

Planning Commission

Staff Report

February 6, 2020



Case No:	19-ZONE-0080
Project Name:	Durrett Lane
Location:	1231/1241 Durrett Lane
Owner:	Durrett, LLC
Applicant:	POE Durrett, LLC
Representative:	Frost Brown Todd, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change in zoning** from C-1 & C-2, Commercial to PEC, Planned Employment Center
- **Waiver** of Land Development Code, section 10.2.7 & 10.2.10 to allow encroachments of existing pavement into the required 15' landscape buffer areas (19-WAIVER-0094)
- **Revised Detailed District Development Plan**

CASE SUMMARY

A change in zoning to facilitate the repurposing of a former telecommunications/call center for office/warehouse uses is proposed. The subject property is located in the southeast corner of the intersection of Preston Highway and Interstate-264. Eastbound access to I-264 is readily available along the Preston Highway Frontage and access to I-65 is available at Grade lane, roughly $\frac{3}{4}$ miles from the subject site. The site also maintains access to Durrett lane, a local roadway serving residential populations and commercial services. The subject property maintains over 1,200 parking spaces. Requirements for specific users will be determined at a later date and prior to occupancy.

A small portion in the southeast corner of the subject property was rezoned from C-1 to C-2, commercial in 1984, docket 9-39-84. Binding Elements in the area of the subject site related to this docket will be abandoned and replaced.

STAFF FINDINGS

The proposed rezoning conforms to the land use and development policies of Plan 2040. The proposal is conveniently located at the crossroads of Interstate-264 and Interstate-65, along with being in close proximity to the International Airport and related industry. This allows the proposed district to provide supportive services and take advantage of these transportation networks. The proposed zoning district does not allow for the most noxious industrial uses as the district does not allow for M-3 industrial uses. The proposed district does allow for low-intensity commercial services to serve the community in conjunction with office and industrial uses. For instance, a manufacturer may produce a product as permitted by the district and sell those products directly to the consumer.

The development plan and waiver appear to be adequately justified based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

STANDARD OF REVIEW FOR REZONING

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; 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 REZONING

Following is staff's analysis of the proposed rezoning against the Land use and Development Policies of Plan 2040:

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The proposed rezoning is located on an existing development site of a non-residential use and zoning district. The proposed zoning district will not result in the displacement of residents or loss of affordable housing units. The proposal will not create a strain on parking in the area as the current development provides a sufficient number of existing parking spaces to serve a wide variety of potential commercial, industrial, and office users. The site is predominantly adjoining non-residential uses or the interstate.

The proposed higher intensity use is located along a major arterial roadway near transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists. The proposal is conveniently accessible from Interstate-264 and Interstate-65, as well the International Airport and related industry.

The proposed zoning district does not allow for the most noxious industrial uses as the district does not allow for M-3 industrial uses. The proposed district is intended to “provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system.” It allows for limited commercial activities and offices in combination with industrial parks. The future use and development of the property should be cognizant of the residential populations along Durrett Lane with respect to the movement of heavy-trucks. Preston Highway provides sufficient access to necessarily transportation infrastructure.

The prior use and current layout of the property are not necessarily the desire of the suburban marketplace corridor. However, the current form at this location is disconnected and out of place from the commercial corridor that begins further to the south and north of the site. The site lies at the crossroad of the interstate and the international airport and appears to be better served by providing support and to take advantage of those facilities. The proposed district allows low-intensity commercial services to serve the community in conjunction with office and industrial uses. For instance, a manufacturer may produce a product as permitted by the district and sell those products directly to the consumer.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the request is the result of existing encroachments and all planting and screening required will be provided.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The request is the result of existing encroachments and all planting and screening required will be provided. The current parking facilities are unmitigated from roadways and adjacent uses and the proposal will improve on the current conditions.

- (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 existing facilities will be repurposed and planting and screening as required will be provided.

- (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 redevelopment of the site will result in improved conditions along the perimeter without causing the removal of a pavement and parking.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED 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 conserved as the site is previously developed and these items will not be impacted, or the development will receive appropriate approvals from relevant agencies to mitigate floodplain or water course.

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 will be provided as pedestrian connectivity to public transit routes has been extended and public walks are being provided along Durrett Lane.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided. Open space is not required at this time.

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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as parking facilities will be improved to provide interior landscape areas and planting and screening will be provided along the perimeter.

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 proposed development plan conforms to Plan 2040 as a minimal amount of redevelopment is occurring at this time. The proposal will provide sufficient plantings to increase tree canopy in Louisville Metro and decrease negative environmental impacts of large expanses of surface parking lots. Pedestrian connectivity to public transit is being provided and public walks will be improved and provided.

REQUIRED ACTIONS:

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from C-1 & C-2, Commercial to PEC, Planned Employment Center on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Waiver** of Land Development Code, section 10.2.7 & 10.2.10 to allow encroachments of existing pavement into the required 15' landscape buffer areas (19-WAIVER-0094)
- **APPROVE or DENY** the **Revised Detailed District Development Plan** subject to the abandonment of existing binding elements and adoption of proposed binding elements

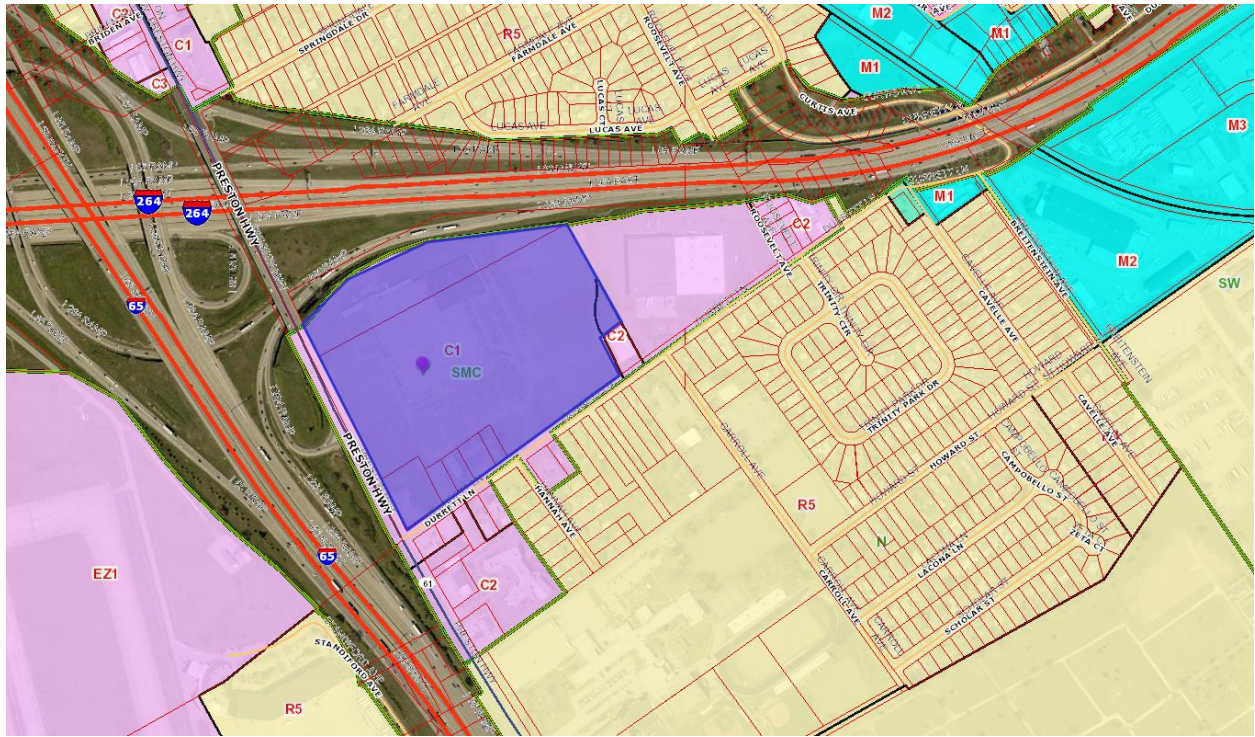
NOTIFICATION

Date	Purpose of Notice	Recipients
12/19/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 21 Notification of Development Proposals
1/22/20	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 21 Notification of Development Proposals
1/22/20	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. Existing Binding Elements
5. 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

Suburban Marketplace Corridor: Non-Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Community Form: Goal 1	<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 proposed rezoning is located on an existing development site of a non-residential use and zoning district. The proposed zoning district will not result in the displacement of residents or loss of affordable housing units. The proposal will not create a strain on parking in the area as the current development provides a sufficient number of existing parking spaces to serve a wide variety of potential commercial, industrial, and office users. The site is predominantly adjoining non-residential uses or the interstate.</p>
2	Community Form: Goal 1	<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 proposed higher intensity use is located along a major arterial roadway near transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists. The proposal is conveniently accessible from Interstate-264 and Interstate-65, as well the International Airport and related industry.</p>
3	Community Form: Goal 1	<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 proposal is <u>not</u> located in a workplace form district. The proposal is, however, located near adequate infrastructure and transportation facilities, including the international airport and the interstate.</p>

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
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.	✓	The proposal has been reviewed for its impact on air, noise and light emissions to ensure disadvantaged populations are not disproportionately impacted. The proposed zoning district does not allow for the most noxious industrial uses as the district does not allow for M-3 industrial uses. The proposed district is intended to “provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system.” It allows for limited commercial activities and offices in combination with industrial parks. The future use and development of the property should be cognizant of the residential populations along Durrett Lane with respect to the movement of heavy-trucks. Preston Highway provides sufficient access to necessarily transportation infrastructure.
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 impact on human health, quality of life and the environment has been considered. The proposed zoning district does not allow for the most noxious industrial uses as the district does not allow for M-3 industrial uses. The proposed district is intended to “provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system.” It allows for limited commercial activities and offices in combination with industrial parks. The future use and development of the property should be cognizant of the residential populations along Durrett Lane with respect to the movement of heavy-trucks. Preston Highway provides sufficient access to necessarily transportation infrastructure.
6	Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Adverse impacts of traffic are minimized as the site has access to a major arterial roadway and an adequate transportation network.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The adverse impacts of noise have been considered and it would not appear that the proposed district would have a considerable negative impact beyond the current condition present, including the international airport and the interstate.
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.	✓	The proposed district minimizes the impact of hazardous or potentially nuisance uses as uses permitted within the highest intensity industrial category (M-3) are not permitted.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
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.	✓	<p>The SMC calls for a pattern of development distinguished by a mixture of medium to high intensity uses. While the form is not being expanded, it should be considered relevant for this expanded intensity the following factors: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.</p> <p>The prior use and current layout of the property are not necessarily the desire of the suburban marketplace corridor. The current form at this location is disconnected and out of place from the commercial corridor that begins further to the south and north of the site. The site lies at the crossroad of the interstate and the international airport and appears to be better served by providing support and to take advantage of those facilities.</p>
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.	✓	The proposed district allows low-intensity commercial services to serve the community in conjunction with office and industrial uses. For instance, a manufacturer may produce a product as permitted by the district and sell those products directly to the consumer.
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 proposal results in the reuse of developed land or future redevelopment in the context of the proposed district.
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 proposed district encourages compatible uses that will take advantage of their location in relation to transportation infrastructure.
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.	✓	Residential uses are not permitted in the proposed district and would not necessarily be appropriate given the subject property's proximity to transportation infrastructure, including the airport and interstate.
14	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposed district allows for commercial and office uses.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
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.	✓	The proposed district allows for outlot development and encourages sufficient space in attractive, landscaped, and planned industrial parks for M-2 Industrial operations, which may include a multi-lot redevelopment.
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.	✓	The development site is previously developed and it would not appear to affect sensitive natural features.
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.	✓	The site is previously developed and it would not appear to affect wet or highly permeable soils, severe, steep or unstable slopes.
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	Development site is not within 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.	✓	Preliminary approval has been received from MSD. The site is previously developed.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
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 site does not appear to contain buildings, sites, districts or landscapes that are recognized as having historic or architectural value.
21	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The site does not appear to contain buildings, sites, districts and landscapes that are recognized as having historic or architectural value.
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 proposed higher intensity use is located in an area that is connected to public transit and employment centers. It would facilitate the repurposing of a former employment center.
23	Mobility: Goal 3	1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.	✓	The proposed district is intended to “provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system.” It allows for limited commercial activities and offices in combination with industrial parks. Medium intensity industrial operations contained within buildings allow for employment opportunities while limiting potential for nuisances upon the community.
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 proposed higher intensity use is located in an area that is connected to public transit.
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 proposed higher intensity use is located in an area that is connected public transit, as well as an adequate network for multiple modes of transportation.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
26	Mobility: Goal 3	<p>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:</p> <p>4.1. nodal connections identified by Move Louisville;</p> <p>4.2. impact on freight routes;</p> <p>4.3. time of operation of facilities;</p> <p>4.4. safety;</p> <p>4.5. appropriate linkages between neighborhoods and employment; and</p> <p>4.6. the potential for reducing travel times and vehicle miles traveled.</p>	✓	The proposed development site consists of existing facilities that are imagined for repurposing at this time. The site is at a convenient location to provide for different transport and distribution while limiting nuisances upon multi-modal transit.
27	Mobility: Goal 3	<p>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.</p>	✓	The proposed district is strategically located to take advantage of existing transportation infrastructure.
28	Mobility: Goal 3	<p>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.</p>	✓	Required improvements to transportation facilities will be made as required.
29	Mobility: Goal 3	<p>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.</p>	✓	Required improvements to transportation facilities will be made as required.
30	Mobility: Goal 3	<p>10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p>	✓	Required improvements to transportation facilities will be made as required.
31	Community Facilities: Goal 2	<p>1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p>	✓	The proposal would appear to be located in areas served by existing utilities or capable of being served by public or private utility extensions

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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.	✓	An adequate supply of potable water and water for fire-fighting purposes would appear to be available.
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).	✓	Preliminary approval has been received by MSD.
34	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.	✓	While the proposed district is not located in an industrial subdivision, it is located to take advantage of adequate infrastructure and transportation facilities.
35	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 proposed district, which allows for commercial uses, is located on a major arterial. The future use and development of the property should be cognizant of the residential populations along Durrett Lane with respect to the movement of heavy-trucks. Preston Highway provides sufficient access to necessarily transportation infrastructure.
36	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.	✓	The proposed district is located within close proximity to the airport and has ready access to the airport.
37	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 proposal provides adequate infrastructure and transportation facilities along a major arterial roadway with interstate access.
38	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.	✓	The site does not appear to be susceptibility to erosion.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
39	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.	✓	Preliminary approval has been received by MSD

3. Existing Binding Elements (9-39-84, proposed to be removed from subject site only)

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur.~~
- ~~2. The development shall not exceed 10,000 square feet of gross floor area.~~
- ~~3. There will be no direct access to Durrett Lane. Access will be via the drive adjoining the site on the west. An appropriate access easement agreement will be entered into with the adjoining property owner.~~
- ~~4. The uses of the property shall be limited to retail or wholesale sales, offices, or any land use permitted by the C-1 Commercial district.~~
- ~~5. Before building permits are issued:
 - ~~a. The development plan must be reapproved by the Water Management Section of the Jefferson County Public Works and Transportation Cabinet and the City of Louisville Department of Public Works.~~
 - ~~b. The size and location of any proposed signs must be approved by the Planning Commission. The Commission may require that signs be smaller than would be otherwise permitted by the Zoning District Regulations.~~~~
- ~~6. If building permits are not obtained within one year of the date of approval of the plan or the change in zoning whichever later the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.~~
- ~~8. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

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. Before any permit, including but not limited to building, parking lot, change of use 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 occupying the building. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the adjoining property owners at 1243 Durrett Lane and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
4. 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.

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. A legal instrument providing for the long-term use of the off-site parking spaces for property at 1243 Durrett lane as shown on the approved district development plan and in accordance with Section 9.1.5 Off-Site Parking shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a certificate of occupancy.
7. Compliance with parking minimum/maximum and/or non-conformance shall be determined at time of occupancy. The approved development plan and Planning Commission record shall be updated to reflect compliance.
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.