

Planning Commission

Staff Report

April 18, 2019



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| Case No: | 18ZONE1080 |
| Project Name: | Midwest Sprinkler Storage Building |
| Location: | 1375 S Preston Street |
| Owner(s): | Midwest Sprinkler Corporation |
| Applicant: | Midwest Sprinkler Corporation |
| Jurisdiction: | Louisville Metro |
| Council District: | 4 – Barbara Sexton Smith |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUESTS

- **Change in form district** from Traditional Neighborhood to Traditional Workplace
- **Change in zoning** from C-2 Commercial and OR-2 Office Residential to EZ-1 Enterprise Zone
- **Variations**
 1. From Section 5.2.5.C.3.c to allow a structure to encroach into the required rear yard setback
 2. From Section 5.5.1.A.2 to allow a structure on a corner lot to exceed the maximum allowable setback of 5' from each street frontage
- **Waivers**
 1. From Section 5.5.5.A.1 to not provide the required screening between an accessory structure and the adjacent public street
 2. From Section 10.2.4 to not provide the required landscape buffer and associated plant material on the north property line
- **Request to Amend Restriction**
 1. To amend the restriction in Section 2.6.1.A.1, which requires a 200' setback from any residential use not zoned EZ-1
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject property is located at the intersection of S Jackson Street and S Preston Street. The applicant proposes to rezone the property to construct a three-sided storage building, to protect finished products from the elements. The property abuts the main business, zoned EZ-1, to the east, with EZ-1 zoning and an industrial use also to the south across S Jackson Street. To the north is a vacant daycare zoned OR-2. I-65 interstate right-of-way is located to the west across S Preston Street.

The subject site is in the Traditional Neighborhood form district. Traditional Workplace is located to the south and east, with Interstate Right-of-Way to the west. The applicant proposes to change the form district to Traditional Workplace.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Land Development Code (Louisville Metro)

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

LDC 2.6.1.A.1 states: All uses other than uses permitted in the C-2 and M-1 districts shall observe a 200-foot setback from any residential use not zoned EZ-1 or to the first street intersection, whichever is less. The Planning Commission may amend this restriction if it finds, following a public hearing with notice to residential property owners within said distance, that the proposed use will conform to a general district development plan with binding elements and conforms to the Comprehensive Plan.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING AND CHANGE IN FORM DISTRICT

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 AND FORM DISTRICT

The site is currently located in the Traditional Neighborhood form district:

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.

The applicant proposes to change the form district to Traditional Workplace:

A Traditional Workplace is a form characterized by predominantly small-to medium-scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off-street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

Following is staff's analysis of the proposed rezoning and change in form district against the Goals, Objectives and Policies of Plan 2040.

The proposal is located in an area of transition between predominantly residential uses to the north-west and predominantly industrial uses to the north-east, east, and south. The I-65 interstate right-of-way is located to the west. The proposal is for the expansion of EZ-1 zoning onto a lot which is currently unutilized, and which is adjacent to existing EZ-1 zoning to the east and south. This zoning change would allow the property owner to expand the existing industrial use to the east onto a lot which is unlikely to be used in the future for the office or residential uses which are allowed under the current zoning.

The requested form district change would bring the form district into alignment with the proposed EZ-1 zoning district. The current form district of Traditional Neighborhood is inappropriate for EZ-1 zoning. The site is adjacent to existing Traditional Workplace form district to the east and south.

All other agency comments should be addressed to demonstrate compliance with the remaining Goals, Objectives and Policies of Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM 5.2.5.C.3.c:

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

STAFF: The requested variance will not adversely affect public health, safety or welfare as the applicant is providing a privacy fence between the subject site and the affected property, with the result that buffering is still being provided.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as reduced setbacks are common in Traditional form districts and in the general vicinity.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the reduced setback will affect only one property, which is currently vacant.

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

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the reduced setback is necessary to allow the applicant to construct a storage building without demolishing an existing building already on the property.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because there is an existing structure on the property which the applicant proposes to preserve, requiring the proposed storage building to be set close to the abutting property at the rear.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to construct the proposed storage building elsewhere on the lot, which is proposed to be reserved for future expansion of the business, reducing the utility of the lot for future expansion.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the variance is being requested and no construction has yet taken place.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM 5.5.1.A.2:

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

STAFF: The requested variance will not adversely affect public health, safety or welfare as the increased building setback from the adjoining streets is not likely to be noticeable to the public.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the increased setback is unlikely to be noticeable from S Preston Street, since the setback is increased by only 4 feet on that side. The increased setback is also unlikely to be noticeable from S Jackson Street, as the building is oriented so as to be more visible to S Preston.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as an increased setback does not cause a hazard, and the applicant proposes to have a mural painted on the side of the building to mitigate any nuisance.

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

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the increased setback from S Preston Street would permit the applicant space in the yard to adequately secure the property, and the increased setback from S Jackson Street would permit the applicant to construct the new structure behind an existing building which is to be preserved.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because there is an existing structure on the property which the applicant proposes to preserve, requiring the proposed storage building to be set close to the abutting property at the rear and preventing it from meeting the required maximum setback along S Jackson Street. The increased setback from S Preston Street allows the applicant space to secure the property.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to construct the proposed storage building elsewhere on the lot, which is proposed to be reserved for future expansion of the business, reducing the utility of the lot for future expansion.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the variance is being requested and no construction has yet taken place.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF 5.5.5.A.1:

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

STAFF: The waiver will not adversely affect adjacent property owners as the screening is required between the accessory structure and the public street.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 Community Form Goal 1 Policy 10 encourages the mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another, including the mitigation of visual

nuisances. This policy is not violated because the applicant has proposed to have a mural painted on the side of the structure to mitigate the appearance of the structure.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as security concerns preclude completely opaque screening of the site from the adjacent road.

- (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 compensate for non-compliance with the requirements to be waived by intending to have a mural painted on the side of the storage building to mitigate its impact and contribute to the visual quality of life of the neighborhood.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF 10.2.4:

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

STAFF: The waiver will not adversely affect adjacent property owners as the affected adjacent property is currently vacant, and a screening fence will be provided.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 Community Form Goal 1 Policy 10 encourages the mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another, including the mitigation of visual nuisances. This policy is not violated because the applicant will provide a privacy fence between the subject property and the affected property to mitigate the impact of the structure.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the amount of space between the proposed storage building and the adjacent property is too small to allow the required plant material to thrive.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to install plant material that would not be able to thrive in the amount of space available.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

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

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. The proposed site plan expands industrial uses from an adjacent site, and adequately buffers the proposed low-intensity industrial use from the most affected adjoining property, which is currently vacant.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the requested variances and waivers.

REQUIRED ACTIONS

- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Form-District** from Traditional Neighborhood to Traditional Workplace
- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from C-2 and OR-2 to EZ-1
- **APPROVE** or **DENY** the **Variations**
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Request to Amend Restriction** listed in 2.6.1.A.1
- **APPROVE** or **DENY** the **Detailed District Development Plan** with **Binding Elements**

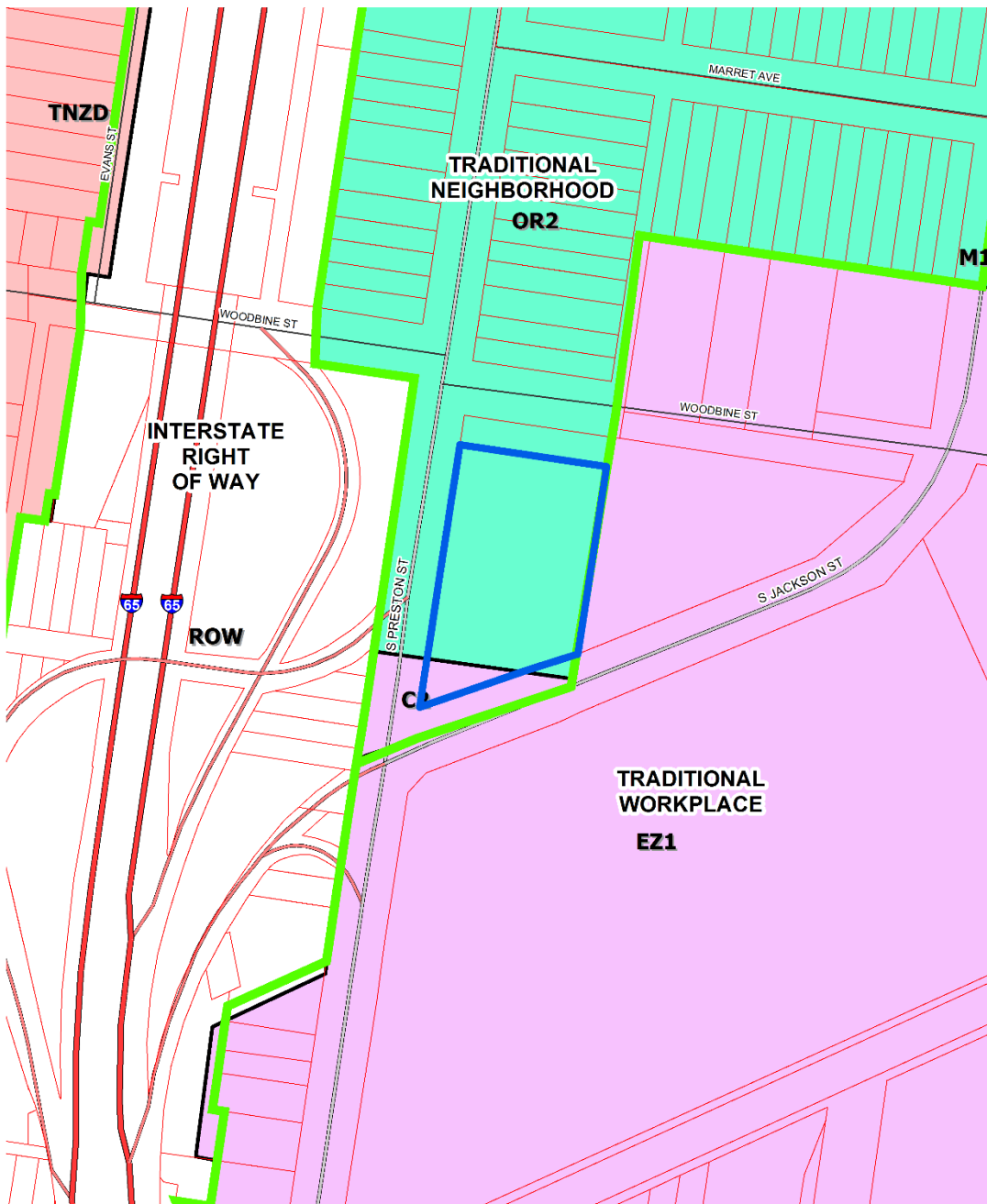
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------------|--------------------------|--|
| 03/11/2019 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4 |
| 03/29/2019 | Hearing before PC | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4 |
| 03/29/2019 | Hearing before PC | Sign Posting on property |
| 04/03/2019 | Hearing before PC | Legal Advertisement in the Courier-Journal |

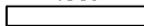
ATTACHMENTS

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

1. Zoning Map



1375 S Preston Street
feet



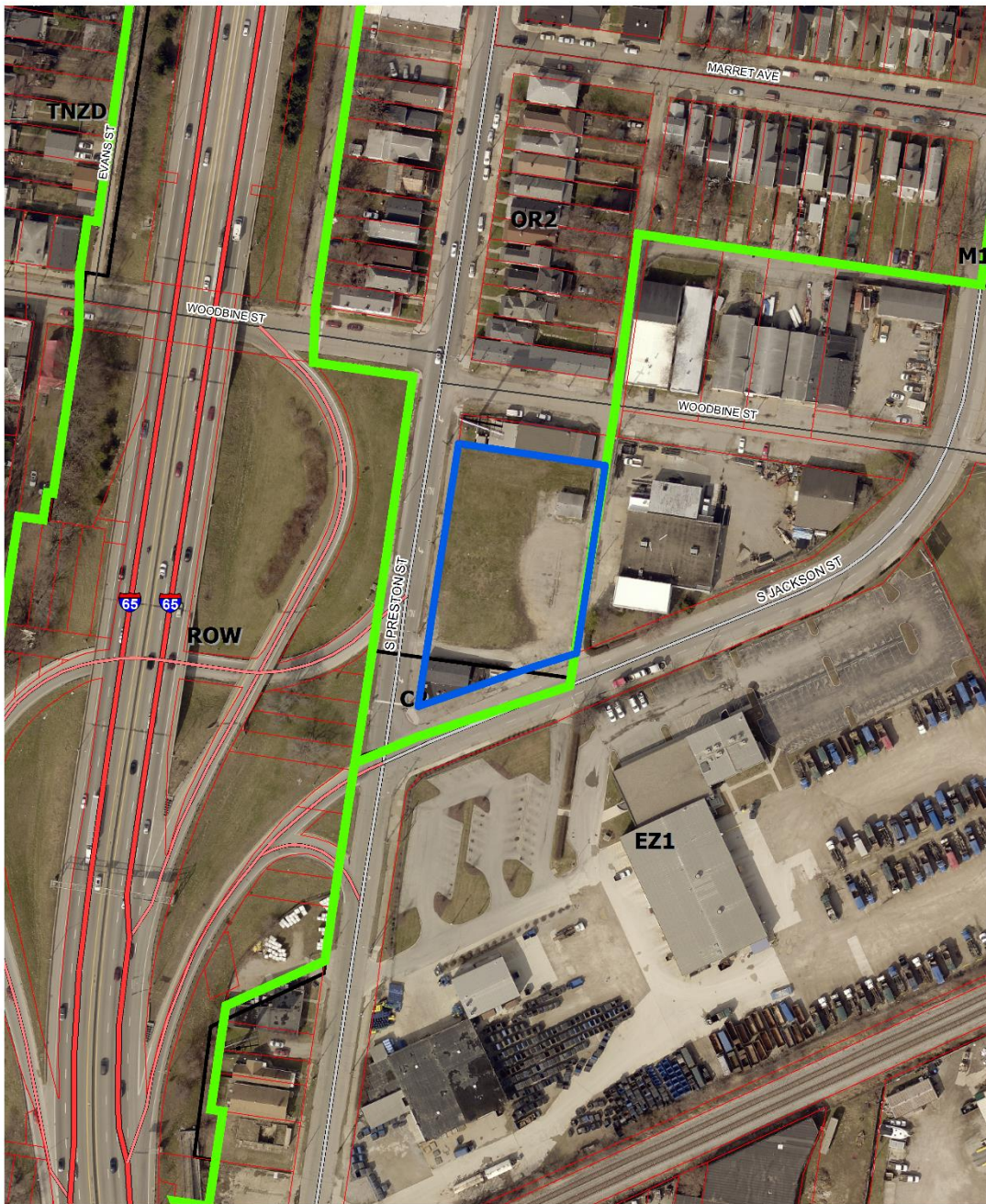
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Map Created: 11/30/2018

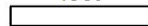


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2. Aerial Photograph



1375 S Preston Street
feet



140

Map Created: 11/30/2018



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3. Plan 2040 Checklist

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

Traditional Workplace: Non-Residential

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|---|------------------------|---|---------------|---|
| 1 | Community Form: Goal 1 | 6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. | ✓ | The proposed zoning district change is not an expansion into an existing residential area, as the only abutting property is vacant. The nearest residentially used properties are across Woodbine Street to the north, and those properties are already adjacent to industry to their east. |
| 2 | Community Form: Goal 1 | 7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. | ✓ | The subject site is located on major transit corridors, and in an existing industrial activity center. Adequate infrastructure exists to support the uses allowed by the proposed zoning district. |
| 3 | Community Form: Goal 1 | 8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. | ✓ | The applicant proposes to change the form district to Traditional Workplace to comply with form district guidelines. |
| 4 | Community Form: Goal 1 | 15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted. | ✓ | Disadvantaged populations are not disproportionately impacted by the proposal. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---|---------------|--|
| 5 | Community Form: Goal 1 | 16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. | ✓ | The proposal does not include any potential impacts to air or water. |
| 6 | Community Form: Goal 1 | 17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities. | ✓ | The site has direct access to two minor arterial roads. |
| 7 | Community Form: Goal 1 | 18. Mitigate adverse impacts of noise from proposed development on existing communities. | ✓ | The proposal includes a privacy fence to the north which will help to mitigate any adverse impacts from noise on the nearest residential residences, which are located across Woodbine Street. |
| 8 | Community Form: Goal 1 | 21. 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 | No junkyards, landfills, quarries, or similar uses are included in the proposal. |
| 9 | Community Form: Goal 2 | 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. | ✓ | The proposed zoning district of EZ-1 is compatible with the proposed zoning district of Traditional Workplace. The proposal would expand an existing activity center in an appropriate location, as there is adequate infrastructure and adequate buffering to the nearest residences. |
| 10 | Community Form: Goal 2 | 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. | NA | The proposal is for an industrial zoning district. |
| 11 | Community Form: Goal 2 | 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. | ✓ | The proposed zoning district would permit a more compact pattern of development, as the subject site is currently unutilized and the applicant proposes to develop it. |
| 12 | Community Form: Goal 2 | 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. | ✓ | The proposal would expand an existing industrial zoning district into an unutilized parcel. The proposal would require fewer vehicle trips by permitting the applicant to store finished products on site. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|--|---------------|--|
| 13 | Community Form: Goal 2 | 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings. | NA | The proposal is for an industrial zoning district that would disallow almost all residential uses. |
| 14 | Community Form: Goal 2 | 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. | ✓ | The applicant proposes to preserve the two existing buildings on the property, which under the proposed zoning district could be used for commercial purposes in the future. |
| 15 | Community Form: Goal 2 | 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. | NA | The proposal does not include an underutilized parking lot. |
| 16 | Community Form: Goal 3 | 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. | NA | No natural features are evident on the site. The required tree canopy will be provided. |
| 17 | Community Form: Goal 3 | 10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. | NA | No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|--|---------------|---|
| 18 | Community Form: Goal 3 | 11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way. | NA | The subject site is not located in the Ohio River Corridor. |
| 19 | Community Form: Goal 3 | 12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development. | NA | The site is not located in a flood-prone area or in an area vulnerable to sinkholes or landslides. |
| 20 | Community Form: Goal 4 | 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. | ✓ | The existing structures on the site are proposed to be preserved. |
| 21 | Community Form: Goal 4 | 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features. | NA | No distinctive cultural features are evident on the site. |
| 22 | Mobility: Goal 1 | 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. | ✓ | The subject site is located in an existing activity center and employment center, and is adjacent to transit. |
| 23 | Mobility: Goal 2 | 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. | ✓ | Access to the site is achieved directly from two minor arterial streets, and not through an area of significantly lower intensity or density. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---|---------------|--|
| 24 | Mobility: Goal 3 | 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. | ✓ | The subject site is well served by transit, and has sidewalks available. Housing is located a block away. |
| 25 | Mobility: Goal 3 | 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. | ✓ | The subject site is located on two minor arterials and transit corridors. There are sidewalks along the streets adjacent to the site. The proposed zoning district would permit the expansion of an existing industrial use. |
| 26 | Mobility: Goal 3 | 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. | ✓ | The vicinity of the subject site is walkable, with sidewalks available. |
| 27 | Mobility: Goal 3 | 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. | ✓ | Transportation Planning has approved the proposal. |
| 28 | Mobility: Goal 3 | 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. | ✓ | Transportation Planning has approved the proposal. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|--|---------------|--|
| 29 | Mobility: Goal 3 | 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. | ✓ | Transportation Planning has approved the proposal. |
| 30 | Mobility: Goal 3 | 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. | ✓ | Transportation Planning has approved the proposal. |
| 31 | Community Facilities: Goal 2 | 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. | ✓ | The subject site is served by utilities and all relevant utilities have approved the proposal. |
| 32 | Community Facilities: Goal 2 | 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. | ✓ | Louisville Water Company has approved the proposal. |
| 33 | Community Facilities: Goal 2 | 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). | ✓ | MSD has approved the proposal. |
| 34 | Economic Development: Goal 1 | 1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees. | ✓ | The proposed land use would serve and expand an existing industrial use that is located to the east. |
| 35 | Economic Development: Goal 1 | 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. | ✓ | The subject site is adjacent to existing industrial to the east and south. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|--|---------------|--|
| 36 | Economic Development: Goal 1 | 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. | ✓ | The subject site is located at the intersection of two minor arterials. |
| 37 | Economic Development: Goal 1 | 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 | The subject site is not located near the airport or the Ohio River. |
| 38 | Economic Development: Goal 1 | 5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions. | ✓ | The subject site is located on two minor arterial streets and within an existing industrial activity center. |
| 39 | Livability: Goal 1 | 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project. | NA | The subject site is not located in a karst area. |
| 40 | Livability: Goal 1 | 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events. | NA | The subject site is not located in the regulatory floodplain. |
| 41 | Livability: Goal 1 | 24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance. | NA | The subject site is not located in the regulatory floodplain. |

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|----|------------------------|---|---------------|--|
| 42 | Housing: Goal 1 | 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities. | NA | The proposed zoning district would not permit most forms of housing. |
| 43 | Housing: Goal 2 | 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. | NA | The proposed zoning district would not permit most forms of housing. |
| 44 | Housing: Goal 2 | 2. 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. | NA | The proposed zoning district would not permit most forms of housing. |
| 45 | Housing: Goal 3 | 2. As neighborhoods evolve, discourage displacement of existing residents from their community. | NA | The subject site is currently vacant. No existing residents will be displaced. |
| 46 | Housing: Goal 3 | 3. 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. | NA | The proposed zoning district would not permit most forms of housing. |

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. The existing western access point to S Jackson Street shall be closed, and access to the site shall be achieved from S Preston Street and the private alley running from Woodbine Street to S Jackson Street.

4. 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.
5. 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the owners of the subject property and the property to the immediate east, and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
9. 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.