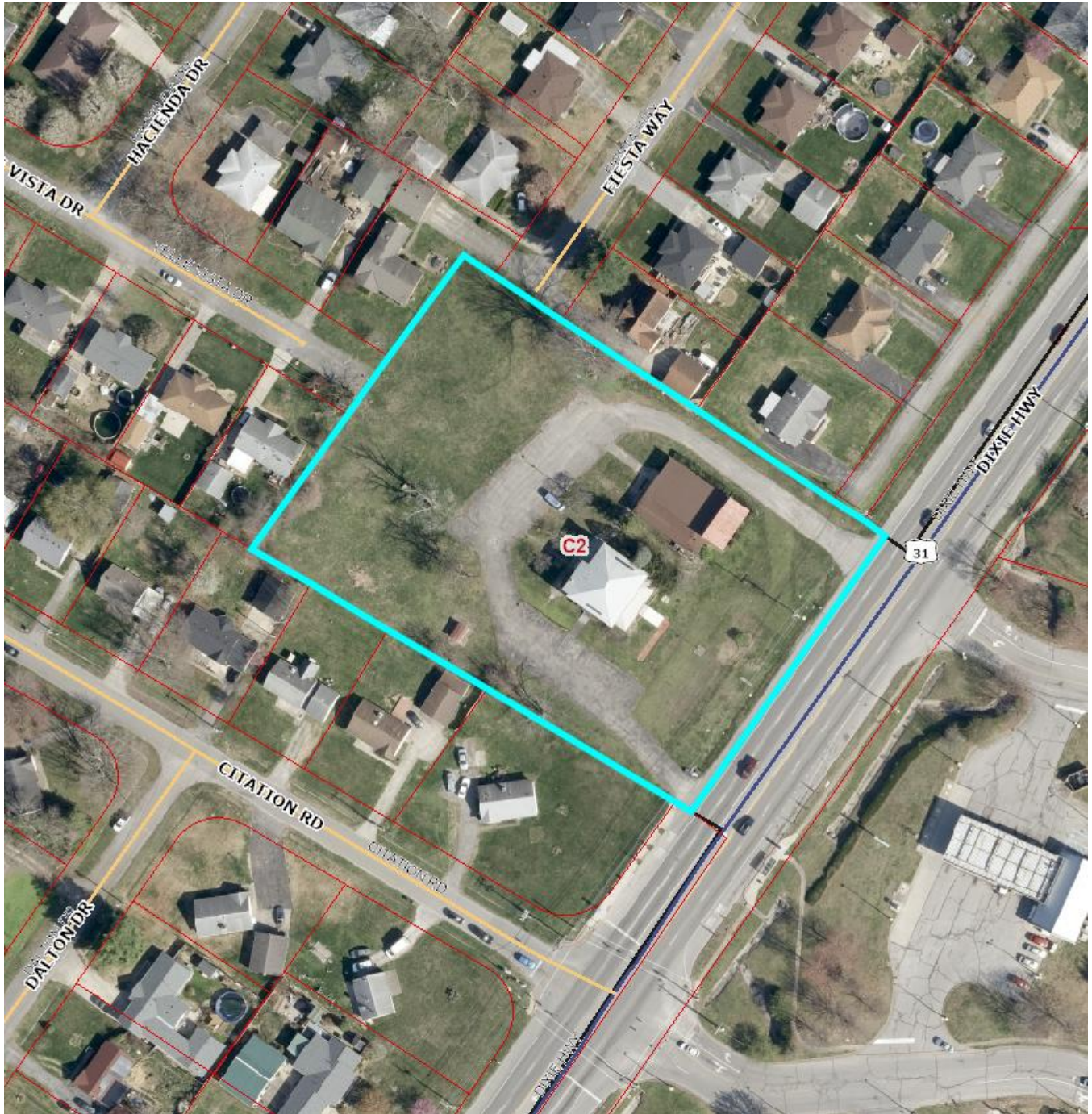
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with Proposed Revisions
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with Proposed Revisions

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Dixie Highway right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- ~~5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.~~
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
- ~~8. The hours permitted for events of more than ten guests shall be restricted between 10:00 am and 10:00 pm Sunday through Thursday, and 11 :00 am to 12:00 am on Friday and Saturday.~~

~~9. Outdoor gatherings of guests that are not utilizing the rental property must end by 9:00 pm Sunday through Thursday, and 11 :00 pm on Friday and Saturday.~~

10. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increases in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to the binding elements that merely update the public hearing date, or (iii) updating a previous version of the binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Dixie Highway right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increases in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to the binding elements that merely update the public hearing date, or (iii) updating a previous version of the binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.