

# Land Development and Transportation Committee Staff Report July 18, 2024



<b>Case No:</b>	24-ZONE-0051
<b>Project Name:</b>	Preston II
<b>Location:</b>	10415 & 10419 Preston Highway, 5000 Maple Spring Drive
<b>Owner(s):</b>	Preston Highway LLC
<b>Applicant:</b>	Stern Development
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23 – Jeff Hudson
<b>Case Manager:</b>	Dante St. Germain, AICP, Senior Planner

## REQUESTS

- **Change in Form District** from Neighborhood to Suburban Marketplace Corridor
- **Change in zoning** from R-4 Single Family Residential to C-2 Commercial
- **Waiver** from Land Development Code section 10.2.10 to allow encroachment into a required Vehicular Use Area Landscape Buffer Area along the Preston Highway frontage (24-WAIVER-0097)
- **Parking Waiver** to permit more parking than allowed by the Land Development Code Table 9.1.3B (23 spaces allowed, 26 spaces requested, not including accessible spaces, waiver to allow 3 additional spaces) (24-PARKWAIVER-0006)
- **Detailed District Development Plan** with Binding Elements

## CASE SUMMARY/BACKGROUND

The subject site is located along Preston Highway between Interchange Drive and Maple Spring Drive, and consists of four contiguous parcels. The applicant proposes to rezone the two southern parcels to construct a drive-through restaurant, with other unspecified commercial development in a future phase. The northern two parcels, located at 5000 Maple Spring Drive, are involved only in the form district change.

The site is the final remaining R-4 property between Interchange Drive and Maple Spring Drive on the east side of Preston Highway. Mixed single-family, multi-family and institutional development is located across Preston Highway and Old Preston Highway to the west. A property owned by a commercial greenhouse is located nearby to the east.

## STAFF FINDING

The proposal is ready for a public hearing date to be set.

## TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

## INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

## **STANDARD OF REVIEW FOR REZONING**

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**

The site is located in the Neighborhood Form District

The 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.

## **REQUIRED ACTIONS**

- **Set** the public hearing date.

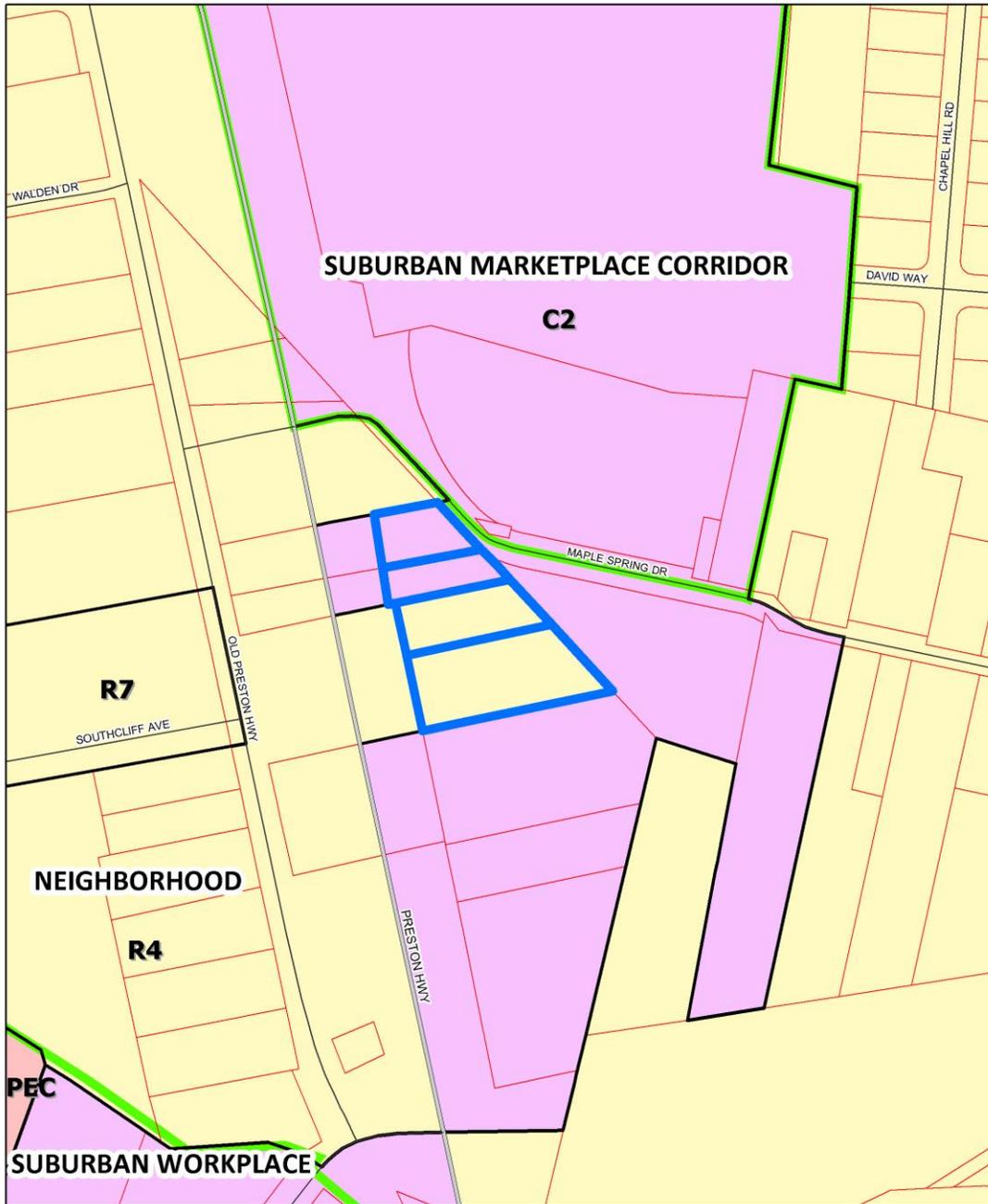
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>07/05/2024</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 12
	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 12
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

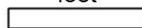
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



Preston II  
feet



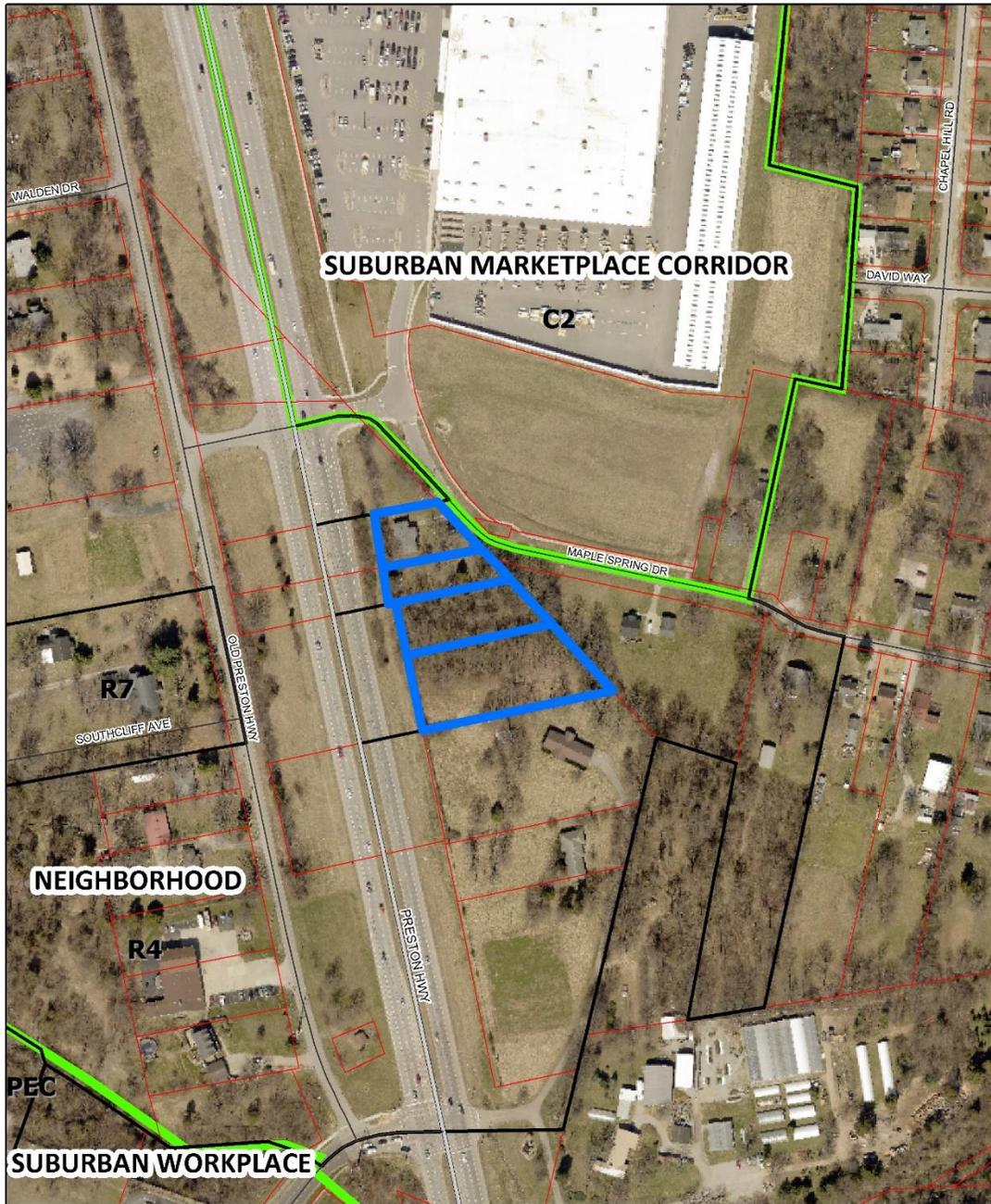
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Map Created: 7/10/2024

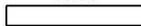


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2. Aerial Photograph



Preston II  
feet



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Map Created: 7/10/2024



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### **3. 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. No outdoor advertising signs (commonly referred to as billboards or off-premises signs pursuant to Louisville Metro Code of Ordinances section 155.08), small freestanding signs, pennants, balloons, or banners shall be permitted on the site. Signs in compliance with Chapter 8 of the Land Development Code shall be permitted.
3. Prior to development (includes clearing and grading) of any portion of the remaining areas of the site, 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.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Preston Highway right-of-way.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_, 2024 Planning Commission public hearing, except that materials and design of structures located on the parcel addressed 5000 Maple Spring Drive shall be substantially the same as depicted in the rendering presented at the March 30, 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.

8. 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.