

# Planning Commission

## Staff Report

November 21, 2024



<b>Case No:</b>	24-ZONE-0081
<b>Project Name:</b>	Beulah Crossing
<b>Location:</b>	6703 and 6705 Rocky Ln; 6707 Beulah Church Rd
<b>Applicant:</b>	Beulah Church Road LLC
<b>Representative:</b>	Bardenwerper, Talbott, & Roberts PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23 – Jeff Hudson
<b>Case Manager:</b>	Amy Brooks, Planner II

### REQUEST(S)

- **Change in zoning** from R-4 Residential to C-1 Commercial
- **Detailed District Development Plan** with Binding Elements

### CASE SUMMARY

The request is for a change in zoning to allow the construction of a restaurant with drive thru on approximately 1.24 acres. Located just south of the Gene Snyder, the subject site is within the Neighborhood form district and is currently adjacent to vacant parcels. However, those parcels have been approved for rezoning to allow commercial and higher- density residential development under case #23-ZONE-0030. Access to the proposed development site will be via Rocky Lane which provides connection to both Beulah Church and Damascus Roads.

### STAFF FINDING

The proposed change in zoning conforms to the land use and development policies of Plan 2040 as demonstrated in the Plan 2040 Staff Analysis. Additionally, the development plan is in conformance with the Land Development Code. No waivers or variances are being requested.

### TECHNICAL REVIEW

- The site is within the bounds of the Highview Neighborhood Plan (2015). Community Form Policy 2 says Design guidelines for new development/redevelopment within Neighborhood Nodes should be adopted to enhance the character of these areas and Highview. The design guidelines should incorporate the following elements:
  - **Transition to Traditional Neighborhood Scale:** There should be a gradual change in scale between adjacent residential areas and Neighborhood Nodes to reduce the visual effect of larger mass and height of commercial development.
  - **Definition of Street Edge:** Development within the Neighborhood Nodes should reinforce the street edge through building locations, landscaping, streetscape treatments, or other similar design techniques.
  - **Development of Vacant Sites or Gaps:** A focus should be placed on redeveloping vacant sites or gaps that might exist before development of new sites. Existing drives and entry points should be consolidated, and shared parking is encouraged.

- Preservation of Building Pattern & Materials: The pattern of commercial and non-commercial development adjacent to the Neighborhood Nodes should be considered in new development. Building materials for new development should reflect surrounding sites and adjacent residential districts.
- Land Use Policy 6 states: Limit Future Commercial Zoning within the Town Center and Neighborhood Activity Centers/Nodes.
- MSD and Transportation Planning have provided preliminary approval of the proposal.
- Plan 2040
- Land Development Code (Louisville Metro)

## **STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR CHANGE IN ZONING / FORM DISTRICT**

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

### The site is located in the Neighborhood Form District

Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The subject property is located along a local roadway that is accessed from a primary collector level road (Beulah Church Road) that is directly south of the Gene Snyder Freeway, which provides access to goods, services, and employment centers. Beulah Church Rd does not currently have transit service. The closest transit available is approximate 1.5 miles to the north along Outer Loop and Fegenbush Ln. However, the expected growth of the area supports transit-oriented development and an efficient transportation network. The development site directly south of this proposal has been rezoned to allow commercial and higher-density residential development. As part of that proposal, there will be planned improvements along Beulah Church Road's frontage to manage the traffic generated by the site that will align with future KYTC plans along the corridor. Hence, both demand and adequate infrastructure would support the proposed commercial development. The expected growth of the area encourages a mixture of compatible and integrated land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. There will be sidewalks provided along all public street frontages that will provide accessibility and connectivity from this site to adjacent uses and the neighborhood at-large. Additionally, the applicant is proposing an internal connection to the new Cedar Creek Road that is being constructed through the larger development site to the south.

All tree canopy and preservation required by the Land Development will be provided. No karst features have been identified. While there are wetlands on the site, the wetlands determination report indicates they are not under federal jurisdictional. A significant portion of the wetlands will be preserved as a tree canopy protection area.

The proposed district supports and promotes housing options and environments that support aging in place as the district allows for alternative housing options and arrangements near goods, services, and amenities. It encourages inter-generational and mixed income development in support of fair and affordable housing by allowing for a variety of ownership options and unit costs throughout Louisville Metro that is connected to the neighborhood as sidewalks are available and services and amenities are within close proximity. Lastly, the proposed district creates housing opportunities and choice at a location capable of supporting higher densities of development.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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: 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 will be provided. The site does not contain jurisdictional wetlands.

- 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 site, and the community will be provided. Metro Public Works has approved the preliminary development plan.

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

STAFF: No open space is necessary for the development.

- 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 provisions 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 within this specific form district. The applicant will provide the required landscape buffering and screening to mitigate the use and scale of the building on adjacent residentially zoned properties and public roadways. Furthermore, the applicant's site design is in conformance with the LDC's regulations regarding building setbacks and parking lot layout in the Neighborhood form district.

- 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.

**REQUIRED ACTIONS:**

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in zoning** from R-4 Residential to C-1 Commercial.
- **APPROVE** or **DENY** the **Detailed District Development plan** with binding elements.

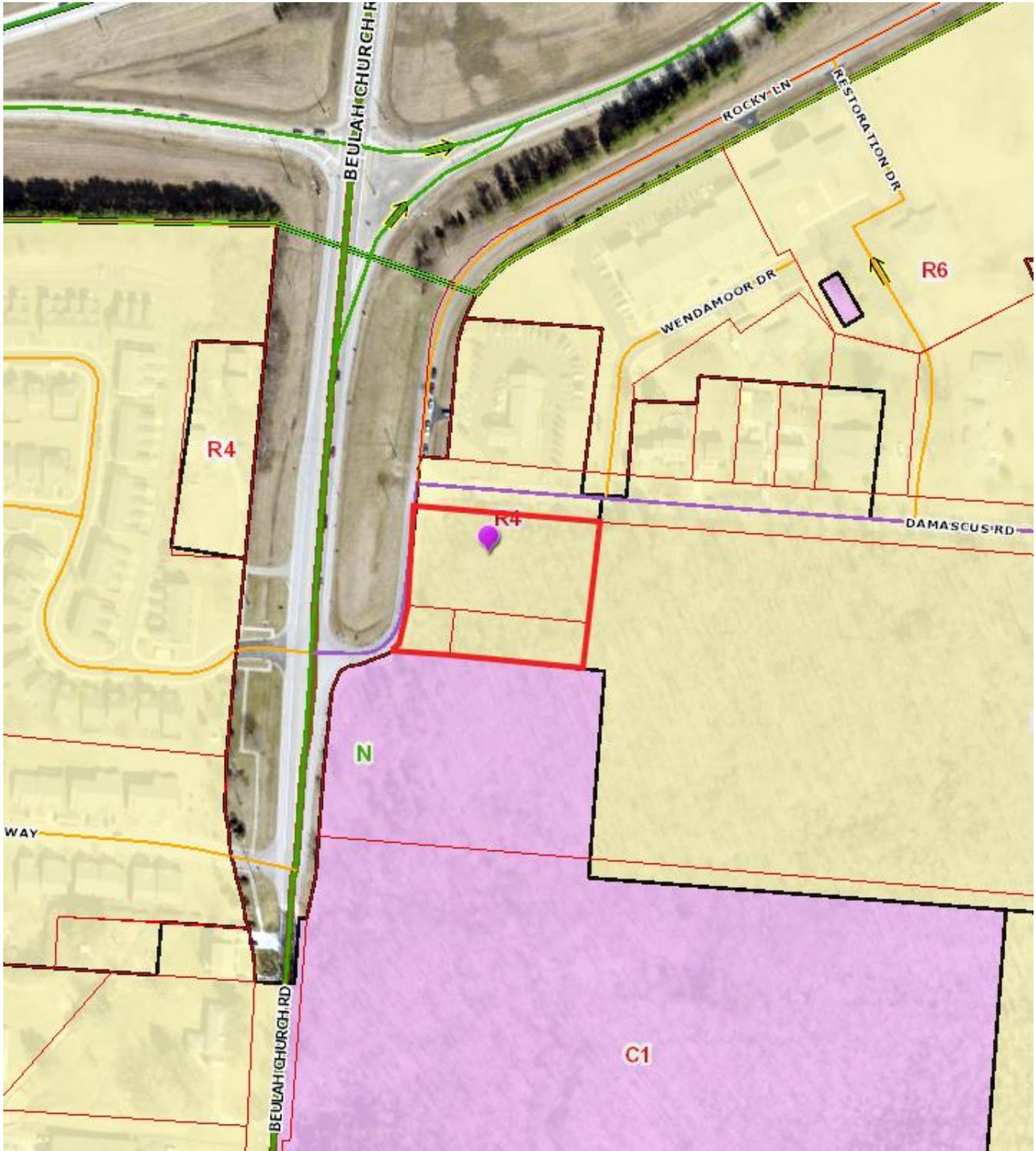
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>10/14/2024</b>	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 23
<b>11/4/2024</b>	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 23
<b>11/04/2024</b>	Hearing before PC	Sign Posting on property
<b>11/10/2024</b>	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Staff plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



### 3. Staff Plan 2040 Checklist

+	Exceeds Guideline
✓	Meets Guideline
-	Does Not Meet Guideline
+/-	More Information Needed
NA	Not Applicable

#### Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p><b><u>Community Form: Goal 1, Policy 6.</u></b> Discourage 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.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposal would not represent an expansion of nonresidential uses into residential areas. The development will be complimentary and will be integrated into the planned activity center recently approved under docket 23-ZONE-0030.</p>
2	<p><b><u>Community Form: Goal 1, Policy 7.</u></b> 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.</p> <p>✓ <b><u>Staff Analysis:</u></b> The site will be located at the intersection of two local roads near Beulah Church Road which is a primary collector along this portion. It is in close proximity to the Gene Snyder Freeway which provides access to services, goods, and employment centers.</p>
3	<p><b><u>Community Form: Goal 1, Policy 8.</u></b> Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.</p> <p>NA <b><u>Staff Analysis:</u></b> The proposed zoning would not permit industrial development.</p>
4	<p><b><u>Community Form: Goal 1, Policy 15.</u></b> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposal would not include hazardous uses.</p>
5	<p><b><u>Community Form: Goal 1, Policy 16.</u></b> Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district for site would not allow for higher intensity uses on the site that may have a negative environmental impact to the surrounding residential areas.</p>
6	<p><b><u>Community Form: Goal 1, Policy 17.</u></b> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ <b><u>Staff Analysis:</u></b> The site is located near the planned improvements along Beulah Church Rd's frontage that would manage the traffic generated by the site. These improvements will align with future KYTC plans along the corridor.</p>

**Plan 2040 Plan Elements/Staff Analysis**

7	<p><b><u>Community Form: Goal 1, Policy 18.</u></b> Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p><b>+/-</b> <b>Staff Analysis:</b> The applicant will be providing the required landscape buffers and screening to mitigate the adverse impacts of noise from the proposed development on existing communities.</p>
8	<p><b><u>Community Form: Goal 1, Policy 21.</u></b> Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.</p> <p><b>NA</b> <b>Staff Analysis:</b> The proposed zoning would not permit industrial development.</p>
9	<p><b><u>Community Form: Goal 2, Policy 1.</u></b> Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.</p> <p><b>✓</b> <b>Staff Analysis:</b> The location is adjacent to a planned activity center. There are a variety of commercial uses and residential development types planned immediately adjacent to the site.</p>
10	<p><b><u>Community Form: Goal 2, Policy 4.</u></b> Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.</p> <p><b>✓</b> <b>Staff Analysis:</b> Appropriate access and connectivity exist to support the proposal at this location.</p>
11	<p><b><u>Community Form: Goal 2, Policy 5.</u></b> Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</p> <p><b>✓</b> <b>Staff Analysis:</b> Sufficient population exists around the area to support a variety of commercial activities in this location, with additional growth expected and planned in the area.</p>
12	<p><b><u>Community Form: Goal 2, Policy 6.</u></b> Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</p> <p><b>✓</b> <b>Staff Analysis:</b> Effective shared access will be provided to connect to existing and future development in the area. Pedestrian connectivity and sidewalks are required around the site.</p>
13	<p><b><u>Community Form: Goal 2, Policy 7.</u></b> Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.</p> <p><b>✓</b> <b>Staff Analysis:</b> This activity center will effectively integrate non-residential uses within neighborhoods in a manner that provides convenient service to residents while protecting the character of the neighborhood by providing connectivity and accessibility within and around the development site</p>
14	<p><b><u>Community Form: Goal 2, Policy 8.</u></b> Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</p> <p><b>✓</b> <b>Staff Analysis:</b> The proposed zoning district would permit a variety of residential development types, including mixed use. The proposed commercial use would provide additional services for existing and planned residential development near the site.</p>
15	<p><b><u>Community Form: Goal 2, Policy 9.</u></b> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p><b>✓</b> <b>Staff Analysis:</b> The proposal would allow additional commercial activities in an area with adequate population and connectivity.</p>
16	<p><b><u>Community Form: Goal 2, Policy 10.</u></b> Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.</p> <p><b>NA</b> <b>Staff Analysis:</b> The proposal is not an outlot within an existing development.</p>

**Plan 2040 Plan Elements/Staff Analysis**

17	<p><b><u>Community Form: Goal 2, Policy 11.</u></b> <i>Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is adjacent to a planned commercial activity center.</p>
18	<p><b><u>Community Form: Goal 3, Policy 9.</u></b> <i>Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site will be developed with context design approaches that are in relation to the environmental site constraints. A significant portion of the site that contains wetlands will be preserved as tree canopy protection area.</p>
19	<p><b><u>Community Form: Goal 3, Policy 10.</u></b> <i>Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site has a potential for wetlands and hydric soils. A wetlands determination has indicated the wetlands on the site are not under federal jurisdiction</p>
20	<p><b><u>Community Form: Goal 3, Policy 11.</u></b> <i>Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.</i></p> <p>NA <b><u>Staff Analysis:</u></b> The site is not near the Ohio River.</p>
21	<p><b><u>Community Form: Goal 3, Policy 12.</u></b> <i>When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> A karst survey was conducted, and no karst features were identified.</p>
22	<p><b><u>Community Form: Goal 4, Policy 1.</u></b> <i>Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is currently vacant.</p>
23	<p><b><u>Community Form: Goal 4, Policy 2.</u></b> <i>Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The development site will preserve existing mature trees wherever possible around the subject site.</p>
24	<p><b><u>Mobility: Goal 1, Policy 4.</u></b> <i>Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is adjacent to a planned activity center. Beulah Church Rd connects the site to population and employment centers.</p>
25	<p><b><u>Mobility: Goal 2, Policy 4.</u></b> <i>Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is accessed via existing public roadways and would not create access through areas of lower intensity.</p>

**Plan 2040 Plan Elements/Staff Analysis**

26	<p><b><u>Mobility: Goal 3, Policy 1.</u></b> Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would permit a variety of neighborhood serving uses.</p>
27	<p><b><u>Mobility: Goal 3, Policy 2.</u></b> To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.</p> <p>✓ <b><u>Staff Analysis:</u></b> If the site were to be redeveloped, the proposed zoning would allow for higher density in residential units. The proposal would not seem to negatively impact the safe movement of pedestrians and pedestrian interactions in the event of commercial use/retail/customers. There is well provided connectivity within and around the site.</p>
28	<p><b><u>Mobility: Goal 3, Policy 3.</u></b> Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would permit a mix of uses that allow for reduced vehicular trips. Pedestrian connectivity is provided around and through the site.</p>
29	<p><b><u>Mobility: Goal 3, Policy 4.</u></b> Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: <b>4.1.</b> nodal connections identified by Move Louisville; <b>4.2.</b> impact on freight routes; <b>4.3.</b> time of operation of facilities; <b>4.4.</b> safety; <b>4.5.</b> appropriate linkages between neighborhoods and employment; and <b>4.6.</b> the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning allows for neighborhood serving commercial near a primary collector road. The applicant will provide adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses.</p>
30	<p><b><u>Mobility: Goal 3, Policy 5.</u></b> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed district allows for neighborhood serving commercial uses along a primary collector road. Adequate vehicular and pedestrian infrastructure to serve the proposed commercial use and future commercial uses will be provided.</p>
31	<p><b><u>Mobility: Goal 3, Policy 6.</u></b> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p>✓ <b><u>Staff Analysis:</u></b> Transportation Planning has preliminarily approved the proposal. Additional right-of-way dedication may be required. Pedestrian and vehicular connectivity has been provided.</p>
32	<p><b><u>Mobility: Goal 3, Policy 9.</u></b> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p> <p>✓ <b><u>Staff Analysis:</u></b> Transportation Planning has preliminarily approved the proposal.</p>
33	<p><b><u>Mobility: Goal 3, Policy 10.</u></b> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ <b><u>Staff Analysis:</u></b> Transportation Planning has preliminarily approved the development proposal.</p>
34	<p><b><u>Community Facilities: Goal 2, Policy 1.</u></b> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ <b><u>Staff Analysis:</u></b> Utility service will be coordinated with appropriate agencies.</p>

**Plan 2040 Plan Elements/Staff Analysis**

35	<p><b><u>Community Facilities: Goal 2, Policy 2.</u></b> <i>Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> Water service will be coordinated with the Louisville Water Company.</p>
36	<p><b><u>Community Facilities: Goal 2, Policy 3.</u></b> <i>Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).</i></p> <p>✓ <b><u>Staff Analysis:</u></b> MSD has reviewed and approved the preliminary development plan.</p>
37 <b>NA</b>	<p><b><u>Economic Development: Goal 1, Policy 2.</u></b> <i>Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.</i></p> <p><b><u>Staff Analysis:</u></b> The proposed zoning would not permit industrial development.</p>
38	<p><b><u>Economic Development: Goal 1, Policy 3.</u></b> <i>Locate 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.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is along Beulah Church Rd, a Primary Collector near the site. Beulah Church Rd provides access to the Gene Snyder Freeway just north of the site and becomes a Major Arterial north of the Freeway. The site is adjacent to a planned commercial activity center.</p>
39 <b>NA</b>	<p><b><u>Economic Development: Goal 1, Policy 4.</u></b> <i>Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.</i></p> <p><b><u>Staff Analysis:</u></b> The proposed zoning would not permit industrial development.</p>
40 <b>NA</b>	<p><b><u>Economic Development: Goal 1, Policy 5.</u></b> <i>Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</i></p> <p><b><u>Staff Analysis:</u></b> The proposed zoning would not permit industrial development.</p>
41	<p><b><u>Livability: Goal 1, Policy 17.</u></b> <i>Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The subject site is within a karst prone area. Karst survey required.</p>
42	<p><b><u>Livability: Goal 1, Policy 21.</u></b> <i>Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is not within the floodplain.</p>
43	<p><b><u>Livability: Goal 1, Policy 24.</u></b> <i>Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is not within the floodplain.</p>
44	<p><b><u>Housing: Goal 1, Policy 2.</u></b> <i>Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district would permit a variety of housing types and services that encourage aging in place.</p>

Plan 2040 Plan Elements/Staff Analysis

45	<p><b><u>Housing: Goal 2, Policy 1.</u></b> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district would permit a variety of housing development including mixed use development.</p>
46	<p><b><u>Housing: Goal 2, Policy 2.</u></b> Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district would permit a variety of housing types and services. Transit is not available to the site and is unlikely to be extended in the foreseeable future.</p>
47	<p><b><u>Housing: Goal 3, Policy 2.</u></b> As neighborhoods evolve, discourage displacement of existing residents from their community.</p> <p>✓ <b><u>Staff Analysis:</u></b> No residents would be displaced.</p>
48	<p><b><u>Housing: Goal 3, Policy 3.</u></b> Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district would permit a variety of housing options and development types that could increase the supply of fair and affordable housing.</p>

#### **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 shall be obtained from the Kentucky Transportation Cabinet for any work in the Taylor Boulevard 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. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.