

Planning Commission

Staff Report

February 5, 2026



Case No: 25-ZONE-0137
Project Name: Applegate Lane Townhomes
Location: 6325 Applegate Lane
Applicant: MPP Ventures LLC
Representative: Bardenwerper, Talbott, & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 23 – Jeff Hudson
Case Manager: Mark Pinto, Planner II

REQUEST(S)

- **Change in zoning from R-4 Single-Family Residential to PRD Planned Residential Development.**
- **Variances:**
 1. **Variance** from LDC 5.1.12.B.2.e.i.1 to allow the proposed parking lot to encroach into the infill front yard setback along Applegate Lane (25-VARIANCE-0133).
 2. **Variance** from LDC 5.1.12.B.2.e.i.1 to allow the proposed building to encroach into the infill front yard setback along Applegate Lane (25-VARIANCE-0133).

Location	Infill Setback Range	Proposed	Variance
Infill Front Yard (Parking)	63 ft. (min) to 80 ft. (max)	13 ft.	50 ft.
Infill Front Yard (Building)	63 ft. (min) to 80 ft. (max)	60 ft.	3 ft.

- **Waivers:**
 1. **Waiver** of LDC 10.3.5.A.1, Table 10.3.1, to allow the proposed building to encroach 7 ft. and the proposed parking area to encroach 20 ft. into the required 50 ft. parkway landscape buffer area along Smyrna Parkway (25-WAIVER-0177).
 2. **Waiver** of LDC 10.3.5.A.1, Table 10.3.1, to allow the proposed building to encroach 32 ft. into the required 75 ft. parkway setback along Smyrna Parkway (25-WAIVER-0177).
 3. **Waiver** of LDC 10.3.5.A.3 to allow the proposed parking area to encroach 4 ft. into the parkway transition buffer along Smyrna Parkway (25-WAIVER-0177).
- **Detailed District Development plan** with binding elements.

CASE SUMMARY

The subject property is currently zoned R-4 Single-Family Residential, within the Neighborhood form district, and located at the corner of Smyrna Parkway and Applegate Lane. The site is approximately 0.60 acres and vacant with no existing structures. The applicant has proposed to rezone the property to PRD Planned Residential Development to construct four attached residential units, each on an individual lot. The fifth lot is reserved for open space and shared parking. Access is proposed off Applegate Lane.

STAFF FINDING

The proposal generally conforms to the land use and development policies of Plan 2040. The Detailed Development Plan complies with the Comprehensive Plan and Land Development Code, except where relief has been requested. The waivers and variances are adequately justified for approval.

TECHNICAL REVIEW

Land Development Code (LDC); Comprehensive Plan 2040.

Transportation Planning and MSD have preliminarily approved the proposal

The subject property is located within the boundaries of the Highview Neighborhood Plan (2015). The Highview Neighborhood Plan does not make any specific recommendations for the subject site. However, the Neighborhood Plan does encourage preserving the character of existing single-family residential areas. The proposed rezoning is to PRD, which is a single-family residential zoning district that allows for reduced setbacks and lot sizes.

INTERESTED PARTY COMMENTS

All interested party comments staff receives shall be incorporated into the record.

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.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 2040. The subject property is located at the corner of Smyrna Parkway and Applegate Lane, two primary collector roadways. Access into the property will be from Applegate Lane. Vehicles can turn from Smyrna Parkway onto Applegate Lane, then into the site. There are employment and activity centers in the area to serve the proposal.

Public transit is not available at the subject property since the nearest TARC stop is located at the intersection of Smyrna Parkway and Outer Loop. However, public transit services could be extended to the area in the future. Single-family residential zoning is abutting the site to the immediate north, west, and across the street along Applegate Lane. C-1 Commercial zoning is across the street along Smyrna Parkway. Medium to higher density residential is in the area along Applegate Lane within the general vicinity and along Smyrna Parkway.

The proposal is providing adequate landscape buffering and screening along Smyrna Parkway, Applegate Lane, and adjacent to existing residential property. Required open space, including recreational open space, helps to ensure an appropriate transition between existing residential property and the proposal. The Neighborhood Form is encouraged to contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. The development plan includes four townhome units that are each on their own individual lots, which allows for additional ownership types and housing choices in the area. The intent of the PRD (Planned Residential Development) zoning district is to allow flexibility in design of residential developments. PRD allows zero lot line, townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intent of the Comprehensive Plan.

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 Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The variances will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed building shall comply with all applicable building and fire code regulations prior to construction and occupancy. The proposed parking area and building are located within the subject property and do not encroach into any neighboring properties or the right-of-way. The proposed parking area and building shall be adequately screened from the public right-of-way along Applegate Lane and the proposed sidewalk through landscape plantings.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variances will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposed building and parking area are meeting the required infill setback along Smyrna Parkway, which is the higher roadway classification and the primary street. Also, it is common for developments within the Neighborhood suburban form district to have the parking area in front of the proposed building. This standard design is not possible at this location without encroaching into an infill setback. The proposed building is located approximately 63 ft. from the front property line, which is an adequate distance that maintains the larger setback from Applegate Lane.

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

STAFF: The requested variances does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the property is similar in size and shape to other lots in the area.

4. The strict application of the provision 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 regulations would create an unnecessary hardship on the applicant since the property is a corner lot and to comply with the infill front and street side yard setback simultaneously would render the site undevelopable for the proposal.

5. The circumstances are the result of action 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 regulation from which relief is sought. The applicant has not begun construction on the structure for which this variance is being requested.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (10.3.5.A.3 Transition Buffer)

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

STAFF: The waiver will not adversely affect adjacent property owners because adequate landscaping and screening is being provided along the western and northern property line where existing homes are adjacent to the subject site. Required plantings are also proposed along the property frontage to improve streetscape for Applegate Lane and Smyrna Parkway.

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

STAFF: The waiver will not violate specific guidelines of the Comprehensive Plan. 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. Adequate landscape buffering and screening is being provided along the property line adjacent to existing residential development and the roadways. The proposed building is meeting all design standards and is below the maximum height permitted. Community Form Goal 3, Policy 1 encourages creation of common, usable, and accessible open space in new residential development. The proposal is meeting all requirements for outdoor open space conservation and recreational open space is being provided.

- (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 not the minimum necessary to afford relief to the applicant since the guest parking could be eliminated to comply with the full buffer. However, only a portion of the parking area is encroaching into the transition buffer, while a portion is maintaining the buffer. Required plantings will be provided to adequately screen the parking area from Applegate Lane.

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. To comply with the full transition buffer would require the guest parking area to be eliminated. The development would not be able to meet the parking demand of residents since guests would not have adequate off-street parking. On-street parking is not available in the area along Smyrna Parkway or Applegate Lane, thereby necessitating adequate off-street parking.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (LDC 10.3.5.A.1; Parkway Buffer)

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

STAFF: The waivers will not adversely affect adjacent property owners since the landscape buffer area requested to be reduced does not abut any adjacent property. The required landscape buffer areas that are adjacent to neighboring residential development are being

provided. The requested waiver to reduce the width of the required parkway buffer is along the Smyrna Parkway frontage.

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

STAFF: The waivers will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 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. All other required landscaping and tree canopy per LDC Chapter 10 are being met. Adequate interior landscape areas, buffers, and tree canopy shall be provided on the site. The preliminary site plan shows the required plantings being provided within the parkway buffer despite the reduction in the width of the buffer.

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

STAFF: The extent of the waivers of the regulation is the minimum necessary to afford relief to the applicant since the reduction in the width of the buffer is needed to comply with the infill setback along Smyrna Parkway. All required plantings are being provided within the parkway buffer despite the request to reduce the width.

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed building would need to be set further back which would reduce or eliminate compliance with landscape buffer areas and setbacks from the adjacent property. Also, the applicant would need to request a variance to exceed the infill setback along Smyrna Parkway, which could reduce compatibility with existing development along the parkway.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (LDC 10.3.5.A.1; Parkway Setback)

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

STAFF: The waivers will not adversely affect adjacent property owners since an adequate setback from Smyrna Parkway is being maintained. Setback requirements for vehicular use areas and the proposed building adjacent to existing residential property are being maintained.

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

STAFF: The waivers will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 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. All required plantings within the parkway landscape buffer are being provided as shown on the site plan. The required plantings should help to improve the road frontage and compensate for noncompliance with the parkway setback requirement. Also, the proposed building is in compliance with the infill setback along Smyrna Parkway, which maintains the existing setback of adjacent residential property.

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

STAFF: The extent of the waivers of the regulation is the minimum necessary to afford relief to the applicant since the 75 ft. parkway setback would leave roughly 35 ft. of buildable area with no rear yard or areas for landscaping along the western property line.

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed building would need to be set further back which would reduce or eliminate compliance with landscape buffer areas and setbacks from the adjacent property.

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 subject property has no known natural resources or environmental constraints such as floodplains, steep slopes, scenic views, historical or cultural features, protected waterways, or hydric/unstable soils. There is roughly 33% existing tree canopy on site that is proposed to be removed. Although not required if under 50% existing tree canopy, staff consistently recommends preserving existing mature tree canopy where possible. However, the applicant is proposing 40% new tree canopy on the site which is in compliance with Chapter 10 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 Transportation Planning 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 proposal necessitates open space requirements including outdoor recreational open space. The proposal is meeting all open space requirements and have incorporated adequate outdoor recreational open space that includes walking paths and outdoor seating areas. The recreational open space is adjacent to required landscape buffers and plantings.

- (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 design of the proposal is compatible with the existing and projected future development of the area. The proposal includes the four additional housing units in the form of attached townhomes, each on their own individual lot. There is a mix of residential zoning districts and densities within the immediate area along Smyrna Parkway. The proposed building is meeting all required setbacks from adjacent residential property and building design requirements. The proposed building is below the maximum height requirement for the form district.

Adequate landscaping and screening are being provided adjacent to existing residential property and along Smyrna Parkway and Applegate Lane. All required plantings are being provided along the parkway despite the applicant's request to reduce the width of the buffer. The proposal is meeting all open space requirements and have incorporated adequate outdoor recreational open space that includes walking paths and outdoor seating areas.

- (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 plan is in conformance with the requirements of the Land Development Code, except where relief is specifically requested and the Comprehensive Plan. The Neighborhood Form is encouraged to contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. The development plan includes four townhome units that are each on their own individual lots, which allows for additional ownership types and housing choices in the area.

Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 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. All required plantings within the parkway landscape buffer are being provided as shown on the site plan. The required plantings should help to improve the road frontage and compensate for noncompliance with the parkway setback requirement. Also, the proposed building is in compliance with the infill setback along Smyrna Parkway, which maintains the existing setback of adjacent residential property.

REQUIRED ACTIONS:

- **RECOMMEND** that the **Louisville Metro Council APPROVE or DENY Change in zoning** from **R-4 Single-Family Residential** to **PRD Planned Residential Development**.
- **APPROVE or DENY the Variances:**
 1. **Variance** from LDC 5.1.12.B.2.e.i.1 to allow the proposed parking lot to encroach into the infill front yard setback along Applegate Lane (25-VARIANCE-0133).
 2. **Variance** from LDC 5.1.12.B.2.e.i.1 to allow the proposed building to encroach into the infill front yard setback along Applegate Lane (25-VARIANCE-0133).
- **APPROVE or DENY the Waivers:**
 1. **Waiver** of LDC 10.3.5.A.1, Table 10.3.1, to allow the proposed building to encroach 7 ft. and the proposed parking area to encroach 20 ft. into the required 50 ft. parkway landscape buffer area along Smyrna Parkway (25-WAIVER-0177).
 2. **Waiver** of LDC 10.3.5.A.1, Table 10.3.1, to allow the proposed building to encroach 32 ft. into the required 75 ft. parkway setback along Smyrna Parkway (25-WAIVER-0177).
 3. **Waiver** of LDC 10.3.5.A.3 to allow the proposed parking area to encroach 4 ft. into the parkway transition buffer along Smyrna Parkway (25-WAIVER-0177).
- **APPROVE or DENY the Detailed District Development plan** with binding elements.

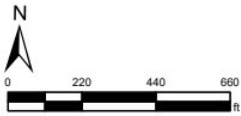
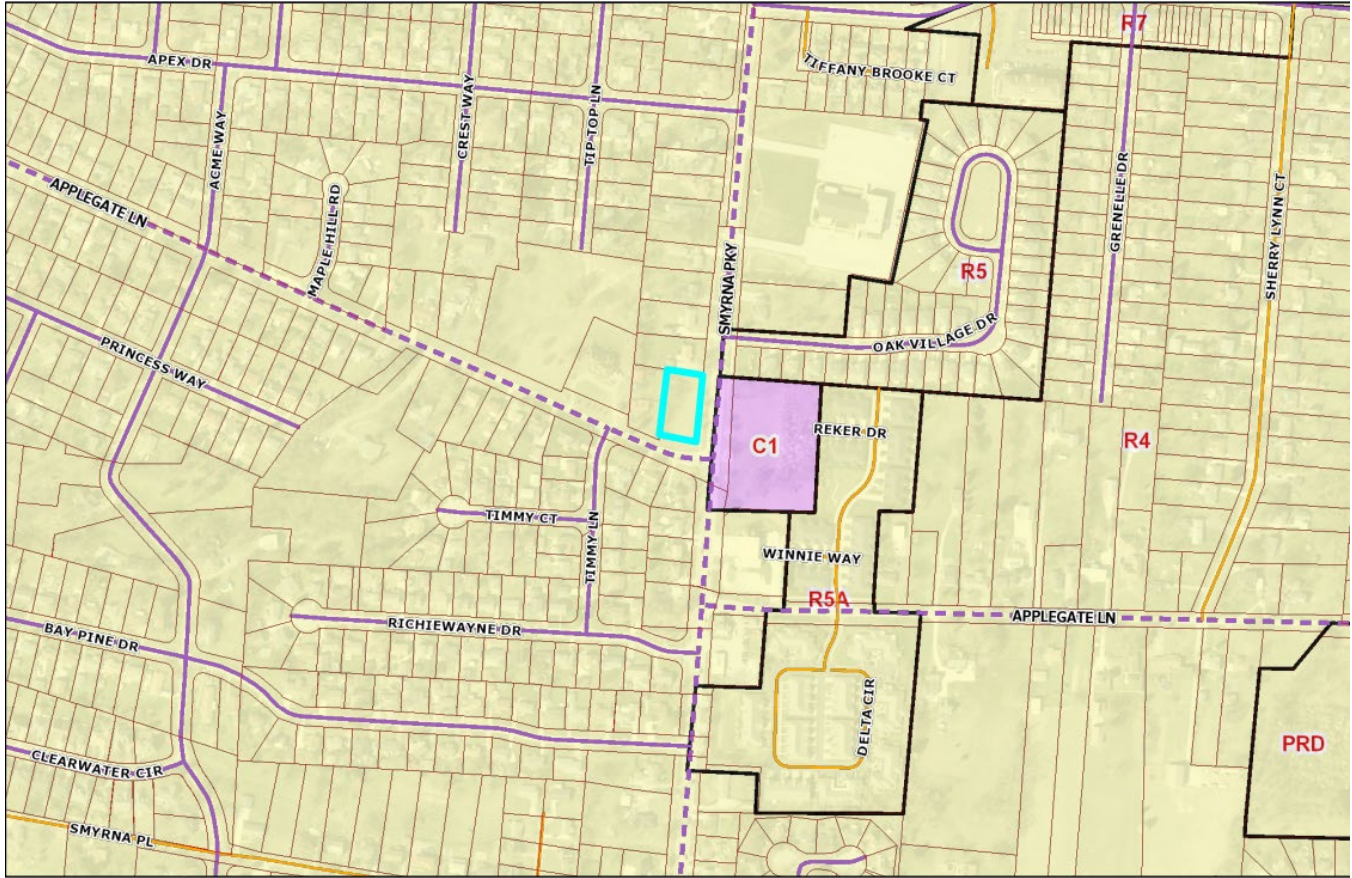
NOTIFICATION

Date	Purpose of Notice	Recipients
01/20/2026	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents.
01/21/2026		Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
01/21/2026	Hearing before PC	Sign Posting on property
01/18/2026	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



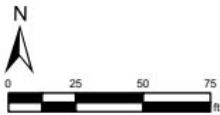
Tuesday, September 30, 2025 | 10:11 AM



LOJIC © 2025

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



Tuesday, September 30, 2025 | 10:28 AM



3. Staff Plan 2040 Checklist

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

Neighborhood: Residential

Plan 2040 Plan Elements/Staff Analysis

1	<u>Community Form: Goal 1, Policy 7.</u> <i>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.</i> ✓ <u>Staff Analysis:</u> The property is located at the corner of Smyrna Parkway and Applegate Lane, two primary collector roadways. Access into the property will be from Applegate Lane. Vehicles can turn from Smyrna Parkway onto Applegate Lane, then into the site. There are employment and activity centers in the area to serve the proposal. Public transit is not available at the subject property since the nearest TARC stop is located at the intersection of Smyrna Parkway and Outer Loop. However, public transit services could be extended to the area in the future.
2	<u>Community Form: Goal 1, Policy 9.</u> <i>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.</i> ✓ <u>Staff Analysis:</u> Single-family residential zoning is abutting the site to the immediate north, west, and across the street along Applegate Lane. C-1 Commercial zoning is across the street along Smyrna Parkway. Medium to higher density residential is in the area along Applegate Lane within the general vicinity and along Smyrna Parkway. The proposal is providing adequate landscape buffering and screening along Smyrna Parkway, Applegate Lane, and adjacent to existing residential property. Required open space, including recreational open space, helps to ensure an appropriate transition between existing residential property and the proposal.
3	<u>Community Form: Goal 2, Policy 9.</u> <i>Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</i> ✓ <u>Staff Analysis:</u> The proposal includes the construction of new residential development. The site is currently vacant.
4	<u>Community Form: Goal 3, Policy 10.</u> <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> ✓ <u>Staff Analysis:</u> There are no known wet or highly permeable soils on the site according to LOJIC data. There are no severe, steep, or unstable soils. LOJIC did identify potential karst. A karst survey was completed by the engineer as noted on the preliminary plan and no features were observed.
5	<u>Community Form: Goal 4, Policy 2.</u> <i>Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</i> ✓ <u>Staff Analysis:</u> There are no known distinctive cultural or built features on the subject property.
6	<u>Community Form: Goal 4, Policy 3.</u> <i>Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.</i> ✓ <u>Staff Analysis:</u> Historic Preservation/Urban Design reviewed the proposal and found there to be no cultural or historical features. The site is currently vacant with no existing structures.
7	<u>Mobility: Goal 1, Policy 4.</u> <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> ✓ <u>Staff Analysis:</u> Existing activity centers, employment opportunities, and transit-oriented services exist within the immediate area to serve the development. There are no TARC stops located along Smyrna Parkway at this time, there could be future expansion of transit services. The nearest TARC stop is 0.3 miles north at the intersection of Outer Loop and Smyrna Parkway. Public transit could be extended to the immediate area making public transit or accessible in the future. There is an existing sidewalk network along Smyrna Parkway that encourages pedestrian access and travel.
8	<u>Mobility: Goal 2, Policy 4.</u> <i>Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</i> ✓ <u>Staff Analysis:</u> The proposal does not include access through areas of significantly lower intensity or density. The site is located on the corner of two primary collector roadways that serve a mix of land uses, densities, and zoning districts in the immediate area.
9	<u>Mobility: Goal 3, Policy 2.</u> <i>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.</i>

Plan 2040 Plan Elements/Staff Analysis	
	<i>Housing should be encouraged near employment centers.</i> ✓ Staff Analysis: The proposed zoning district would allow for a mixture of compatible land uses that encourage multi-modal transportation.
10	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. ✓ Staff Analysis: The proposed development and zoning change is unlikely to cause an adverse impact on the transportation network that nearby residential and nonresidential uses also utilize currently.
11	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. ✓ Staff Analysis: Transportation Planning/Public Works have reviewed the proposal and given preliminary approval.
12	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. ✓ Staff Analysis: Transportation Planning/Public Works have reviewed the proposal and given preliminary approval.
13	Mobility: Goal 3, Policy 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. ✓ Staff Analysis: Transportation Planning/Public Works have reviewed the proposal and given preliminary approval.
14	Mobility: Goal 3, Policy 21. Prevent safety hazards caused by direct residential access to high-speed roadways. ✓ Staff Analysis: Transportation Planning/Public Works have reviewed the proposal and given preliminary approval. The proposal would not include access to a high-speed roadway.
15	Community Facilities: Goal 2, Policy 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. ✓ Staff Analysis: The subject property is in an area that should be served by existing utilities or where it is capable to extend any necessary public or private utilities. The applicant shall coordinate with all applicable utilities as needed.
16	Community Facilities: Goal 2, Policy 2. 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. ✓ Staff Analysis: Louisville Water Company and MSD services should be available to the subject site. MSD has reviewed the proposal and given preliminary approval. A septic system is not proposed. The applicant shall coordinate with all applicable utilities as needed.
17	Community Facilities: Goal 2, Policy 3. 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). ✓ Staff Analysis: MSD has reviewed the proposal and given preliminary approval.
18	Livability: Goal 1, Policy 5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro. ✓ Staff Analysis: The proposal will be required to provide tree canopy, landscape buffer areas, and interior landscaping per Chapter 10 of the LDC.
19	Livability: Goal 1, Policy 17. 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. ✓ Staff Analysis: MSD has reviewed the proposal and given preliminary approval.
20	Livability: Goal 1, Policy 21. 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

Plan 2040 Plan Elements/Staff Analysis

	events.
✓	Staff Analysis: MSD has reviewed the proposal and given preliminary approval. The site is not located in the floodplain.
21	Housing: Goal 1, Policy 1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.
✓	Staff Analysis: The proposed zoning district would allow a variety of alternative housing types.
22	Housing: Goal 1, Policy 2. 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.
✓	Staff Analysis: The proposed zoning district would allow housing options and developments that support aging in place. Supportive services and facilities exist nearby to support the proposal.
23	Housing: Goal 2, Policy 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
✓	Staff Analysis: The proposed zoning district would encourage inter-generational and mixed-income housing with adequate infrastructure to support the proposal.
24	Housing: Goal 2, Policy 2. 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.
✓	Staff Analysis: Existing activity centers, employment opportunities, and transit-oriented services exist within the immediate area to serve the development. There are no TARC stops located along Smyrna Parkway at this time, there could be future expansion of transit services. The nearest TARC stop is 0.3 miles north at the intersection of Outer Loop and Smyrna Parkway. There is an existing sidewalk network along Smyrna Parkway that encourages pedestrian access and travel.
25	Housing: Goal 3, Policy 1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.
✓	Staff Analysis: The proposed zoning district would encourage fair and affordable housing efforts.
26	Housing: Goal 3, Policy 2. As neighborhoods evolve, discourage displacement of existing residents from their community.
✓	Staff Analysis: There are no concerns of displacement of existing residents on the subject property. The site is currently vacant with no existing residential structure.
27	Housing: Goal 3, Policy 3. 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.
✓	Staff Analysis: The proposed zoning district would encourage innovative, alternative housing types that advance efforts for affordable housing.

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. 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 minor plat or legal instrument shall be recorded creating the lots as shown on the Detailed District Development plan. A copy of the recorded instrument shall be submitted to the Office of Planning prior to obtaining a building permit.
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.