

# Planning Commission

## Staff Report

February 6, 2025



|                          |                                       |
|--------------------------|---------------------------------------|
| <b>Case No:</b>          | 24-ZONE-0113                          |
| <b>Project Name:</b>     | Old Bardstown Road Mini Warehouse     |
| <b>Location:</b>         | 8915 Old Bardstown Road               |
| <b>Applicant:</b>        | Iron Will Ventures, LLC               |
| <b>Representative:</b>   | Bardenwerper, Talbott & Roberts, PLLC |
| <b>Jurisdiction:</b>     | Louisville Metro                      |
| <b>Council District:</b> | 22 – Kevin Bratcher                   |
| <b>Case Manager:</b>     | Amy Brooks, Planning Supervisor       |

### REQUEST(S)

- **Change in zoning** from R-4 single-family residential to C-2 Commercial
- **Conditional Use Permit** to allow a mini-warehouse with relief from items 'A' and 'F' (LDC 4.2.35).
- **Parking Waiver** from Land Development Code (LDC), Section 9.1.2 to reduce the minimum number of required parking spaces (24-PARKWAIVER-0017).
- **Variances:** from Land Development Code (LDC), Section 5.3.1, Table 5.3.2 to vary the residential to non-residential setbacks to allow for the encroachment of drive lanes. (24-VARIANCE-0150).

| Location                                    | Required | Proposed | Variance |
|---|----------|----------|----------|
| Southern Side Yard Setback<br>(Variance 1)  | 30'      | 11'      | 19'      |
| Northern Side Yard Setback<br>(Variance #2) | 30'      | 11'      | 19'      |

- **Waivers:**
  1. **Waiver** of LDC, Section 10.2.4 to reduce the required landscape buffer area (LBA) from 35' to 11' on the southern property line (24-WAIVER-0167).
  2. **Waiver** of LDC, Section 10.2.4 to reduce the required LBA from 20' to 11' on the northern property line.
- **Detailed District Development plan** with binding elements

### CASE SUMMARY

Located on 2.2 acres near Bardstown Road in southeastern Louisville Metro, the subject site is currently zoned R-4 single family residential in the Neighborhood form district. The applicant is proposing to rezone the property to C-2 Commercial to allow mini-warehouses with a conditional use permit request. The development proposal is to construct two separate buildings that will contain 400 interior, climate controlled self-storage units. The current single-family home on the property will be demolished prior to the construction of the storage facilities. Access to the site will be from Old Bardstown Road only.

### STAFF FINDING

The proposed change in zoning generally conforms to most of the land use and development policies of Plan 2040 as demonstrated in the Plan 2040 Staff Analysis. However, staff is concerned that the scale

of the development could have negative impacts on the adjacent residential uses. The conditional use permit, including relief, is adequately justified for approval based on staff's analysis contained in the standard of review. All the requested variances and waivers are adequately justified for approval. The scale of the use is lessened by a significant number of the storage units being enclosed within the building reducing the overall encroachment into the residential to non-residential setback and landscape buffer areas. Hence, because the waivers and variances are justified for approval, the development plan is in conformance with the Land Development Code.

### **TECHNICAL REVIEW**

- The project at 8915 Old Bardstown Road is located within the study area boundary of the Fern Creek Small Area Plan (2001). That plan does not make specific recommendations for the site.
- MSD and Transportation Planning have provided preliminary approval of the proposal.
- Plan 2040
- Land Development Code (Louisville Metro)

### **INTERESTED PARTY COMMENTS**

- All comments received have been placed in the record and made available to the Commission in advance of the public hearing.

### **STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

### **STAFF ANALYSIS FOR CHANGE IN ZONING**

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

#### **The site is located in the Neighborhood Form District**

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

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

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

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

The site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. The site does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. The parkway buffer along Bardstown is being maintained. Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimize property damage and environmental degradation resulting from disturbance of natural systems.

No adverse traffic impacts appear to result from the proposed district or access location. The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential developments, and the site is near an intersection that provides access to an arterial roadway. This location minimizes adverse traffic impacts by potential heavy truck traffic, should the proposed use change, or customer or employee vehicles. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided.

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 CONDITIONAL USE PERMIT**

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. There are residential uses along the property lines; however, the site will both screened and landscaped to mitigate potential impacts.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided. MSD has preliminary approved the proposal with the understanding that sanitary sewer will connect to the Cedar Creek Water Quality Treatment Plant by a lateral extension agreement.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below)
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The development of mini warehouses will require a conditional use permit. A portion of the pavement will be located closer than 30 feet to both the northern and southern property lines. However, that encroachment will be limited; only the drives lanes will be located closer than the standard requirement. This will limit the impact on the residential uses that are located on the adjacent properties. Mini-warehouses do not generate the same traffic and parking demand as other commercial uses. However, because the units are enclosed in the building, there will be less of an impact on any adjacent residential uses. Moreover, the applicant is providing landscaping and screening that will minimize the impact of the proposal on the residential properties that surround the area. Furthermore, all required parkway setbacks and buffers are being maintained.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER**

(a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: The parking waiver conforms to Plan 2040. Parking is being minimized based on demand for similar facilities which reduces unnecessary impervious surfaces caused by over parking.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant has provided parking spaces thought to be necessary to serve the use based on the parking demand for similar uses.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The requested waiver is an appropriate reduction based on the demonstrated demand of similar facilities.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: Adjacent or nearby properties will not be adversely affected.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: The requirements found in table 9.1.2 do not accurately depict the parking needs of the proposed use as demonstrated in the applicant's parking study of similar uses.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.

STAFF: The parking study does not demonstrate that on-street or public spaces are needed for overflow. The site provides some extra spaces beyond the demonstrated demand in the event there is overflow.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES**

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 variances will not adversely affect the public health, safety or welfare as the encroachment into the side yard setbacks does not affect the existing sightlines nor established traffic patterns for vehicles traveling adjacent Old Bardstown Road. Furthermore, safe and efficient pedestrian movement within the development site will be provided. The applicant is proposing new pedestrian walkways that will connect from the public sidewalk to both buildings.

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 variances will not alter the essential character of the general vicinity because this request seems compatible with existing conditions. This is an area where there is no definitive pattern established for separation between residential and non-residential uses. Only the drive lines are encroaching on the subject site, thereby mitigating the potential impact.

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 variances does arise from special circumstances which do not generally apply to land in the general vicinity because the lot has double frontage; the lot fronts both Bardstown and Old Bardstown Road. Therefore, the site is required to maintain additional setbacks to accommodate the parkway standards associated with the Bardstown Road frontage that limits the buildable area of the site.

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 provisions of the regulation would not deprive the applicant of the reasonable use of the land. The applicant could scale down the size of the proposal, thereby eliminating the need for variances.

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 actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as construction on the parking lot has not started.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS**

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

STAFF: The waiver will not adversely affect adjacent property owners because the request for a reduced landscape buffer area (LBA) width is limited to the encroachment of drive lines through the subject site. The buildings are more than 30 feet away from the property lines. Furthermore, the applicant is proposing to provide all required screening and plantings along the property perimeter to shield the neighboring residences from the on-site parking and storage.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Although the applicant is requesting a reduced landscape buffer width, the proposed vegetation and screening will serve as an appropriate shielding between two substantially different uses. The applicant is also providing the required tree canopy and an onsite detention basin to mitigate the runoff that would be generated by an impervious expansion of this size.

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

STAFF: The extent of the waiver of the regulation is the not the minimum necessary to afford relief to the applicant as the scale of the development could be reduced to eliminate the need for a reduction in the required property perimeter landscape buffer 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 not create an unnecessary hardship on the applicant as development could be reduced in scale.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

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

STAFF: The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. The site does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimize property damage and environmental degradation resulting from disturbance of natural systems.

- 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 are provided. There will be a pedestrian connection from Old Bardstown to both proposed buildings. The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential development and the site is near an arterial roadway. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided.

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

STAFF: Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimize property damage and environmental degradation resulting from disturbance of natural systems.

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

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

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

STAFF: The proposal is generally compatible with the overall site design of the area and the pattern of the form district.

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

STAFF: The proposal conforms with Plan 2040 and the Land Development, except where relief has been requested and justified.

#### **REQUIRED ACTIONS:**

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in zoning** from R-4 Residential to C-2 Commercial.
- **APPROVE** or **DENY the Conditional Use Permit** with relief from items 'A' and 'F' (LDC 4.2.35).
- **APPROVE** or **DENY the Parking Waiver**
- **APPROVE** or **DENY the Waivers.**
- **APPROVE** or **DENY the Detailed District Development plan** with binding elements

#### **NOTIFICATION**

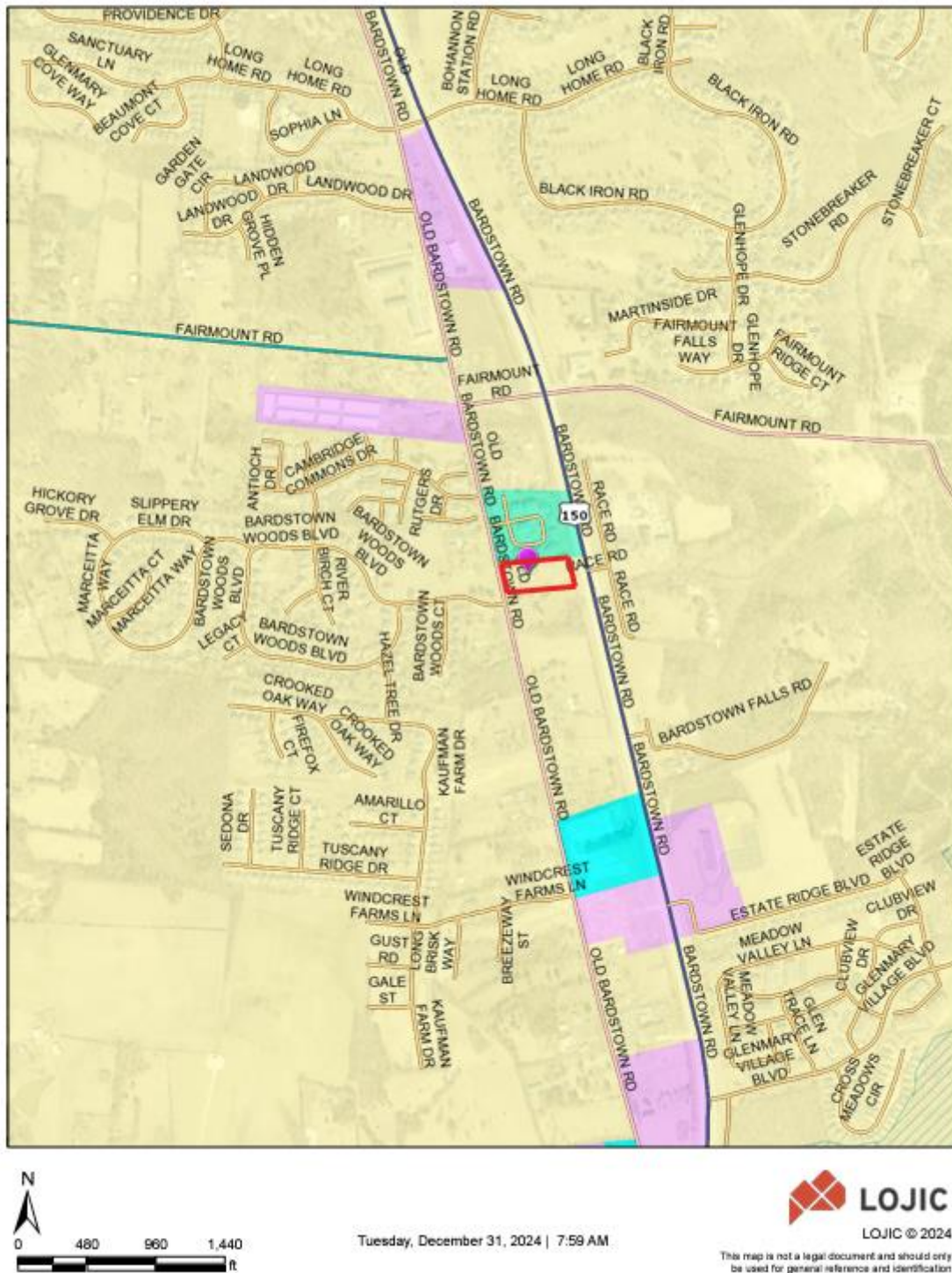
| Date      | Purpose of Notice   | Recipients  |
|-----------|---------------------|---|
| 12-26-24  | Hearing before LD&T | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents                  |
| 12-30-24  |                     | Speakers at Planning Commission public hearing<br>Registered Neighborhood Groups in Council District 22   |
|           | Hearing before PC   | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents                  |
| 1-24-2025 |                     | Speakers at Planning Commission public hearing<br>Registered Neighborhood Groups in Council District 22__ |
| 1-23-2025 | Hearing before PC   | Sign Posting on property  |
|           | Hearing before PC   | Legal Advertisement in the Courier-Journal  |

#### **ATTACHMENTS**

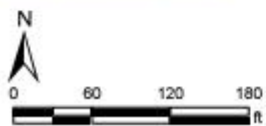
1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Checklist
4. Proposed Binding Elements/Conditions of Approval



## 1. Zoning Map



## 2. Aerial Photograph



Tuesday, December 31, 2024 | 7:54 AM



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



### 3. 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>Community Form: Goal 1, Policy 6.</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>Staff Analysis:</b> The zoning change would represent an extension of a commercial activity center. There is a growing commercial presence (south of the site) that has been established between Old Bardstown and Bardstown Roads. Appropriate transitions and screening are being provided where adjacent to remaining residential uses.</p> |
| 2                                      | <p><b>Community Form: Goal 1, Policy 7.</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>Staff Analysis:</b> The site has frontage on a collector level road. The local road has close access points to Bardstown Rd, which is a major transit corridor that carries through traffic. The site is located to the eastern side of Old Bardstown Road which is becoming a growing commercial activity center.</p>  |
| 3                                      | <p><b>Community Form: Goal 1, Policy 8.</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>Staff Analysis:</b> The proposed zoning does not permit industrial development.</p>   |
| 4                                      | <p><b>Community Form: Goal 1, Policy 15.</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>Staff Analysis:</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>Community Form: Goal 1, Policy 16.</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>Staff Analysis:</b> The proposed zoning district site would allow for higher intensity uses on the site that may have a negative environmental impact to the surrounding residential areas. The proposed zoning could allow for more odorous uses such as a car lot or heavier auto repair which in turn may cause adverse impact to noise, light pollution and possible noxious odors.</p>  |
| 6                                      | <p><b>Community Form: Goal 1, Policy 17.</b> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ <b>Staff Analysis:</b> The proposed uses are unlikely to contribute significant additional traffic.</p>   |

## Plan 2040 Plan Elements/Staff Analysis

|    |   |  |
|----|---|--|
|    |   |  |
| 7  | <b><u>Community Form: Goal 1, Policy 18.</u></b> Mitigate adverse impacts of noise from proposed development on existing communities.   |  |
| ✓  | <b><u>Staff Analysis:</u></b> The applicant will be providing adequate screening and on-site detention to limit the adverse impacts on adjacent residential uses to ensure compatibility.   |  |
| 8  | <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.  |  |
| 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.  |  |
| 9  | <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.  |  |
| ✓  | <b><u>Staff Analysis:</u></b> The location is near a growing activity center. There are a variety of commercial uses and residential development types in close proximity to the subject site.  |  |
| 10 | <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.   |  |
| ✓  | <b><u>Staff Analysis:</u></b> The development is within a growing commercial activity center. The activity center is located between Old Bardstown Road and Bardstown Road where higher intensity commercial uses should be located. The Neighborhood Form District calls for neighborhood centers at a scale that is appropriate for nearby neighborhoods. There will be appropriate access and connectivity provided to the development site. |  |
| 11 | <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.  |  |
| ✓  | <b><u>Staff Analysis:</u></b> The proposed district would retain commercial viability for the subject sites which might support an increase in economic activity for the area.  |  |
| 12 | <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.  |  |
| ✓  | <b><u>Staff Analysis:</u></b> The development is near a growing commercial activity center contributing to a more compact pattern of development.   |  |
| 13 | <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.   |  |
| ✓  | <b><u>Staff Analysis:</u></b> Activity centers should effectively integrate non-residential uses within neighborhoods in a manner that provides convenient service to residents while protecting the character of the neighborhood. The proposed zoning changes are in close proximity to higher classification roads that could support the increased traffic generated by an increase in any intensity of the use.                            |  |
| 14 | <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.   |  |
| ✓  | <b><u>Staff Analysis:</u></b> The zoning district would allow for a variety of uses, including mixed residential, office and commercial uses.   |  |
| 15 | <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.   |  |
| ✓  | <b><u>Staff Analysis:</u></b> The proposed district would allow a variety of uses including office, commercial and residential development including mixed-use development.   |  |
| 16 | <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.  |  |
| NA | <b><u>Staff Analysis:</u></b> The site is not part of an outlot within a larger commercial development.   |  |

| Plan 2040 Plan Elements/Staff Analysis |   |
|--|---|
| 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 development is within a growing commercial activity center. The activity center is located between Old Bardstown Road and Bardstown Road where higher intensity commercial uses should be located.</p>  |
| 18                                     | <p><b><u>Community Form: Goal 3, Policy 9.</u></b> Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.</p> <p>✓ <b><u>Staff Analysis:</u></b> There are no natural features or environmental constraints 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><u>Staff Analysis:</u></b> The site does not have unstable soils, steep slopes or any other environmental constraints.</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>NA <b><u>Staff Analysis:</u></b> The site is not located near 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><u>Staff Analysis:</u></b> Appropriate measures to protect health, safety, and welfare of the development in environmentally sensitive areas will be followed. A conducted Karst Survey did not indicate any areas of concern.</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>NA <b><u>Staff Analysis:</u></b> There are no historic structures 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>NA <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 proposed zoning district allows for higher density and intensity to be located in an area that is near a growing activity center. The growing activity center appears to be between Old Bardstown Road and Bardstown Road, which connects the population and employment centers.</p>  |
| 25                                     | <p><b><u>Mobility: Goal 2, Policy 4.</u></b> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p>✓ <b><u>Staff Analysis:</u></b> The site is accessed via existing public roadways and would not create access through areas of lower intensity.</p>  |
| 26                                     | <p><b><u>Mobility: Goal 3, Policy 1.</u></b> Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.</p> <p>✓ <b><u>Staff Analysis:</u></b> The development is near an expanding commercial activity center. The zoning district allows a wide variety of compatible land uses. The applicant is also providing sidewalks in an area to encourage</p>   |

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|  | pedestrian connection.  |
| 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 proposal does not negatively impact the safe movement of pedestrians and allows for pedestrian interactions in the event of commercial use/retail/customers.</p>  |
| 28                                     | <p><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 will promote pedestrian use as they will be construction sidewalks along their road frontage.</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> All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided. The site is located near population centers.</p> |
| 30                                     | <p><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> There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses.</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> There is adequate vehicular infrastructure to serve the proposed commercial use and future commercial uses. The applicant will also be constructing a sidewalk contributing to connectivity in the area.</p>   |
| 32                                     | <p><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> The proposed district allows for neighborhood commercial uses with adequate vehicular infrastructure to serve the development.</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 will provide an update on any plans, if existing.</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 applicant is proposing to connect to the Cedar Creek Water Quality Treatment Plant.</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 has infrastructure near the development.</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> The applicant is proposing to connect to the Cedar Creek Water Quality Treatment Plant.</p>  |

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| 37<br><b>NA</b>                        | <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><b><u>Staff Analysis:</u></b> The proposed district will not allow industrial uses.</p>   |
| 38<br><b>✓</b>                         | <p><b><u>Economic Development: Goal 1, Policy 3.</u></b> Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.</p> <p><b><u>Staff Analysis:</u></b> The site has adequate access to a major arterial roadway.</p>   |
| 39<br><b>NA</b>                        | <p><b><u>Economic Development: Goal 1, Policy 4.</u></b> Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.</p> <p><b><u>Staff Analysis:</u></b> The site is not near the airport or adjacent to the Ohio River.</p>  |
| 40<br><b>✓</b>                         | <p><b><u>Economic Development: Goal 1, Policy 5.</u></b> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</p> <p><b><u>Staff Analysis:</u></b> The proposed zoning district is located near the appropriate transportation connectivity. Bardstown Road is a major arterial roadway.</p>   |
| 41<br><b>✓</b>                         | <p><b><u>Livability: Goal 1, Policy 17.</u></b> Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.</p> <p><b><u>Staff Analysis:</u></b> The site has karst susceptibility; however, no areas of concern were noted on the Karst Survey.</p>                              |
| 42<br><b>NA</b>                        | <p><b><u>Livability: Goal 1, Policy 21.</u></b> Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.</p> <p><b><u>Staff Analysis:</u></b> The site is not located in any regulatory floodplain areas.</p>  |
| 43<br><b>NA</b>                        | <p><b><u>Livability: Goal 1, Policy 24.</u></b> Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.</p> <p><b><u>Staff Analysis:</u></b> The site is not located in any regulatory floodplain areas.</p>             |
| 44<br><b>✓</b>                         | <p><b><u>Housing: Goal 1, Policy 2.</u></b> Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.</p> <p><b><u>Staff Analysis:</u></b> The proposed zoning district would permit a variety of housing types and services that encourage aging in place</p>  |
| 45<br><b>✓</b>                         | <p><b><u>Housing: Goal 2, Policy 1.</u></b> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</p> <p><b><u>Staff Analysis:</u></b> The proposed district would allow for a diversity of housing and a higher level of density than what currently exists.</p>  |
| 46<br><b>✓</b>                         | <p><b><u>Housing: Goal 2, Policy 2.</u></b> Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.</p> <p><b><u>Staff Analysis:</u></b> The proposed zoning district would permit a variety of housing types and services. Transit is not available to the site and is unlikely to be extended in the foreseeable future.</p> |

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| 47 | <p><b><u>Housing: Goal 3, Policy 2.</u></b> <i>As neighborhoods evolve, discourage displacement of existing residents from their community.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> Residents would not be displaced by this proposal.</p>   |
| 48 | <p><b><u>Housing: Goal 3, Policy 3.</u></b> <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>✓ <b><u>Staff Analysis:</u></b> The proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.</p> |



#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission (DRC/LD&T) meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees,

contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.