

**Planning Commission
Staff Report**
June 6, 2019



Case No:	18ZONE1067
Project Name:	Southside Drive
Location:	7382 Southside Drive
Owner(s):	DP. Rentals, LLC
Applicant:	DP. Rentals, LLC
Representative(s):	Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Joel Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-5, single-family residential to C-1 & C-2, commercial
- **Waivers:**
 1. Waiver of Land Development Code (LDC), section 5.5.1.A.1.a to allow principle entrance on Tract 2 to not face Southside Drive
 2. Waiver of LDC, section 5.5.1.A.3 to allow parking between the principle structure on Tract 2 and Southside Drive
 3. Waiver of LDC, section 5.5.1.A.3.d/5.9.2.A.1.b.ii to not provide pedestrian and vehicular connectivity to adjacent sites
- **Variance** from LDC, section 5.2.4.C.3.a to exceed the maximum setback of 15' on Tract 2
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning from R-5 to C-1 and C-2 has been requested. An existing structure on Tract 1 will be retained and C-1, commercial is proposed for this lot. Tract 2 is proposed for contractor's space containing storage and office areas for multiple tenants. Parking and pedestrian facilities between the two tracts will be shared. The subject site is located along an arterial roadway that provides connection between activity centers. The subject property is located adjacent to commercial, office, and residential districts. The two residential districts adjacent to the site do not contain residential uses and are occupied by a religious institution and off-street parking facilities, while the adjacent C-1 use to the north contains multi-family development.

STAFF FINDING

The proposal appears to conform to the land use and development policies of Plan 2040. The district has been appropriately located based on surrounding districts and uses. The concentration of commercial uses within a Town Center form district helps to prevent inappropriate expansions elsewhere in the Metropolitan area. The proposed district allows expanded commercial services to serve nearby residential populations while also allowing professionals to be located near the neighborhoods they work. It does not constitute a non-residential expansion into existing residential.

Each waiver, variance, and the development plan appears to be adequately justified based on staff's analysis contained in the standard of review.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against Land Use and Development Policies of Plan 2040:

The site is located in the Town Center Form District

The Town Center is a traditional and preferred form, larger in scale than the neighborhood center, which forms a focal point of activity. The Town Center has an identifiable core and is often located at a historic crossroads or the intersection of a major thoroughfare(s) and a collector roadway with connections to surrounding neighborhoods through walkways, local streets and residential collector streets. The amount of floor space in town centers is usually between 100,000 and 400,000 square feet reflecting a market area designed to serve a population of between 25,000 to 75,000. The town center form typically has a compact mixture of moderately intense uses including shopping, restaurants, offices and residences. In its most traditional form, the Town Center ordinarily includes civic uses, such as libraries, government offices, police or fire stations and religious facilities. The presence of small-scale civic open space is a common but not essential feature. Buildings are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. More intense uses in the town center are located in close proximity to the major thoroughfare, and the intensity of use gradually declines toward the adjacent neighborhoods.

Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The Comprehensive Plan envisions the preservation and enhancement of those town centers that already exist and encourages creation of new town centers that are in keeping with the goals, objectives and policies.

The site is located along a minor arterial level roadway with direct access to a major arterial having interstate access and TARC route #6. New Cut Road serves as a primary activity center and properties fronting New Cut adjoin the rear of this property. The proposed district allows expanded commercial services to serve nearby residential populations. It does not constitute a non-residential expansion into existing residential area as the site abuts commercial and office zoning districts, and where residential

is present the district does not expand beyond current limits of non-residential uses. The district appears to have been appropriately located based on surrounding districts and geometry of the existing lot. The concentration of commercial uses within a Town Center form district helps to prevent inappropriate expansions elsewhere in the Metropolitan area.

The proposed district, as a whole, does not allow for industrial operation which requires or necessitates the need to be located within a workplace form. The minimal semi-industrial uses such as contractor's shop allow for the location of professionals to locate at appropriate locations within proximity to neighborhoods. The C-2 district requires that most operations be contained inside buildings. It should be noted, however, that outdoor music is permitted within the district. Outdoor activities should be appropriately mitigated in the event they occur on site as the site is adjacent to a residential development.

The site does not appear to contain significant natural features. Trees will be preserved where possible by the proposed development. The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes. The proposal does not appear to be located in a flood-prone area and the site is not in a Karst prone area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

LDC section 5.5.1.A.1.a to allow principle entrance on Tract 2 to not face Southside Drive

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

STAFF: The waiver will not adversely affect adjacent property owners as the structure is located towards the rear of the property and to the rear of an existing structure.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Plan 2040 calls for the appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. The proposed orientation does not pose a significant concern related to the overall character or compatibility of the development within the area as it is located to the rear of the site. The intended user requires certain spacing element to allow for maneuverability and this does not negatively impact the frontage.

- (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 intended design and user requires additional space for external and internal maneuvering within parking areas and the structure.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the site has been laid out to accommodate a specific user. Any

future use of the property should reconsider orientation and pedestrian interaction along the frontage.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

LDC, section 5.5.1.A.3 to allow parking between the principle structure on Tract 2 and Southside Drive

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

STAFF: The waiver will not adversely affect adjacent property owners as parking areas are currently located along the frontage and parking in front of structures is common in the area.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Plan 2040 calls for parking in activity centers to reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The parking area reflects patterns in the area and the needs of the user with respect to user needs and geometry of the lots.

- (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 structure as proposed would not appropriately accommodate access and parking to the rear while being located at the front of the tract.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the site has been laid out to accommodate a specific user. Any future use of the property should reconsider orientation and pedestrian interaction along the frontage.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)

LDC section 5.5.1.A.3.d/5.9.2.A.1.b.ii to not provide pedestrian and vehicular connectivity to adjacent sites

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

STAFF: The waiver will not adversely affect adjacent property owners as existing facilities adjacent to the site are built out.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Plan 2040 calls for internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development. The user on Tract requires a certain level of security from the

general public due to its use as a contractor's shop. Any future use of the site should be strongly encouraged to fully comply with connectivity with adjacent users as retail serving uses and neighborhood or regional services should be interconnected to promote visiting multiple establishments.

(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 a contractor's shop requires certain levels of security from the public.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the specific user require certain limited interaction Any future use of the site should be strongly encouraged to fully comply with connectivity with adjacent users as retail serving uses and neighborhood or regional services should be interconnected to promote visiting multiple establishments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

LDC section 5.2.4.C.3.a to exceed the maximum setback of 15' on Tract 2

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as sight lines for pedestrians and motorists are not impacted.

(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 area as the area contains a wide variety of setback, orientation, and placement.

(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 sight lines for the movement of pedestrians and motorists are not impacted.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the setback is not able to be met given the design of the structure and need for parking and access to serve each site of the development.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 as the site is narrower than most sites found in the immediate area and larger more intense users such as the one proposed may locate on site.

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 as the user may not be able to accommodate the proposed use is made to fully comply with the setback.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

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 does not appear to contain significant natural features. Trees will be preserved where possible by the proposed development. The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes. The proposal does not appear to be located in a flood-prone area and the site is not in a Karst prone area.

- 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 as pedestrian connections have been provided to each building on the development and sidewalks are present. Any future use of the property should be strongly encourage to fully comply with the connectivity standards to adjacent users as required by the Land Development Code.

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

STAFF: The proposal provides open space in a detention area to handle run-off and through drainage.

- 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 proposed use and development is compatible with the area the area contains a wide variety of setback, orientation, and placement.

- 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 with the current uses proposed conforms to the Comprehensive Plan the site is located along an arterial road with direct connection to an activity center and TARC service. Sidewalks and pedestrian connectivity are provided. Design and materials increase the development compatibility. The area conatins a wide variety of orientation, setback, and placement of structures and parking facilities. Current users require a certain level of security form the public. However, any future use of the property should be strongly encourage to fully comply with the connectivity standards to adjacent users as required by the Land Development Code. Appropriate transitions have bene provided to abutting uses.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-5, single-family residential to C-1 & C-2, commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the requested **Waivers**:
 1. Waiver of Land Development Code (LDC), section 5.5.1.A.1.a to allow principle entrance on Tract 2 to not face Southside Drive
 2. Waiver of LDC, section 5.5.1.A.3 to allow parking between the principle structure on Tract 2 and Southside Drive
 3. Waiver of LDC, section 5.5.1.A.3.d/5.9.2.A.1.b.ii to not provide pedestrian and vehicular connectivity to adjacent sites
- **APPROVE** or **DENY** the **Variance** from LDC, section 5.2.4.C.3.a to exceed the maximum setback of 15' on Tract 2
- **APPROVE** or **DENY** the **Detailed District Development Plan**

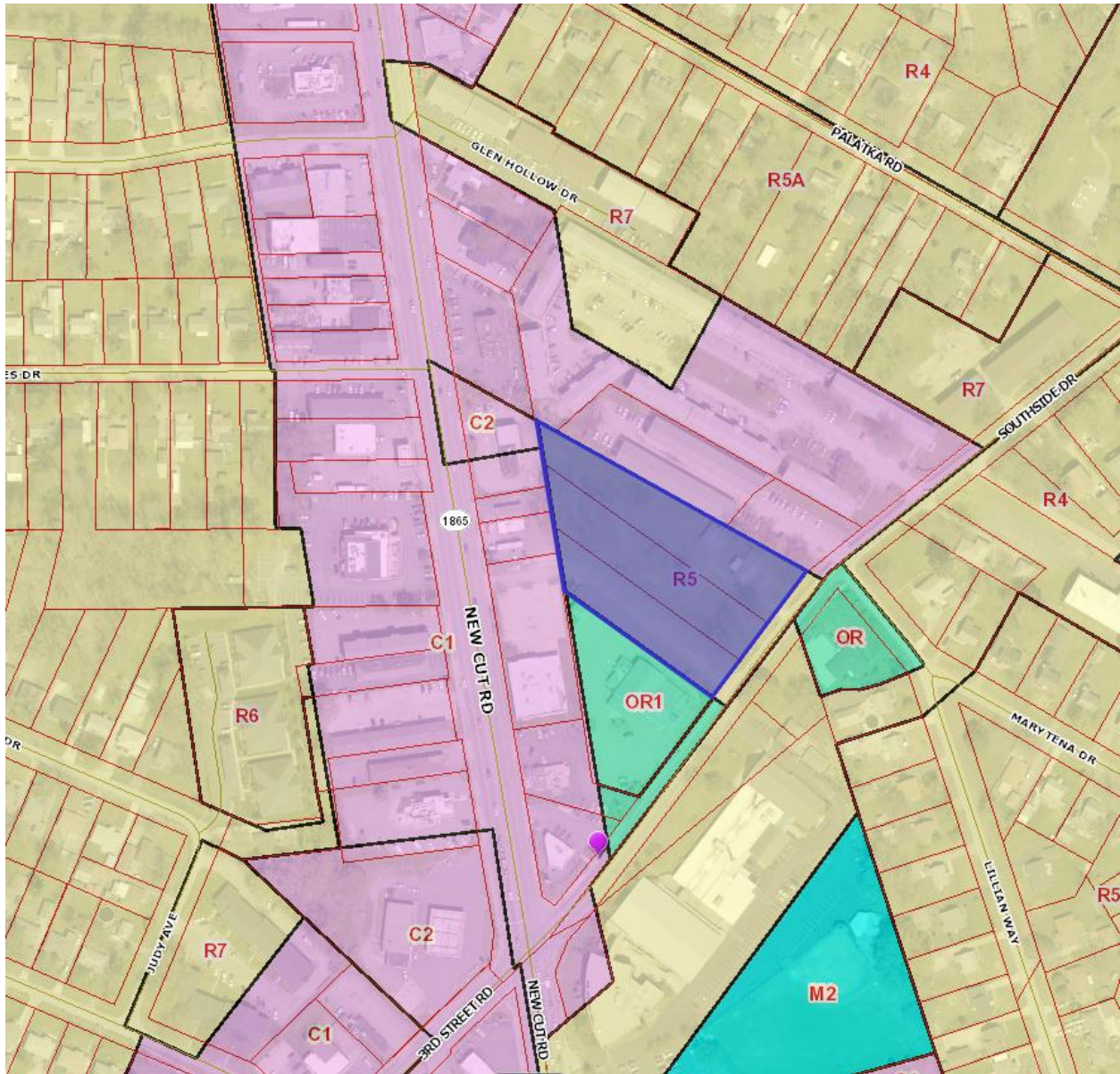
NOTIFICATION

Date	Purpose of Notice	Recipients
5/2/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 25
5/22/19	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 25
5/17/19	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 Staff Analysis
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

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

Town Center: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 1: Community Form	<p>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.</p>	✓	<p>The proposal does not constitute a non-residential expansion into existing residential area as the site abuts commercial and office zoning districts, and where residential is present the district does not expand beyond current limits of non-residential uses.</p>
Land Use & Development Goal 1: Community Form	<p>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.</p>	✓	<p>The site is located along a minor arterial level roadway with direct access to a major arterial having interstate access and TARC route #6. New Cut Road serves as a primary activity center and properties fronting New Cut adjoin the rear of this property.</p>
Land Use & Development Goal 1: Community Form	<p>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.</p>	✓	<p>The proposed district, as a whole, does not allow for industrial operation which requires or necessitates the need to be located within a workplace form. The minimal semi-industrial uses such as contractor's shop allow for the location of professionals to locate at appropriate locations within proximity to neighborhoods.</p>
Land Use & Development Goal 1: Community Form	<p>15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p>	✓	<p>The proposed district allows expanded commercial services to serve nearby residential populations. Hazardous or nuisance uses are not typical of the proposed district and design regulations establish appropriate transitions.</p>

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 1: Community Form	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.	✓	Potentially hazardous uses as defined by the LDC are not permitted within the proposed district.
Land Use & Development Goal 1: Community Form	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	The classification of the roadway fronting the property is intended to serve higher volumes of traffic and connect to other high speed roadways.
Land Use & Development Goal 1: Community Form	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The C-2 district requires that most operations be contained inside buildings. It should be noted, however, that outdoor music is permitted within the district. Outdoor activities should be appropriately mitigated in the event they occur on site as the site is adjacent to a residential development.
Land Use & Development Goal 2: Community Form	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 district has been appropriately located based on surrounding districts and geometry of the existing lot.
Land Use & Development Goal 2: Community Form	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	Sufficient population appears to be available to support a wide range of uses.
Land Use & Development Goal 2: Community Form	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The concentration of commercial uses within a Town Center form district helps to prevent inappropriate expansions elsewhere in the Metropolitan area.
Land Use & Development Goal 2: Community Form	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 area contains a mixture of non-residential districts. The proposal will add to the existing mixture of uses.
Land Use & Development Goal 2: Community Form	8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	✓	The proposed district does not limit residential activities on site.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	An existing structure on site will be retained.
Land Use & Development Goal 3: Community Form	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.	✓	The site does not appear to contain significant natural features. Trees will be preserved where possible by the proposed development.
Land Use & Development Goal 3: Community Form	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.	✓	The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes
Land Use & Development Goal 3: Community Form	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.	✓	The proposal does not appear to be located in a flood-prone area and the site is not in a Karst prone area.
Land Use & Development Goal 4: Community Form	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.	✓	An existing structure on site will be retained. There does not appear to be any historical significance of this structure.
Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	There do not appear to be any distinctive cultural features on site.
Land Use & Development Goal 1: Mobility	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 proposal is located within a town center form district where a target market area may serve a population of between 25,000 to 75,000. Intensities permitted allow the area area to reach this market. Existing patterns of development in the area vary significantly.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access is along an arterial roadway which is sufficient to serve the development and should not provide for individual residential access.
Land Use & Development Goal 3: Mobility	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 proposed district allows for a mixture of compatible uses that may be made accessible bicycle, car, transit, pedestrians and people with disabilities.
Land Use & Development Goal 3: Mobility	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 district does not hinder mobility or options for mobility.
Land Use & Development Goal 3: Mobility	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 district does not prevent development of walkable centers to connect different modes of travel.
Land Use & Development Goal 3: Mobility	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.	✓	The proposed district does not significantly impact the transportation network as it is along an arterial level roadway within proximity to TARC routes.
Land Use & Development Goal 3: Mobility	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.	✓	Development of the site will bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposal will be served by existing utilities or capable of being served by public or private utility extensions
Land Use & Development Goal 2: Community Facilities	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.	✓	The proposal will have an adequate supply of potable water and water for fire-fighting purposes
Land Use & Development Goal 2: Community Facilities	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).	✓	The proposal will have 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).
Land Use & Development Goal 1: Economic Development	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 district is located on an arterial roadway.
Land Use & Development Goal 1: Livability	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.	✓	The site is not located in the regulatory floodplain.

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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy or 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. A crossover easement and shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - f. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan & dedicating additional right-of-way as required by the Department of Public Works and shown on the approved development plan.
 - g. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6, 2019 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
3. 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.
4. 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.