

Planning Commission

Staff Report

January 16, 2025



Case No:	24-ZONE-0080
Project Name:	Deans Classic Auto Sales
Location:	1300 Belmar Drive
Owner(s):	James Taylor
Applicant:	Joseph Dean
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- **Change in zoning** from M-2 manufacturing to M2 manufacturing & CM commercial manufacturing
- **Waiver** from section 10.2.4 of the Land Development Code to omit the required property perimeter landscape buffer planting requirements.
- **Detailed District Development plan** with Binding Elements

CASE SUMMARY

The subject site is zoned M-2 industrial in the Neighborhood Form District on .27 acres. The applicant is proposing to rezone a portion of the property to CM Commercial Manufacturing to allow for car sales on the site. There is no proposed construction to the existing building on site.

STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. Additionally, the development plan is in conformance with the Land Development Code. The requested waiver is adequately justified for approval based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

Land Development Code (2023)

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Neighborhood Form District

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

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

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

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

The proposal would not represent an unreasonable expansion of on non-residential use into a residential area. The site is zoned for industrial use, and there are a variety of commercial and industrial sites along Belmar Dr north of the railroad tracks. The proposal would permit commercial use while still allowing light industrial uses on site. The site is located along Belmar Dr, a primary collector and within an established commercial and industrial activity area. The proposed zoning district would not permit any additional hazardous uses. Adjacent residential uses are separated from the site by railroad tracks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the request to eliminate the landscape buffer area (LBA) is consistent with existing site conditions. There is an existing impervious surface area and structures already located within the buffer and up to the property line.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks 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. The reduced buffer is consistent with existing conditions.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property would not be able to be developed for the proposed use without relief from this landscape buffer because of existing site conditions.

- (d) Either:

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

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the reduced buffer request is consistent with the current site conditions. There is an impervious area and existing structures that encroach into the required landscape buffer areas.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP with Binding Elements

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

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. Adequate screening and buffering will be placed adjacent to residential uses.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **RECOMMEND APPROVAL** or **DENIAL** to **Metro Council** for a **Change in zoning** from M-2 manufacturing to M2 manufacturing & CM commercial manufacturing
- **APPROVE** or **DENY** the **Waiver** of LDC, Section 10.2.4 to omit the landscape buffer area (LBA) and plantings on the southern property line
- **APPROVE** or **DENY** the **Detailed District Development plan** with binding elements

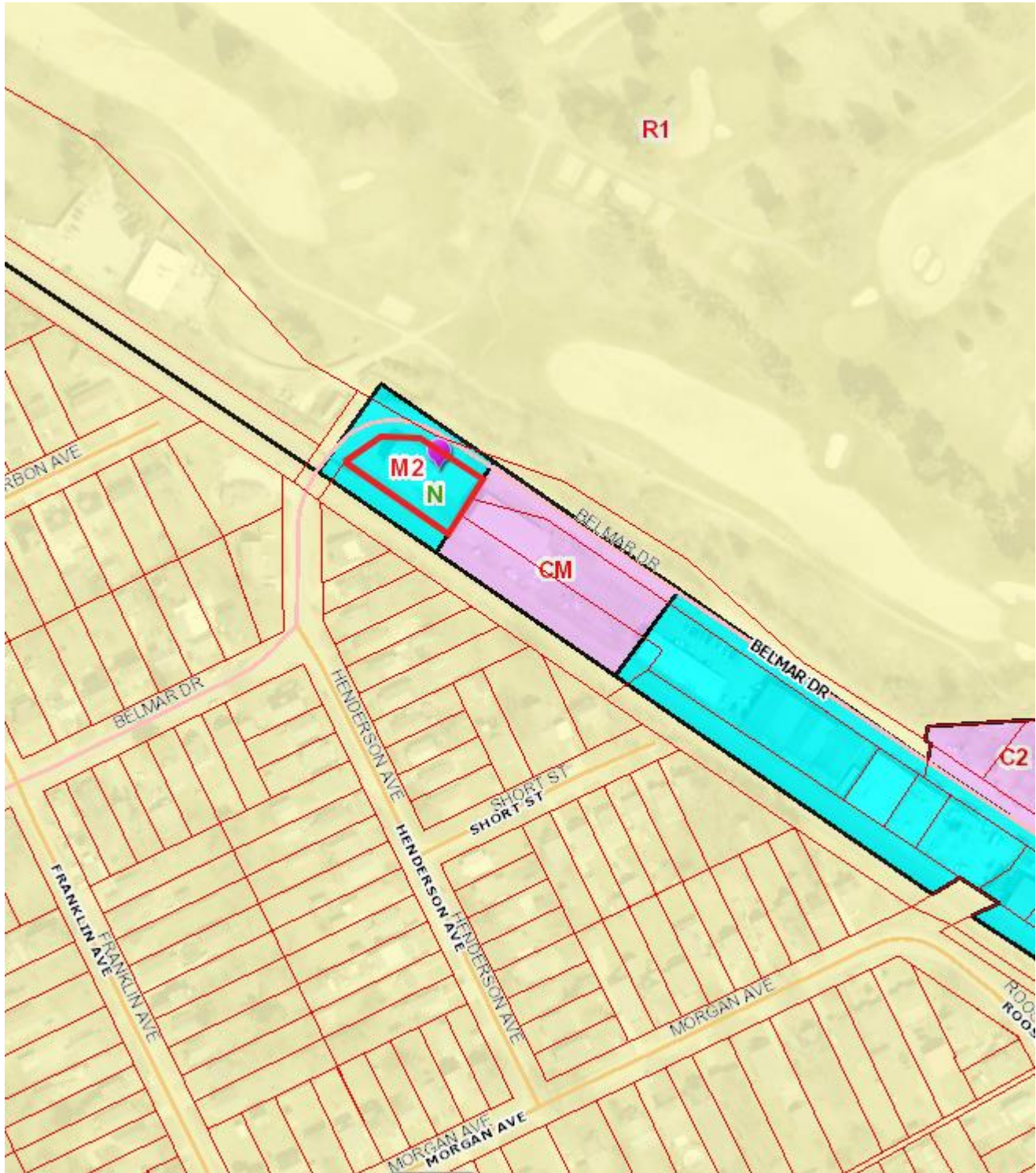
NOTIFICATION

Date	Purpose of Notice	Recipients
11-18-24	Hearing before LDT	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 10
12-19-24	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 10
01-02-25	Hearing before PC	Sign Posting on property
01-03-25	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Comp Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Comp Plan 2040 Checklist

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

Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p><u>Community Form: Goal 1, Policy 6.</u> Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.</p> <p>✓ <u>Staff Analysis:</u> The proposal would not represent an unreasonable expansion of on non-residential use into a residential area. The site is zoned for industrial use, and there are a variety of commercial and industrial sites along Belmar Dr north of the railroad tracks. The proposal would permit commercial use while still allowing light industrial uses on site.</p>
2	<p><u>Community Form: Goal 1, Policy 7.</u> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</p> <p>✓ <u>Staff Analysis:</u> The site is located along Belmar Dr, a primary collector and within an established commercial and industrial activity area.</p>
3	<p><u>Community Form: Goal 1, Policy 8.</u> Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.</p> <p>✓ <u>Staff Analysis:</u> The site is in an established industrial and commercial activity area served by existing infrastructure.</p>
4	<p><u>Community Form: Goal 1, Policy 15.</u> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would not permit any additional hazardous uses. Adjacent residential uses are separated from the site by railroad tracks.</p>
5	<p><u>Community Form: Goal 1, Policy 16.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would not permit any additional hazardous uses. Adjacent residential uses are separated from the site by railroad tracks.</p>
6	<p><u>Community Form: Goal 1, Policy 17.</u> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ <u>Staff Analysis:</u> The proposal is unlikely to add significant additional traffic to the area.</p>
7	<p><u>Community Form: Goal 1, Policy 18.</u> Mitigate adverse impacts of noise from proposed development on existing</p>

Plan 2040 Plan Elements/Staff Analysis	
	communities.
✓	Staff Analysis: The proposal is unlikely to generate significant noise related nuisances. The subject site must comply with the noise ordinance.
8	Community Form: Goal 1, Policy 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.
✓	Staff Analysis: The proposed zoning district would not permit any additional hazardous uses. Adjacent residential uses are separated from the site by railroad tracks.
9	Community Form: Goal 2, Policy 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.
✓	Staff Analysis: The site is adjacent to an existing mixed use activity center along Belmar Dr and is served by existing infrastructure.
10	Community Form: Goal 2, Policy 4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.
✓	Staff Analysis: The site is served by existing infrastructure. And within a mixed commercial and industrial activity area.
11	Community Form: Goal 2, Policy 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.
✓	Staff Analysis: Adequate population exists in the area to utilize a wide variety of professional services and commercial uses.
12	Community Form: Goal 2, Policy 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.
✓	Staff Analysis: The proposed zoning district will result in a compact development pattern and efficient land use that utilizes existing infrastructure.
13	Community Form: Goal 2, Policy 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.
✓	Staff Analysis: The proposed zoning district would allow a variety of residential housing types and densities that encourage walkability and alternative modes of travel.
14	Community Form: Goal 2, Policy 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.
✓	Staff Analysis: The proposed zoning would permit a mix of residential types and densities as well as commercial and light industrial uses.
15	Community Form: Goal 2, Policy 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.
✓	Staff Analysis: The development would allow for the renovation of an existing site for commercial use.
16	Community Form: Goal 2, Policy 10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.
NA	Staff Analysis: The subject site is not an outlot on a larger commercial development.
17	Community Form: Goal 2, Policy 11. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.
✓	Staff Analysis: The site is separated from residential uses by railroad tracks. The site is adjacent to an existing mixed use activity center along Belmar Dr and is served by existing infrastructure.
18	Community Form: Goal 3, Policy 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.
✓	Staff Analysis: The site is previously developed and does not contain distinctive natural features.

Plan 2040 Plan Elements/Staff Analysis	
19	<p><u>Community Form: Goal 3, Policy 10.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site is previously developed and does not have potential hydric soils or erosion concerns.</p>
20	<p><u>Community Form: Goal 3, Policy 11.</u> 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.</p> <p>NA <u>Staff Analysis:</u> The subject site is not along the Ohio River</p>
21	<p><u>Community Form: Goal 3, Policy 12.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The subject site is not in the flood plain.</p>
22	<p><u>Community Form: Goal 4, Policy 1.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> Existing structures on the subject site are proposed to remain.</p>
23	<p><u>Community Form: Goal 4, Policy 2.</u> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ <u>Staff Analysis:</u> Existing structures on the subject site are proposed to remain.</p>
24	<p><u>Mobility: Goal 1, Policy 4.</u> Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</p> <p>✓ <u>Staff Analysis:</u> The site is within a neighborhood scale mixed-use area and is well served by existing transportation networks.</p>
25	<p><u>Mobility: Goal 2, Policy 4.</u> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p>✓ <u>Staff Analysis:</u> The site is served by existing public roadways and would not create additional access through areas of lower intensity.</p>
26	<p><u>Mobility: Goal 3, Policy 1.</u> Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would allow a mix of residential development options and densities near an established commercial activity area, which encourages alternative forms of travel such as walking and biking.</p>
27	<p><u>Mobility: Goal 3, Policy 2.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would allow a mix of residential development options and densities near an established commercial activity area, that encourages a reduction in vehicle miles traveled.</p>
28	<p><u>Mobility: Goal 3, Policy 3.</u> Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would allow a mix of residential development options and densities near an established commercial activity area, that encourages a reduction in vehicle miles traveled.</p>

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29	<p><u>Mobility: Goal 3, Policy 4.</u> Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ Staff Analysis: The proposed zoning would allow a mix of residential development options and densities near an established commercial activity area, that encourages a reduction in vehicle miles traveled.</p>
30	<p><u>Mobility: Goal 3, Policy 5.</u> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p>✓ Staff Analysis: The subject site is well served by existing transportation networks.</p>
31	<p><u>Mobility: Goal 3, Policy 6.</u> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p>✓ Staff Analysis: The proposed plan is served by existing transportation networks. The proposed plan has received preliminary approval from Public Works.</p>
32	<p><u>Mobility: Goal 3, Policy 9.</u> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p> <p>✓ Staff Analysis: The proposed plan is served by existing transportation networks. The proposed plan has received preliminary approval from Public Works</p>
33	<p><u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ Staff Analysis: The proposed plan is served by existing transportation networks. The proposed plan has received preliminary approval from Public Works</p>
34	<p><u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ Staff Analysis: The proposed plan is served by existing transportation networks and existing utilities. The proposed plan has received preliminary approval from Public Works and MSD.</p>
35	<p><u>Community Facilities: Goal 2, Policy 2.</u> 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.</p> <p>✓ Staff Analysis: The proposed plan is served by existing Louisville Water facilities.</p>
36	<p><u>Community Facilities: Goal 2, Policy 3.</u> 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).</p> <p>✓ Staff Analysis: The subject site is served by existing MSD utilities and has received MSD preliminary approval.</p>
37	<p><u>Economic Development: Goal 1, Policy 2.</u> Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.</p> <p>✓ Staff Analysis: The subject site is located within an industrial and commercial corridor established next to an existing railroad. The subject site is served by existing transportation infrastructure and existing utilities.</p>
38	<p><u>Economic Development: Goal 1, Policy 3.</u> 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.</p> <p>✓ Staff Analysis: The proposal is unlikely to add significant additional traffic to the area.</p>
39	<p><u>Economic Development: Goal 1, Policy 4.</u> 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.</p>

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NA	<u>Staff Analysis:</u> The site is not near the Ohio River or the airport.
40	<p><u>Economic Development: Goal 1, Policy 5.</u> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</p> <p>✓ <u>Staff Analysis:</u> The site is adjacent to an existing mixed use activity center along Belmar Dr and is served by existing infrastructure. The zoning of the site and adjacent sites already permit industrial development.</p>
41	<p><u>Livability: Goal 1, Policy 17.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site does not have potential for erosion or other environmental concerns.</p>
42	<p><u>Livability: Goal 1, Policy 21.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The subject site is not within the floodplain.</p>
43	<p><u>Livability: Goal 1, Policy 24.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The subject site is not within the floodplain</p>
44	<p><u>Housing: Goal 1, Policy 2.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place. The site is served by transit.</p>
45	<p><u>Housing: Goal 2, Policy 1.</u> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support mixed income households.</p>
46	<p><u>Housing: Goal 2, Policy 2.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The subject site is within an established neighborhood scale mixed use area and served by transit. The site is near a wide variety of services, amenities and employment opportunities.</p>
47	<p><u>Housing: Goal 3, Policy 2.</u> As neighborhoods evolve, discourage displacement of existing residents from their community.</p> <p>✓ <u>Staff Analysis:</u> Residents would not be displaced by the proposal.</p>
48	<p><u>Housing: Goal 3, Policy 3.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.</p>

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 16, 2025 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. No vehicle shall be parked or staged for repairs on the property between the building and the right-of-way of Belmar Drive, except where shown on the development plan or where queued directly to enter the building through an overhead door. No vehicles may be parked within the right-of-way along the property frontage.