

# Board of Zoning Adjustment

## Staff Report

April 15, 2019



<b>Case No:</b>	19CUP1006
<b>Project Name:</b>	Saint Peter the Apostle Annex Storage Building
<b>Location:</b>	5431 Johnsontown Road
<b>Owner(s):</b>	Saint Peter the Apostle Catholic Church
<b>Applicant:</b>	Saint Peter the Apostle Catholic Church
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

### **REQUEST(S)**

Conditional Use Permit to allow a private institution in an R-4 zoning district.

### **CASE SUMMARY/BACKGROUND**

The Saint Peter the Apostle Catholic Church is applying for a Conditional Use Permit for a storage structure at the rear of the existing parking area. The structure will be 1,800 square feet.

### **STAFF FINDING / RECOMMENDATION**

There are five listed requirements and item A., D. will be met. Item B. and C. do not apply. Item E. is to be determined by the Board of Zoning Adjustment. Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

## **RELATED CASES**

None

## **TECHNICAL REVIEW**

There are no outstanding technical review items.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on February 25 and no one attended.

## **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 meets all applicable policies of the Comprehensive Plan.

### **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 proposed use is compatible with surrounding development and land 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: The subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal.

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

There are five listed requirements and item A., D. will be met. Item B. and C. do not apply. Item E. is to be determined by the Board of Zoning Adjustment. Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line.  
***The proposed storage shed will be at least 30 feet off the side property line.***

B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. ***Item B. does not apply.***

C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. ***Item C. does not apply.***

D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). ***The proposal will be compliant with the metro Noise Ordinance (LMCO Chapter 99).***

E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties.

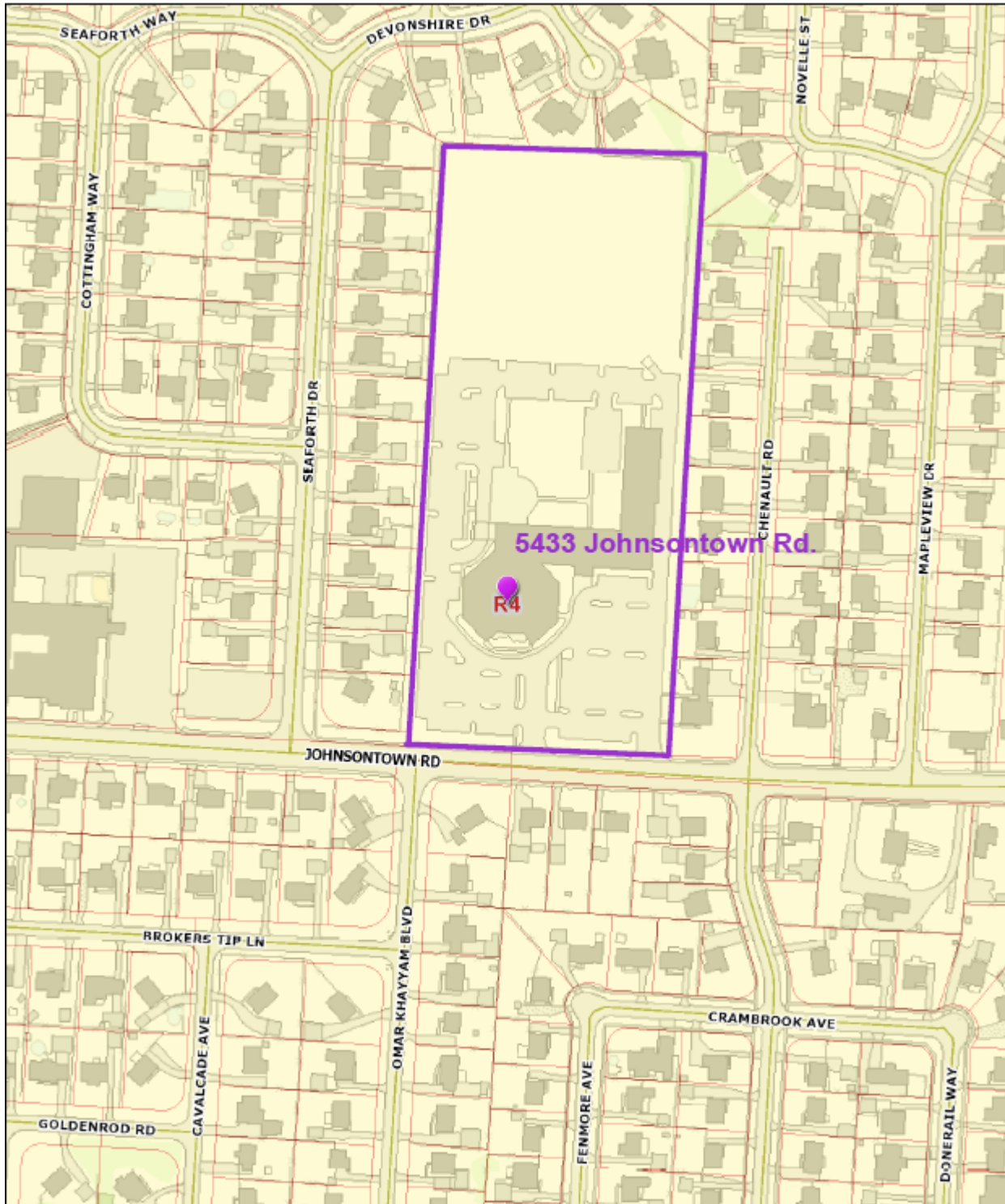
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
3/28/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
4/5/2019	Hearing before BOZA	Sign Posting

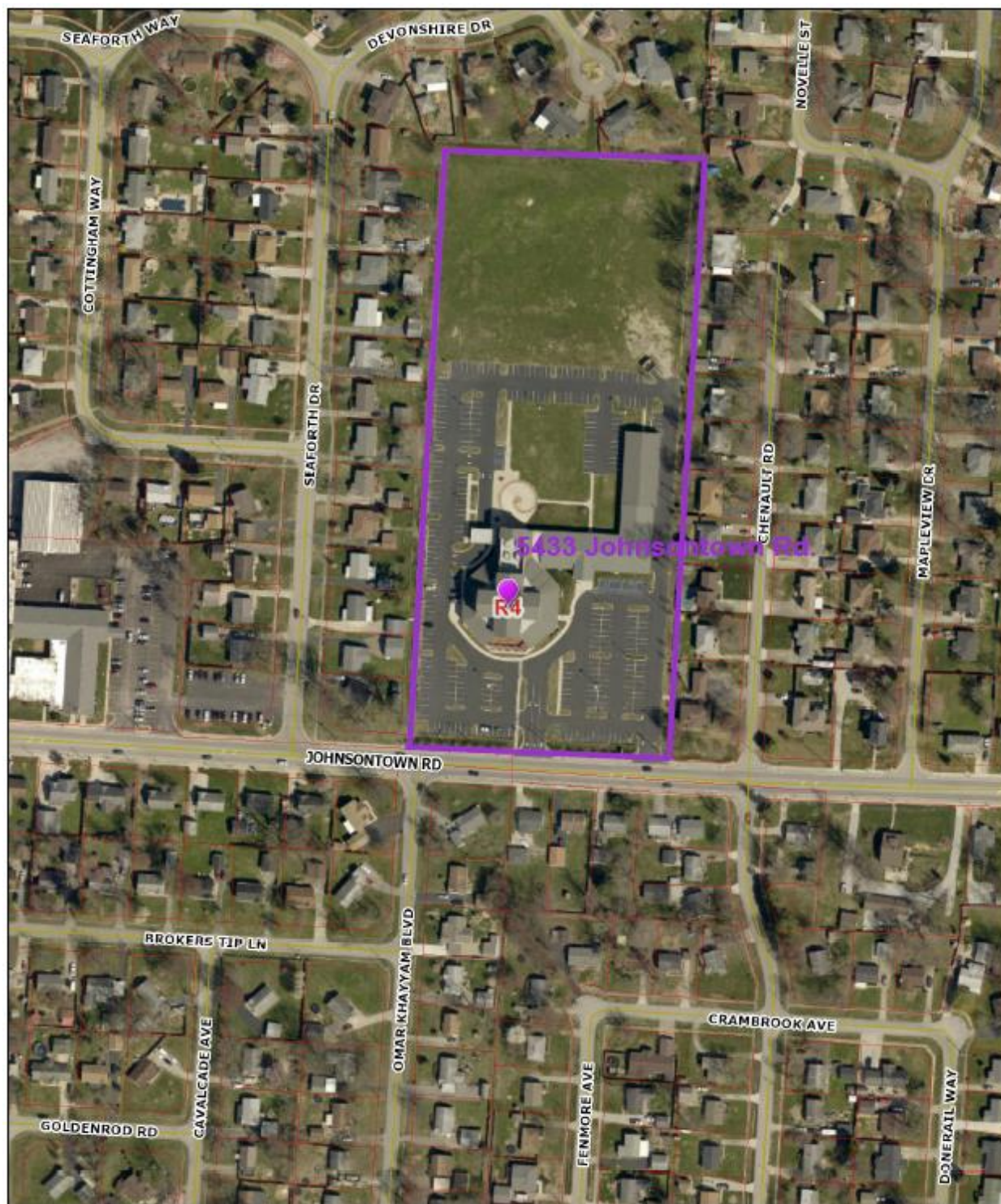
#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Conditions of Approval

#### **1. Zoning Map**



2. Aerial Photograph



### 3. Cornerstone 2040 Checklist

#### Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
1.	“Plan 2040 identifies 13 existing patterns or forms of development...”, see page 39	NA	Establishment language not relevant to CUP reviews
2.	“Land Use. Use the patterns of development described as community forms in reviewing proposals for zoning or Form District changes...”, see page 39	NA	LDC development language not relevant to CUP reviews
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.		
2.2	“Evaluate the appropriateness of a Form District amendment...”, see page 39	NA	CUPs are not form district amendments
2.3	“Zoning map amendments for property not located in or near a Form District may be evaluated...”, see page 39	NA	CUPs are not zoning map amendments



Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
2.4	Plans, studies and strategies legislatively developed subsequent to the adoption of Plan 2040 supplement and represent the specific application of this Comprehensive Plan's (the Plan 2040 Plan) goals, objectives and policies. These plans and studies should be adopted by the affected legislative body as amendments to the Comprehensive Plan. Specific recommendations found in plans and strategies adopted after Plan 2040 are intended to take precedence over more general guidelines of the Comprehensive Plan.		
2.5	Plans, studies and strategies adopted subsequent to Cornerstone 2020 but prior to Plan 2040 may continue to represent specific application of Plan 2040. However, the Planning Director or their designee shall make a formal determination in cases where the plan has not been re-adopted by the affected legislative body.		
2.6	Plans, studies and strategies adopted prior to the adoption of Cornerstone 2020 shall not be used as official policy until such plan is updated and re-adopted. However, such plans, studies and strategies may be used for planning evidence if no update has been completed or adopted.		
2.7	"Develop neighborhood, subarea, corridor plans and strategies...", see page 40	NA	CUPs do not develop long range plans
3	"Additional Form Districts. Legislative bodies may also create new Form Districts by adopting...", see page 40	NA	Not relevant to CUP reviews
3.1.1	Downtown – see 1.3.1.1 – page 40		
3.1.2	Traditional Neighborhood – see 1.3.1.2 – page 40-41		
3.1.3	Neighborhood – see 1.3.1.3 – page 41		
3.1.4	Village – see 1.3.1.4 – page 41-42		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.1.5	Town Center – see 1.3.1.5 – page 42		
3.1.6	Regional Centers – see 1.3.1.6 – page 42-43		
3.1.7	Traditional Marketplace Corridor – see 1.3.1.7 – page 43		
3.1.8	Suburban Marketplace Corridors – see 1.3.1.8 – page 43-44		
3.1.9	Traditional Workplace – see 1.3.1.9 – page 44		
3.1.10	Suburban Workplace – see 1.3.1.10 – page 44		
3.1.11	Campus – see 1.3.1.11 – page 44		
3.1.12	Urban Center Neighborhood – see 1.3.1.10 – page 44-45		
3.1.13	Conservation – see 3.1.13 – page 45		
3.2	“Design. Use Form District pattern rather than Zoning Districts as a basis for site design standards...”, see page 45	NA	An LDC development policy and not relevant to CUP reviews
3.3	“Form District Map. The distinct boundaries of the Form Districts, along with the Zoning Districts and special districts, are delineated on the Form District Map...”, see page 45	NA	Not relevant to CUP reviews



Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The applicant is proposing to build a 1,800 square foot storage structure
5.	Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.		
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.		
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.		
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.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
9.	Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.		
10.	Mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners.		
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Structure will be 30 feet off the side property line.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.		
13.	Integrate parking garage facilities into their surroundings and provide an active inviting street-level appearance.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).		
15.	When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.		
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.		
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.		
18.	Mitigate adverse impacts of noise from proposed development on existing communities.		
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
20.	Mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.		
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.		
22.	Require industrial development to store, handle and dispose of all hazardous materials in a safe and environmentally sound manner and to meet all air emissions and industrial and solid waste disposal standards and to prevent contamination of ground water and surface streams.		
23.	Mitigate adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/ buffering, greater distance separation, changes in elevation such as placing the facility below grade. Establish and enforce accepted standards to protect residential areas from adverse impacts of noise, lighting and other nuisances. Design transportation facilities, including rail lines and aviation facilities, to mitigate adverse noise, lighting and other nuisance impacts on residential uses.		
24-26	Programmatic policies not relevant to conditional use permit applications.		
27.	"Implement incentives for redevelopment...", see page 47	NA	An LDC policy not relevant to CUP reviews

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
28.	Promote mixed use development especially when redevelopment of large office and retail centers are being redeveloped. Redevelopment of these sites may include residential uses and prioritize pedestrians, bicyclists and transit users to minimize automobile usage		
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.		
2.	Encourage development of non-residential and mixed uses in designated activity centers provided: 2.1. proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or 2.2. when a proposed use requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center (e.g., car dealerships or lumberyards).		
3.	Allow centers in new development in Traditional Neighborhood, Neighborhood and Village Form Districts that serve the day-to-day needs of nearby residents and that are designed to minimize impacts on nearby residents.		
4.	Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.		
5.	"Locate retail commercial development in activity centers...", see page 49	NA	Not related to CUP reviews

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
6.	Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.		
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.		
8.	Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multistory retail buildings.		
9.	Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.		
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. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood, and Village Form Districts to ensure compatibility with nearby residences.		
11.	Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.		
12.	Encourage large developments in activity centers to be compact, multipurpose centers designed with public spaces including green spaces and plazas with artistic amenities.		



Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
13.	"Encourage new neighborhoods, traditional neighborhoods and villages...", see page 49	NA	Not relevant to CUP reviews
14.	Encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking.		
15.	Parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations		
16	Encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Large activity centers should be considered for designation as transit nodes.		
17.	Design and locate utility easements to provide access for maintenance and repair. Encourage adjacent development sites to share site and building features such as utility hookups and service entrances. Place, to the extent possible, utility lines in common easements. Minimize the aesthetic and physical impacts of utilities, e.g., by placing utilities underground and screening utility equipment.		
18	Programmatic policies not relevant to conditional use permit applications.		
Goal 3 Community Form			
1.	"Encourage creation of common, usable and accessible open space...", see page 51	NA	Not applicable to CUP reviews
2.	"Design open space to meet outdoor recreation, natural resource protection...", see page 51	NA	Not applicable to CUP reviews

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.	"Design open space to be compatible..." see page 51	NA	Not applicable to CUP reviews
4.	Ensure that transitions between existing public parks and new development minimize impacts and provide access.		
5.	Provide access to greenways whenever possible.		
6.	Encourage open space that is created by new development to help meet the recreation needs of the community.		
7.	Encourage natural features to be integrated within the prescribed pattern of development.		
8.	Conserve, restore and protect vital natural resource systems such as mature trees, steep slopes, streams and wetlands. Open spaces should be integrated with other design decisions to shape the pattern of development. Encourage the use of greenways as a way to connect neighborhoods. Encourage use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space.		
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.		
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.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.		
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.		
13.	Provide for the continuing maintenance of common open space. Provisions may include joint ownership by all residents in a homeowners association, donation of open space or conservation easements to a land trust or government entity or other measures.		
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.		
2.	Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.	Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.		
4-8	Programmatic policies not relevant to conditional use permit applications.		
Goal 5 Community Form			
1-4	Programmatic policies not relevant to conditional use permit applications.		
Goal 1 Mobility			
1.	To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate, by including: 1.1. bicycle and pedestrian facilities between closely related land uses (e.g., from residential areas to neighborhood centers, recreation areas, greenways, schools, shopping facilities and from office/industrial and retail employment centers to retail/service uses); 1.2. pedestrian facilities between retail land uses and major concentrations of pedestrian activity, particularly in the Louisville Central Business District and other activity centers; 1.3. street-level pedestrian connections between all principal buildings within a unified development site including commercial to office and residential to commercial uses; 1.4. sidewalks along the streets of all developments; 1.5. walkways between residential areas and nearby neighborhoods, schools, public recreation facilities, parks, office/industrial and retail/service uses; 1.6. direct, accessible walkways to public transportation stops; and 1.7. retail and office uses, especially in the Urban Center Neighborhood, Traditional Neighborhood, Village, Traditional Marketplace Corridor, Traditional Workplace Form Districts that are located close to the roadway to minimize the distance pedestrians and transit users have to travel.		
2.	“Develop criteria for the type of appropriate bicycle facilities...”, see page 59	NA	Related to LDC development and not CUP reviews

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.	"Encourage new development...", see page 59	NA	Related to LDC development and not CUP reviews
4.	"Encourage higher densities and intensities...", see page 59	NA	Not related to CUP reviews
5.	"Plan for new transit centers...", see page 59	NA	Related to LDC amendments not CUP reviews
6.	For developments meeting established thresholds, provide facilities that support an efficient public transportation system such as convenient access to and across pedestrian, bicycle and roadway facilities. Provide transit amenities such as boarding areas, benches, shelters, park and ride facilities, and lighting in accordance with the Transit Design Standards Manual.		
7-15	Programmatic policies not relevant to conditional use permit applications.		
Goal 2 Mobility			
1.	Provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts.		
2.	Coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users.		
3.	"Provide adequate street stubs...", see page 63	NA	LDC development not CUP reviews
4.	Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.		
5.	Provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes in road design.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
6.	Ensure that the 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.		
7.	The design of all new and improved transportation facilities should be accessible and: 7.1. Review and consider Complete Streets principles and the most current version of the Complete Streets Design Manual; 7.2. Be context sensitive by ensuring that proposals are compatible with the surrounding development and provide an aesthetically pleasing visual experience to the user and to adjacent areas; 7.3. Encourage the acquisition or dedication of whole parcels if the residual not used for the transportation facility would create a nuisance; and 7.4. Ensure that adequate measures will be taken to reduce glare, vibration, air pollution, odor, and visual intrusion.		
8.	Protect and/or enhance environmentally sensitive areas through responsible and sustainable best practices in the planning and design of transportation network projects.		
9.	“Develop, preserve, and maintain an interconnected system of scenic corridors and parkways...”, see page 63.	NA	For designation purposes and planning not for CUP reviews
10-18	Programmatic policies not relevant to conditional use permit applications.		
Goal 3 Mobility			
1.	“Provide transportation services and facilities...”, see page 67	NA	For LDC not CUP reviews
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.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.		
4.	"Encourage development of walkable centers...", see page 67	NA	For rezones and long range planning not CUP reviews
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.		
6.	"Ensure that those who propose new developments bear or share in rough proportionality...", see page 67	NA	Relevant to LDC and policy changes
7.	All new and substantially improved development should be consistent with applicable standards for rights-of-way and designed to reserve these rights-of-way for further dedication and/or acquisition.		
8.	The Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code. Dedication of street rights-of-way should ensure that transit service can be provided where appropriate.		
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.		



Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
10.	Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.		
11.	Provide street improvements and/ or transit solutions to mitigate the impacts of development and redevelopment. Improvements may include, but not be limited to, the following: 11.1. on-site road system construction; 11.2. off-site shoulder improvements and pavement widening; 11.3. addition of acceleration and deceleration lanes; 11.4. addition of turn lanes or traffic signals on streets bordering the site to street; 11.5. intersection widening completely off-site; 11.6. right-of-way donation; 11.7. addition and/or widening of on-site or off-site sidewalks; 11.8. installation of bicycle facilities; 11.9. installation of new transit stops and amenities; and 11.10. improvement of existing transit stops and amenities.		
12.	Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments.		
13.	Allow cul-de-sacs as short side streets or where natural features limit development of "through" roads.		
14.	"Parking requirements should...", see page 68	NA	For LDC not CUP reviews
15.	"Develop and review corner clearance standards...", see page 68	NA	For LDC or other metro ordinances
16.	"Develop and assign access classifications for roadway segments...", see page 68	NA	For LDC and Metro not CUP reviews
17.	Require cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
18.	Minimize access points, connections and median openings within 1/4 mile of an interchange area to reduce safety hazards and improve flow of traffic onto and off the interchange.		
19.	"Encourage design standards...", see page 68	NA	For LDC not CUP reviews
20.	Promote joint access and circulation systems for development sites comprised of more than one building site or lot.		
21.	Prevent safety hazards caused by direct residential access to high speed roadways.		
22.	"Review and update dimensional standards...", see page 68	NA	For LDC not CUP reviews
23-27	Programmatic policies not relevant to conditional use permit applications.		
Goal 1 Community Facilities			
1.	Locate community facilities that have a large daily or periodic attendance of users on or near an arterial roadway and a transit route.		
2.	Design community facilities intended for public use so that they are accessible to all citizens with multimodal transportation options.		
3.	Provide secure, convenient and appropriate bicycle storage opportunities in community facilities that are open to the public.		
4-8	Programmatic policies not relevant to conditional use permit applications.		
Goal 2 Community Facilities			
1.	Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.		
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).		
4.	Locate or expand community facilities in areas with a demonstrated or anticipated need for the facility, to avoid duplication of services, and to provide convenient access to the area that the facility is intended to serve.		
5.	Locate, where possible, community facilities on a shared site with other compatible facilities and land uses.		
6-14	Programmatic policies not relevant to conditional use permit applications.		
Goal 3 Community Facilities			
1.	"Review the location...", see page 77		For CFRs not CUPS
2.	"Design community facilities...", see page 77		For CFRs not CUPS
3.	"Retain, maintain...", see page 77		CFRs not CUPS
4.	Ensure that there is sufficient area on-site for equipment maneuvering and storage when necessary and feasible.		
5-19	Programmatic policies not relevant to conditional use permit applications.		
Goal 1 Economic Development			
1.	Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.		
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.		
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.		
5.	Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.		
6-12	Programmatic policies not relevant to conditional use permit applications.		
Goal 2 Economic Development			
1.	Ensure direct, safe, accessible and convenient multi-modal access between designated employment and population centers.		
2.	Provide opportunities for the adaptive re-use of older industrial land and encourage infill development through flexible land use regulations, when such projects would not result in the proliferation of incompatible land uses.		
3.	"Encourage design...", see page 85	NA	For LDC not CUPs
4-8	Programmatic policies not relevant to conditional use permit applications.		
Goal 1 Livability			
1.	"Encourage use...", see page 89	NA	Not for CUP reviews

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
2.	To encourage preservation of certain natural features, develop indices to aid in determining value of environmental features and identify appropriate measures to offset impacts of development.		
3.	"Investigate the use...", see page 89	NA	Not for CUP reviews
4.	"Review opportunities...", see page 89	NA	For LDC not CUP reviews
5.	Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.		
6.	"Encourage the natural...", see page 89	NA	Not for CUP reviews
7.	Ensure appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas.		
8.	"Enhance the quality...", see page 89	NA	Not for CUP reviews
9.	Encourage access to public waterways when new developments, community facilities, and other public improvements are proposed.		
10.	Mitigate negative development impacts to the watershed and its capacity to transport stormwater by discouraging changes to stream channels and natural drainage features. Use, where available, the Metropolitan Sewer District's watershed plans as a guideline for development suitability. Consider special districts to assist in efforts to enhance watersheds.		
11.	Protect solid blueline streams, defined by the current floodplain management ordinance, from channelization, stripping, relocation or other alterations. Ensure a vegetative buffer on the banks of blueline streams to protect the functional integrity of the channel.		
12.	Minimize impervious surface area and take advantage of soil saturation capacities.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
13.	Protect the surface and subsurface areas within and surrounding new and existing developments that have the potential to be used as sources for community water supply systems.		
14.	Include greenways as integral components of a comprehensive water quality program (consistent with the Multi-Objective Stream Corridor/Greenways Plan).		
15.	Ensure that standards for evaluating development proposals meet the water quality goals for the affected watershed. Encourage the use of green infrastructure to protect and enhance water quality		
16.	“Protect carbonate...”, see page 89	NA	For LDC not CUP reviews
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.		
18.	Protect groundwater resources by controlling the types of activities that can occur within established Wellhead Protection Areas. Implement source control design standards for activities that pose potential threats, including septic system failure, to groundwater quality in these areas.		
19.	“Establish buffer areas...”, see page 89	NA	For LDC not CUP reviews
20.	“Establish riparian...”, see page 89	NA	For LDC not CUP reviews
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.		
22.	“Base floodplain...”, see page 89	NA	Not for CUP reviews

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
23.	"Ensure that provisions...", see page 89-90	NA	Not for CUP reviews
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.		
25.	Ensure that sufficient emergency vehicle access is provided for developments proposed in or through the floodplain. Access should be provided above flood levels or through other means to minimize potential hazards for any development that is proposed in or through the regulatory floodplain.		
26.	"Ensure that drainage...", see page 90	NA	MSD guidelines and or LDC, not CUP reviews
27.	"Require that "through"...", see page 90	NA	MSD guidelines not CUP reviews
28.	When development proposals increase runoff, provide onsite management and treatment of stormwater. Ensure that peak stormwater runoff rates or volumes after development are consistent with regional and watershed plans. If not, they are to be mitigated onsite. Encourage the use of green infrastructure practices to minimize runoff. Mitigation measures shall be implemented in a manner that is acceptable to the Metropolitan Sewer District.		
29.	Utilize Best Management Practices (BMPs) to preserve or restore stream banks/corridors.		
30.	Use appropriate Best Management Practices (BMPs) that account for varied site conditions and construction activities to maintain appropriate water quality levels, prevent erosion, and control sedimentation.		



Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
31.	Consider the impact of traffic from proposed development on air quality		
32.	Mitigate sources of pollution through measures that reduce traffic congestion, promote the use of multi-modal transportation options, and implement land use strategies and policies that encourage transit-oriented development to achieve compliance with air quality standards.		
33.	Continue to modify existing roads, particularly at intersections, to alleviate traffic congestion and enhance mobility for all users. When making road-widening decisions ensure that road projects are sensitive to impacts on air quality and surrounding land uses as well as factor in the impact of such projects on induced travel demand.		
34.	"Create incentives...", see page 90	NA	For LDC and other metro ordinances not CUP reviews
35.	Ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multimodal transportation options.		
36-41	Programmatic policies not relevant to conditional use permit applications.		
Goal 2 Livability			
1-8	Programmatic policies not relevant to conditional use permit applications.		
Goal 3 Livability			
1-4	Programmatic policies not relevant to conditional use permit applications.		
Goal 4 Livability			
1.	"Identify priority nodes...", see page 97	NA	Not applicable to CUP reviews
2.	"Recognize that high...", see page 97	NA	Not applicable to CUP reviews

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
3-8	Programmatic policies not relevant to conditional use permit applications.		
Goal 1 Housing			
1.	Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.		
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.		
3.	Develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing.		
4.	"Ensure that manufactured homes...", see page 101	NA	For LDC and not CUP reviews
5.	"Ensure that appropriate safety measures...", see page 101		For LDC and not CUP reviews
6-9	Programmatic policies not relevant to conditional use permit applications.		
Goal 2 Housing			
1.	Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area		
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.		

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.	Encourage the inclusion of residential uses above retail and office uses in mixed-use, multi-story buildings. Provide flexibility to allow live-work units.		
4-9	Programmatic policies not relevant to conditional use permit applications.		
Goal 3 Housing			
1.	Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.		
2.	“As neighborhoods evolve...”, see page 105	NA	Not applicable to CUP reviews
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.		
4.	Provide safe and affordable housing opportunities and related supportive services throughout Louisville Metro to serve the homeless population and those in need of housing, including but not limited to, rent assistance, transitional housing, and shelters. Allow for supportive housing to be available for individuals entering or re-entering society upon their exit from residential care facilities, correctional facilities, foster care or similar institutions.		
5.	Promote and encourage the inclusion of design features that make housing safer and/or are known to help reduce crime (i.e. lighting, fences, front porches).		
6-14	Programmatic policies not relevant to conditional use permit applications.		

**4. Conditions of Approval**

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institution until further review and approval by the Board.