

Planning Commission

Staff Report

February 6, 2025



Case No:	24-ZONE-0115
Project Name:	Race Road Storage
Location:	11401 Race Rd
Applicant:	Iron Will Ventures, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	22 – Kevin Bratcher
Case Manager:	Amy Brooks, Planning Supervisor

REQUEST(S)

- **Change in zoning** from R-4 single-family residential to C-M Commercial Manufacturing.
- **Waivers:**
 1. **Waiver** of Land Development Code (LDC), Section 10.2.4 to reduce the required landscape buffer area (LBA) on the southern property line from 35' to 15' (24-WAIVER-0174).
 2. **Waiver** of LDC, Section 5.5.2.B.1.a to omit the vehicular and pedestrian connections between abutting non-residential uses (24-WAIVER-0175).
- **Detailed District Development plan** with binding elements.

CASE SUMMARY

Located on 2.4 acres near Bardstown Road in southeastern Louisville Metro, the subject site is currently zoned R-4 single family residential in the Neighborhood form district. The applicant is proposing to rezone the property to C-M Commercial Manufacturing to allow for the outdoor storage and parking of recreational vehicles, trailers, and boats. The development proposal is for 92 vehicular parking spots. Access to the proposed development site will be via Race Road which provides connection to Bardstown Road, a major arterial roadway.

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 proposed zoning could introduce potentially incompatible uses near residential. Additionally, the development plan is in conformance with the Land Development Code. The requested waivers are adequately justified for approval based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

- The project at 11401 Race Road is located within the study area boundary of the Fern Creek Small Area Plan (2001). That plan does not make specific recommendations for the site.
- MSD and Transportation Planning have provided preliminary approval of the proposal.
- Karst survey was completed as noted on the development plan and two potential areas of concern were identified in the area of proposed site improvements. See binding element #9.

- Plan 2040
- Land Development Code (Louisville Metro)

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

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

The site is located in the Neighborhood Form District

Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The subject property is located along a frontage road with direct access to a major arterial roadway (Bardstown Road). The site is approximately 2.5 miles south of the Gene Snyder Freeway, which provides access to goods, services, and employment centers. The closest transit available is approximately 1.5 miles to the north along Bardstown Road at Glenmary Farm Drive. The development site directly north of this proposal is non-residential with a growing commercial center located immediately south of the development site. Hence, both demand and adequate infrastructure would support the proposed development. While the site is adjacent to residential zoning, vehicular traffic will not be directed through the neighborhood and pedestrian traffic is likely to be low or nonexistent. The proposed zoning district (CM) does not allow for M-2 or M-3 uses; thus, reducing the likelihood of offensive uses in the future that might be hazardous such as lumber yards, storage yards, coal and coke storage, insecticides, and truck transfer and parking.

The site along Race Road is partially wooded and features steep slopes. Significant grading and clearing will be required to construct within portions of this site. A karst survey was conducted by the applicant and two areas of interest were identified. Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimize property damage and environmental degradation resulting from disturbance of natural systems.

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 not adversely affect adjacent property owners because the request for a reduced landscape buffer area (LBA) width is limited in scope. The lineal distance on the southern property measures more than four hundred and fifty feet. However, the applicant will be providing the required 35' width on more than 220 feet of the property, specifically where the closest residential property to southeast is located. 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 storage.

(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. Although the applicant is requesting a reduced landscape buffer width, the proposed vegetation and screening will serve as an appropriate shielding between two substantially different uses. The applicant is also providing the required tree canopy and an onsite detention basin to mitigate the runoff that would be generated by an impervious expansion of this size.

(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. The property has limited buildable area without relief from the prescribed regulations.

- (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 development is severely restricted due to existing steep slopes and a 15- foot drainage easement on the northern 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. The proposed use will be a secure facility, and the pedestrian cross connection would be infeasible.

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

STAFF: Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Community Form Goal 2, Policy 16 calls to encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Mobility Goal 1, Policy 6 calls for developments meeting established thresholds, provide facilities that support an efficient public transportation system such as convenient access to and across pedestrian, bicycle and roadway facilities. Mobility Goal 2, Policy 3 calls to provide adequate street stubs for future roadway connections in new development and redevelopment that support access and contribute to appropriate development of adjacent lands. Mobility Goal 2, Policy 6 calls to ensure that the internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development. Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 call to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. 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. 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. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. 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. Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of

adjacent lands. The waiver will not violate the Comprehensive Plan, as adequate circulation is provided around 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.

- (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 proposed use would contain security fencing, and cross connectivity to the north would be infeasible with the security needs of the use.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- 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 provided. The applicant is proposing limited construction on the existing steep slopes.

- 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 site, and the community will be provided. Metro Public Works has approved the preliminary development plan.

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

STAFF: No open space is necessary for the development.

- 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 provisions 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 generally compatible with the existing and future development of the area within this specific form district. The applicant will provide the required landscape buffering and screening to mitigate the use and scale of the development on adjacent residentially zoned properties and public roadways. Furthermore, the applicant's site design is in conformance with the Land Development Code's regulations regulating parking lot layout in the Neighborhood form district.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in zoning** from R-4 Residential to C-M Commercial Manufacturing.
- **APPROVE** or **DENY** the **Waivers**.
- **APPROVE** or **DENY** the **Detailed District Development plan** with binding elements.

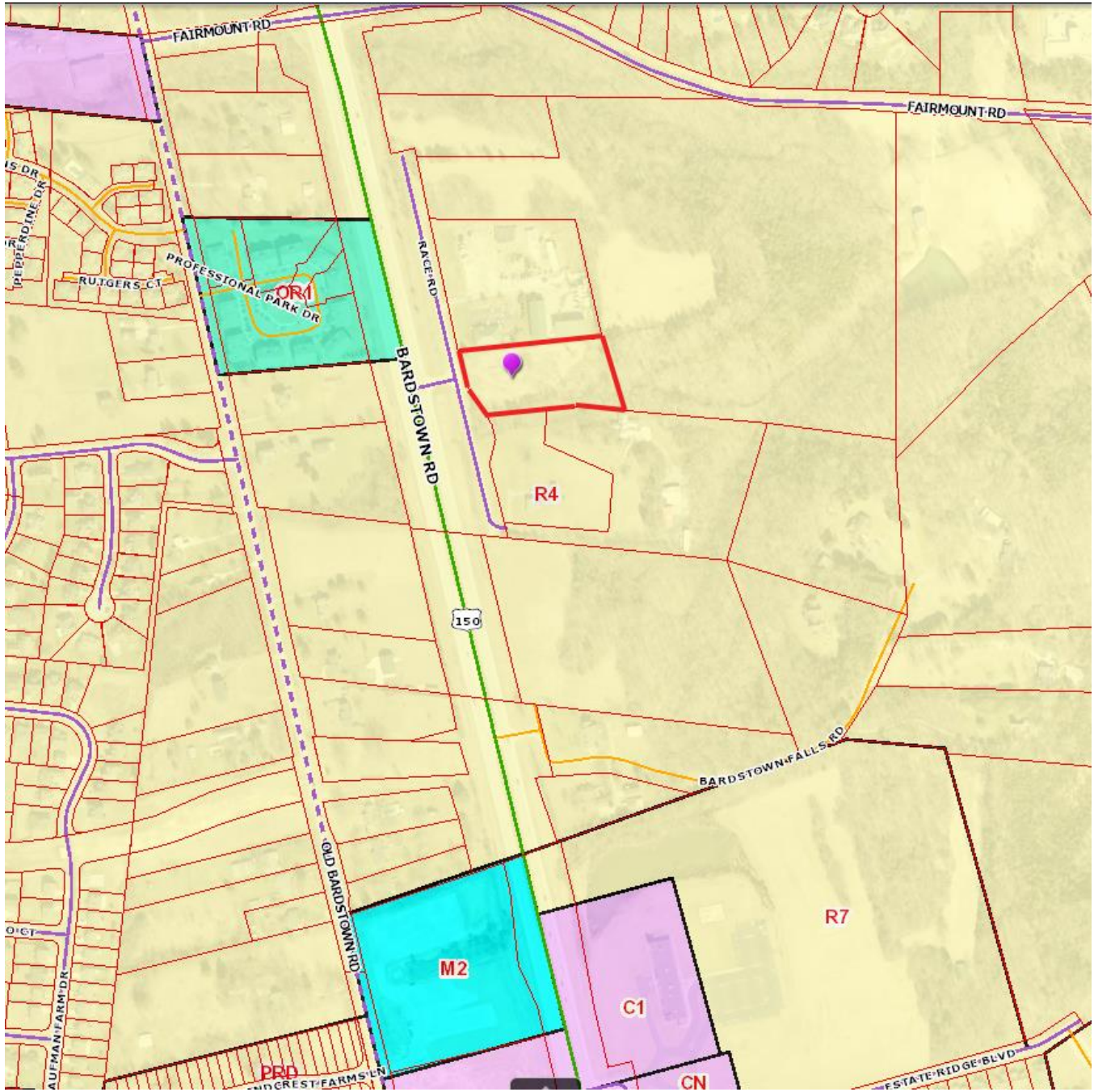
NOTIFICATION

Date	Purpose of Notice	Recipients
12-26-24	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents
12-30-24		Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents
1-24-2025		Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
1-23-2025	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

Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p>Community Form: Goal 1, Policy 6. 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>✓ Staff Analysis: The zoning change would represent a minor expansion of a non-residential use into a residential area. There is a non-residential use to the north. Appropriate transitions and screening should be provided adjacent to remaining residential zoning.</p>
2	<p>Community Form: Goal 1, Policy 7. 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>✓ Staff Analysis: The site on Race Rd fronts a local road. The local road has an immediate access point to Bardstown Rd, which is a major transit corridor that carries through traffic.</p>
3	<p>Community Form: Goal 1, Policy 8. 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>- Staff Analysis: The proposal would require C-M zoning for RV and boat storage. The site is not located in a workplace form or near other industry and would constitute an isolated industrial site.</p>
4	<p>Community Form: Goal 1, Policy 15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p>✓ Staff Analysis: The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions.</p>
5	<p>Community Form: Goal 1, Policy 16. 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>- Staff Analysis: The proposed zoning district site would allow for higher intensity uses on the site that may have a negative environmental impact to the surrounding residential areas.</p>
6	<p>Community Form: Goal 1, Policy 17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ Staff Analysis: The proposed uses are unlikely to contribute significant additional traffic.</p>

Plan 2040 Plan Elements/Staff Analysis	
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 applicant will be providing adequate screening and on-site detention to limit the adverse impacts on adjacent residential uses to ensure compatibility.</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 district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries.</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 location is near a growing activity center. There are a variety of commercial uses and residential development types in close proximity to the subject site.</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 development is within an existing growing commercial activity center. There will be appropriate access and connectivity provided to the development site.</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 district would retain commercial viability for the subject sites which might support an increase in economic activity for the area.</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 development is near a growing commercial activity center contributing to a more compact pattern of development</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> Activity centers should effectively integrate non-residential uses within neighborhoods in a manner that provides convenient service to residents while protecting the character of the neighborhood. The proposed zoning changes are in close proximity to higher classification roads that could support the increased traffic generated by an increase in the intensity of the use.</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, office 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 proposed district would allow a variety of uses including office, commercial and residential development including mixed-use development.</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 site is not part of an outlot within a larger commercial development.</p>
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 near both an existing activity center and adequate transportation infrastructure to support the use.</p>

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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 sites would be developed with context design approaches in relation to the environmental site constraints. There is limited encroachment into the steep slopes.</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 does have environmental constraints that the applicant is avoiding with sensitive site design standards. The impervious surfaces will not encroach into any steep slopes greater than 30%.</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 site is not located near the Ohio River Corridor.</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>✓ <u>Staff Analysis:</u> Appropriate measures to protect health, safety, and welfare of the development in environmentally sensitive areas will be followed.</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>NA <u>Staff Analysis:</u> There are no historic structures on the site.</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>NA <u>Staff Analysis:</u> No distinctive cultural features are evident on the site.</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 proposed zoning district allows for higher density and intensity to be located in an area that is near a growing activity center. Bardstown Rd connects the site to population and employment centers.</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 accessed via existing public roadways and would not create 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 development is near an expanding commercial activity center. The zoning district allows a wide variety of compatible land uses. The applicant is also providing sidewalks in an area that lacks pedestrian connection.</p>

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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 proposal does not negatively impact the safe movement of pedestrians and allows for pedestrian interactions in the event of commercial use/retail/customers.</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 proposal will promote pedestrian use as they will be construction sidewalks along their road frontage.</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> All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided. The site is located near population centers.</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> There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses. The site on Race Rd. is accessed off Bardstown Rd, which is a major arterial.</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> There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses. The applicant will also be constructing a sidewalk contributing to connectivity in the area.</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 proposed district allows for neighborhood commercial uses with adequate vehicular infrastructure to serve the development.</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> Transportation Planning will provide an update on any plans, if existing.</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> The site is not served by an existing public sewer.</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> Louisville Water has infrastructure near the development.</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> The site along Race Rd is not served by an existing public sewer; however, the plan has been preliminarily approved by MSD. The site may be subject to Health Department approval if plumbing and waste system is required.</p>

Plan 2040 Plan Elements/Staff Analysis

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> <p><u>Staff Analysis:</u> The site is not located in an industrial subdivision or adjacent to existing industry.</p>
38	<p><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.</p> <p>✓ <u>Staff Analysis:</u> The site on Race Rd is directly adjacent to Bardstown Rd, a major arterial roadway.</p>
39	<p><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.</p> <p>NA <u>Staff Analysis:</u> The site is not near the airport or adjacent to the Ohio River.</p>
40	<p><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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district is located near the appropriate transportation connectivity. Bardstown Road is a major arterial roadway.</p>
41	<p><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.</p> <p>✓ <u>Staff Analysis:</u> There are environmental constraints on the site. The site has karst susceptibility, and two areas of concerns were noted on the Karst Survey. A proposed binding element addresses recommended construction techniques.</p>
42	<p><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.</p> <p>NA <u>Staff Analysis:</u> The site is not located in any regulatory floodplain areas.</p>
43	<p><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.</p> <p>NA <u>Staff Analysis:</u> The site is not located in any regulatory floodplain areas.</p>
44	<p><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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would permit a variety of housing types and services that encourage aging in place</p>
45	<p><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.</p> <p>✓ <u>Staff Analysis:</u> The proposed district would allow for a diversity of housing and a higher level of density than what currently exists.</p>
46	<p><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</p>

Plan 2040 Plan Elements/Staff Analysis	
	centers.
✓	Staff Analysis: The proposed zoning district would permit a variety of housing types and services. Transit is not available to the site and is unlikely to be extended in the foreseeable future.
47	<u>Housing: Goal 3, Policy 2.</u> <i>As neighborhoods evolve, discourage displacement of existing residents from their community.</i>
✓	Staff Analysis: Residents would not be displaced by this proposal.
48	<u>Housing: Goal 3, Policy 3.</u> <i>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.</i>
✓	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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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.
 - 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 February 6, 2025 Planning Commission (DRC/LD&T) meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
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.

9. The development shall be constructed in accordance with the techniques outlined in the Karst Survey dated October 16, 2024, prepared by ECS Southeast. A licensed geotechnical engineer shall be on the construction site to observe and verify that the correct treatment is applied during construction. The licensed geotechnical engineer shall submit a letter to the Office of Planning stating that the approved treatment method was applied.