

# Planning Commission

## Staff Report

November 21, 2024



<b>Case No:</b>	24-ZONE-0100
<b>Project Name:</b>	McDonald's
<b>Location:</b>	11800 & 11806 E Orell Road
<b>Applicant:</b>	Stern Development
<b>Representative:</b>	Bardenwerper, Talbott & Roberts
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Dante St. Germain, AICP, Senior Planner

### REQUESTS

- **Change in zoning** from R-4 Single Family Residential to C-1 Commercial
- **Waivers:**
  1. Waiver of Land Development Code (LDC) section 5.5.2.A.1 to allow omission of a required principal entrance facing a public street on the Flowervale Lane and E Orell Road façades (24-WAIVER-0155)
  2. Waiver of LDC section 5.6.1.C.1 to allow two façades facing public streets (Flowervale Lane & E Orell Road) to not have clear windows and doors along 50% of their length (24-WAIVER-0156)
- **Variance** from LDC table 5.3.2 to allow a façade along E Orell Road to exceed the maximum allowed setback (required: 80', requested: 131', variance of 51') (24-VARIANCE-0146)
- **Detailed District Development Plan** with Binding Elements

### CASE SUMMARY

The subject site is located at the intersection of Flowervale Road, E Orell Road and Dixie Highway, and consists of two undeveloped contiguous parcels. The applicant proposes to rezone the site in order to construct a new 3,700 sf McDonald's branded restaurant.

Residential development is located to the east and the south. Commercial development and an approved multi-family residential proposal are located to the north. To the west is the Dixie Highway commercial corridor.

### STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. The waivers, variance and development plan are adequately justified for approval and meet the standard of review of the Land Development Code.

### TECHNICAL REVIEW

Plan 2040

Land Development Code (Louisville Metro)

MSD and Transportation Planning have provided preliminary approval of the proposal.

## **INTERESTED PARTY COMMENTS**

Two interested party comments were received from the neighboring property owner to the south. These comments have been incorporated into the record.

## **STANDARD OF REVIEW FOR REZONING**

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**

The site is located in the Neighborhood Form District

The 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.

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

The proposed zoning district combined with the size of the site would permit small-scale, neighborhood-serving commercial uses. Dixie Highway is a major arterial and commercial corridor at this location, and the intersection of Flowervale Lane and Dixie Highway is a major intersection along the commercial corridor.

The proposal would expand the commercial corridor onto land which is currently undeveloped. The site has adequate connectivity and access. The proposal would promote aging in place by permitting neighborhood-serving commercial development in proximity to residential development, allowing aging residents to seek services without having to venture far from their neighborhood.

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 FROM 5.5.2.A.1**

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

STAFF: The waiver will not adversely affect adjacent property owners as the site has three road frontages and a principal entrance will face the major frontage of Dixie Highway. The other two frontages are roads of lower classification and less likely to generate foot traffic.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 because Community Form Goal 1, Policy 2.1.4 recommends that new development be compatible with surrounding uses in design. The façade facing Dixie Highway will have a principal entrance, allowing for compatible form. Community Form Goal 1, Policy 4 recommends that new development conform with the desired pattern of the Form District. The Neighborhood Form District encourages small-scale commercial development in neighborhood centers. The intersection of Dixie Highway and Flowervale Lane constitutes such a center, and the principal entrance facing Dixie Highway will orient the structure toward the center.

- (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 regulations is the minimum necessary to afford relief to the applicant as the site has three road frontages, and having principal entrances facing all three would be prohibitive in terms of building design.

- (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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the site has three road frontages, and principal entrances facing all three frontages would severely limit the use of the property.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM 5.6.1.C.1**

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

STAFF: The waiver will not adversely affect adjacent property owners as the site has three road frontages. The Dixie Highway façade will have the requisite clear windows. The E Orell Road façade is the rear of the building, and will be screened from E Orell Road by landscaping, minimizing the impact on neighbors. The Flowervale Lane façade has the drive-through lane, and faux windows will be provided to minimize the impact on neighbors.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 because Community Form Goal 1, Policy 2.1.4 recommends that new development be compatible with surrounding uses in design. The façade facing Dixie Highway will have the full window requirement, and the façade facing Flowervale Lane will have faux windows to mitigate the waiver. These factors will make the structure compatible with surrounding uses.

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

STAFF: The extent of the waiver of the regulations is the minimum necessary to afford relief to the applicant as the site has three road frontages, and having clear windows on all façades would allow views into areas of the building that are not meant for public use.

- (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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the site has three road frontages, and having clear windows face all the roads would permit views into areas of the building that are not meant for public use. Faux windows will be provided in the drive-through to mitigate the waiver of the façade facing Flowervale Lane.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.2**

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

STAFF: The requested variance will not adversely affect public health, safety or welfare as the increase in setback will either improve or have no impact on sight lines at the intersection.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the variance will permit the preservation of tree canopy between the road and the building.

- (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 as the increase in setback will place more space between the building and the neighboring residential structures, which is to the advantage of residents in those structures.

- (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 zoning regulations as the site has three road frontages, and requiring the correct setbacks along all three frontages would create a building that is considerably larger than what the applicant wishes to build.

#### **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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site has three road frontages, an unusual situation in the vicinity.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because denial of the variance would require the construction of a much larger building.

3. 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.

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 as no construction has yet taken place and the variance is being sought at this time.

#### **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 site is mostly cleared and few natural resources exist on the site currently. Required tree canopy will be provided.

- (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 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 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 overall site design is in compliance with existing and planned future development in the area. The proposal would provide lower-density commercial development in a commercial corridor close to neighboring residential development.

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

STAFF: The development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waivers and variance. The design of the site provides adequate connectivity to the neighborhood.

## **REQUIRED ACTIONS**

- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to C-1
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

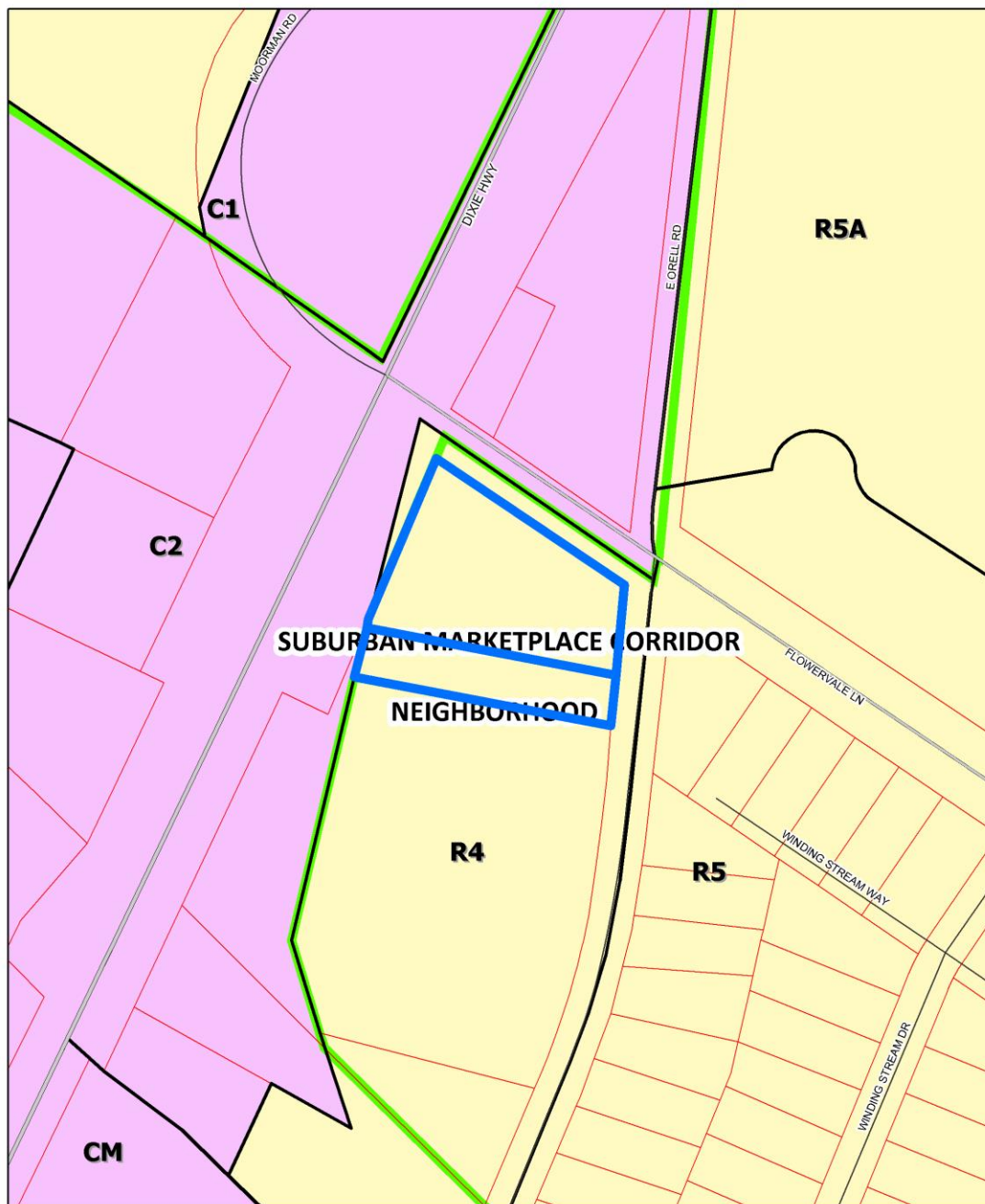
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
10/10/2024	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14
11/07/2024	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14
11/04/2024	Hearing before PC	Sign Posting on property
11/10/2024	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



11800 & 11806 E Orell Rd

feet



150

Map Created: 6/17/2024



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
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JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



11800 & 11806 E Orell Rd

feet

150

Map Created: 6/17/2024



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### 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><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 site is located along Dixie Highway, which is a commercial corridor in this area. The proposed zoning district would provide a step-down in intensity between the residential development to the east and the commercial development to the west.</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 located on Dixie Highway, a commercial corridor, and within an existing activity center.</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 proposal is not for industrial zoning.</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>✓ <b><u>Staff Analysis:</u></b> 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><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>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district would not permit noxious odors, particulates or emissions.</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> Access to the site is from Dixie Highway, a major arterial at this location, and Flowervale Lane, a secondary collector.</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><u>Staff Analysis:</u></b> The size of the site permits adequate distance and buffering to mitigate adverse impacts from noise.</p>
8	<p><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>NA <b><u>Staff Analysis:</u></b> The proposed zoning district would not permit uses handling hazardous or flammable materials, or uses similar to junkyards, landfills or quarries.</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><u>Staff Analysis:</u></b> The site is located along an existing activity corridor.</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><u>Staff Analysis:</u></b> The site has appropriate access and connectivity.</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><u>Staff Analysis:</u></b> The site is located along Dixie Highway, a commercial corridor and major arterial at this location. The site is located within an existing activity center.</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><u>Staff Analysis:</u></b> The proposed zoning district would permit a more compact pattern of development in an activity center.</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><u>Staff Analysis:</u></b> The proposed zoning district would permit a mixture of compatible land uses adjacent to existing residential development, which would permit reduction in traffic congestion by reducing vehicular trips and promoting transit use.</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><u>Staff Analysis:</u></b> The proposed zoning district would permit residential uses above retail.</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><u>Staff Analysis:</u></b> The proposal would provide new development providing 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><u>Staff Analysis:</u></b> No underutilized parking lots are proposed.</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><u>Staff Analysis:</u></b> The proposed zoning district would permit an appropriate design and scale of a center in the Neighborhood Form District. The site placement is on Dixie Highway, a commercial corridor.</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>NA</b> <b><u>Staff Analysis:</u></b> No natural features are evident on the site.</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>NA</b> <b><u>Staff Analysis:</u></b> No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site.</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 site is not located in the Ohio River Corridor.</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 site is not located in the floodplain.</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>NA</b> <b><u>Staff Analysis:</u></b> No historic assets are evident on the site.</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>NA</b> <b><u>Staff Analysis:</u></b> No distinctive cultural features are evident on the site.</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 is located within an existing activity center.</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> Access to the site is from Dixie Highway, a major arterial at this location, and Flowervale Lane, a secondary collector.</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 proposal would permit a mix of complementary neighborhood-serving uses.</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 site is easily accessible by bicycle, car, transit, pedestrians and people with disabilities.</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><u>Staff Analysis:</u></b> The proposal would permit higher-density mixed-use developments that reduce the need for multiple automobile trips.</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><u>Staff Analysis:</u></b> Transportation Planning has approved the proposal.</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><u>Staff Analysis:</u></b> Transportation Planning has approved the proposal.</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><u>Staff Analysis:</u></b> Transportation Planning has approved the proposal.</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><u>Staff Analysis:</u></b> Transportation Planning has approved the proposal.</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><u>Staff Analysis:</u></b> Transportation Planning has 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><u>Staff Analysis:</u></b> The relevant utilities have approved the proposal.</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><u>Staff Analysis:</u></b> Louisville Water Company has approved the proposal.</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><u>Staff Analysis:</u></b> MSD has approved the proposal.</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><u>Staff Analysis:</u></b> The proposal is not for industrial zoning.</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>

Plan 2040 Plan Elements/Staff Analysis	
✓	<b>Staff Analysis:</b> The site is located on Dixie Highway, a major arterial at this location.
39	<b>Economic Development: Goal 1, Policy 4.</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.
NA	<b>Staff Analysis:</b> The proposal is not for industrial zoning. The site is not located near the airport or the Ohio River.
40	<b>Economic Development: Goal 1, Policy 5.</b> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.
NA	<b>Staff Analysis:</b> The proposal is not for industrial zoning.
41	<b>Livability: Goal 1, Policy 17.</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.
NA	<b>Staff Analysis:</b> No karst terrain is evident on the site.
42	<b>Livability: Goal 1, Policy 21.</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.
NA	<b>Staff Analysis:</b> The site is not located in the floodplain.
43	<b>Livability: Goal 1, Policy 24.</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.
NA	<b>Staff Analysis:</b> The site is not located in the floodplain.
44	<b>Housing: Goal 1, Policy 2.</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.
✓	<b>Staff Analysis:</b> The proposed zoning district would support aging in place by permitting commercial uses along a commercial corridor with residential farther from the arterial street.
45	<b>Housing: Goal 2, Policy 1.</b> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
✓	<b>Staff Analysis:</b> The proposed zoning district would permit inter-generational mixed-income and mixed-use development.
46	<b>Housing: Goal 2, Policy 2.</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.
✓	<b>Staff Analysis:</b> The proposal would permit housing to be in proximity to an activity center providing neighborhood goods and services.
47	<b>Housing: Goal 3, Policy 2.</b> As neighborhoods evolve, discourage displacement of existing residents from their community.
✓	<b>Staff Analysis:</b> No existing residents will be displaced by the proposal.
48	<b>Housing: Goal 3, Policy 3.</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.
✓	<b>Staff Analysis:</b> The proposed zoning district would permit innovative methods of 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 for any work in the Dixie Highway right-of-way.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. 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. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 21, 2024 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. 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 developer/property owner shall construct a 5' x 15' concrete pad as shown on the development plan at the TARC stop. The developer/property owner shall be responsible for maintaining the TARC stop free of trash and debris.