

Planning Commission

Staff Report

March 6, 2025



Case No: 24-ZONE-0105
Project Name: Goodwill and Retail
Location: 8803-8897 Old Bardstown Road
Owner(s): Vivian & Glenn Breil
Sandra and Anthony Bowman
Applicant: John Barnett - Goodwill Kentucky
Jurisdiction: Louisville Metro
Council District: 22 – Kevin Bratcher
Case Manager: Molly Clark, Planner II

REQUEST(S)

- **Change in zoning** from R-4 single family residential and C-1 Commercial to C-1 commercial and OR-1 office residential
- **Waiver** from Land Development Code section 5.6.1.C.1 to not provide 50% clear windows and doors along the Bardstown Road facing façade.
- **Variance** from Land Development Code section 5.3.1 of the Land Development Code to exceed the 80 foot front yard setback.

Location	Required	Proposed	Variance
Front Yard Variance (Old Bardstown Road)	80'	100'	20'
Front Yard Variance (Bardstown Road)	80'	177'	97'
Front Yard Variance (Fairmount Road)	80'	137'	57'

- **Revised Detailed District Development Plan** with Binding Elements

CASE SUMMARY

The subject site is currently zoned R-4 single family residential in the neighborhood form district on 6.02 acres. The applicant is proposing to rezone the property to C-1 Commercial to allow a proposed Goodwill Store and OR-1 office residential to allow three other medical structures. The property currently has a single family home that is proposed to be demolished. Access will be provided from Old Bardstown Road.

A portion of the site to the north is zoned C-1 commercial under case number 9-67-88 which is subject to general plan binding elements.

STAFF FINDING

The zoning change is compliant with the Comprehensive Plan. The Revised Detailed District Development Plan is compliant with the Land Development Code. The variance and waiver are adequately justified based on the staff analysis contained in the staff report.

TECHNICAL REVIEW

- The subject site 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.
- Land Development Code (Louisville Metro 2025)
- MSD 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 Committee 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 proposal is a minor expansion into an existing residential area. There will not be any displacement of residents or loss of affordable housing units. Appropriate transitions are in place with all landscaping and tree canopy being provided. The site to the north is already zoned commercial and will be an expansion of an existing commercial activity center. The site is located on Old Bardstown Road which is a primary collector road and is also located along Bardstown Road which is a major arterial and Fairmount Road which is a primary collector roadway.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as other elements of the Land Development Code will be met on site.

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

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. The waiver will not violate specific guidelines of Plan 2040 as the proposed development will be in keeping with the development pattern of the area.

- (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 all other elements of the Land Development Code will be met with this proposal. The proposed development will be in keeping with the development pattern of the area.

- (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, the proposed development will be in keeping with the development pattern of the area. The subject site has triple road frontage and there is need for non-public areas/stock areas without full sized windows for store operations.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare, because the requested encroachment of the non-residential structures into the side yard setback does not impede the safe movement of vehicles or pedestrians or prevent future maintenance of the property. Furthermore, the proposed buildings will be required to comply with all applicable building code regulations, including fire codes.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed development will not alter the essential character of the general vicinity since the other non-residential structures in the area have similar front yard setbacks exceeding 80 feet.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since there will not be an adverse effect public health, safety, or welfare since front yard setbacks that exceed 80 feet not conforming to current rules appears to be common in the general vicinity for non-residential uses. The front yard setback exceeding 80 feet does not impede the safe movement of vehicles or pedestrians or prevent future maintenance of the property.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since reduced side yards not conforming to current rules appears to be common in the general vicinity for non-residential uses as well as additions of similar size, shape, and scale. Furthermore, the existing buildings will be required to comply with all applicable building code regulations, including fire codes.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone since the subject site has triple road frontage. The size of the building in comparison to the size of the lot makes compliance difficult.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or 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 since the property has triple road frontage. The size of the building in comparison to the size of the lot makes compliance difficult.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The site does not have any environmentally sensitive areas.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan.

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

STAFF: The proposed development does not have open space requirements according to the Land Development Code.

- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall design of the project is consistent with existing and future development in the area.

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

STAFF: The plan is in conformance with the requirements of the Land Development Code, except where relief is specifically requested.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 single family residential to OR-1 office residential and C-1 Commercial
- **APPROVE** or **DENY** the **Waiver** from Land Development Code section 5.6.1.C.1 to not provide 50% clear windows and doors along the Bardstown Road facing façade.
- **APPROVE** or **DENY** the **Variance** from Land Development Code section 5.3.1 of the Land Development Code to exceed the 80 foot front yard setback.
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan with Binding Elements**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

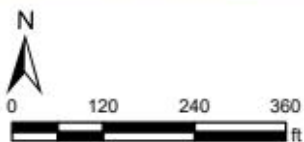
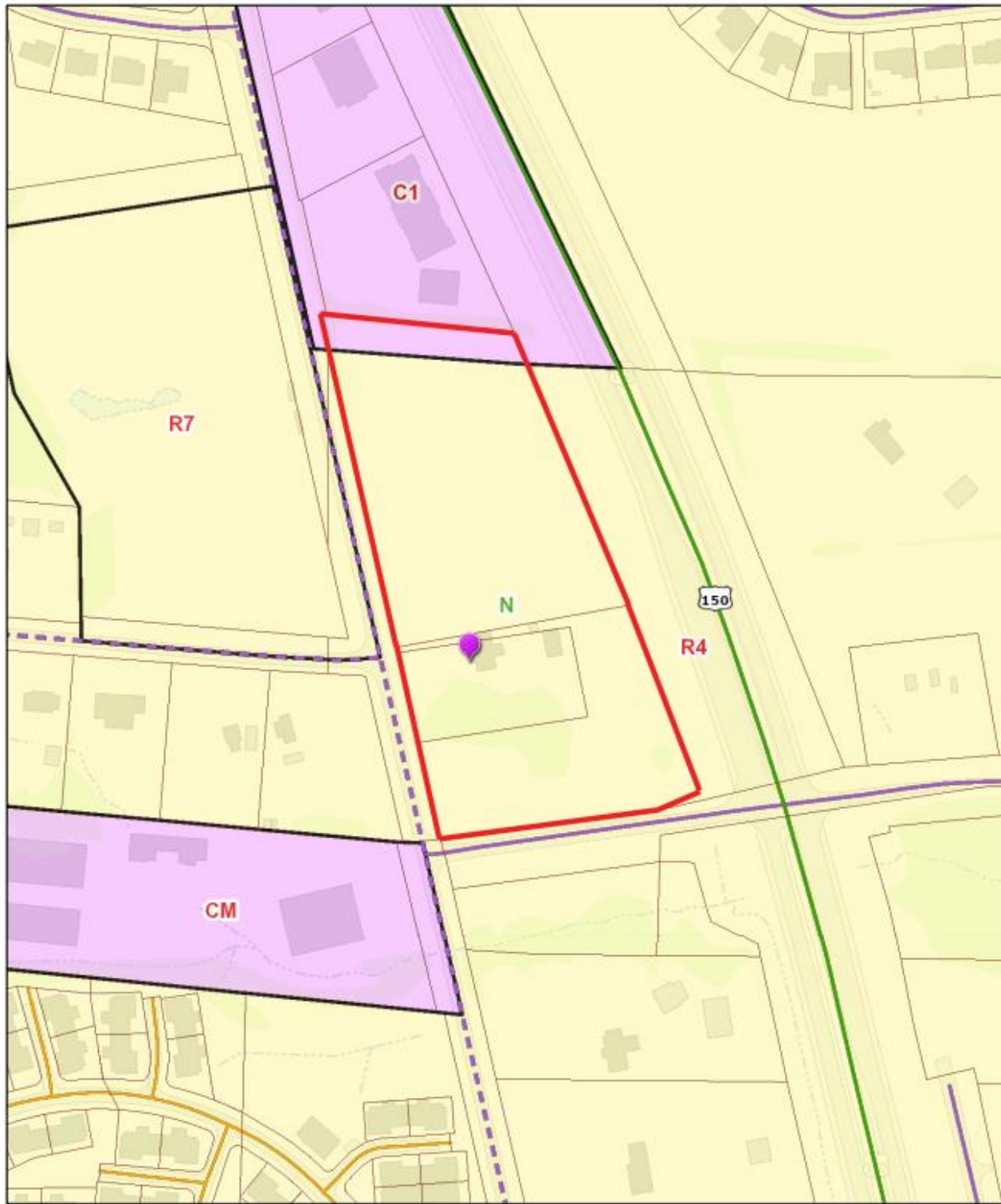
NOTIFICATION

Date	Purpose of Notice	Recipients
1-30-25	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 22__
2-20-25	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 22__
2-14-25	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



Tuesday, February 4, 2025 | 2:15 PM



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

2. Aerial Photograph



Tuesday, February 4, 2025 | 2:07 PM



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3. Comp Plan 2040 Checklist

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

Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<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 proposal is a minor expansion into an existing residential area. There will not be any displacement of residents or loss of affordable housing units. Appropriate transitions are in place with all landscaping and tree canopy being provided. The site to the north is already zoned commercial and will be an expansion of an existing commercial activity center.</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 located on Old Bardstown Road which is a primary collector road and is also located along Bardstown Road which is a major arterial and Fairmount Road which is a primary collector roadway. The proposed rezoning will be an expansion of an existing commercial activity center.</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 does not permit industrial development.</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>✓ <u>Staff Analysis:</u> No disadvantaged populations are likely to be impacted.</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>✓ <u>Staff Analysis:</u> No disadvantaged populations will be impacted.</p>
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 use is 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 proposed development will be providing all the required landscape buffers and tree canopy.</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 does not permit industrial development.</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 development is within an existing growing commercial activity center.</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.</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 development is within an existing growing commercial activity center.</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 within an existing growing commercial activity center.</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 development is within an existing commercial activity center. The zoning district allows a wide variety of compatible land 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> If the site were to redevelop, the proposed zoning would allow for higher density in residential units office uses or a mixture of both.</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 zoning district would permit a variety of 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 development does not involve an outlot or an underutilized parking lot.</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 applicant is providing all the required landscape buffers and tree canopy on the subject site.</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>

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: There are no environmental constraints on the site. The applicant will be providing more tree canopy than existing and will be providing a 25-25 foot property perimeter landscape buffer along all areas adjacent to residential.
19	Community Form: Goal 3, Policy 10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.
NA	Staff Analysis: The site does not have unstable soils or steep slopes.
20	Community Form: Goal 3, Policy 11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.
NA	Staff Analysis: The site is not located near the Ohio River Corridor.
21	Community Form: Goal 3, Policy 12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.
NA	Staff Analysis: There are no environmental constraints on the site.
22	Community Form: Goal 4, Policy 1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.
✓	Staff Analysis: There are no historic structures on the site. None of the existing structures are subject to the wrecking ordinance.
23	Community Form: Goal 4, Policy 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.
+/-	Staff Analysis: There are no existing environmental features on the site than can be preserved. Applicant needs to provide all landscaping requirements of Chapter 10 of the LDC which is not on the plan submitted.
24	Mobility: Goal 1, Policy 4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.
✓	Staff Analysis: The proposed zoning district allows for higher density allowing for more residential dwelling units should the site redevelop in the future.
25	Mobility: Goal 2, Policy 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.
✓	Staff Analysis: The access provided will be directly to Old Bardstown Road and no commercial traffic will be routed through the adjacent residential neighborhoods.
26	Mobility: Goal 3, Policy 1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.
✓	Staff Analysis: The development is within an existing 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.
27	Mobility: Goal 3, Policy 2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: If the site were to redevelop, the proposed zoning would allow for higher density in residential units. The site is also located near a growing commercial corridor along Old Bardstown Road.
28	<p>Mobility: Goal 3, Policy 3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p> <p>✓ Staff Analysis: If the site were to redevelop, the proposed zoning would allow for higher density in residential units. The site is also located near a growing commercial corridor along Old Bardstown Road.</p>
29	<p>Mobility: Goal 3, Policy 4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ Staff Analysis: The proposed zoning allows for neighborhood serving commercial uses along a primary collector road, Old Bardstown Road. There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses.</p>
30	<p>Mobility: Goal 3, Policy 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p>✓ Staff Analysis: The proposed zoning allows for neighborhood serving commercial uses along a primary collector road, Old Bardstown Road. There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses.</p>
31	<p>Mobility: Goal 3, Policy 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p>✓ Staff Analysis: The proposed zoning allows for neighborhood serving commercial uses along a primary collector road, Old Bardstown Road. There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses. The applicant will also be construction sidewalk along Old Bardstown Road and contributing to creating a sidewalk network in the area.</p>
32	<p>Mobility: Goal 3, Policy 9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p> <p>✓ Staff Analysis: The proposed zoning allows for neighborhood serving commercial uses along a primary collector road, Old Bardstown Road. There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses.</p>
33	<p>Mobility: Goal 3, Policy 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ Staff Analysis: The proposed zoning allows for neighborhood serving commercial uses along a primary collector road, Old Bardstown Road. There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses.</p>
34	<p>Community Facilities: Goal 2, Policy 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ Staff Analysis: The subject site is located in an area with adequate access to utilities to serve the development.</p>
35	<p>Community Facilities: Goal 2, Policy 2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.</p> <p>✓ Staff Analysis: The subject site is located in an area with adequate access to utilities to serve the development and future development.</p>
36	Community Facilities: Goal 2, Policy 3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan

Plan 2040 Plan Elements/Staff Analysis	
	<p>Sewer District (MSD).</p> <p>✓ Staff Analysis: The subject site is located in an area with adequate access to utilities to serve the development.</p>
37	<p>Economic Development: Goal 1, Policy 2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.</p> <p>NA Staff Analysis: The proposed zoning does not permit industrial uses.</p>
38	<p>Economic Development: Goal 1, Policy 3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.</p> <p>✓ Staff Analysis: The proposed zoning is located on Old Bardstown Road which is a primary collector road and has frontage on Bardstown Road which is a major arterial.</p>
39	<p>Economic Development: Goal 1, Policy 4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.</p> <p>NA Staff Analysis: The proposed zoning does not permit industrial uses.</p>
40	<p>Economic Development: Goal 1, Policy 5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</p> <p>NA Staff Analysis: The proposed zoning does not permit industrial uses.</p>
41	<p>Livability: Goal 1, Policy 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.</p> <p>✓ Staff Analysis: There are no environmental constraints on the site. The site will be using existing utility connections and will unlikely affect the groundwater in the area.</p>
42	<p>Livability: Goal 1, Policy 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.</p> <p>NA Staff Analysis: The site is not located in any regulatory floodplain areas.</p>
43	<p>Livability: Goal 1, Policy 24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a 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 Staff Analysis: The site is not located in any regulatory floodplain areas.</p>
44	<p>Housing: Goal 1, Policy 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.</p> <p>✓ Staff Analysis: If the site were to redevelop, the proposed zoning would allow for higher density in residential units.</p>
45	<p>Housing: Goal 2, Policy 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</p> <p>✓ Staff Analysis: If the site were to redevelop, the proposed zoning would allow for higher density in residential units.</p>

Plan 2040 Plan Elements/Staff Analysis

46	<p><u>Housing: Goal 2, Policy 2.</u> <i>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.</i></p> <p>✓ <u>Staff Analysis:</u> If the site were to redevelop, the proposed zoning would allow for higher density in residential units.</p>
47	<p><u>Housing: Goal 3, Policy 2.</u> <i>As neighborhoods evolve, discourage displacement of existing residents from their community.</i></p> <p>✓ <u>Staff Analysis:</u> There is no displacement taking place with this proposal. If the site were to redevelop, the proposed zoning would allow for higher density in residential units.</p>
48	<p><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></p> <p>✓ <u>Staff Analysis:</u> If the site were to redevelop, the proposed zoning would allow for higher density in residential units.</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. 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. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. 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.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property

- owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
- f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - g. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 6, 2025 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 5. 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.
 - 6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site).
 - 7. 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.
 - 8. At such a time the property to the north redevelops for a commercial use, a reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded