

Planning Commission Staff Report

May 11, 2023



Case No:	22-ZONE-0170/22-CUP-0400/22-FFO-0009/23-VARIANCE-0005
Project Name:	Shelbyville Rd Self Storage
Location:	15900 and 15910 Shelbyville Rd
Owner(s):	Chi Fien Wang, Monica Wang
Applicant:	Adams Property Group
Representative(s):	Nick Pregliasco – Bardenwarper, Talbott and Roberts
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-family residential to C-2 Commercial
- **Conditional Use Permit for Mini-warehouse**
- **Floyds Fork Development Review Overlay**
- **Variance** from Land Development Code section 5.3.1.C.5 to exceed the maximum 35-foot height by up to 5 feet.
- **District Development Plan** with Binding Elements

CASE SUMMARY

The applicant is proposing to construct a mini-warehouse facility on approximately 13.07 acres. The subject site is located near the Eastwood area of Louisville Metro along Shelbyville Rd. The applicant has proposed to maintain approximately 7.34 acres of the rear of the site as R-4 zoning as a preservation area.

STAFF FINDING

The proposed change in zoning is generally in keeping with the provisions of the Comprehensive Plan. The site is located on a major arterial roadway immediately adjacent to an existing commercial activity center. The proposal will meet all the requirements to permit a mini-warehouse in the C-2 zoning districts except where relief has been requested.

The permanent preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review. The proposal meets or exceeds all planting, screening, buffering and tree preservation requirements for this proposal.

The variance is adequately justified and meets the standard of review. The request is the minimum necessary to accommodate the proposed development, and will allow for a more compact development that facilitates preservation of environmentally sensitive areas on the site. The District Development Plan is adequately justified and meets the standard of review. The plan is compliant with the Land Development Code, except where variance and relief is specifically requested.

TECHNICAL REVIEW

The preliminary development plan has been approved by MSD and Transportation Planning.

REQUIRED ACTIONS

- **RECOMMEND** the **Louisville Metro Council APPROVE** or **DENY** the Change-in-Zoning from R-4, Single-family residential to C-2 Commercial
- **APPROVE** or **DENY** the **Conditional Use Permit** for Mini-warehouse
- **APPROVE** or **DENY** the **Floyds Fork Development Review Overlay**
- **APPROVE** or **DENY** the **Variance** from Land Development Code section 5.3.1.C.5 to exceed the maximum 35-foot height by up to 5 feet.
- **APPROVE** or **DENY** the **District Development Plan** with Binding Elements

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

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

The site is located in the Neighborhood Form District

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

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

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

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

The proposed change in zoning is generally consistent with the provisions of the Comprehensive Plan. The site is adjacent to existing commercial activity center within the Eastwood Village Center area. Adequate transportation networks exist to serve the site which is located on a Major Arterial roadway. The proposed zoning district would permit a wide variety of commercial and residential uses that could promote alternative modes of travel and efficient development patterns.

The applicant is proposing only to rezone and develop the front of the site closest to Shelbyville Rd, while placing the remainder of the site into a conservation easement for permanent preservation. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review. The proposal meets or exceeds all planting, screening, buffering and tree preservation requirements for this proposal.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan. The proposal meets or exceeds all screening, buffering and tree preservation requirements for the site.

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

STAFF: The proposal is compatible with surrounding land uses. The development meets or exceeds all buffering and tree preservation requirements adjacent to residential uses.

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

STAFF: All necessary public facilities are being provided for this development. MSD and Transportation Planning have approved the preliminary plan.

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

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated on Comprehensive Plan Core Graphic 11, Roadway Classification, or by the Director of Works, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

STAFF: The site is located on Shelbyville Rd, a Major Arterial roadway.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

STAFF: The proposal meets or exceeds all screening, buffering and tree preservation requirements for the site.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

STAFF: The plan is compliant with this requirement.

C. No outside storage shall be allowed on the property.

STAFF: The applicant has been informed of this requirement.

D. No storage of toxic or hazardous materials shall be allowed on the property.

STAFF: The applicant has been informed of this requirement.

E. There shall be no retail or wholesale sales or distributing activities on site.

STAFF: The applicant has been informed of this requirement.

F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.

STAFF: The plan is compliant with this requirement.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

STAFF: The applicant has requested relief from this requirement. The structure is proposed to be up to 40 feet tall.

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The applicant has been informed of this requirement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE:

- (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 all required buffering is provided around the site. The site will be constructed according to all applicable building codes and safety requirements. MSD and Transportation Planning have approved the preliminary plan and will ensure safety through the construction permitting process.

- (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 applicant is providing screening and tree preservation that exceeds the minimum requirements and the building is designed to be compatible with other development in the area.

- (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 since the building will be constructed according to the building code, including all safety and health related provisions.

- (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 since it will allow for a more compact and efficient development, which facilitates preservation of environmentally sensitive areas on site.

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 does arise from special circumstances which do not generally apply to land in the general vicinity, as the site contains significant steep slopes and environmentally sensitive areas.

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 it would require a less efficient development pattern and greater land clearance within environmentally sensitive areas.

3. The circumstances are 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 applicant is requesting approval prior to construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

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

STAFF: The site contains steep slopes and other environmentally sensitive areas within the Floyds Fork Review Overlay. The applicant is proposing permanent preservation of sensitive areas of the 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 has approved the preliminary development plan.

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

STAFF: 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- (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.

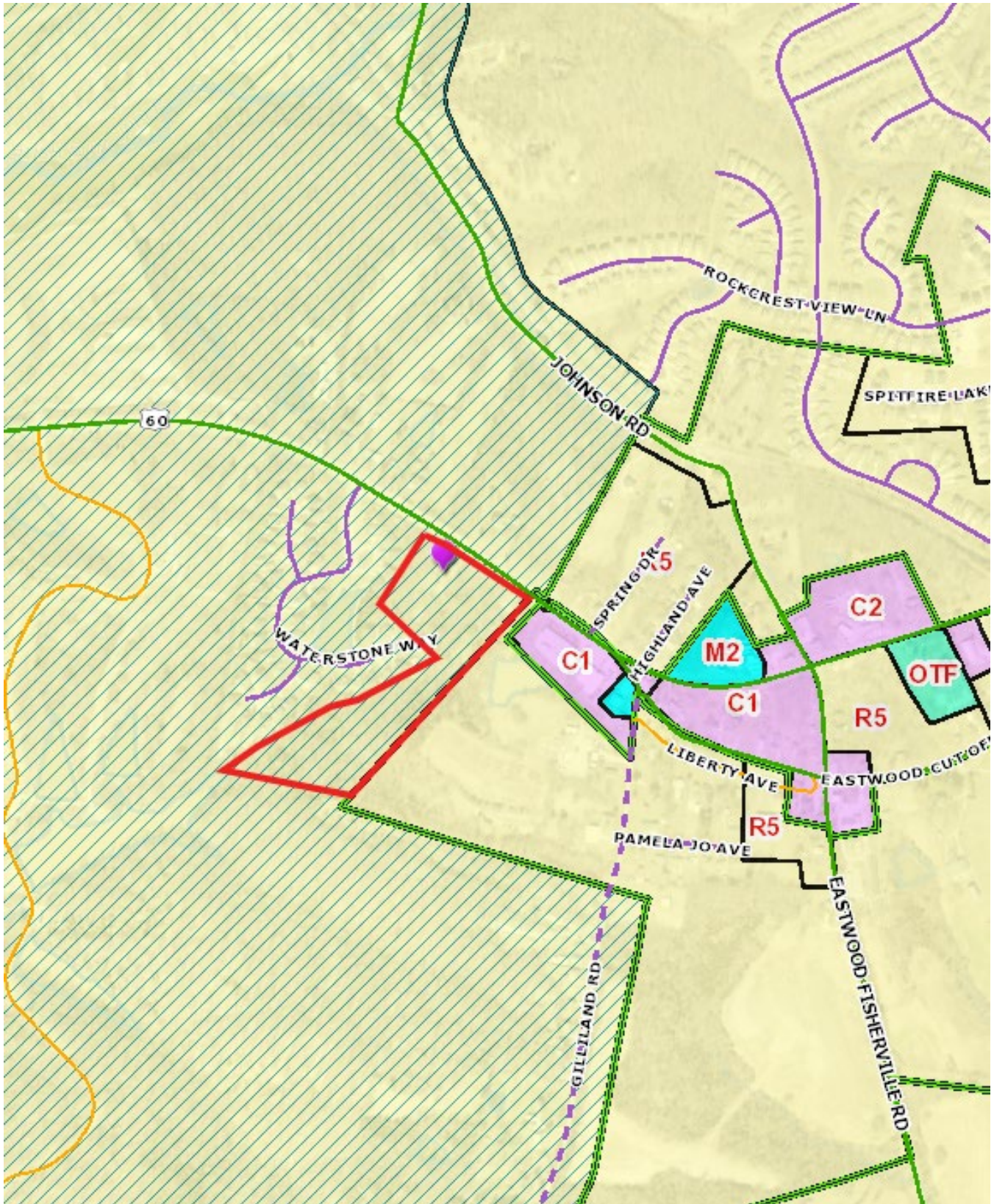
NOTIFICATION

Date	Purpose of Notice	Recipients
3-9-23	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
4-24-23	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
4-10-23	Hearing before PC	Sign Posting on property
4-30-23	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



3. Plan 2040 Staff Analysis

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

Neighborhood: 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 proposal would not represent an expansion of non-residential uses into residential areas, as the site is immediately adjacent to an existing commercial activity center. The applicant is proposing only to rezone and develop the front of the site closest to Shelbyville Rd, while placing the remainder of the site into a conservation easement for permanent preservation. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review. The proposal meets or exceeds all planting, screening, buffering and tree preservation requirements for this proposal.
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.	✓	Adequate transportation networks exist to serve the site. The site is located on a Major Arterial roadway.
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.	NA	The proposed zoning district would not permit industrial development.
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.	NA	The proposed zoning district would not permit industrial development or hazardous uses.

#	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 proposed zoning district would not permit industrial development or hazardous uses. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review
6	Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	The proposal is unlikely to add significant additional traffic to Shelbyville Rd.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The proposal is for mini-storage which would have minimal noise impacts on surrounding communities. Future changes in uses on the site would be evaluated for impacts on the surrounding properties.
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	The proposed zoning district would not permit industrial development or hazardous uses.
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 site is adjacent to existing commercial activity center within the Eastwood Village Center area.
10	Community Form: Goal 2	4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	✓	Adequate transportation networks exist to serve the site. The site is located on a Major Arterial roadway.
11	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.	✓	Adequate transportation networks exist to serve the site. The site is located on a Major Arterial roadway. The site is adjacent to existing commercial activity center within the Eastwood Village Center area.
12	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 supports the goal of compact development and would permit a variety of commercial and residential uses, including mixed use development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	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 zoning district would permit a variety of commercial and residential uses, including mixed use development that support a reduction in vehicle miles traveled.
14	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.	✓	The proposed zoning district would permit a variety of housing types, including mixed-use development.
15	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	+/-	The proposed development would not re-use existing residential structures on the subject site, which have potential historic or cultural value.
16	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 is not an outlot development.
17	Community Form: Goal 2	11. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.	✓	The site is adjacent to existing commercial activity center within the Eastwood Village Center area.
18	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 applicant is proposing only to rezone and develop the front of the site closest to Shelbyville Rd, while placing the remainder of the site into a conservation easement for permanent preservation. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
19	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 applicant is proposing only to rezone and develop the front of the site closest to Shelbyville Rd, while placing the remainder of the site into a conservation easement for permanent preservation. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review
20	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 site is not near the Ohio River.
21	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.	✓	The site is not within the floodplain..

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
22	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.	+/-	15900 Shelbyville Rd is a circa 1930 1.5 story bungalow and 15910 Shelbyville Rd. is a circa 1932 1.5 story bungalow. Both retain their historic character and context. The demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. Land Use and Development Goal 4: Community Form in Plan 2040 stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. If structures are over 50 years old and determined eligible for the National Register, there will be a required 30-day hold on the issuance of the permit as per Wrecking Ordinance Section 150.110.
23	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	+/-	The site contains houses potentially eligible for the National Register, as well as significant tree canopy coverage and other sensitive natural features on site. The applicant is preserving trees and sensitive areas of the subject site, but not potentially historic structures.
24	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 site is adjacent to existing commercial activity center within the Eastwood Village Center area. The proposed zoning would permit a wide variety of commercial and residential uses that could promote alternative modes of travel.
25	Mobility: Goal 2	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	The site is served directly by Shelbyville Rd, a major arterial roadway.
26	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 zoning would permit a wide variety of commercial and residential uses that could promote alternative modes of travel.
27	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 zoning would permit a wide variety of commercial and residential uses that could promote alternative modes of travel.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
28	Mobility: Goal 3	<p>3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p>	✓	The proposed zoning would permit a wide variety of commercial and residential uses that could promote transportation and housing choices.
29	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 zoning would permit a wide variety of commercial and residential uses that could promote alternative modes of travel.
30	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>	✓	Transportation Planning and KYTC have approved the preliminary development plan. The applicant has agreed to construct a shared-use path for the Louisville Loop across the frontage of the site.
31	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>	✓	Transportation Planning and KYTC have approved the preliminary development plan. The applicant has agreed to construct a shared-use path for the Louisville Loop across the frontage of the site.
32	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>	✓	Transportation Planning and KYTC have approved the preliminary development plan. The applicant has agreed to construct a shared-use path for the Louisville Loop across the frontage of the site.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
33	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 and KYTC have approved the preliminary development plan. The applicant has agreed to construct a shared-use path for the Louisville Loop across the frontage of the site.
34	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	Utility service will be coordinated with affected agencies.
35	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.	✓	Water service will be coordinated.
36	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 preliminary development plan.
37	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.	NA	The proposed zoning district would not permit industrial development.
38	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 along a major arterial roadway Shelbyville Rd.
39	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 near the river or the airport.
40	Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	NA	The proposed zoning district would not permit industrial development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
41	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 show potential for hydric or highly erodible soils.
42	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.	✓	The site is not within the floodplain.
43	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 proposed zoning district would not permit industrial development or hazardous uses.
44	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.	✓	The proposed zoning district would permit a variety of housing and commercial development options that support aging in place.
45	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed zoning district would permit a variety of housing and commercial development options that support mixed-use and mixed-income development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
46	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.	✓	The proposed zoning district would permit a variety of housing and commercial development options along a major transportation corridor.
47	Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposed zoning district would permit a variety of housing and commercial development options. Two existing residential structures are proposed to be demolished.
48	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.	✓	The proposed zoning district would permit a variety of housing and commercial development options that could increase the production of fair and affordable 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. 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.
3. 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. 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.
 - c. 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.
 - 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to those shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
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. 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.
6. The applicant shall construct the 10-foot multi-use path for the Louisville Loop along the frontage of the property prior to requesting a Certificate of Occupancy for the site.

7. The area to remain R-4 along the rear of the site shall be maintained in a wild state to the maximum extent possible in order to preserve habitat and environmentally sensitive areas within the Floyds Fork DRO. Vegetation, including canopy trees, understory trees and undergrowth, shall not be removed unless the vegetation constitutes a safety hazard or consists of invasive species, or is required to install or maintain utility easements and equipment. Any removal of vegetation shall be the minimum necessary for maintenance of utility easements and equipment, or the removal of hazardous or invasive plants and shall be in accordance with an approved Tree Preservation Plan. The R-4 area remaining on the site shall not be subdivided or used for any purpose aside from woodland preservation. To ensure the permanence of this Binding Element, prior to obtaining the certificate of occupancy, the applicant shall place a permanent restriction on this remaining R-4 portion of the site in the form of a conservation easement, transfer of title to a conservancy group, or a recorded deed restriction setting forth the restriction set forth herein.
8. No exterior storage will be allowed on the property. Any storage of any type will be confined to interior storage units and within the facility walls. This includes, but not limited to, boats, trailers, campers, motorhomes, work vehicles, cars/suvs, semi's, rental cars and motorcycles.
9. The west and southwest sides of the proposed 1 story building to be painted a color to blend with the surrounding landscaping and vegetation.