

Planning Commission

Staff Report

November 16, 2023



Case No:	23-CASE-0030
Project Name:	6803 and 6805 Beulah Church Rd
Location:	6803 and 6805 Beulah Church Rd
Owner(s):	Carolyn Ball
Applicant:	Pat Madden
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
Case Manager:	Jay Lockett, AICP, Planning Supervisor

REQUEST(S)

- **Change in zoning** from R-4 single family to R-5 single family, R-5A and R-6 multi-family and C-1 Commercial
- **Variances:**
 1. **Variance** from Chapter 5.3.1 table 5.3.2 to allow a grocery store to exceed the 150' maximum front yard setback by up to 451' as shown on the proposed development plan (23-Variance-0104)
- **Waivers:**
 1. **Waiver** from 10.2.4.B.3 to permit the required 30-foot buffer to overlap an existing utility easement by 100 percent (23-WAIVER-0106)
- **General District Development plan/Major Preliminary Subdivision Plan** with Binding Elements
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY

The applicant is proposing to develop a mixed commercial and residential center on approximately 86.3 acres. The site is vacant and heavily treed and lies within the Neighborhood form district. The subject site lies along Beulah Church Rd south of the Gene Snyder Freeway in the Highview area of Louisville Metro. New public roadways are proposed to connect through the site to several existing stub streets, including a proposed extension of Cedar Creek Rd stub for future connection upon realignment of Cedar Creek Rd to the east of the site. The proposed commercial development is anchored by a proposed grocery and associated fuel station, with other commercial zoning proposed along the Beulah Church Rd side of the site. The center of the site proposes more dense housing development in the R-6 zoning district, with R-5A along the north of the site and single-family homes in R-5 along the southeast portion of the site. The site contains some areas of wetlands, which are mostly proposed to be preserved with tree preservation areas and open spaces.

STAFF FINDING

The proposed zoning districts are in keeping with the provisions of the Comprehensive Plan. The Variance and waiver are adequately justified and meet the standards of review. The General District

Development Plan and Detailed District Development plans are adequately justified and meet the standards of review.

The proposal will facilitate the development of a new mixed commercial activity center including a grocery and other neighborhood serving commercial uses, as well as a variety of housing options and types. The site is appropriately located and will provide adequate buffering and screening around the development as well as within between land uses of differing intensities. The development is organized to provide a step down of scale and intensity from the commercial in the front to single family in the rear providing a transition to existing development. The development will provide a variety of housing types near the new commercial center, which results in a compact and efficient development pattern and helps reduce vehicle miles traveled.

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
- Land Use Policy 7 states: Limit Multifamily Residential to within or Immediately Adjacent to the Town Center and Neighborhood Activity Centers/Nodes
- Community Form Policy 3 states: To ensure a high-quality of multi-family development in Highview, design guidelines should be developed and adopted for all multi-family development. The design guidelines should incorporate the following design elements:
 - New multi-family development should be designed to a scale (both height and mass) to be cohesively integrated into the surrounding existing development.
 - Small sites should act as infill development and focus on design over density
 - Medium-scaled sites should take advantage of opportunities for a variety of housing types and options
 - Larger sites should provide a range of housing types with a centralized common open space or focal point, interconnected system to streets, sidewalks and paths to create a neighborhood feel
 - New development should connect to surrounding neighborhoods through an integrated car, bike and pedestrian network with adequate and appropriately sited parking (i.e., not located between a building and public street).

- Both public and private open spaces (scaled appropriately for the design of the development) should be incorporated into the design. The orientation of buildings around common spaces should also be designed to face the public space or streets.
- Landscaping treatments, including trees, planting and other treatments, should be incorporated throughout the development with utilities and service structures screened from view.
- The architectural design of new multi-family developments should vary to create interest rather than duplicating the same facade or building design in a continuous row or in multiple locations. The scale of buildings should be pedestrian-friendly and highlight the entry to individual units. The buildings should have proportions and massing that creates a higher-density residential neighborhood (compared to a large apartment building with large parking lot). High-quality and durable materials, such as brick, stone, etc., should be used in all multi-family developments and changes in colors and materials should be encouraged.

Transportation Planning and MSD have preliminarily approved the proposal.

The applicant has agreed to install all KYTC required improvements along Beulah Church Rd prior to occupancy of the grocery store.

INTERESTED PARTY COMMENTS

Please see attached citizen letters.

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 proposal would create a new commercial activity center near the Gene Snyder Freeway. Beulah Church Rd is a Primary Collector along the site frontage and becomes a Major Arterial as it crosses under the Gene Snyder Freeway just to the north of the site. 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. The applicant will improve Beulah Church Rd to handle traffic generated by the site in a manner in line with future KYTC plans along the corridor. Additional connectivity and extension of stub streets will be provided around and through the subject site.

The proposed zoning district will result in a compact development pattern and efficient land use by allowing for a variety of housing options well connected to a variety of services, commercial options and employment opportunities. The majority of the wetland areas indicated on the wetland determination report are being preserved within open space and left undisturbed. Tree preservation is being provided around the overall site per Land Development Code requirements including required preservation.

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 VARIANCE TO EXCEED MAXIMUM SETBACK ON LOT 1

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the building will be buffered where it is adjacent to residential.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as it would facilitate the construction of an anchor grocery store within a new proposed neighborhood-scale mixed use center. The proposed layout of the grocery store is consistent with similar developments in the Neighborhood form throughout the community.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since the building will be constructed according to all health and safety requirements of the building code. Adequate screening and buffering will be provided around the subject site.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as it is consistent with suburban grocery development in the Neighborhood form district throughout the community.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The variance does not arise from special circumstances.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulations would not deprive the applicant of reasonable use of the land, but would require a significant redesign of the overall mixed-use development.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER TO PERMIT OVERLAP OF A BUFFER AND UTILITY EASEMENT:

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

STAFF: The waiver will not adversely affect adjacent property owners since all required planting and screening will be provided.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure 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. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to ensure 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 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be

used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. The waiver will not violate the Comprehensive Plan, as all required screening and planting will be provided around the subject site.

- (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 since all other required buffering is being provided.

- (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 deprive the applicant of reasonable use of the land, as the utility easement is existing and the applicant will still provide all required planting and screening.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

- (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 site has potential for hydric soils, with the bulk being preserved in open spaces and left undisturbed. Wetland mitigation will be provided offsite in accordance with MSD and Army Corps of Engineers requirements. The development meets all tree canopy requirements.

- (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 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: The applicant is providing required amenity areas for the development as required by the Land Development Code. The details of open spaces around the site associated with multifamily developments will be reviewed and approved with each phase of 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 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 except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved.

- (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 to R-5, R-5A, R-6 and C-1
- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **General District Development Plan/Major Preliminary Subdivision with Binding Elements**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if 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.

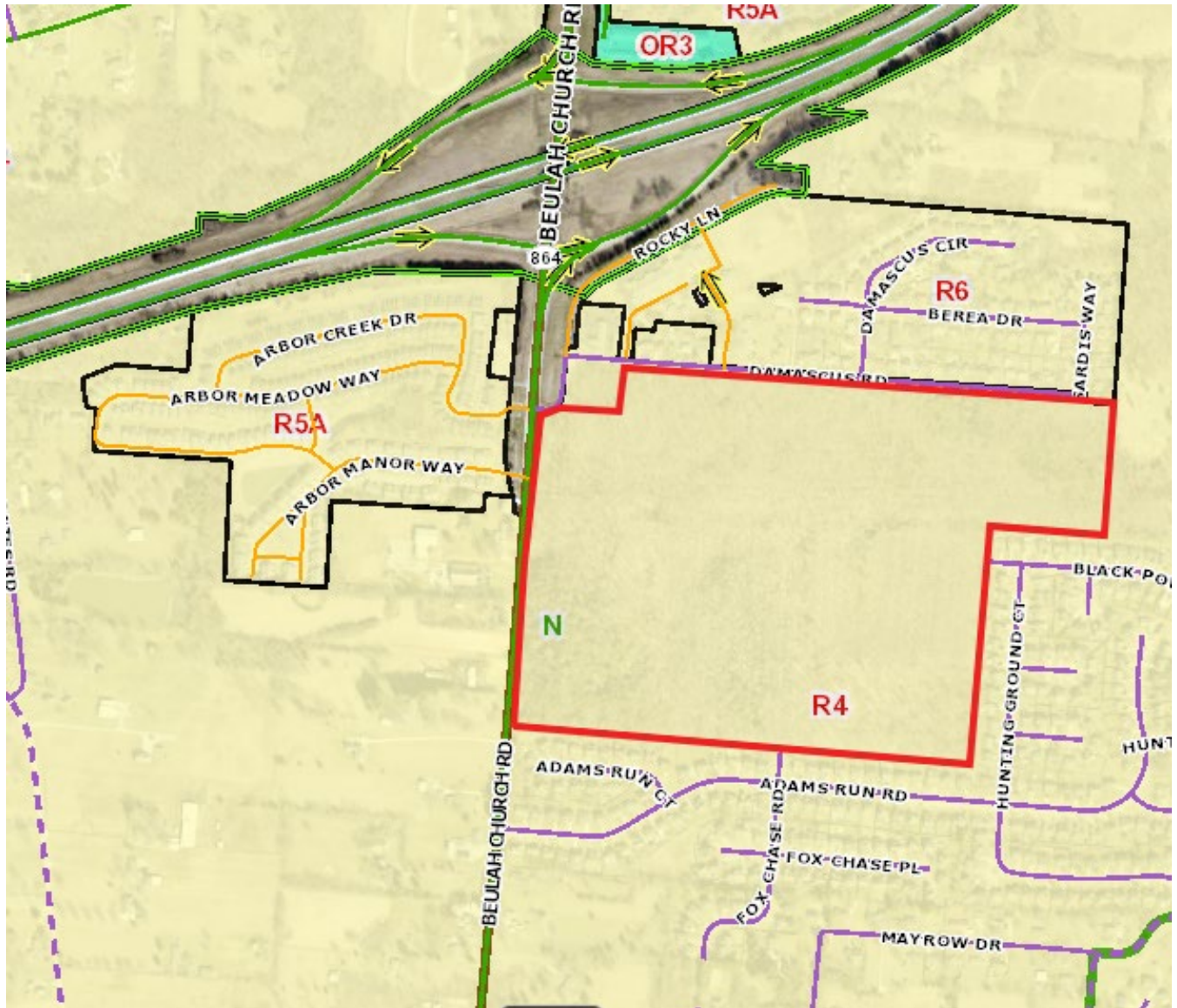
NOTIFICATION

Date	Purpose of Notice	Recipients
9-27-23	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 23
11-2-23	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District
10-30-23	Hearing before PC	Sign Posting on property
11-5-23	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed General Plan Binding Elements
5. Proposed Detailed Plan Binding Elements for Lot 1

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><u>Community Form: Goal 1, Policy 6.</u> 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><u>Staff Analysis:</u> The proposal would represent the establishment of a new neighborhood commercial activity center with a mix of housing types. The applicant will be required to improve Beulah Church Rd to accommodate the projected traffic generated by the uses. Adequate buffering and screening will be provided around and within the development area between uses of differing intensities. New streets and connectivity will be provided throughout the site.</p> <p>✓</p>
2	<p><u>Community Form: Goal 1, Policy 7.</u> 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><u>Staff Analysis:</u> The proposal would create a new activity center near the Gene Snyder Freeway. Beulah Church Rd is a Primary Collector along the site frontage and becomes a Major Arterial as it crosses north of the Gene Snyder Freeway just to the north of the site. 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. The applicant will improve Beulah Church Rd to handle traffic generated by the site in a manner in line with future KYTC plans along the corridor. Additional connectivity and extension of stub streets will be provided around and through the subject site.</p> <p>✓</p>
3	<p><u>Community Form: Goal 1, Policy 8.</u> 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><u>Staff Analysis:</u> The proposed zoning district would not permit industrial development or hazardous uses.</p> <p>NA</p>
4	<p><u>Community Form: Goal 1, Policy 15.</u> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p><u>Staff Analysis:</u> The proposed zoning district would not permit industrial development or hazardous uses.</p> <p>NA</p>
5	<p><u>Community Form: Goal 1, Policy 16.</u> 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><u>Staff Analysis:</u> The proposed zoning district would not permit industrial development or hazardous uses.</p> <p>NA</p>

Plan 2040 Plan Elements/Staff Analysis	
6	<p><u>Community Form: Goal 1, Policy 17.</u> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ <u>Staff Analysis:</u> The applicant will improve Beulah Church Rd to handle traffic generated by the site in a manner in line with future KYTC plans along the corridor. Additional connectivity and extension of stub streets will be provided around and through the subject site.</p>
7	<p><u>Community Form: Goal 1, Policy 18.</u> Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p>✓ <u>Staff Analysis:</u> The site is laid out in a manner to concentrate the most intense uses along the frontage of the site, with residential development along the edges providing adequate transitions into the adjacent residential areas. Adequate screening and buffering is provided around and within the development area.</p>
8	<p><u>Community Form: Goal 1, Policy 21.</u> 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>NA <u>Staff Analysis:</u> The proposed zoning district would not permit industrial development or hazardous uses.</p>
9	<p><u>Community Form: Goal 2, Policy 1.</u> 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>✓ <u>Staff Analysis:</u> The proposal would represent the establishment of a new neighborhood commercial activity center with a mix of housing types. The center is appropriately sited with ready access to the Gene Snyder Freeway and connectivity to adjacent stub streets. The applicant will construct new and improved roads around and within the development area.</p>
10	<p><u>Community Form: Goal 2, Policy 4.</u> 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>✓ <u>Staff Analysis:</u> The site is appropriately sited with ready access to the Gene Snyder Freeway and connectivity to adjacent stub streets.</p>
11	<p><u>Community Form: Goal 2, Policy 5.</u> Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</p> <p>✓ <u>Staff Analysis:</u> The proposal would represent the establishment of a new neighborhood commercial activity center with a mix of housing types. Existing and projected population in the area is adequate to support a variety of commercial uses within the new activity center.</p>
12	<p><u>Community Form: Goal 2, Policy 6.</u> Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district will result in a compact development pattern and efficient land use by allowing for a variety of housing options well connected to a variety of services, commercial options and employment opportunities.</p>
13	<p><u>Community Form: Goal 2, Policy 7.</u> 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>✓ <u>Staff Analysis:</u> The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel.</p>
14	<p><u>Community Form: Goal 2, Policy 8.</u> Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would permit a mix of residential housing types and commercial uses. The development represents the establishment of a new commercial activity center.</p>
15	<p><u>Community Form: Goal 2, Policy 9.</u> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>✓ <u>Staff Analysis:</u> The proposed development would create a new activity center with a variety of commercial, office and residential options for the area.</p>

Plan 2040 Plan Elements/Staff Analysis	
16	<p><u>Community Form: Goal 2, Policy 10.</u> 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>NA <u>Staff Analysis:</u> The subject site is not an outlot on a larger commercial development.</p>
17	<p><u>Community Form: Goal 2, Policy 11.</u> Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.</p> <p>✓ <u>Staff Analysis:</u> The site is appropriately sited with ready access to the Gene Snyder Freeway and connectivity to adjacent stub streets.</p>
18	<p><u>Community Form: Goal 3, Policy 9.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site is heavily forested and contains potential for hydric soils. The majority of the wetland areas indicated on the wetland determination report are being preserved within open space and left undisturbed. Tree preservation is being provided around the overall site per Land Development Code requirements including required preservation. Tree preservation is being clustered along the edges and rear of the site, providing significant contiguous areas of undisturbed land to remain as wildlife habitat.</p>
19	<p><u>Community Form: Goal 3, Policy 10.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The majority of the wetland areas indicated on the wetland determination report are being preserved within open space and left undisturbed.</p>
20	<p><u>Community Form: Goal 3, Policy 11.</u> 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.</p> <p>NA <u>Staff Analysis:</u> The subject site is not along the Ohio River.</p>
21	<p><u>Community Form: Goal 3, Policy 12.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The subject site is not in the flood plain.</p>
22	<p><u>Community Form: Goal 4, Policy 1.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site does not contain any structures or known cultural resources.</p>
23	<p><u>Community Form: Goal 4, Policy 2.</u> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ <u>Staff Analysis:</u> The majority of the wetland areas indicated on the wetland determination report are being preserved within open space and left undisturbed. Tree preservation is being provided around the overall site per Land Development Code requirements including required preservation.</p>
24	<p><u>Mobility: Goal 1, Policy 4.</u> 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</p>

Plan 2040 Plan Elements/Staff Analysis	
	<p>public transportation system.</p> <p>✓ Staff Analysis: The proposal would represent the establishment of a new neighborhood commercial activity center with a mix of housing types.</p>
25	<p>Mobility: Goal 2, Policy 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p>✓ Staff Analysis: The center is appropriately sited with ready access to the Gene Snyder Freeway and connectivity to adjacent stub streets.</p>
26	<p>Mobility: Goal 3, Policy 1. 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>✓ Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses and a variety of residential housing options that encourage walking and biking.</p>
27	<p>Mobility: Goal 3, Policy 2. 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>✓ Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed development would include a mix of residential dwelling and neighborhood scale commercial uses that encourage a reduction in vehicle miles traveled.</p>
28	<p>Mobility: Goal 3, Policy 3. 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>✓ Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed development would include a mix of residential dwelling and neighborhood scale commercial uses that provide housing and transportation options.</p>
29	<p>Mobility: Goal 3, Policy 4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed development would include a mix of residential dwelling and neighborhood scale commercial uses that encourage a reduction in vehicle miles traveled.</p>
30	<p>Mobility: Goal 3, Policy 5. 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>✓ Staff Analysis: The applicant will improve Beulah Church Rd to handle traffic generated by the site in a manner in line with future KYTC plans along the corridor. Additional connectivity and extension of stub streets will be provided around and through the subject site.</p>
31	<p>Mobility: Goal 3, Policy 6. 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>✓ Staff Analysis: The applicant will improve Beulah Church Rd to handle traffic generated by the site in a manner in line with future KYTC plans along the corridor. Additional connectivity and extension of stub streets will be provided around and through the subject site.</p>
32	<p>Mobility: Goal 3, Policy 9. 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>✓ Staff Analysis: The applicant will improve Beulah Church Rd to handle traffic generated by the site in a manner in line with future KYTC plans along the corridor. Additional connectivity and extension of stub streets will be</p>

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	provided around and through the subject site.
33	<p><u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ <u>Staff Analysis:</u> The applicant will improve Beulah Church Rd to handle traffic generated by the site in a manner in line with future KYTC plans along the corridor. Additional connectivity and extension of stub streets will be provided around and through the subject site. The development provides for connectivity to support walking and biking within the community.</p>
34	<p><u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ <u>Staff Analysis:</u> Utility service is being coordinated with all affected agencies, including new extensions, relocation of equipment and other required improvements.</p>
35	<p><u>Community Facilities: Goal 2, Policy 2.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> Water service will be coordinated with Louisville Water Co.</p>
36	<p><u>Community Facilities: Goal 2, Policy 3.</u> 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).</p> <p>✓ <u>Staff Analysis:</u> MSD has reviewed and approved the preliminary development plan.</p>
37	<p><u>Economic Development: Goal 1, Policy 2.</u> Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning district would not permit industrial development or hazardous uses.</p>
38	<p><u>Economic Development: Goal 1, Policy 3.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> Beulah Church Rd is a Primary Collector along the site frontage and becomes a Major Arterial as it crosses north of the Gene Snyder Freeway just to the north of the site.</p>
39	<p><u>Economic Development: Goal 1, Policy 4.</u> 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.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning district would not permit industrial development or hazardous uses. It is not near the Ohio River or the airport.</p>
40	<p><u>Economic Development: Goal 1, Policy 5.</u> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning district would not permit industrial development or hazardous uses. It is not near the Ohio River or the airport.</p>
41	<p><u>Livability: Goal 1, Policy 17.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> A karst survey was performed and did not reveal any known karst features. The majority of the wetland areas indicated on the wetland determination report are being preserved within open space and left undisturbed</p>

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42	<p><u>Livability: Goal 1, Policy 21.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The subject site is not within the floodplain.</p>
43	<p><u>Livability: Goal 1, Policy 24.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The subject site is not within the floodplain. The proposed zoning would not allow for hazardous materials to be stored onsite.</p>
44	<p><u>Housing: Goal 1, Policy 2.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would allow for a variety of housing types and densities. The proposal would create additional opportunities for services that support aging in place.</p>
45	<p><u>Housing: Goal 2, Policy 1.</u> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would allow for a variety of housing types and densities. The proposal would create additional opportunities for services that support mixed income households.</p>
46	<p><u>Housing: Goal 2, Policy 2.</u> 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>✓ <u>Staff Analysis:</u> The site has ready access to the larger area transportation network to reach a variety of services, amenities and employment opportunities. New opportunities for services and amenities are proposed with this proposal, in addition to new housing options.</p>
47	<p><u>Housing: Goal 3, Policy 2.</u> As neighborhoods evolve, discourage displacement of existing residents from their community.</p> <p>✓ <u>Staff Analysis:</u> Residents would not be displaced by the proposal.</p>
48	<p><u>Housing: Goal 3, Policy 3.</u> 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>✓ <u>Staff Analysis:</u> The proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.</p>

4. Proposed General Plan 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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.
 - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance and will be consistent with the Tree Canopy Preservation Exhibit on file with the Louisville Metro Office of Planning.
 - k. The materials and design of proposed structures shall be consistent with the renderings as presented at the November 16, 2023 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro 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.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
6. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing

shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

7. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
9. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Commercial properties and Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
11. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
13. All required improvements to Beulah Church Rd shall be completed per KYTC standards prior to requesting a certificate of occupancy for the site.
14. Tree clearing and site grading for individual lots in the development shall be permitted only in accordance with approved Detailed District Development Plans for each section of the development, except for as needed to install roadways and utility equipment.
15. At such a time that the intersection at Beulah Church Rd/Arbor Manor Way/Proposed Cedar Creek extension meets warrants for signalization per KYTC standards, the applicant/developer shall install a signal at their expense.

5. Proposed Detailed Plan Binding Elements for Lot 1

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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance. Trees equivalent to 20% of the predevelopment total on Proposed Lot 1 shall be preserved on Proposed Lot 6 consistent with the Tree Canopy Preservation Exhibit on file with the Office of Planning.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations shown at the November 16, 2023 Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
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.