

# Planning Commission

## Staff Report

May 29, 2025



<b>Case No:</b>	24-ZONE-0126
<b>Project Name:</b>	Strawberry Lane Auto Body Shop
<b>Location:</b>	6700 Strawberry Lane
<b>Applicant:</b>	Kawther Abdulkarim Ali
<b>Representative:</b>	Blomquist Design Group
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	25 – Khalil Batshon
<b>Case Manager:</b>	Amy Brooks, Planning Supervisor

### REQUEST(S)

- **Change in zoning** from C-1 Commercial to C-2 Commercial
- **Waivers:**
  1. **Waiver** of Land Development Code (LDC), Section 5.5.1.A.3.d to omit the required vehicular and pedestrian connection. (25-WAIVER-0016).
  2. **Waiver** of LDC, Section 5.6.1.C to provide less than 50% of the facades facing public streets be clear glass windows.
  3. (25-WAIVER-0015).
- **Detailed District Development plan** with binding elements

### CASE SUMMARY

The applicant is proposing to construct a ten-bay auto repair garage on approximately .645 acres at the intersection of Strawberry Lane and Estelle Avenue. The site currently contains a small grocery that is proposed to be demolished. The entire site will be enclosed by a fence with the access via Estelle Avenue through a proposed gate. There are commercial uses located to the north and west of the site with residential to the south.

### 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. However, staff is concerned that the scale of the development could have negative impacts on the adjacent uses. Waiver #1 is not adequately justified and does not meet the standard of review. The size of the building could be reduced to better facilitate joint connection between adjacent uses reducing any potential safety issues. Waiver #2 is adequately justified for approval. Hence, because Waiver #1 is not justified for approval, the development plan is not in conformance with the Land Development Code and, as proposed, is not adequately justified for approval.

### TECHNICAL REVIEW

- MSD, Louisville Fire Department and Transportation Planning have provided preliminary approval of the proposal.

## **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 zoning change would not represent an expansion of non-residential use into a residential area. The site has historically been used commercially. The site is within an established commercial activity area. No adverse traffic impacts appear to result from the proposed district or access location. The subject site is at the intersection Strawberry Lane, a primary collector and Estelle Ave, a local road. The site can be accessed via Southside Drive, a minor arterial roadway by crossing the adjacent parking lot.

Additionally, several of the more intensive uses that would be allowed under the proposed zoning district would likely be limited on a lot with such existing size constraints.

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 that is connected to the neighborhood as sidewalks are available and services and amenities are within close proximity. Lastly, the proposed district creates housing opportunities and choice at a location capable of supporting higher densities of development.

The proposed zoning district is in compliance with Plan 2040.

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 WAIVER #1**

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

STAFF: The waiver will adversely affect adjacent property owners. There is limited room to maneuver vehicles between the subject site and the adjacent properties because of the perimeter fencing that is proposed around the development site. There could potentially be safety issues when trying to cross between the subject site and the existing grocery store to the West.

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

STAFF: Mobility Goal 2, Policy 7.2 encourages proposals to be context sensitive by ensuring that they are compatible with the surrounding development and provide an aesthetically pleasing visual experience to the user and to adjacent areas. There remains access along the public road sidewalks that lead around our site and allow eventual access to the front of the Pic Pac store. The proposed buildings, parking and overall site plan conform to the size and scale of the area and utilize existing paved areas for the proposed parking and maneuvering areas. However, safety is a concern on this 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 not the minimum necessary to afford relief to the applicant since the scale of the building could be reduced and allow greater area between the perimeter fencing and adjacent uses to ensure that both vehicles and pedestrians would be safe while traveling within the existing site.

- (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 not create an unnecessary hardship on the applicant since they could limit the size of the proposed building to better enhance cross connectivity.

### **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 reduction of windows and animating features along the proposed building's walls will be mitigated by the buffering of new and existing landscaping.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This is an older commercial area where it is not uncommon for buildings to have limited windows and animating features. However, the proposed building will provide some visual interest facing the public street to mitigate the reduced articulation in its overall design features.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant will be providing street streets adjacent to the subject site that will soften the appearance of the building's façade.

- (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 it would require clear glass in repair and storage areas of the business that may make development difficult.

### **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 need to be better integrated within and around the development site.

- (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 not compatible within the scale and site design of nearby existing development and with the form district's pattern of development. While this request is adjacent to both commercial and residential properties, the scale of the building could be reduced to provide better cross connection between adjacent uses.

- (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 except for the waivers, one of which is not justified for approval. The development plan is not providing the safest cross connection between two adjacent uses.

**REQUIRED ACTIONS:**

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in zoning** from **C-1 Commercial to to C-2 Commercial**.
- **APPROVE DENY** the **Waivers**
- **APPROVE** or **DENY** the **Detailed District Development plan** with binding elements

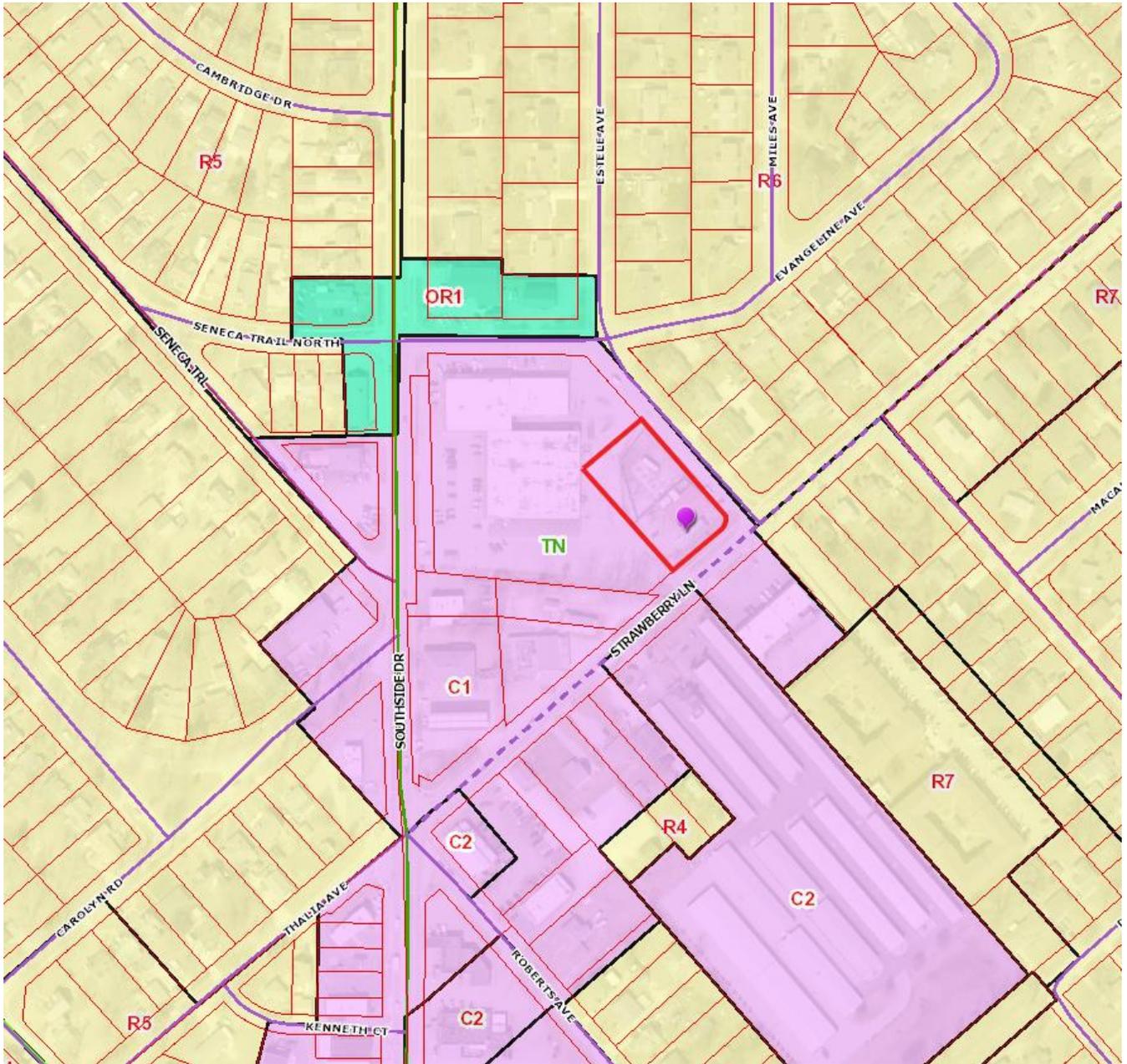
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>03/14/25</b>	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 25
<b>05/12/25</b>	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 25
<b>5/9/2025</b>	Hearing before PC	Sign Posting on property
	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



### 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><b><u>Community Form: Goal 1, Policy 6.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> The zoning change would not represent an expansion of non-residential use into a residential area. The site has historically been used commercially. The site is within an established commercial activity area.</p>
2	<p><b><u>Community Form: Goal 1, Policy 7.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> The site is adequately served by existing transportation networks and is within proximity to a variety of services, amenities and employment opportunities. The site is served by transit.</p>
3	<p><b><u>Community Form: Goal 1, Policy 8.</u></b> 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 <b><u>Staff Analysis:</u></b> The proposed zoning would not permit industrial development or other hazardous uses.</p>
4	<p><b><u>Community Form: Goal 1, Policy 15.</u></b> 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 <b><u>Staff Analysis:</u></b> The proposed zoning would not permit industrial development.</p>
5	<p><b><u>Community Form: Goal 1, Policy 16.</u></b> 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 <b><u>Staff Analysis:</u></b> 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>
6	<p><b><u>Community Form: Goal 1, Policy 17.</u></b> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ <b><u>Staff Analysis:</u></b> The change in zoning is unlikely to contribute significant additional traffic to the area.</p>

**Plan 2040 Plan Elements/Staff Analysis**

7	<p><b><u>Community Form: Goal 1, Policy 18.</u></b> Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p><b>+/-</b> <b>Staff Analysis:</b> Additional information regarding hours of operation of the use is needed to ensure compatibility with nearby residential uses. The proposed use may generate noise from operation of tools during business hours.</p>
8	<p><b>NA</b> <b><u>Community Form: Goal 1, Policy 21.</u></b> 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><b>Staff Analysis:</b> The proposed zoning would not permit industrial development or other hazardous uses.</p>
9	<p><b><u>Community Form: Goal 2, Policy 1.</u></b> 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><b>✓</b> <b>Staff Analysis:</b> The site is located within an established commercial activity center.</p>
10	<p><b><u>Community Form: Goal 2, Policy 4.</u></b> 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><b>✓</b> <b>Staff Analysis:</b> Appropriate access and connectivity exists to allow the development within the context of the Traditional Neighborhood form district.</p>
11	<p><b><u>Community Form: Goal 2, Policy 5.</u></b> Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</p> <p><b>✓</b> <b>Staff Analysis:</b> The proposed zoning would permit a variety of neighborhood serving uses in an area with adequate population to support them.</p>
12	<p><b><u>Community Form: Goal 2, Policy 6.</u></b> Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</p> <p><b>✓</b> <b>Staff Analysis:</b> The proposed zoning district will result in a compact development pattern and efficient mix land uses that utilizes existing infrastructure.</p>
13	<p><b><u>Community Form: Goal 2, Policy 7.</u></b> 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><b>✓</b> <b>Staff Analysis:</b> The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel. The subject site has historically been used commercially. The site is served directly by transit.</p>
14	<p><b><u>Community Form: Goal 2, Policy 8.</u></b> Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</p> <p><b>✓</b> <b>Staff Analysis:</b> The zoning district would allow for a variety of uses, including mixed residential and commercial uses.</p>
15	<p><b><u>Community Form: Goal 2, Policy 9.</u></b> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p><b>✓</b> <b>Staff Analysis:</b> The development would allow a previously developed site to provide additional commercial uses.</p>
16	<p><b><u>Community Form: Goal 2, Policy 10.</u></b> 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><b>✓</b> <b>Staff Analysis:</b> The subject site shares access with grocery and other commercial uses and would allow for additional commercial uses to utilize existing infrastructure.</p>
17	<p><b><u>Community Form: Goal 2, Policy 11.</u></b> Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.</p> <p><b>✓</b> <b>Staff Analysis:</b> The site is located in an established neighborhood scale commercial activity center.</p>

**Plan 2040 Plan Elements/Staff Analysis**

18	<p><b><u>Community Form: Goal 3, Policy 9.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> The site is previously developed and does not contain distinctive natural features.</p>
19	<p><b><u>Community Form: Goal 3, Policy 10.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> The site is previously developed and does not have potential hydric soils or erosion concerns.</p>
20	<p><b><u>Community Form: Goal 3, Policy 11.</u></b> 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><b>NA</b> <b><u>Staff Analysis:</u></b> The subject site is not along the Ohio River.</p>
21	<p><b><u>Community Form: Goal 3, Policy 12.</u></b> 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><b>NA</b> <b><u>Staff Analysis:</u></b> The subject site is not in the flood plain.</p>
22	<p><b><u>Community Form: Goal 4, Policy 1.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> : The site is previously developed and does not have any distinctive natural features or historic value.</p>
23	<p><b><u>Community Form: Goal 4, Policy 2.</u></b> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ <b><u>Staff Analysis:</u></b> The site is previously developed and does not have any distinctive natural features or historic value.</p>
24	<p><b><u>Mobility: Goal 1, Policy 4.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> The site fits within the context of the traditional neighborhood. The site is in proximity to a variety of commercial uses and employment opportunities. The proposed zoning district supports transit-oriented development patterns.</p>
25	<p><b><u>Mobility: Goal 2, Policy 4.</u></b> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p>✓ <b><u>Staff Analysis:</u></b> The site is served by existing public roadways and would not create additional access through areas of lower intensity.</p>
26	<p><b><u>Mobility: Goal 3, Policy 1.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking.</p>
27	<p><b><u>Mobility: Goal 3, Policy 2.</u></b> 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>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled.</p>

**Plan 2040 Plan Elements/Staff Analysis**

28	<p><b><u>Mobility: Goal 3, Policy 3.</u></b> 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>✓ <b>Staff Analysis:</b> The proposed zoning would allow a mix of neighborhood serving uses that facilitate housing and transportation options.</p>
29	<p><b><u>Mobility: Goal 3, Policy 4.</u></b> Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: <b>4.1.</b> nodal connections identified by Move Louisville; <b>4.2.</b> impact on freight routes; <b>4.3.</b> time of operation of facilities; <b>4.4.</b> safety; <b>4.5.</b> appropriate linkages between neighborhoods and employment; and <b>4.6.</b> the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ <b>Staff Analysis:</b> 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><b><u>Mobility: Goal 3, Policy 5.</u></b> 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>✓ <b>Staff Analysis:</b> The subject site is well served by existing transportation networks.</p>
31	<p><b><u>Mobility: Goal 3, Policy 6.</u></b> 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>✓ <b>Staff Analysis:</b> The applicant will need to construct or repair sidewalks adjacent to the site as needed. Transportation Planning has preliminarily approved the plan.</p>
32	<p><b><u>Mobility: Goal 3, Policy 9.</u></b> 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>✓ <b>Staff Analysis:</b> Transportation Planning has preliminarily approved the plan.</p>
33	<p><b><u>Mobility: Goal 3, Policy 10.</u></b> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ <b>Staff Analysis:</b> Transportation Planning and KYTC have preliminarily approved the proposal</p>
34	<p><b><u>Community Facilities: Goal 2, Policy 1.</u></b> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ <b>Staff Analysis:</b> Utility service will need to be coordinated.</p>
35	<p><b><u>Community Facilities: Goal 2, Policy 2.</u></b> 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>✓ <b>Staff Analysis:</b> Water service will be coordinated with Louisville Water Company.</p>
36	<p><b><u>Community Facilities: Goal 2, Policy 3.</u></b> 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>✓ <b>Staff Analysis:</b> MSD has approved the preliminary development plan.</p>
37	<p><b><u>Economic Development: Goal 1, Policy 2.</u></b> 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> <p>NA <b>Staff Analysis:</b> The proposed zoning would not allow industrial development.</p>
38	<p><b><u>Economic Development: Goal 1, Policy 3.</u></b> 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.</p> <p>✓ <b>Staff Analysis:</b> The subject site is at the intersection Strawberry Ln, a primary collector and Estelle Ave, a local road. The site can be accessed via Southside Dr, a minor arterial roadway by crossing the adjacent parking lot.</p>

**Plan 2040 Plan Elements/Staff Analysis**

39	<p><b><u>Economic Development: Goal 1, Policy 4.</u></b> 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.</p>
<b>NA</b>	<p><b><u>Staff Analysis:</u></b> The proposed zoning would not allow industrial development.</p>
40	<p><b><u>Economic Development: Goal 1, Policy 5.</u></b> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</p>
<b>NA</b>	<p><b><u>Staff Analysis:</u></b> The proposed zoning would not allow industrial development.</p>
41	<p><b><u>Livability: Goal 1, Policy 17.</u></b> 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.</p>
✓	<p><b><u>Staff Analysis:</u></b> The site does not have potential for erosion or other environmental concerns.</p>
42	<p><b><u>Livability: Goal 1, Policy 21.</u></b> 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.</p>
<b>NA</b>	<p><b><u>Staff Analysis:</u></b> The subject site is not in the flood plain.</p>
43	<p><b><u>Livability: Goal 1, Policy 24.</u></b> 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.</p>
<b>NA</b>	<p><b><u>Staff Analysis:</u></b> The subject site is not in the flood plain.</p>
44	<p><b><u>Housing: Goal 1, Policy 2.</u></b> 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.</p>
✓	<p><b><u>Staff Analysis:</u></b> 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.</p>
45	<p><b><u>Housing: Goal 2, Policy 1.</u></b> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</p>
✓	<p><b><u>Staff Analysis:</u></b> 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.</p>
46	<p><b><u>Housing: Goal 2, Policy 2.</u></b> 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.</p>
✓	<p><b><u>Staff Analysis:</u></b> The site is near a wide variety of services, amenities and employment opportunities.</p>
47	<p><b><u>Housing: Goal 3, Policy 2.</u></b> As neighborhoods evolve, discourage displacement of existing residents from their community.</p>
✓	<p><b><u>Staff Analysis:</u></b> Residents would not be displaced by the proposal.</p>
47	<p><b><u>Housing: Goal 3, Policy 3.</u></b> 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.</p>
✓	<p><b><u>Staff Analysis:</u></b> The proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.</p>

#### 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. There shall be no outdoor automobile repairs performed on site.