

Planning Commission

Staff Report

May 15, 2025



Case No:	25-ZONE-0006
Project Name:	Dutch Bros – S 3 rd St
Location:	3145 R, 3147, 3151, 3153 S. 3 rd St
Applicant:	MLJ Real Estate LLC
Representative:	Bowman Consulting Group
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Mark Pinto, Planner II

REQUEST(S)

- **Change in zoning from R-6 Residential Multi-Family to C-1 Commercial**
- **Variance** from Land Development Code (LDC) 5.5.1.A.2 to allow the building to not be located within 0'-5' of the corner (24-VARIANCE-0160).
- **Waivers:**
 1. **Waiver** from LDC 10.2.4 to waive the required 15 ft. property perimeter LBA along the northern property line. (25-WAIVER-0017)
 2. **Waiver** from LDC 5.5.1.A.3.a to allow parking and drive-through lanes to be located between the building and right-of-way. (25-WAIVER-0018)
- **Detailed District Development plan with binding elements**

Location	Required	Proposed	Variance
Corner of 2 nd St & Central Station Blvd	0-5'	180'	175'

CASE SUMMARY

The subject site is comprised of four properties and located near the intersection of Central Station Boulevard and S. 3rd Street; S. 2nd Street is to the rear. The site is approximately 0.54 acres, currently zoned R-6 Multi-Family Residential, and within the Traditional Neighborhood form district. The properties are vacant with no existing structures. The applicant has proposed to rezone the properties to C-1 Commercial to allow a drive-through coffee shop restaurant.

STAFF FINDING

The zoning change is generally compliant with the Comprehensive Plan. The Detailed District Development Plan is compliant with the Land Development Code except where relief has specifically been requested. The variance and waivers are adequately justified based on the staff analysis contained in the staff report.

TECHNICAL REVIEW

- 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 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 Traditional Neighborhood Form District

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

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

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

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 (LDC 10.2.4)

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

STAFF: The waiver will not adversely affect adjacent property owners since the area of the waiver shares a property line with a vacant lot at the corner of Central Station Boulevard and S. 3rd Street, that is owned by the adjacent Central Station shopping center. The required 15 ft. LBA is provided along the zoning and property boundary line to the south, which separates the proposal and a residential building.

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

STAFF: Community Form Goal 1, Policy 4 calls to ensure that 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. Adequate landscaping and screening are being provided along the southern property line, which should mitigate potential adverse impacts of the proposal for the adjacent residences. Additional landscaping is provided along S. 2nd Street and Central Station Boulevard.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the impervious area could be reduced to meet the LDC requirements. However, the property to the north at the corner is vacant with no residential structure. The preliminary site plan exhibits an approximate 4 ft. landscape buffer area being provided where the required 15' LBA would be located.

- (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 applicant has incorporated other design measures that exceed the minimums of the district and compensates for non-compliance with the requirement to be waived. The development plan shows tree canopy being provided where in the Traditional Neighborhood form district, tree canopy is not a requirement. The proposal is providing additional interior landscaping areas (ILAs) than the LDC requires. Lastly, the applicant is maintaining the 15' LBA with an 8 ft. tall fence along the southern property line and proposed zoning line, which should aid in mitigating potential impacts of the development for the adjacent residents.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (LDC 5.5.1.A.3.a)

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

STAFF: The waiver will not adversely affect adjacent property owners since the adjacent commercial activity center is designed to have vehicular use areas and parking in front of the buildings, exhibiting a suburban style commercial center. The proposal is designed to enhance compatibility with the Traditional Neighborhood form district since the building will be constructed close to S. 3rd Street, being the primary street, with the parking and drive-through lanes behind the building.

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

STAFF: Community Form Goal 1, Policy 4 calls to ensure that 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. The Traditional Neighborhood form district requires parking to be located behind the building. The subject site is a triple frontage lot, with frontage along S. 3rd Street, S. 2nd Street, and Central Station Boulevard. The building is being constructed close to the S 3rd Street frontage, the primary street, with the parking and vehicular circulation behind the building. Therefore, the proposal is meeting the desired pattern of the Traditional Neighborhood form district.

- (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 since the subject site is a triple frontage lot, with frontage along S. 3rd Street, S. 2nd Street, and Central Station Boulevard. The parking lot would be visible from the road regardless of placement. The proposal is in keeping with the desirable design of the Traditional Neighborhood form district by having the building constructing close to the right-of-way of the primary street.

- (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 applicant has incorporated other design measures that exceed the minimums of the district and compensates for non-compliance with the requirement to be waived. The development plan shows tree canopy being provided where in the Traditional Neighborhood form district, tree canopy is not a requirement. The proposal is providing additional interior landscaping areas (ILAs) than the LDC requires. Lastly, the applicant is maintaining the 15' LBA with an 8 ft. tall fence along the southern property line and proposed zoning line, which should aid in mitigating potential impacts of the development for the adjacent residents.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect public health, safety, or welfare of the area since the location of the building will not impede the safe movement of vehicles and pedestrians travelling along the sidewalks and abutting roadways. The requested variance will not cause a hazard or nuisance to the public since the building will be required to comply with all applicable building and fire code regulations. Provisions in place to protect the public and adjacent properties from potential nuisances such as lighting and the noise ordinance are applicable to the site.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the area since the adjacent commercial activity center is designed so the buildings are setback a sizeable distance from the road with parking in front of the building. The proposal is designed to enhance compatibility with the Traditional Neighborhood form district since the building will be constructed close to S. 3rd Street, being the primary street, with the parking and drive-through lanes behind the building.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations since the building is being constructed close to S. 3rd Street frontage, which is the primary street. While the regulations require the building to be constructed at the corner, this would require the building to be constructed on the portion of the site that functions as the rear yard.

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

STAFF: The requested variance arises from circumstances which do not generally apply to land in the general vicinity and the same zone since the site is a triple frontage lot, which frontage along S. 3rd Street, S. 2nd Street, and Central Station Boulevard. S. 3rd Street functions as the primary street, instead of the intersection of S. 2nd Street and Central Station Boulevard, which is the 0-5' corner setback requirement.

4. The strict application of the provision 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 provision of the regulation would deprive the applicant of the reasonable use of the land since the building would be required to be constructed on the area of the lot that functions as the rear yard. The parking and vehicular circulation area would then be in front of the building, which would reduce compatibility with the Traditional Neighborhood form district and make development challenging on this site.

5. The circumstances are the result of action 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 action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The development plan and zoning change are proposed, and construction has not yet begun.

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: There are no known natural resources on the property such as trees or living vegetation. The site is not in an environmentally sensitive area with conditions such as steep slopes, protected waterways, the floodplain, or unstable soils. The properties are vacant, therefore there are no historical structures to be preserved.

- (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 design of the proposal is compatible with the Traditional Neighborhood form district and surrounding existing and projected future development of the area. Adequate landscaping and screening are being provided to mitigate potential impacts of the proposed use from neighboring residences.

The building will be constructed close to the S. 3rd Street frontage with parking and vehicular circulation in the rear, which is in keeping with the desired design of the Traditional Neighborhood form district. C-1 zoning allows for a mix of neighborhood serving uses that can exist within the context of the Traditional Neighborhood form district. The site is adjacent to an established commercial activity center, Central Station, and neighboring residential uses.

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

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

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from **R-6 Residential Multi-Family** to **C-1 Commercial**
- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) 5.5.1.A.2 to allow the building to not be located within 0'-5' of the corner (24-VARIANCE-0160).
- **APPROVE** or **DENY** the **Waivers**:
 1. **Waiver** from LDC 10.2.4 to waive the required 15 ft. property perimeter LBA along the northern property line. (25-WAIVER-0017)
 2. **Waiver** from LDC 5.5.1.A.3.a to allow parking and drive-through lanes to be located between the building and right-of-way. (25-WAIVER-0018)
- **APPROVE** or **DENY** the **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.

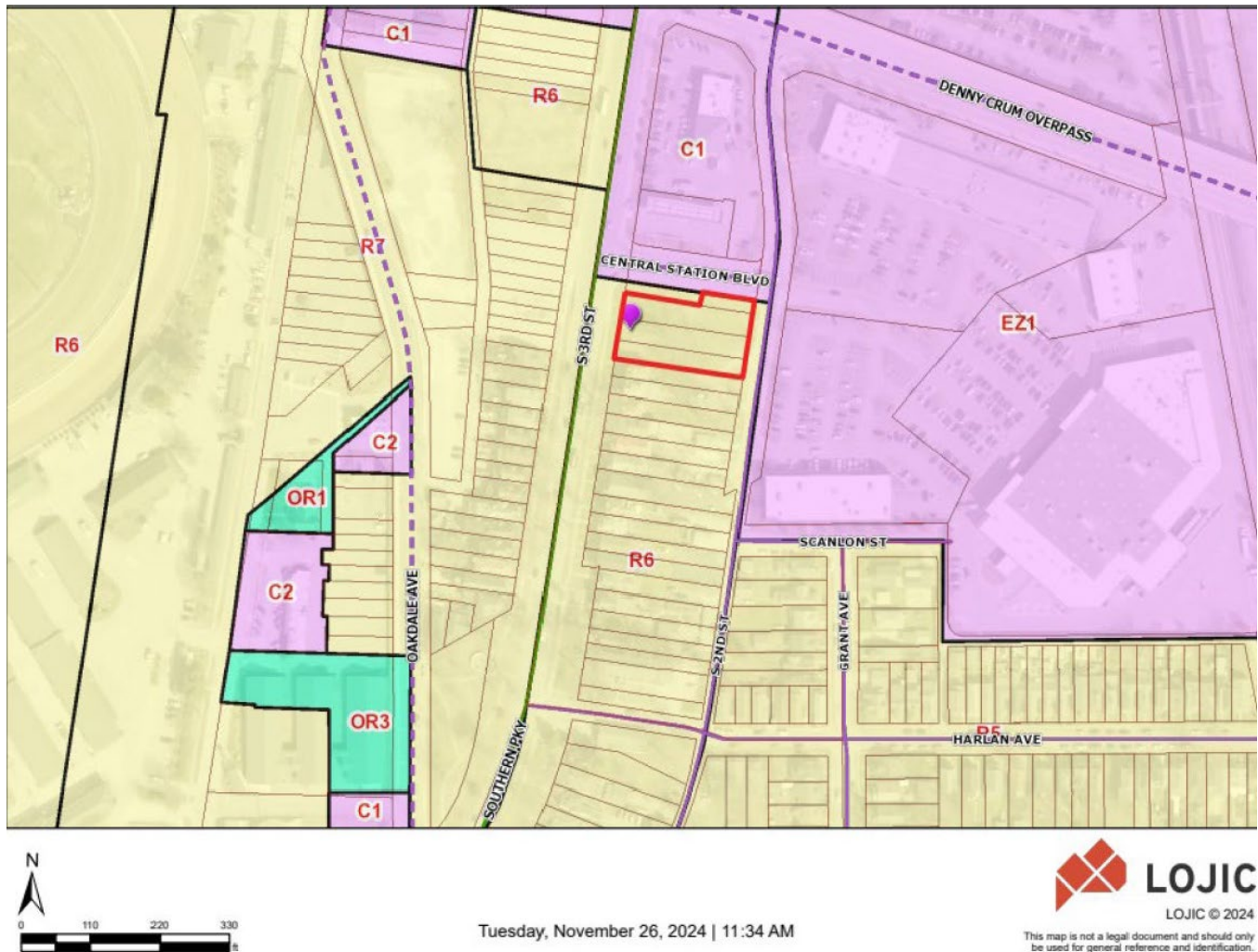
NOTIFICATION

Date	Purpose of Notice	Recipients
3/17/2025 3/14/2025	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 15
4/23/2025 4/21/2025	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15
4/25/2025	Hearing before PC	Sign Posting on property
5/8/2025	Hearing before PC	Legal Advertisement in the Courier-Journal

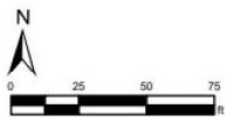
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



Tuesday, November 26, 2024 | 11:35 AM



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 zoning change would represent a minor non-residential expansion since Residential properties are adjacent to the south. The proposed zoning change would permit commercial uses adjacent to existing residential zoning and development. Landscape buffer areas and required setbacks of parking and buildings shall be utilized to mitigate the potential impacts of non-residential development adjacent to an established residential area.</p>
2	<p><u>Community Form: Goal 1, Policy 7.</u> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</p> <p>✓ <u>Staff Analysis:</u> The site is along S. 3rd and 2nd Streets. S. 3rd Street is a four-lane minor arterial roadway while S. 2nd Street is a local roadway. Central Station Boulevard is adjacent to the site along the street side yard and is a local road. Transit service is available directly next to the site along S. 3rd Street. The site is adjacent to an established commercial area with the Central Station Shopping Center directly to the north and east, anchored by a Kroger grocery store. Adequate population exists in the area to serve a variety of commercial uses and services.</p>
3	<p><u>Community Form: Goal 1, Policy 8.</u> Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development or other hazardous uses.</p>
4	<p><u>Community Form: Goal 1, Policy 15.</u> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development.</p>
5	<p><u>Community Form: Goal 1, Policy 16.</u> Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning would not permit industrial development or other hazardous uses. The site will be subject to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances.</p>
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> Traffic to the site is likely to be routed from Central Avenue, S. 3rd St, and Central Station Boulevard since access is achieved from S. 2nd St. Transportation and Public Works reviewed the proposal and determined a traffic impact study was not needed for the development, as the square footage of the development does not trigger the requirement.</p>
7	<p><u>Community Form: Goal 1, Policy 18.</u> Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p>✓ <u>Staff Analysis:</u> The proposal does not appear to add significant additional noise-generating uses, since the area is served by existing commercial uses that generate noise from similar sources such as pedestrians and automobiles. The noise ordinance is applicable to the site regardless of the zoning district. Adequate landscaping and buffering is provided to aid in mitigating adverse impacts of noise from the proposed development.</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>

Plan 2040 Plan Elements/Staff Analysis

NA	Staff Analysis: The proposed zoning would not permit industrial development or other hazardous uses.
9 ✓	Community Form: Goal 2, Policy 1. 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. Staff Analysis: The site is adjacent to an established commercial activity center and in an area with a variety of uses and zoning districts.
10 ✓	Community Form: Goal 2, Policy 4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity. Staff Analysis: Appropriate access and connectivity exist to allow the zoning change within the context of the Traditional Neighborhood form district.
11 ✓	Community Form: Goal 2, Policy 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. Staff Analysis: The proposed zoning would permit a variety of neighborhood serving uses in an area with adequate population and infrastructure to support them.
12 ✓	Community Form: Goal 2, Policy 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. Staff Analysis: The development is adjacent to an established commercial activity center. The proposal is compatible with the compact development pattern of the Traditional Neighborhood form district.
13 ✓	Community Form: Goal 2, Policy 7. 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. Staff Analysis: The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel. The subject site is adjacent to a major transit line and is served by an existing sidewalk network along S. 3 rd Street and Central Station Boulevard.
14 ✓	Community Form: Goal 2, Policy 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings. Staff Analysis: The zoning district would allow for a variety of uses, including mixed residential and commercial uses.
15 NA	Community Form: Goal 2, Policy 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. Staff Analysis: The proposal does not include the rehabilitation of existing buildings since the residential structures have since been demolished and the properties are vacant.
16 NA	Community Form: Goal 2, Policy 10. 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. Staff Analysis: The subject site is not an outlot on a larger commercial development. However, the site is adjacent to a larger commercial development across S. 2 nd Street and Central Station Boulevard.
17 ✓	Community Form: Goal 2, Policy 11. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Staff Analysis: The proposal is adjacent to an established commercial activity center. Residential zoning and uses are also adjacent to the proposal to the south. The site is located in an area with a variety of uses and zoning districts.
18 ✓	Community Form: Goal 3, Policy 9. 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. Staff Analysis: The site is vacant and does not contain distinctive natural features.
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.

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: According to LOJIC, the site does not have potential hydric soils or erosion concerns.
20	<p>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.</p> <p>NA Staff Analysis: The subject site is not along the Ohio River.</p>
21	<p>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.</p> <p>NA Staff Analysis: The subject site is not in the flood plain.</p>
22	<p>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.</p> <p>✓ Staff Analysis: The site is vacant and does not have any known historical significance.</p>
23	<p>Community Form: Goal 4, Policy 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ Staff Analysis: There are no existing structures on the properties. The site does not have any distinctive cultural or natural features.</p>
24	<p>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.</p> <p>✓ Staff Analysis: The site fits within the context of the traditional neighborhood and is adjacent to an established commercial area. Transit service is available to the site along the S 3rd. St sidewalk.</p>
25	<p>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.</p> <p>✓ Staff Analysis: Traffic to the site is likely to be routed from Central Avenue, S. 3rd St, and Central Station Boulevard since access is achieved from S. 2nd St. The site is served by existing public roadways and would not create additional access through areas of lower intensity.</p>
26	<p>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.</p> <p>✓ Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking.</p>
27	<p>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.</p> <p>✓ Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled.</p>
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: The proposed zoning would allow a mix of neighborhood serving uses that facilitate housing and transportation options, and transit service is available to the site.</p>
29	<p>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>

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled through an efficient land use pattern.
30	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.
✓	Staff Analysis: The subject site is served by existing transportation networks. Sidewalks are provided along S. 3 rd St, Central Station Blvd, and S. 2 nd St.
31	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.
✓	Staff Analysis: The proposal may require the construction of a sidewalk along the rear property line of the development abutting S. 2 nd Street. Transportation and Public Works are reviewing the proposal.
32	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.
✓	Staff Analysis: Transportation Planning/Public Works preliminarily approved the proposal.
33	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.
✓	Staff Analysis: The sidewalks along S. 3 rd Street and Central Station Boulevard will serve the development and appear to be in good shape. Transportation Planning and Public Works are reviewing the proposal.
34	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.
✓	Staff Analysis: Utility services shall be coordinated.
35	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.
✓	Staff Analysis: Water service with Louisville Water Company shall be coordinated.
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 Sewer District (MSD).
✓	Staff Analysis: MSD has reviewed the site plan and given preliminary approval.
37	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.
NA	Staff Analysis: The proposed zoning would not allow industrial development.
38	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.
✓	Staff Analysis: The site is also located along S. 2 nd Street and Central Station Boulevard which are local roads, one block south of the intersection of S. 3 rd Street and Central Avenue which are two minor arterials.
39	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.
NA	Staff Analysis: The proposed zoning would not allow industrial development.
40	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.

Plan 2040 Plan Elements/Staff Analysis

NA	Staff Analysis: The proposed zoning would not allow industrial development.
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>✓ Staff Analysis: The site does not have potential for erosion or other environmental concerns.</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 Staff Analysis: The subject site is not in the floodplain.</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 Staff Analysis: The subject site is not in the floodplain.</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>✓ Staff Analysis: The proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place. Transit is available.</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>✓ Staff Analysis: The proposed zoning district would allow for a variety of housing types and densities since commercial zoning does permit residential uses.</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 centers.</p> <p>✓ Staff Analysis: The site is near a variety of services, amenities and employment opportunities.</p>
47	<p><u>Housing: Goal 3, Policy 2.</u> As neighborhoods evolve, discourage displacement of existing residents from their community.</p> <p>✓ Staff Analysis: Residents would not be displaced by the proposal since the properties are vacant.</p>
47	<p><u>Housing: Goal 3, Policy 3.</u> Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</p> <p>✓ Staff Analysis: The proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing. However, the existing zoning of R-6 also permits innovative methods of housing.</p>

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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 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 OR A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 15, 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. 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.