

Planning Commission

Staff Report

April 23, 2026



Case No:	25-ZONE-0149
Project Name:	Preston Highway Retail
Location:	5004, 5100, 5104, 5106, 5108, 5112, 5114 Maple Spring Drive; 10609 & 10613 Preston Hwy
Applicant:	Stern Development
Representative:	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 **C-2 Commercial**.
- **Change in Form District** from **Neighborhood** to **Suburban Marketplace Corridor (SMC)**.
- **Variance** from Land Development Code (LDC) 4.8.3.C to allow impervious area to encroach into the middle and outer zones of the protected waterway buffer by 36 ft. (26-VARIANCE-0018).
- **Waivers:**
 1. **Waiver** of LDC 10.2.10 to allow parking spaces and impervious area to encroach into the required 15 ft. vehicular use area landscape buffer area (VUA LBA; 26-WAIVER-0016).
 2. **Waiver** of LDC 5.5.2.A.1 to not provide clear glazing, windows, and an entrance along the retail building façade adjacent to Maple Spring Drive (26-WAIVER-0040).
 3. **Waiver** of LDC 5.6.1.B, C, & D to allow less than 60% animating features along the retail building façade, less than 50% clear windows and doors, and to not provide roofline variation for the retail building that exceeds 100 ft in length (26-WAIVER-0040).
- **Detailed District Development plan** with binding elements.

CASE SUMMARY

The subject site is located along Preston Highway and Maple Spring Drive, within the Neighborhood form district, and is comprised of several properties totaling approximately 19 acres. The applicant has proposed to rezone 5104, 5106, 5108, 5112, 5114 Maple Spring Drive and 10613, 10609 Preston Highway from R-4 to C-2 Commercial. 5100 and 5004 Maple Spring Drive were recently rezoned to C-2 Commercial under docket #22-ZONE-0140 in association with 5000 Maple Spring Drive. 5000 Maple Spring Drive, which fronts Preston Highway, is currently developed with drive-thru coffee shop. 10613 and 10609 Preston Highway is currently developed with a commercial greenhouse. Multiple properties along Maple Spring Drive are developed with residential structures, which are proposed to be removed. The proposed rezoning is to allow two retail buildings roughly 129,000 sq ft. and 58,700 sq ft. with a 3,510 sq ft. drive-thru restaurant. Several access points are proposed along Maple Spring Drive and Preston Highway.

STAFF FINDING

The proposal is generally compliant with the land use policies, objectives, and goals of the Comprehensive Plan. The detailed district development plan meets all requirements of the Land Development Code, except where relief has been requested. The requested waivers and variance are adequately justified for approval.

TECHNICAL REVIEW

Transportation Planning/Public Works and MSD have preliminarily approved the proposal.

A traffic impact study was submitted on January 16, 2026 and concluded there would be an impact to the existing transportation network. Warrants had been met for a traffic signal to be installed at the intersection of Maple Spring Drive and Preston Highway. The study found the southbound left turn-lane at Preston Highway and Maple Spring Drive shall be lengthened to accommodate additional vehicle storage. The development plan shows widening of Maple Spring Drive to 24 ft.

INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Commission in advance of the public hearing.

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 AND FORM DISTRICT

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

The site is proposed to be located in the Suburban Marketplace Corridor

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium-to high- intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Transit-oriented development and park and ride facilities are encouraged to facilitate the creation of transit nodes throughout the community. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common

freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower-density residential uses in adjacent Form Districts. Medium density residential uses may serve as a transition area from lower-to higher-density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The proposal would not represent an expansion of nonresidential uses into a residential area as the proposal is an extension of the existing activity center along Preston Highway. A portion of the site is currently zoned C-2 Commercial, which includes properties along Maple Spring Drive. Lower intensity, single-family residential zoning and uses are adjacent to the site along Maple Spring Drive and across the street. Landscaping and screening requirements per Chapter 10 shall be provided. Improvements to Maple Spring Drive and Preston Highway have been proposed and justified to mitigate potential adverse impacts.

The proposal is located along a major arterial roadway near existing marketplace corridors and activity centers. Employment centers exist in the immediate area. Necessary infrastructure exists to support transit-oriented development. However, public transit is not available to and from the subject site currently. Public transit could be extended to the area in the future as demand for services increase. Preston Highway provides connectivity to employment centers and amenities along the corridor and throughout Louisville metro. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VUA LBA WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since a majority of the landscape buffer area is being provided to screen the off-street parking spaces from Maple Spring Drive. The Detailed District Development plan shows a 10 ft. VUA LBA along Maple Spring Drive.

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

STAFF: The wavier will not violate specific guidelines of Plan 2040. 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. The required plantings and screening are being

provided on site. The proposal is meeting all required tree canopy, interior landscape areas, and property perimeter landscape buffer areas per Chapter 10 of the LDC. Although there is a reduction of the required 15 ft. VUA LBA, 10 ft. of the required buffer is being provided along Maple Spring Drive.

- (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. The off-street parking lot area could be reduced in the area where the buffer is required to fully comply with the 15 ft. VUA LBA requirement.

- (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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived. The site plan shows an increase in interior landscape areas (ILAs) provided on the lot where the VUA LBA waiver is being requested. The total square footage of required ILAs is roughly 15,656 sq ft. The total ILAs provided on Lot #1 is 23,507 sq ft.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR BUILDING DESIGN WAIVERS (LDC 5.5.2.A.1 & 5.6.1)

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

STAFF: The waivers will not adversely affect adjacent property owners. Landscaping and screening are being provided along Maple Spring Drive to soften the view of the proposed retail building. Also, the proposed building will be required to comply with all applicable building and fire code regulations.

- (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 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. The proposed retail building located along Maple Spring Drive is meeting all building setbacks, including from adjacent residential properties and the roadway. The building does not exceed the maximum permitted height and is one-story. Adequate landscaping and screening is being provided along Maple Spring Drive, street trees will also be required to be planted in the right-of-way.

- (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. The building could be redesigned to include animating features, an entrance, and clear windows and doors along the Maple Spring Drive frontage. The roofline could be altered to provide variation and accommodate the requirements of the regulation.

- (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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived. The site plan shows an increase in interior landscape areas (ILAs) provided on the lot where the VUA LBA waiver is being requested. The total square footage of required ILAs is roughly 15,656 sq ft. The total ILAs provided on Lot #1 is 23,507 sq ft. The primary building façade that faces the interior of the development consists of clear windows and doors, variation in materials, and colors to provide architectural interest.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PROTECTED WATERWAY VARIANCE (FISH POOL CREEK)

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 requested variance will not adversely affect the public health, safety, or welfare, because the proposed buildings are required by MSD to connect to sewers and have no impact on public health or adjoining properties. MSD has reviewed the proposal and given preliminary approval.

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 variance will not alter the essential character of the general vicinity as there are a collection of single-family homes within neighboring subdivisions that encroach into the protected waterway buffer.

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 variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as there are adjacent properties and properties within the area that are encumbered by the protected waterway buffer.

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 provision of the regulation would create an unnecessary hardship on the applicant as the vehicular access drive that encroaches would need to be redesigned which could cause significant changes to the current site design. Public Works and

Transportation Planning have reviewed the proposal and given preliminary approval, including the proposed access and vehicular circulation patterns throughout the site.

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 as work has not begun on the proposed development for which the variance is being requested.

Additional Criteria for Protected Waterway Buffer (LDC 4.8.4)

- a. The variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area.

STAFF: The variance is not entirely necessary because the requirements of this section do not represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required buffer area. The site is not entirely contained by the buffer, and only a minor encroachment is requested. The site could be redesigned to comply with the protected waterway buffer requirements.

- b. The size, shape, or topography of the property, as of March 1, 2003, is such that it is not possible to construct a single family detached dwelling without encroaching into the required Buffer Area.

STAFF: The size, shape, or topography of the property is not such that it is not possible to construct a single-family detached dwelling without encroaching into the required protected waterway buffer. A single-family home, or other development, could occur on the site without encroaching into the protected waterway buffer.

- c. Encroachment into the required Buffer Area shall be limited to the minimum necessary to accommodate the proposed use.

STAFF: The encroachment is the minimum necessary for the proposed development because only a portion of the vehicular use areas encroach into the buffer. The proposed buildings and off-street parking areas are located outside of the waterway buffer.

- d. The Applicant shall commit, to the satisfaction of the County, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation, construction, and post-construction.

STAFF: The applicant will commit to the satisfaction of the County or as requested by the Planning Commission, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation and installment. The proposal will be required to receive all applicable building permits that includes construction approval from MSD.

- e. Approval of the variance will not result in a reduction in water quality.

STAFF: The approval of the variance will not result in a reduction in water quality. MSD has reviewed the proposal and given preliminary approval. There will be no net loss in area of the

required protected waterway buffer, additional water quality devices and infrastructure is planned.

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 conservation of natural resources on the site proposed for development include tree canopy preservation, new landscape buffers, and interior plantings that meet or exceed the requirements of LDC Chapter 10. There is no development on steep slopes, within floodplains, or on soils that present environmental constraints. A portion of vehicular access is encroaching into the protected waterway buffer. However, there is no net loss in area of the protected waterway buffer and additional water quality devices are being installed.

- (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 Public Works have approved the preliminary development plan. A traffic impact study was performed that concluded the volume warrant was satisfied to install a traffic signal at the intersection of Maple Spring Drive and Preston Highway. Also, the southbound left turn lane on Preston Highway at Maple Spring Drive will need to be extended to support additional vehicle storage.

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

STAFF: The provision of sufficient open space to meet the needs of the proposed development is being provided. The proposal is meeting all requirements for outdoor amenities which are shown and detailed on the plan as outdoor seating, eating, and picnic areas.

- (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 existing and projected future development in the area. The Preston Highway corridor has been subject to recent development and rezonings to permit similar commercial development. Adjacent to the site along Preston Highway are several commercial outlot developments. Commercial activity is also present across Preston Highway and at the intersection of Preston Highway and Cooper Chapel Road. Adequate population and infrastructure exist in the area to support the proposal. The proposed

buildings are meeting all required building setbacks and height requirements to ensure compatibility with nearby residential uses. All landscaping and screening requirements, including tree preservation and new plantings, are meeting Chapter 10 requirements except where relief has been requested.

- (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 has been requested, and 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. All proposed buildings are meeting required setbacks and height restrictions to promote compatibility with surrounding development. Tree canopy, preservation, landscape plantings, and screening requirements of Chapter 10 are being met or exceeded to ensure an appropriate transition between commercial and residential land uses. The proposal has incorporated outdoor amenities and a network of pedestrian sidewalks that connect adjacent commercial development and sidewalks along the roadways to provide accessible and safe access.

REQUIRED ACTIONS:

- **RECOMMEND** the Louisville Metro Council **APPROVE** or **DENY** the **Change in Zoning** from **R-4 Single-Family Residential** to **C-2 Commercial**.
- **RECOMMEND** the Louisville Metro Council **APPROVE** or **DENY** the **Change in Form District** from **Neighborhood** to **Suburban Marketplace Corridor**.
- **APPROVE** or **DENY** the Variance from LDC 4.8.3.C to allow impervious area to encroach into the middle and outer zones of the protected waterway buffer by 36 ft. (26-VARIANCE-0018).
- **APPROVE** or **DENY** the **Waivers**:
 1. **Waiver** of LDC 10.2.10 to allow parking spaces and impervious area to encroach into the required 15 ft. vehicular use area landscape buffer area (26-WAIVER-0016).
 2. **Waiver** of LDC 5.5.2.A.1 to not provide clear glazing, windows, and an entrance along the retail building façade adjacent to Maple Spring Drive (26-WAIVER-0040).
 3. **Waiver** of LDC 5.6.1.B, C, & D to allow less than 60% animating features along the retail building façade, less than 50% clear windows and doors, and to not provide roofline variation for the retail building that exceeds 100 ft in length (26-WAIVER-0040).
- **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.

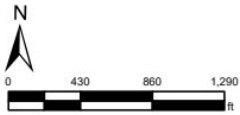
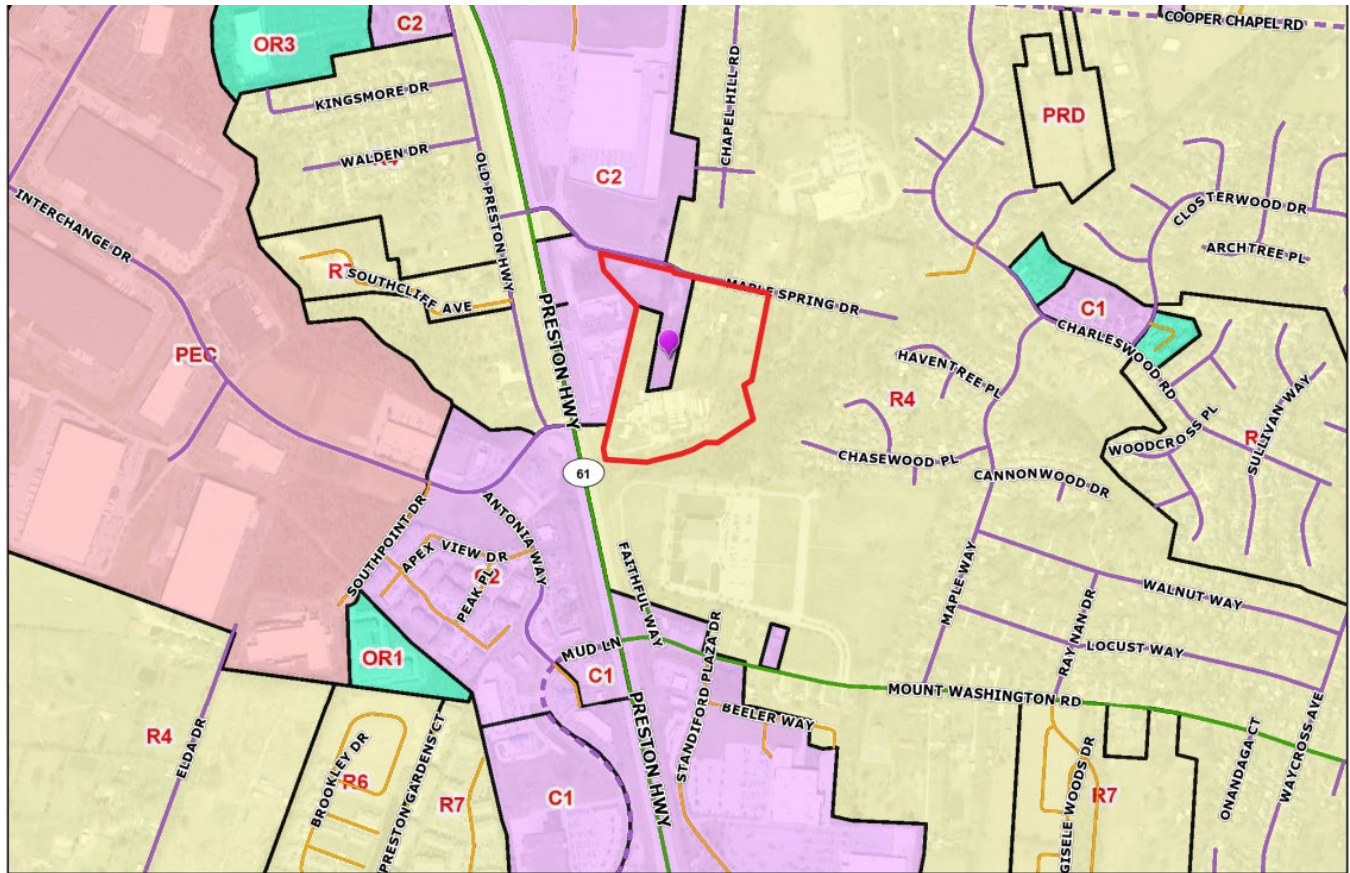
NOTIFICATION

Date	Purpose of Notice	Recipients
3/24/2026	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 23 & 24
4/3/2026	Hearing before PC	Sign Posting on property
4/12/2026	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Comp Plan 2040 Checklist
4. Existing Binding Elements
5. Proposed Binding Elements

1. Zoning Map



Wednesday, April 15, 2026 | 1:11 PM



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

2. Aerial Photograph



3. Comp 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	<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. ✓ <u>Staff Analysis:</u> The proposal would not represent an expansion of nonresidential uses into a residential area as the proposal is an extension of the existing activity center along Preston Highway. A portion of the site is currently zoned C-2 Commercial, which includes properties along Maple Spring Drive. Lower intensity, single-family residential zoning is adjacent to the site along Maple Spring Drive and across the street. Landscaping and screening requirements per Chapter 10 shall be provided. Improvements to Maple Spring Drive and Preston Highway have been proposed and justified to mitigate potential adverse impacts.
2	<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. ✓ <u>Staff Analysis:</u> The site is located along Preston Highway, a major arterial roadway and developing corridor with a mix of similar land uses and zoning districts. The site is near a variety of employment centers, including a large complex across Preston Highway zoned PEC (Planned Employment Center), and an office park at the intersection of Preston Highway and Cooper Chappel Road. The proposal is an extension of an existing activity center and is near established commercial activity centers. Maple Spring Drive is a local road that currently serves a mix of commercially and residentially zoned properties. Roadway improvements to Maple Spring Drive and Preston Highway is planned to support the proposal. Adequate demand and population exist in the area.
3	<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. NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development or other hazardous uses.
4	<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. NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development.
5	<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. NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development or other hazardous uses. The site will be subject to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances regardless of the zoning district.
6	<u>Community Form: Goal 1, Policy 17.</u> Mitigate adverse impacts of traffic from proposed development on nearby existing communities. ✓ <u>Staff Analysis:</u> A traffic impact study was required and concluded there would be an impact on the existing transportation network and roadway improvements would be needed to mitigate potential impacts. The proposal meets the warrants for a traffic signal at the intersection of Maple Spring Drive. The southbound turn lane shall be extended, and Maple Spring Drive will be required to be widened to at least 24 ft.
7	<u>Community Form: Goal 1, Policy 18.</u> Mitigate adverse impacts of noise from proposed development on existing communities. ✓ <u>Staff Analysis:</u> There are no concerns of nuisance levels of noise that would come as a result of the proposed zoning district. The Louisville Metro Noise Ordinance and LMCO are applicable to the site regardless of the zoning district.
8	<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

Plan 2040 Plan Elements/Staff Analysis

NA	located away from residential areas and population centers. Staff Analysis: The proposed zoning would not permit industrial development or other hazardous uses.
	9 Community Form: Goal 2, Policy 1. 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. ✓ Staff Analysis: The location is adjacent to an existing activity center. There are a variety of commercial uses near the site along Preston Hwy.
10	Community Form: Goal 2, Policy 4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity. ✓ Staff Analysis: Appropriate access and connectivity exist to allow the proposal within the context of the Neighborhood and Suburban Marketplace Corridor form districts. The is located along Preston Highway, a major arterial roadway with connectivity to the Gene Snyder, nearby roadways, and supportive services in the area. The proposal includes an internal pedestrian sidewalk network that will connect the proposal to adjacent commercial developments and sidewalks along Preston Highway and Maple Spring Drive.
11	Community Form: Goal 2, Policy 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. ✓ Staff Analysis: The proposed districts would permit a variety of neighborhood serving uses in an area with adequate population and infrastructure to support them. There are a variety of housing types including multi-family and single-family residential developments in the immediate area to serve the proposal.
12	Community Form: Goal 2, Policy 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. ✓ Staff Analysis: The proposed zoning and form districts encourage a more compact development pattern in activity centers. The Suburban Marketplace Corridor form district permits larger buildings while C-2 Commercial zoning allows greater density and a mix of commercial, residential, and office uses that are compatible.
13	Community Form: Goal 2, Policy 7. 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. ✓ Staff Analysis: The proposed districts would allow a mixture of compatible land uses that could reduce the number of trips and miles travelled by car. There is a variety of housing types and residential developments in the area that could have a reduction in miles travelled since goods and services would be located closer to existing communities.
14	Community Form: Goal 2, Policy 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings. ✓ Staff Analysis: The proposal would permit higher residential densities within and near activity centers. The proposed districts allow office uses above retail and other mixed-use multi-story retail buildings.
15	Community Form: Goal 2, Policy 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. ✓ Staff Analysis: The proposed zoning district would allow new mixed-use higher density development at an appropriate location for additional density and commercial activity.
16	Community Form: Goal 2, Policy 10. 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. NA Staff Analysis: The subject site is not an outlot on a larger commercial development.
17	Community Form: Goal 2, Policy 11. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. ✓ Staff Analysis: The site is located along a major arterial roadway with a variety of commercial, residential, and office uses in the area.
18	Community Form: Goal 3, Policy 9. 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.

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: The subject site contains mature tree canopy. The proposal shall meet tree canopy and landscaping requirements, including preservation and new plantings in accordance with Chapter 10.
19	Community Form: Goal 3, Policy 10. 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.
✓	Staff Analysis: No wet or highly permeable soils, severe, steep, or unstable slopes appear to be present on the site. Sanitary sewers and drainage will be provided as required by MSD.
20	Community Form: Goal 3, Policy 11. 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.
NA	Staff Analysis: The subject site is not along the Ohio River.
21	Community Form: Goal 3, Policy 12. 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.
NA	Staff Analysis: A portion of the site is located in the floodplain along Fishpool Creek. However, there is no proposed development in this area and the existing tree canopy is shown to be preserved along the creek. MSD has reviewed the proposal and given preliminary approval.
22	Community Form: Goal 4, Policy 1. 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.
✓	Staff Analysis: The site is not located within a historic preservation or overlay district. There are several homes on the subject properties along Maple Spring Drive that are proposed to be removed. The existing homes on-site are over 50 years old and potentially eligible for the National Register of Historic Places as determined by the Historic Preservation and Urban Design team. This site is subject to the requirements of the Wrecking Ordinance Subsection 150.110. The required 30-day joint notice was sent in accordance with LMCO 150.110 which commences the required 30-day hold on the properties.
23	Community Form: Goal 4, Policy 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.
✓	Staff Analysis: The site is not located within a historic preservation or overlay district. There are several homes on the subject properties along Maple Spring Drive that are proposed to be removed. The existing homes on-site are over 50 years old and are potentially eligible for the National Register of Historic Places as determined by the Historic Preservation and Urban Design team. This site is subject to the requirements of the Wrecking Ordinance Subsection 150.110. The required 30-day joint notice was sent in accordance with LMCO 150.110 which commences the required 30-day hold on the properties.
24	Mobility: Goal 1, Policy 4. 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.
✓	Staff Analysis: The proposal is located along a major arterial roadway near employment centers, parks, and similar services and amenities as permitted in the requested district. Necessary infrastructure exists to support transit-oriented development. However, public transit is not available to and from the subject site at this time. Public transit could be extended to the area in the future.
25	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.
✓	Staff Analysis: The proposal does not include access through areas of significantly lower intensity. The site is accessed via existing public roadways and would not create access through areas of lower intensity. Maple Spring Drive currently serves lower intensity, residential uses. Required roadway improvements shall be made to mitigate potential adverse impacts.
26	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.

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✓	Staff Analysis: The proposed district allows for complementary neighborhood serving businesses and uses to encourage short trips easily made by walking or bicycling. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.
27	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.
✓	Staff Analysis: The proposed zoning would permit a variety of neighborhood serving uses in a location with adequate connectivity.
28	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.
✓	Staff Analysis: The proposal promotes pedestrian use as sidewalks will be provided along the Maple Spring Drive and Preston Highway frontages. Public transit is not available at the subject site currently but could be extended in the future as demand for public transit services increase. The proposal is located along a transit corridor and provides connectivity to employment centers and amenities along the corridor and throughout Louisville metro. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.
29	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.
✓	Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled through an efficient land use pattern. Public Works/Transportation reviewed the proposal and gave preliminary approval.
✓	The proposed district will provide for an appropriate and safe level of connectivity for the development site, area residents, and future development. The district serves nearby residences, as well as those utilizing the corridor and the interstate. Locating in proximity to other commercial activities helps to encourage multi-modal interaction between uses. The proposal is located along a transit corridor and provides connectivity to employment centers and amenities along the corridor and throughout Louisville metro. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.
30	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: Transportation and Public Works have reviewed the proposal and given preliminary approval. A traffic impact study was performed and concluded roadway improvements were warranted.
31	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 and Public Works have reviewed the proposal and have given preliminary approval. A traffic impact study was performed that concluded the volume warrant was satisfied to install a traffic signal at the intersection of Maple Spring Drive and Preston Highway. Also, the southbound left turn lane on Preston Highway at Maple Spring Drive will need to be extended to support additional vehicle storage. Lastly, Maple Spring Drive shall be widened to at least 24 ft.
32	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 and Public Works have reviewed the proposal and have given preliminary approval. A traffic impact study was performed that concluded the volume warrant was satisfied to install a traffic signal at the intersection of Maple Spring Drive and Preston Highway. Also, the southbound left turn lane on Preston Highway at Maple Spring Drive will need to be extended to support additional vehicle storage. Lastly, Maple Spring Drive shall be widened to at least 24 ft.
33	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 and Public Works have reviewed the proposal and have given preliminary approval. A traffic impact study was performed that concluded the volume warrant was satisfied to install a

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	traffic signal at the intersection of Maple Spring Drive and Preston Highway. Also, the southbound left turn lane on Preston Highway at Maple Spring Drive will need to be extended to support additional vehicle storage. Lastly, Maple Spring Drive shall be widened to at least 24'. Public transit is not available to the site currently but could be extended in the future. Necessary improvements are proposed to support alternative modes of travel.
34	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 site is served by existing utilities and located in an area where additional resources can be extended. Utility services shall be coordinated with the appropriate agencies. Sanitary sewage and drainage shall be made available to serve the development.
35	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: The site is served by the Louisville Water Company. Coordination with utilities shall be required. An adequate supply of potable water and water for fire-fighting purposes will be available.
36	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. Sanitary sewage and drainage shall be made available to serve the development.
37	Economic Development: Goal 1, Policy 2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs. NA Staff Analysis: The proposed zoning would not allow industrial development.
38	Economic Development: Goal 1, Policy 3. 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. ✓ Staff Analysis: The site is located along Preston Highway, a major arterial roadway that serves a variety of land uses, varying in intensities, in the immediate area. The proposal has connectivity to arterial and collector level roadways, as well as the Gene Snyder Expressway. Roadway improvements specified in the traffic impact study shall be required to help mitigate potential adverse impacts.
39	Economic Development: Goal 1, Policy 4. 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. NA Staff Analysis: The proposed zoning would not allow industrial development.
40	Economic Development: Goal 1, Policy 5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions. NA Staff Analysis: The proposed zoning would not allow industrial development.
41	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. Sanitary sewage and drainage infrastructure shall made available to the proposal.
42	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 events. ✓ Staff Analysis: A portion of the site is located in the floodplain along Fishpool Creek. However, there is no proposed development in this area and the existing tree canopy is shown to be preserved along the creek. MSD has reviewed the proposal and given preliminary approval.
43	Livability: Goal 1, Policy 24. 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

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NA	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. Staff Analysis: The proposed zoning district would permit critical facilities and those that store or use hazardous wastes.
44	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 permit a variety of housing types and services that support aging in place. The site is located near employment centers, parks, and similar services and amenities as permitted in the zoning districts. Public transit is not available to the site currently. Transit routes could be extended to the area in the future.
45	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 permit a variety of housing development that supports intergenerational and mixed-income housing, including mixed-use development. The proposal is located along a transit corridor and provides connectivity to employment centers and amenities along the corridor and throughout Louisville metro. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.
46	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: The proposed zoning district would permit a variety of housing types and services. Transit is available approximately 600 feet to the south of the subject site.
47	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 residences. The owners of the Maple Spring Drive properties with existing homes are involved in the proposal.
48	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 allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.

4. Existing Binding Elements (5004, 5100 Maple Spring Dr; 22-ZONE-0140)

- ~~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 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.~~
- ~~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 building permit. 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 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. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on site.~~
- ~~8. 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.

9. ~~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.~~
10. ~~Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.~~

5. 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 and the City of Douglass Hills 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. 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.
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 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor subdivision plat or legal instrument creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - 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.
5. Public Works and Transportation Planning shall not review or approve construction plans until written approval from the Kentucky Transportation Cabinet (KYTC) is submitted.
6. All required improvements to Preston Highway and Maple Spring Drive as detailed in the Traffic Impact Study submitted on January 16, 2026 and shown on the approved Detailed District Development plan shall be completed per KYTC and Public Works standards prior to requesting a certificate of occupancy for the site. This includes the traffic signal at Maple Spring Drive and Preston Highway, widening Maple Spring Drive to at least 24 ft, and lengthening the southbound left turn lane on Preston Highway and Maple Spring Drive to allow additional vehicle storage.
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.