

# Board of Zoning Adjustment

## Staff Report

January 11, 2021



<b>Case No:</b>	20-CUP-0136
<b>Project Name:</b>	Welders Supply
<b>Location:</b>	340 Byrne Avenue
<b>Owner(s):</b>	Pettit HQ, LLC
<b>Applicant:</b>	Larry Simpson – Welders Supply
<b>Representative:</b>	Kelli Jones – Sabak, Wilson & Lingo, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Kevin Triplett
<b>Case Manager:</b>	Zach Schwager, Planner I

### **REQUEST(S)**

Conditional Use Permit to allow a potentially hazardous or nuisance use in an EZ-1 zoning district (Land Development Code (LDC) 4.2.1).

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to operate a potentially hazardous or nuisance use located at 340 Byrne Avenue east of S. Floyd Street near the University of Louisville. The subject property is zoned EZ-1 Enterprise Zone in the Suburban Workplace Form District. The applicant proposes to remove the existing structures on the site and construct a 47,250 sq. ft. warehouse. The operation will include the storage of nitrogen, helium, carbon dioxide, oxygen, hydrogen, and acetylene, therefore, a conditional use permit is required. The applicant is also requesting a landscape waiver to not provide the required property perimeter landscape buffer along the east property line.

### **STAFF FINDING / RECOMMENDATION**

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.

Staff finds that the waiver is adequately justified and meets the standard of review.

### **RELATED CASES**

20-WAIVER-0103 – Landscape waiver.

### **TECHNICAL REVIEW**

The plan has received preliminary approval from MSD and Transportation Planning.

### **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on October 6, 2020.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

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

STAFF: The applicant will need a waiver to not provide a landscape buffer along the east property line.

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 development is compatible with surrounding land uses as most are industrial, however, there is some park space and semi-public space. It is similar in regard to the other factors listed above.

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?

4.2.42 The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

A. The Comprehensive Plan;

The applicant has addressed Plan 2040 in the attached justification statement. Staff has provided review of Plan 2040 in the staff report.

B. Environmental and health related concerns raised by the operation and the applicant's proposal to mitigate any adverse effects to the public's health, safety and general welfare;

See attachments and staff report.

C. The applicant's site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public's health, safety and general welfare;

See attachments and staff report.

D. Any other evidence submitted by the applicant and any other party addressing the issues.

See attachments and staff report.

A Conditional Use Permit under this section shall be issued only if the evidence shows the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 10.2.4**

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

STAFF: The waiver will not adversely affect adjacent property owners as the waiver is for the eastern property line, which abuts semi-public space. The waiver is required because the property to the east is zoned single-family, however, it is used as semi-public space.

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

STAFF: Community Form Goal 1, Policies 9 and 10 of Plan 2040 call to 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 and the impacts caused when incompatible developments unavoidably occur adjacent to one another. Community Form Goal 1, Policy 12 states 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. The waiver request can be justified because the subject property is located at the end of a dead-end street. Also, the adjoining property, while zoned R-1 Single-Family, is used as semi-public space.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as they are providing an 8 ft. concrete wall along the eastern property line to provide a buffer.

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

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) by providing a continuous concrete wall to match the existing conditions on the adjoining property to the south.

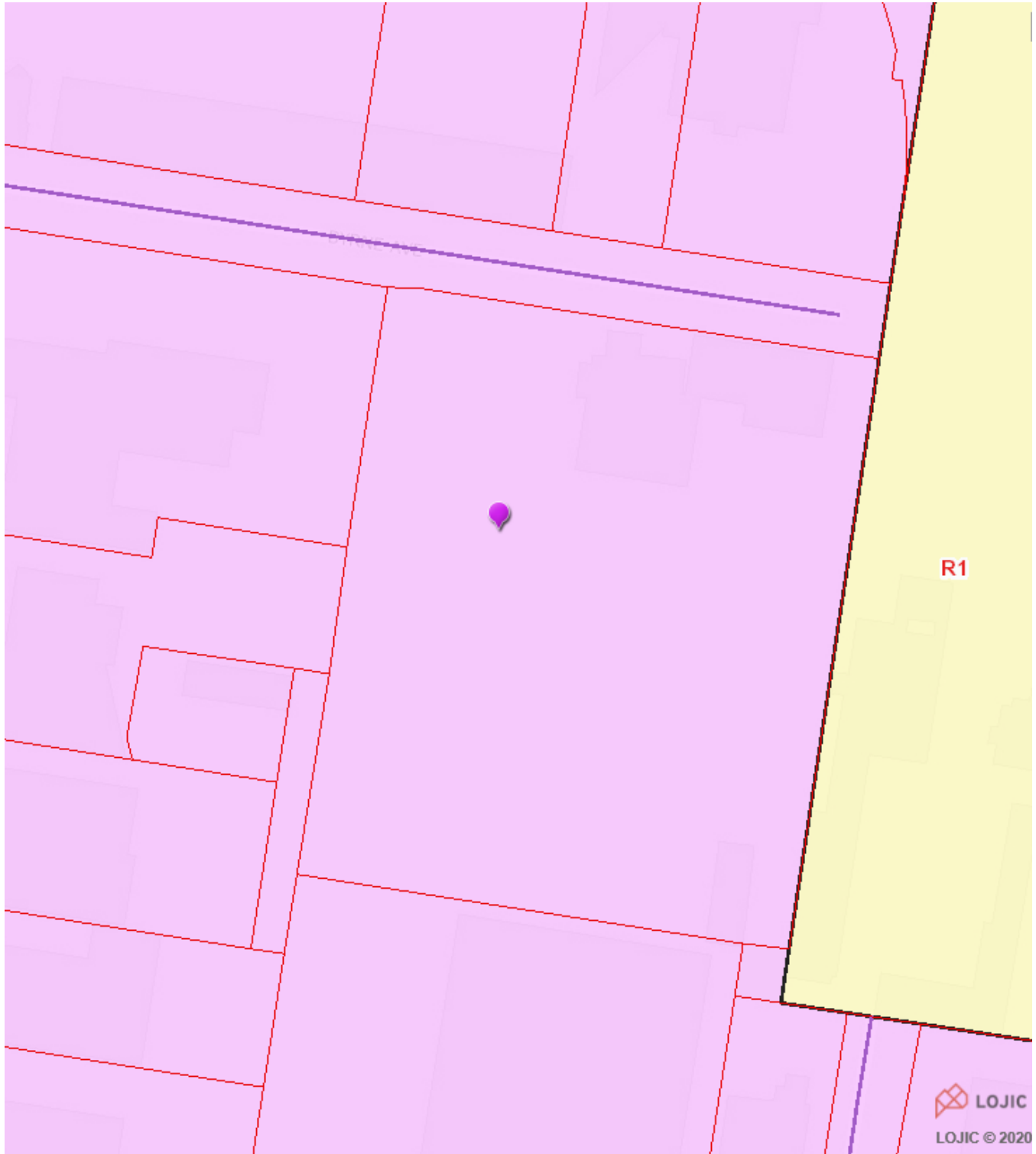
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12/17/2020	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 15
12/23/2020	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

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

1. **Zoning Map**



2. Aerial Photograph



### 3. Proposed 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 potentially hazardous or nuisance use without further review and approval by the Board.
3. Prior to lawful commencement of the potentially hazardous or nuisance use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.

### 4. Checklist

#### PLAN 2040 CHECKLIST

- + Meets policy
- Does not meet policy
- +/- Meets/does not meet some portion of policy
- NA Not applicable
- INS Addl information needed

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
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.	+	
2.4	Plans, studies and strategies legislatively developed subsequent to the adoption of Plan 2040 supplement and represent the specific application of Plan 2040 goals, objectives and policies. 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. 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.	NA	
2.6	Plans, studies and strategies adopted prior to the adoption of Cornerstone 2020 shall not be used as official policy until such plans are updated and re-adopted. However, such plans, studies and strategies may be used for planning evidence if no update has been completed or adopted.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.1.1	Downtown (1.3.1.1, page 40)		
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)		
3.1.3	Neighborhood (1.3.1.3, page 41)		
3.1.4	Village (1.3.1.4, page 41-42)		
3.1.5	Town Center (1.3.1.5, page 42)		
3.1.6	Regional Centers (1.3.1.6, page 42-43)		
3.1.7	Traditional Marketplace Corridor (1.3.1.7, page 43)		
3.1.8	Suburban Marketplace Corridors (1.3.1.8, page 43-44)		
3.1.9	Traditional Workplace (1.3.1.9, page 44)		
3.1.10	Suburban Workplace (1.3.1.10, page 44)	+	
3.1.11	Campus (1.3.1.11, page 44)		
3.1.12	Urban Center Neighborhood (1.3.1.10, page 44-45)		
3.1.13	Conservation (3.1.13, page 45)		
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 use is compatible with surrounding uses. The use exists on an adjacent parcel.
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.	NA	
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.	NA	
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.	+	Infrastructure exists.
8.	Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	+	The site is located in the Suburban Workplace Form District.
9.	Ensure an appropriate transition between uses 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.	NA	
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.	+/-	A landscape buffer will need to be requested but the adjoining property is not used residentially.



Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	
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.	NA	
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.	+	Not adjoining residential uses.
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 land use exists on an adjoining property and will have the same mitigating techniques.
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.	+	No residential uses nearby.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
20.	Mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.	+	No residential uses nearby.
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.	+	No residential uses nearby.
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 emission, industrial and solid waste disposal standards and to prevent contamination of groundwater and surface streams.	+	Plan has been distributed to APCD.

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.	+	
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	NA	
<b>Community Form: Goal 2</b>			
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.	NA	
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).	NA	
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 are designed to minimize impacts on nearby residents.	NA	
4.	Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	NA	
6.	Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	NA	
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.	NA	
8.	Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multistory retail buildings.	NA	
9.	Encourage new development and rehabilitation of buildings that provide commercial, office and/or residential uses.	NA	
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.	NA	
11.	Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.	NA	
12.	Encourage large developments in activity centers to be compact, multipurpose centers designed with public spaces including green spaces and plazas with artistic amenities.	NA	
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.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
15.	Parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations	NA	
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.	NA	
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.	NA	
Community Form: Goal 3			
4.	Ensure that transitions between existing public parks and new development minimize impacts and provide access.	NA	
5.	Provide access to greenways whenever possible.	NA	
6.	Encourage open space in new development to help meet the recreation needs of the community.	NA	
7.	Encourage natural features to be integrated within the prescribed pattern of development.	NA	
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.	NA	
9.	Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	
10.	Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	NA	
11.	Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and 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	
12.	When reviewing proposed development consider changes to flood prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	NA	
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.	NA	
Community Form: Goal 4			

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
1.	Preserve buildings, sites, districts and landscapes recognized as having historic or architectural value. Ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	NA	
2.	Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	
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.	NA	
Mobility: Goal 1			
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.	NA	
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.	NA	
Mobility: Goal 2			
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.	+	
4.	Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	+	Similar surrounding uses.
5.	Provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes in road design.	+	
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.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.	NA	
8.	Protect and/or enhance environmentally sensitive areas through responsible and sustainable best practices in the planning and design of transportation network projects.	NA	
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.	+	
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.	NA	
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.	+	
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.	NA	
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.	NA	
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.	NA	
10.	Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	NA	
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.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.	NA	
13.	Allow cul-de-sacs as short side streets or where natural features limit development of "through" roads.	NA	
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.	NA	
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.	NA	
20.	Promote joint access and circulation systems for development sites comprised of more than one building site or lot.	NA	
21.	Prevent safety hazards caused by direct residential access to high speed roadways.	NA	
<b>Community Facilities: Goal 1</b>			
1.	Locate community facilities that have a large daily or periodic attendance of users on or near an arterial roadway and a transit route.	NA	
2.	Design community facilities intended for public use so that they are accessible to all citizens with multimodal transportation options.	NA	
3.	Provide secure, convenient and appropriate bicycle storage opportunities in community facilities that are open to the public.	NA	
<b>Community Facilities: Goal 2</b>			
1.	Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	NA	
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.	NA	
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).	NA	
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.	NA	
5.	Locate, where possible, community facilities on a shared site with other compatible facilities and land uses.	NA	
<b>Community Facilities: Goal 3</b>			
4.	Ensure that there is sufficient area on-site for equipment maneuvering and storage when necessary and feasible.	NA	
<b>Economic Development: Goal 1</b>			
1.	Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and its employees.	+	
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.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.	+	
Economic Development: Goal 2			
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.	+	
Livability: Goal 1			
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.	NA	
7.	Ensure appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas.	-	The applicant is requesting a landscape waiver.
9.	Encourage access to public waterways when new developments, community facilities, and other public improvements are proposed.	NA	
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, Metropolitan Sewer District's watershed plans as a guideline for development suitability. Consider special districts to assist in efforts to enhance watersheds.	+	MSD has reviewed the plan.
11.	Protect solid blueline streams as defined by the current floodplain management ordinances 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.	NA	
12.	Minimize impervious surface area and take advantage of soil saturation capacities.	+/-	The site is currently mostly impervious.
13.	Protect 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).	NA	
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	NA	
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. Mitigate potential hazards to such systems resulting from the project.	NA	
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.	NA	
21.	Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	NA	



Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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, ensure that they are designed, located and operated to minimize loss of services during flood events and limit, to the extent possible, floodplain disturbance.	NA	
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.	NA	
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.	NA	
29.	Utilize Best Management Practices (BMPs) to preserve or restore stream banks/corridors.	NA	
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.	NA	
31.	Consider the impact of traffic from proposed development on air quality	+	Plan has been reviewed by APCD.
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.	NA	
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.	NA	
Housing: Goal 1			
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.	NA	
2.	Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	NA	
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.	NA	
Housing: Goal 2			
1.	Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	NA	
2.	Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	NA	



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.	NA	
Housing: Goal 3			
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.	NA	
3.	Encourage the use of innovative methods such as clustering, mixed use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	NA	
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.	NA	
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).	NA	