

# Planning Commission

## Staff Report

October 3, 2024



<b>Case No:</b>	24-DDP-0054
<b>Project Name:</b>	Beulah Crossings Restaurant Tract 2
<b>Location:</b>	6803 Beulah Church Rd
<b>Applicant:</b>	Tyler Wiles
<b>Representative:</b>	Land Design & Development Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23 – Jeff Hudson
<b>Case Manager:</b>	Mark Pinto, Planner I

### **REQUEST(S)**

- **Detailed District Development Plan** with proposed Binding Elements.

### **CASE SUMMARY**

The site is approximately 1.2 acres, located in the Neighborhood form district, C-1 commercial zoning district, and on the east side of Beulah Church Rd just south of the Gene Snyder Freeway. The subject property is part of a General Plan approved under 23-ZONE-0030, which proposed a residential and commercial mixed-use development. The applicant is proposing to construct a 2,042 SF drive through restaurant. The proposed restaurant will be located at the corner of Fox Chase Road, which is an extension of the public right-of-way, and Beulah Church Road.

### **TECHNICAL REVIEW**

Transportation Planning and MSD have preliminarily approved the proposal.

### **STAFF FINDING**

The proposal meets the guidelines of the Comprehensive Plan and the requirements of the Land Development Code (LDC).

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP and PROPOSED BINDING ELEMENTS**

- 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 is heavily treed and has some areas of wetlands mostly towards the rear of the site. Tree preservation is being provided along the rear of the general development area as approved under docket 23-ZONE-0030.

- 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 development does not require the open space provisions of the Land Development Code. However, there are substantial interior landscape areas provided in the parking area that exceed the minimum requirements.

- 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. The approved General Plan proposed a residential, commercial mixed-use development. Appropriate landscape buffering and screening will be provided to mitigate the use for adjacent properties and roadways. Also, the development is maintaining the required parkway landscape buffer areas and setbacks from Beulah Church Road, which is a designated parkway. Buildings and parking lots meet all required setbacks.

- 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 the requirements of the Land Development Code.

#### **REQUIRED ACTIONS:**

- **RECOMMEND** Louisville Metro Council **APPROVE** or **DENY** the **Detailed District Development Plan** with proposed binding elements.

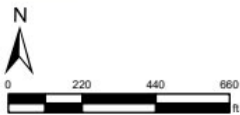
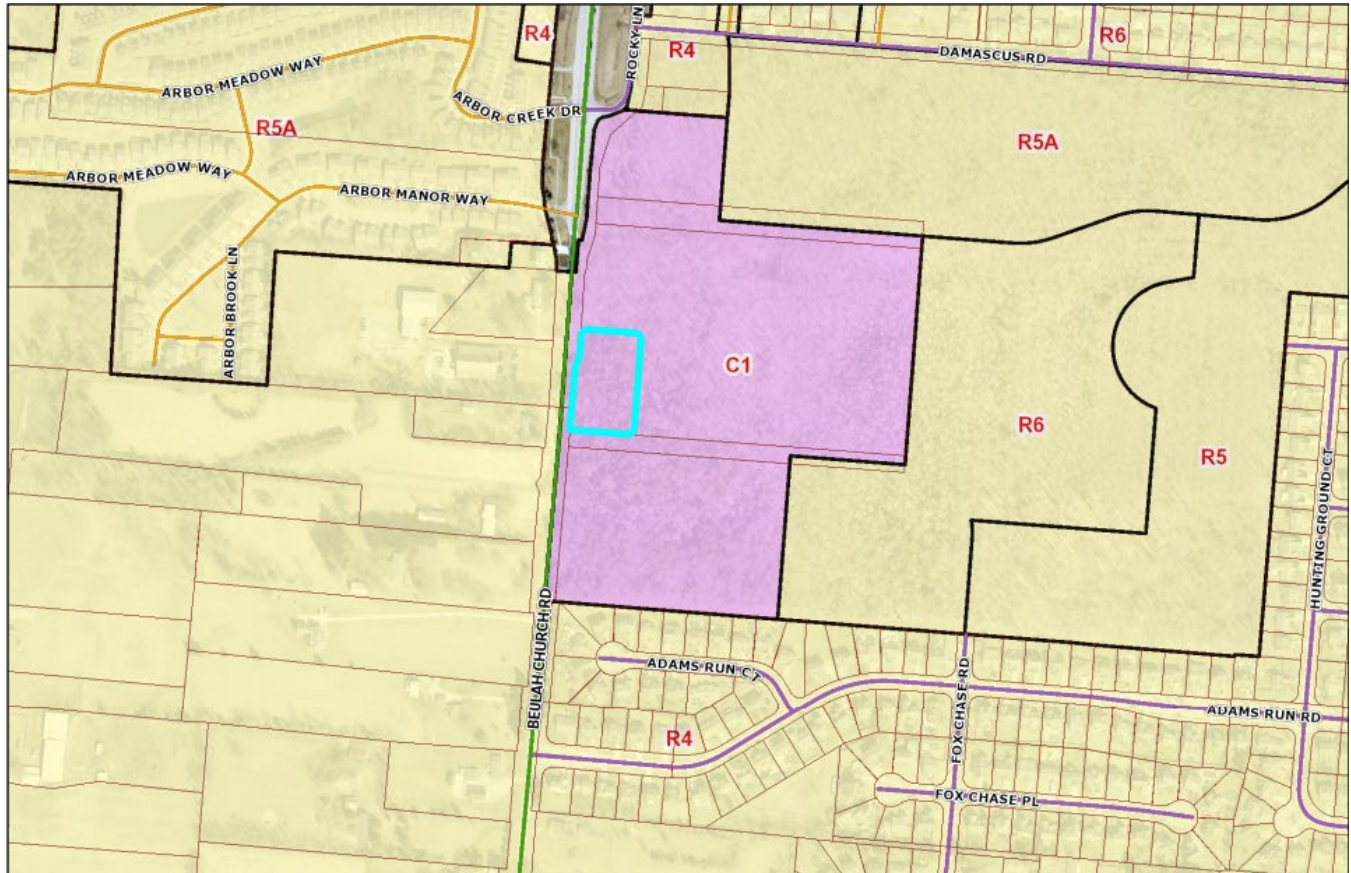
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
9/19/2024	Hearing before Planning Commission	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed binding elements

### 1. Zoning Map



Monday, September 23, 2024 | 12:33 PM

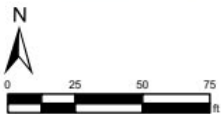


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## 2. Aerial Photograph



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### 3. **Proposed Binding Elements**

**All General Plan Binding Elements approved under docket 23-ZONE-0030 are applicable in addition to the following:**

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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown etc) 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Office of Planning.
  - d. 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.
  - e. A Tree Preservation Plan in accordance with the Tree Preservation Plan for the overall Beulah Church Crossings Development and Master Streetscape Plan associated with case 24-LANDSCAPE-0103 and 24-LANDSCAPE-0081 shall be reviewed and approved prior to obtaining approval for site disturbance.

- f. 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 October 3, 2024 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.