

Planning Commission

Staff Report

May 15, 2025



Case No:	24-ZONE-0138
Project Name:	Louisville Occupational General Health Services
Location:	4201 Taylor Blvd and 1056 Bluegrass Ave
Applicant:	Louisville Occupational and General Health Services, LLC
Representative:	Wyatt, Tarrant, & Combs LLP
Jurisdiction:	Louisville Metro
Council District:	21- Betsy Ruhe
Case Manager:	Amy Brooks, Planner II

REQUEST(S)

- **Change in zoning** from R-5 Single-Family residential to C-1 Commercial
- **Conditional Use Permit** for a medical clinic with relief from item 'B' (Land Development Code (LDC) 4.2.29).
- **Waivers:**
 1. **Waiver** of LDC, Section 10.2.4 to reduce the required landscape buffer area (LBA) on the eastern property line (24-WAIVER-0182).
 2. **Waiver** of LDC, Section 10.2.4 to omit the required vehicular use area (VUA) LBA on the northern and southern property lines (24-WAIVER-0181).
- **Detailed District Development plan** with binding elements.

CASE SUMMARY

Located on 1.7 acres at the intersection of Taylor Blvd and Bluegrass Avenue, the applicant is requesting a change in zoning to operate a neighborhood health center within the former religious building on the site. The health center will offer various healthcare options including, but not limited to, primary care services, medical clinic operations, and evaluations for governmental agencies. Additionally, the applicant hopes to provide on-site training for medical professionals in the future. The applicant has also requested a conditional use permit to operate a medical clinic. There is no new proposed construction. Taylor Boulevard is an arterial roadway with a mix of intensities and provides TARC service.

Associated Cases

- B-195-98 – Variance to allow a free-standing sign to encroach into the required front yard and exceed the 8.0 feet maximum height. The variance allows the freestanding sign to be 14.0 feet in height above grade and to be located 12.0 from the front property line.

STAFF FINDING

The proposed change in zoning generally conforms to most of the land use and development policies of Plan 2040 as demonstrated in the Plan 2040 Staff Analysis. The conditional use permit, including relief, and landscape waivers are adequately justified for approval based on staff's analysis contained in the standard of review. Hence, because the waivers are justified for approval, the development plan is in conformance with the Land Development Code.

TECHNICAL REVIEW

- The subject site is within the northern boundary area of the New Cut Rd/Taylor Blvd Corridor study (2013). While that study does not make specific recommendations regarding potential zoning changes at this location, it does envision roadway improvements adjacent to the subject site.
- MSD and Transportation Planning have provided preliminary approval of the proposal.
- **Medical Clinic** - A facility which provides treatment which requires observation and recovery normally lasting 1 to 5 hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care outpatient services, and counseling services, but do not provide overnight care. This term includes clinics that treat persons addicted to controlled substances as a primary function. A medical office, hospital or government agency providing drug treatment that is incidental to other services shall not be considered a medical clinic.

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 / 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 Traditional Neighborhood Form District

Traditional Neighborhood: This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments.

Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces.

The subject property is located along a major arterial roadway, which provides access to goods, services, and employment centers. The development sites directly south and west of this proposal have recently been rezoned to allow higher-intensity commercial uses. As part of this proposal, the applicant has dedicated right of way along the Taylor Boulevard frontage that would align with future KYTC plans to improve this specific portion of the commercial corridor. Hence, both demand and adequate infrastructure would support the proposed zoning district. The area encourages a mixture of compatible and integrated land uses that are easily accessible by bicycle, car, transit, pedestrians, and people with disabilities. There will be improved sidewalks provided along all public street frontages that will heighten accessibility and connectivity from this site to adjacent uses, public transit, and the neighborhood-at-large.

The site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. Tree canopy will be provided in accordance with Ch. 10, Part 2 of the LDC to minimize property damage and environmental degradation resulting from any disturbance of natural systems that may occur.

The proposed district supports and promotes housing options and environments that support aging in place as the district allows for alternative housing options and arrangements near goods, services, and amenities. It encourages inter-generational and mixed income development in support of fair and affordable housing by allowing for a variety of ownership options and unit costs throughout Louisville Metro. Lastly, the proposed district creates housing opportunities and choice at a location capable of supporting higher densities of 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. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040. The proposed use advances the equitable distribution of community services and promotes neighborhoods that have access to the resources necessary to maintain health and well-being, including medical care.

2. Is the proposal compatible with surrounding land use and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. In fact, the addition of a medical clinic within this area would be well suited

because of the site's proximity to the Mary & Elizabeth Hospital medical campus which is located west of Taylor Boulevard along Bluegrass Avenue.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

- A. In form districts where nonresidential freestanding signs are not permitted, a single freestanding on-premise sign, not exceeding 80 square feet in area and not exceeding 10 feet in height, may be placed at each major entrance. Attached signs shall be designed in accordance with form district requirements, but the Board reserves the right to approve the size and location of all attached signs.
- B. All buildings and structures shall be at least 30 feet from any property line.
- C. Medical clinics shall provide an indoor waiting area(s) for clients. The waiting area shall be large enough to accommodate the clients arriving for services.
- D. Parking for medical clinics shall be adequate to accommodate the maximum number of clients expected to be at the site at one time.
- E. Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation.

NOTE: The provisions of this Section 4.2.29 do not apply to Medical Offices as such are defined in this Land Development Code.

STAFF: The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is requested from item 'B' of the CUP standards. The principal structure and single-family home on the site are both located closer than 30 feet to the abutting properties; however, this is an existing site condition, and the applicant is not proposing any new construction. The site is located Taylor Boulevard, a major arterial roadway, that would support any increased traffic that may be generated by a medical clinic. The existing parking lot contains 79 spaces that will serve both the medical office and clinic. The existing principal buildings on the contain more than 37, 000 square feet of space to accommodate the proposed use where medical observation and recovery is essential to any patient receiving services by performed by licensed medical providers.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1

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

STAFF: The waiver will not adversely affect adjacent property owners as the request to eliminate the landscape buffer area (LBA) is consistent with existing site conditions. There is an existing home already located within the buffer and near the property line. Furthermore, the

applicant is proposing to provide all required screening and plantings along the property perimeter to shield the neighboring residences from the on-site parking and intensity of the use.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks 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 reduced buffer is consistent with existing conditions. There will be privacy screening provided on the eastern property line that will mitigate a more intensive commercial use on residential uses.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property would not be able to be developed for the proposed use without relief from this landscape buffer because of existing site conditions.

- (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 as the reduced buffer request is consistent with the current site conditions. There is an existing single-family home on the site that encroaches into the required landscape buffer area on the eastern property line.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2

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

STAFF: The waiver will not adversely affect adjacent property owners as the elimination of the vehicular use area landscape buffer along the northern and southern property lines is consistent with current site conditions where the existing parking lot encroaches into these required landscape buffer areas. Where practical, the applicant will be providing street trees along the existing public roadway frontages to help screen the parking and capture run-off from impervious surfaces.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks 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. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. The area of the VUA LBA on the alley is the

appropriate location for parking/access in traditional neighborhoods. No buffer appears necessary for an alley because of its use and function providing access to the subject site.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because of existing site conditions.

- (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 as the request does not violate Plan 2040 or adversely impact adjacent property owners.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (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 property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be not conserved as the site does not appear to contain any natural resources.

- (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 will be provided by existing infrastructure within the public right-of-way.

- (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 is not pertinent to the request. No open space provisions are pertinent to the request.

- (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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. This request is adjacent to both commercial and residential properties.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waivers, which have been adequately justified and meet the standard of review. The site plan complies with the policies and guidelines of the Comprehensive Plan. The proposed site design would put an under-utilized space into productive use.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in Zoning** from R-4 Residential to C-1 Commercial.
- **APPROVE** or **DENY the Conditional Use Permit** with relief from item 'B' (LDC 4.2.29).
- **APPROVE** or **DENY the Waivers.**
- **APPROVE** or **DENY the Detailed District Development plan** with binding elements

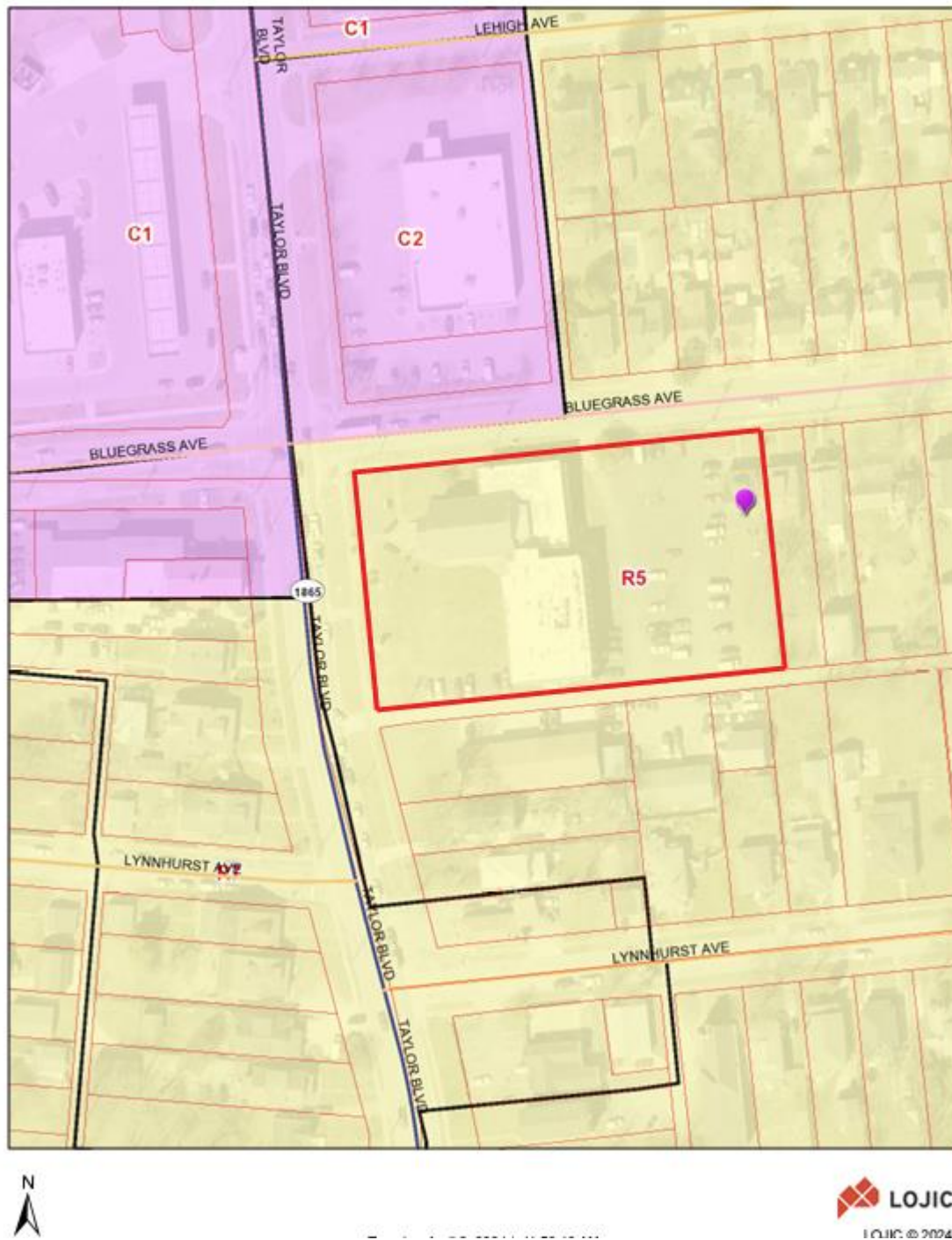
NOTIFICATION

Date	Purpose of Notice	Recipients
03/14/25	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21
05/01/2025	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21
04/25/205	Hearing before PC	Sign Posting on property
05/7/2025	Hearing before PC	Legal Advertisement in the Courier-Journal

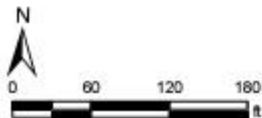
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



Tuesday, April 2, 2024 | 11:57:10 AM



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

3. Staff Plan 2040 Checklist

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

Traditional Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p><u>Community Form: Goal 1, Policy 6.</u> Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.</p> <p>✓ <u>Staff Analysis:</u> The zoning change would not represent an expansion of non-residential use into a residential area. The site has historically been used as a non-residential use, and there are a wide variety of commercial zoning and nonresidential uses along the Taylor Blvd corridor in this area. Adequate screening and buffering will be provided adjacent to residential uses.</p>
2	<p><u>Community Form: Goal 1, Policy 7.</u> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</p> <p>✓ <u>Staff Analysis:</u> The site is along Taylor Blvd, a major arterial roadway. Transit service is available directly to the site. The site is within an established commercial activity area. Adequate population and infrastructure exist in the area to serve a variety of commercial uses and services.</p>
3	<p><u>Community Form: Goal 1, Policy 8.</u> Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development or other hazardous uses.</p>
4	<p><u>Community Form: Goal 1, Policy 15.</u> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development.</p>
5	<p><u>Community Form: Goal 1, Policy 16.</u> Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.</p> <p>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.</p>

Plan 2040 Plan Elements/Staff Analysis	
6	<p><u>Community Form: Goal 1, Policy 17.</u> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ <u>Staff Analysis:</u> The proposed district is located along a major arterial roadway and does not have access through lower classification roadways.</p>
7	<p><u>Community Form: Goal 1, Policy 18.</u> Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p>✓ <u>Staff Analysis:</u> The proposal does not appear to add significant additional noise-generating uses, as the site has been historically used for a non-residential use. The noise ordinance is applicable to the site regardless of the zoning district.</p>
8	<p><u>Community Form: Goal 1, Policy 21.</u> Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development or other hazardous uses.</p>
9	<p><u>Community Form: Goal 2, Policy 1.</u> Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.</p> <p>✓ <u>Staff Analysis:</u> The site is located within an established commercial node along the Taylor Blvd corridor. The other three corners adjacent to this intersection are also zoned commercially and provide neighborhood uses.</p>
10	<p><u>Community Form: Goal 2, Policy 4.</u> Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.</p> <p>✓ <u>Staff Analysis:</u> The proposed location site has both existing access and connectivity to allow the development within the context of the Traditional Neighborhood form district.</p>
11	<p><u>Community Form: Goal 2, Policy 5.</u> Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would permit a variety of neighborhood serving uses in an area with adequate population to support them.</p>
12	<p><u>Community Form: Goal 2, Policy 6.</u> Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district will be located in an activity center allowing a more efficient mix of land uses that utilizes existing infrastructure.</p>
13	<p><u>Community Form: Goal 2, Policy 7.</u> Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel by providing commercial and neighborhood serving uses.</p>
14	<p><u>Community Form: Goal 2, Policy 8.</u> Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</p> <p>✓ <u>Staff Analysis:</u> The zoning district would allow for a variety of uses, including mixed residential and commercial uses.</p>
15	<p><u>Community Form: Goal 2, Policy 9.</u> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>✓ <u>Staff Analysis:</u> The development would allow a previously developed site to provide a mix of residential units and commercial uses. Commercial, office and/or residential uses are permitted within the district which is located along an activity corridor.</p>
16	<p><u>Community Form: Goal 2, Policy 10.</u> Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.</p> <p>NA <u>Staff Analysis:</u> The subject site is not an outlot on a larger commercial development.</p>

Plan 2040 Plan Elements/Staff Analysis	
17	<p><u>Community Form: Goal 2, Policy 11.</u> Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.</p> <p>✓ <u>Staff Analysis:</u> The site is located in a mixed-use area along the Taylor Blvd corridor.</p>
18	<p><u>Community Form: Goal 3, Policy 9.</u> Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.</p> <p>✓ <u>Staff Analysis:</u> The site is previously developed and does not contain distinctive natural features.</p>
19	<p><u>Community Form: Goal 3, Policy 10.</u> Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.</p> <p>✓ <u>Staff Analysis:</u> The site was previously developed and does not have potential hydric soils or erosion concerns.</p>
20	<p><u>Community Form: Goal 3, Policy 11.</u> Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.</p> <p>NA <u>Staff Analysis:</u> The subject site is not along the Ohio River.</p>
21	<p><u>Community Form: Goal 3, Policy 12.</u> When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.</p> <p>NA <u>Staff Analysis:</u> The subject site is not in the flood plain.</p>
22	<p><u>Community Form: Goal 4, Policy 1.</u> Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.</p> <p>✓ <u>Staff Analysis:</u> The proposal calls for the preservation of the existing building on the site. There is no new site construction proposed that would encroach any closer to existing residential uses than what has been historically present.</p>
23	<p><u>Community Form: Goal 4, Policy 2.</u> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ <u>Staff Analysis:</u> The site does not have any distinctive cultural or natural features.</p>
24	<p><u>Mobility: Goal 1, Policy 4.</u> Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</p> <p>✓ <u>Staff Analysis:</u> The site fits within the context of the traditional neighborhood and is within an established commercial activity center. Transit service is available to the site.</p>
25	<p><u>Mobility: Goal 2, Policy 4.</u> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p>✓ <u>Staff Analysis:</u> The site is served by existing public roadways and would not create additional access through areas of lower intensity.</p>
26	<p><u>Mobility: Goal 3, Policy 1.</u> Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking.</p>

Plan 2040 Plan Elements/Staff Analysis	
27	<p><u>Mobility: Goal 3, Policy 2.</u> To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled. The site is an area complete with an existing sidewalk network is easily accessible by a variety of users.</p>
28	<p><u>Mobility: Goal 3, Policy 3.</u> Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would allow a mix of neighborhood serving uses that facilitate housing and transportation options, and transit service is available to the site.</p>
29	<p><u>Mobility: Goal 3, Policy 4.</u> Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ <u>Staff Analysis:</u> 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.</p>
30	<p><u>Mobility: Goal 3, Policy 5.</u> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p>✓ <u>Staff Analysis:</u> The development will be in an area served by existing transportation infrastructure that can accommodate higher levels of demand. The site is situated along a commercial corridor with established public transit, and KYTC is proposed to make improvements along Taylor Blvd.</p>
31	<p><u>Mobility: Goal 3, Policy 6.</u> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p>✓ <u>Staff Analysis:</u> The applicant will improve sidewalks adjacent to the site as needed. Transportation Planning has provided preliminary approval of the proposal.</p>
32	<p><u>Mobility: Goal 3, Policy 9.</u> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p> <p>✓ <u>Staff Analysis:</u> The applicant may be required to repair or improve sidewalks adjacent to the site as needed. Transportation Planning has reviewed the proposal.</p>
33	<p><u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ <u>Staff Analysis:</u> The applicant may be repaired or improve sidewalks adjacent to the site as needed. Transportation Planning has reviewed the proposal.</p>
34	<p><u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ <u>Staff Analysis:</u></p>
35	<p><u>Community Facilities: Goal 2, Policy 2.</u> Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.</p> <p>✓ <u>Staff Analysis:</u> Water service will be coordinated with Louisville Water Company.</p>
36	<p><u>Community Facilities: Goal 2, Policy 3.</u> Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).</p> <p>✓ <u>Staff Analysis:</u> MSD has provided preliminary approval of the proposal.</p>
37	<p><u>Economic Development: Goal 1, Policy 2.</u> Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.</p>

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NA	Staff Analysis: The proposed zoning would not allow industrial development.
38	<u>Economic Development: Goal 1, Policy 3.</u> Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas. ✓ Staff Analysis: The subject site is located along Taylor Blvd, a major arterial roadway.
39	<u>Economic Development: Goal 1, Policy 4.</u> Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses. NA Staff Analysis: The proposed zoning would not allow industrial development.
40	<u>Economic Development: Goal 1, Policy 5.</u> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions. NA Staff Analysis: The proposed zoning would not allow industrial development.
41	<u>Livability: Goal 1, Policy 17.</u> Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project. ✓ Staff Analysis: The site does not have potential for erosion or other environmental concerns.
42	<u>Livability: Goal 1, Policy 21.</u> Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events. NA Staff Analysis: The subject site is not in the flood plain.
43	<u>Livability: Goal 1, Policy 24.</u> Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance. NA Staff Analysis: The subject site is not in the flood plain.
44	<u>Housing: Goal 1, Policy 2.</u> Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities. ✓ Staff Analysis: The proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place. Transit is available.
45	<u>Housing: Goal 2, Policy 1.</u> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. ✓ Staff Analysis: The proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support mixed income households.
46	<u>Housing: Goal 2, Policy 2.</u> Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers. ✓ Staff Analysis: The site is near a wide variety of services, amenities and employment opportunities.
47	<u>Housing: Goal 3, Policy 2.</u> As neighborhoods evolve, discourage displacement of existing residents from their community.

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Staff Analysis: Residents would not be displaced by the proposal.

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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. 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. Encroachment permits shall be obtained from the Kentucky Transportation Cabinet for any work in the Taylor Boulevard right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

6. Unless first approved by the Louisville Metro Planning Commission, the property owner shall prohibit the following land uses from locating and operating on the Property: Package Liquor Stores, Smoking Retail Stores, Game Rooms, Tattoo, Body Art, and Piercing Parlors, and Marijuana Dispensaries.