

Planning Commission

Staff Report

March 20, 2025



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| Case No: | 24-ZONE-0108 |
| Project Name: | Tune Ups Plus |
| Location: | 5004 Camp Ground Road, 4100 Bubbling Over Drive |
| Applicant: | Michael Gaudio |
| Representative: | Qk4 |
| Jurisdiction: | Louisville Metro |
| Council District: | 1 – Tammy Hawkins |
| Case Manager: | Dante St. Germain, AICP, Senior Planner |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to C-2 Commercial
- **Waiver** from Land Development Code section 10.2.4.B.1 to permit encroachment into a required property perimeter Landscape Buffer Area (LBA) by existing structures on the northern property line (required: 25', requested: 20', encroachment of 5') (24-WAIVER-0139)
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY

The subject site is located on Camp Ground Road south of the intersection with Kramers Lane and consists of one parcel currently developed with a single-family residence, and a portion of a second contiguous parcel. The applicant proposes to rezone the property in order to utilize the detached garage for auto repair, with a proposal to construct an additional 1,200 square foot structure to expand the auto repair use. The residence will remain in use as a residence.

Industrial uses are located to the south-west along Camp Ground Road. Vacant land and industrial uses are located across Camp Ground Road to the east. Residential uses are located to the north and north-west. Camp Ground Road is a primary collector at this location.

STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. The waiver and development plan are adequately justified and meet the standards of review of the Land Development Code.

TECHNICAL REVIEW

Plan 2040

Land Development Code (Louisville Metro)

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

A zoning enforcement case, ENF-ZON-23-001399, is currently open on the site. The case relates to the use of the property for auto repair in violation of the current zoning district.

INTERESTED PARTY COMMENTS

No interested party comments were 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

The site is located in the Suburban Workplace Form District:

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses.

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

The Suburban Workplace form district is an appropriate district for the uses permitted in C-2 zoning. While the site is located adjacent to a residential neighborhood, the site is of sufficient size to permit adequate buffering of uses to the residential development nearby. The existing house on the property can continue to be used for residential purposes under C-2 zoning, permitting a mix of uses on the site.

The proposed zoning district is in compliance with Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4.B.1

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

STAFF: The waiver will not adversely affect adjacent property owners as the affected property is owned by a co-owner of the business to be run on the site.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The amount of encroachment is minimal, and plantings and screening can be provided.

- (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 encroachment is by a structure that already exists.

- (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: 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 because provision of the full required Landscape Buffer Area would necessitate removing a portion of the existing house.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (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: No natural resources are evident on the site. Tree canopy will be provided.

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

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

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

STAFF: No open space provisions are pertinent to the request.

- (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 is in compliance with existing and planned future development in the area. The existing and new development on the site can be adequately screened and buffered from nearby residential development.

- (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 requirements of the Land Development Code and Plan 2040 with the exception of the requested waiver, which has been adequately justified and meets the standard of review. The site plan complies with the policies and guidelines of the Comprehensive Plan. The proposed site design buffers any adverse impacts from neighboring residential uses.

REQUIRED ACTIONS

- **RECOMMEND** that Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to C-2
- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Detailed District Development Plan** with **Binding Elements**

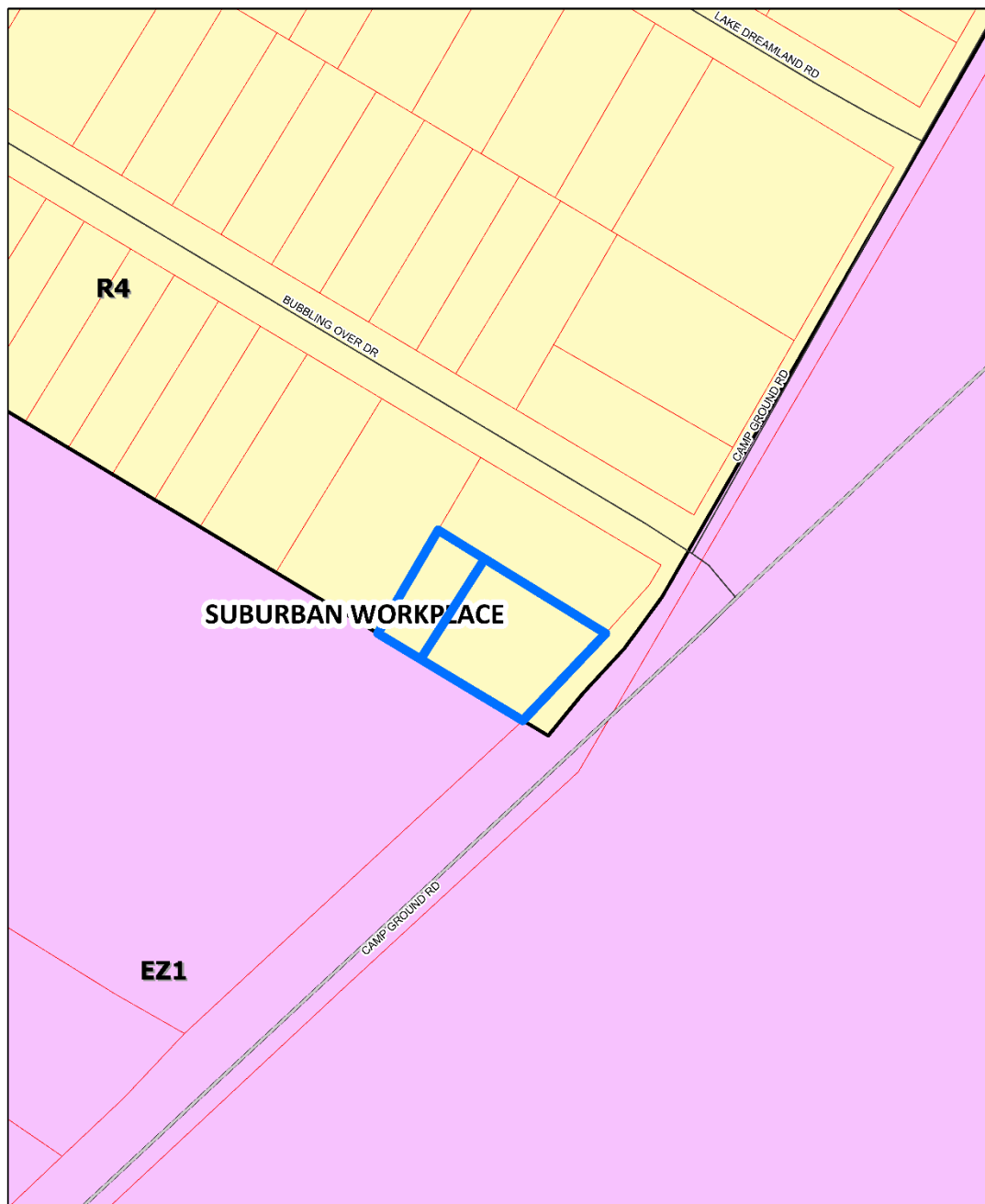
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|---------------------|--|
| 02/14/2025 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 1 |
| 03/06/2025 | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 1 |
| 02/28/2025 | Hearing before PC | Sign Posting on property |
| 03/12/2025 | Hearing before PC | Legal Advertisement in the Courier-Journal |

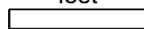
ATTACHMENTS

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

1. Zoning Map



5004 Camp Ground Road
feet



110

Map Created: 2/19/2025



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
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2. Aerial Photograph



5004 Camp Ground Road

feet
40
Map Created: 2/19/2025



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3. Staff Plan 2040 Checklist

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

Suburban Workplace: Non-Residential

| Plan 2040 Plan Elements/Staff Analysis | |
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| 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 site is located within an existing Suburban Workplace form. EZ-1 zoning is located adjacent to the site to the south-west and across Camp Ground Road. The proposal would not constitute a non-residential expansion into an existing residential area.</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 proposal would permit higher density and intensity uses. The site is located adjacent to an existing employment center.</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>NA <u>Staff Analysis:</u> The proposal is not for industrial zoning.</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 proposal would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions.</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 proposal would not permit uses generating noxious odors, particulates and emissions.</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> Access to the site is via Camp Ground Road, a primary collector at this location. Access does not pass through areas of lower intensity.</p> |

| Plan 2040 Plan Elements/Staff Analysis | |
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| 7 | <p><u>Community Form: Goal 1, Policy 18.</u> Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p>✓ <u>Staff Analysis:</u> Development on the site can be adequately screened in order to minimize adverse impacts from noise to the surrounding neighborhood.</p> |
| 8 | <p><u>Community Form: Goal 1, Policy 21.</u> 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.</p> <p>NA <u>Staff Analysis:</u> The proposed zoning district would not permit junkyards, landfills or quarries.</p> |
| 9 | <p><u>Community Form: Goal 2, Policy 1.</u> Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.</p> <p>✓ <u>Staff Analysis:</u> The site is located adjacent to an existing activity/employment center and would expand the center.</p> |
| 10 | <p><u>Community Form: Goal 2, Policy 5.</u> Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</p> <p>✓ <u>Staff Analysis:</u> The proposal would permit retail development as a corner use adjacent to existing residential.</p> |
| 11 | <p><u>Community Form: Goal 2, Policy 6.</u> Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</p> <p>✓ <u>Staff Analysis:</u> The proposal would permit a more compact pattern of development adjacent to an existing employment center.</p> |
| 12 | <p><u>Community Form: Goal 2, Policy 7.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would permit a mixture of compatible land uses adjacent to an existing employment center.</p> |
| 13 | <p><u>Community Form: Goal 2, Policy 8.</u> Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would permit residential uses. The existing structure is proposed to continue its current residential use.</p> |
| 14 | <p><u>Community Form: Goal 2, Policy 9.</u> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>✓ <u>Staff Analysis:</u> The proposal would permit re-use of existing structures for residential and commercial uses.</p> |
| 15 | <p><u>Community Form: Goal 2, Policy 10.</u> 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.</p> <p>NA <u>Staff Analysis:</u> The proposal does not include underutilized parking lots.</p> |
| 16 | <p><u>Community Form: Goal 3, Policy 9.</u> 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.</p> <p>NA <u>Staff Analysis:</u> No natural features are evident on the site.</p> |
| 17 | <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>NA <u>Staff Analysis:</u> No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site.</p> |
| 18 | <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</p> |

| Plan 2040 Plan Elements/Staff Analysis | |
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| | <p><i>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.</i></p> <p>NA <u>Staff Analysis:</u> The site is not located in the Ohio River Corridor.</p> |
| 19 | <p>Community Form: Goal 3, Policy 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.</p> <p>NA <u>Staff Analysis:</u> The site is not located in a flood-prone area. No karst terrain is evident on the site.</p> |
| 20 | <p>Community Form: Goal 4, Policy 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.</p> <p>NA <u>Staff Analysis:</u> No historic assets are evident on the site.</p> |
| 21 | <p>Community Form: Goal 4, Policy 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>NA <u>Staff Analysis:</u> No distinctive cultural features are evident on the site.</p> |
| 22 | <p>Mobility: Goal 1, Policy 4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</p> <p>✓ <u>Staff Analysis:</u> The site is adjacent to an existing employment center.</p> |
| 23 | <p>Mobility: Goal 3, Policy 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car and bicycle. Accessibility by pedestrians and people with disabilities would be improved by the development. Transit may be attracted to the area by increased density and intensity of development.</p> |
| 24 | <p>Mobility: Goal 3, Policy 3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p> <p>✓ <u>Staff Analysis:</u> The site is not located near existing transit. Transit may be attracted to the area by increased density and intensity of development.</p> |
| 25 | <p>Mobility: Goal 3, Policy 4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 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>✓ <u>Staff Analysis:</u> Transportation Planning has approved the proposal.</p> |
| 26 | <p>Mobility: Goal 3, Policy 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p>✓ <u>Staff Analysis:</u> Transportation Planning has approved the proposal.</p> |
| 27 | <p>Mobility: Goal 3, Policy 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p>✓ <u>Staff Analysis:</u> Transportation Planning has approved the proposal.</p> |
| 28 | <p>Mobility: Goal 3, Policy 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</p> |

| Plan 2040 Plan Elements/Staff Analysis | |
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| | <p><i>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.</i></p> <p>✓ Staff Analysis: Transportation Planning has approved the proposal.</p> |
| 29 | <p><u>Mobility: Goal 3, Policy 10.</u> <i>Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</i></p> <p>✓ Staff Analysis: Transportation Planning has approved the proposal.</p> |
| 30 | <p><u>Community Facilities: Goal 2, Policy 1.</u> <i>Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</i></p> <p>✓ Staff Analysis: The relevant utilities have approved the proposal.</p> |
| 31 | <p><u>Community Facilities: Goal 2, Policy 2.</u> <i>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.</i></p> <p>✓ Staff Analysis: Louisville Water Company has approved the proposal.</p> |
| 32 | <p><u>Community Facilities: Goal 2, Policy 3.</u> <i>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).</i></p> <p>✓ Staff Analysis: MSD has approved the proposal.</p> |
| 33 | <p><u>Economic Development: Goal 1, Policy 1.</u> <i>Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.</i></p> <p>✓ Staff Analysis: The proposed zoning district would permit land uses compatible with the existing and proposed Workplace form.</p> |
| 34 | <p><u>Economic Development: Goal 1, Policy 2.</u> <i>Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.</i></p> <p>✓ Staff Analysis: The site is located adjacent to existing industry.</p> |
| 35 | <p><u>Economic Development: Goal 1, Policy 3.</u> <i>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.</i></p> <p>✓ Staff Analysis: The scale of the site is such that uses generating high volumes of traffic are unlikely to be located on the site.</p> |
| 36 | <p><u>Economic Development: Goal 1, Policy 4.</u> <i>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.</i></p> <p>NA Staff Analysis: The site is not located near the airport or the Ohio River.</p> |
| 37 | <p><u>Economic Development: Goal 1, Policy 5.</u> <i>Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</i></p> <p>✓ Staff Analysis: The site is located adjacent to an existing industrial subdivision and has appropriate connectivity.</p> |
| 38 | <p><u>Livability: Goal 1, Policy 17.</u> <i>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.</i></p> <p>NA Staff Analysis: No karst terrain is evident on the site.</p> |

| Plan 2040 Plan Elements/Staff Analysis | |
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| 39 | <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>NA <u>Staff Analysis:</u> The site is not located in the floodplain.</p> |
| 40 | <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>NA <u>Staff Analysis:</u> The site is not located in the floodplain.</p> |
| 41 | <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 proposal would support aging in place by permitting smaller-scale commercial uses near existing residential.</p> |
| 42 | <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 permit inter-generational mixed-income and mixed-use development.</p> |
| 43 | <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 site would permit smaller-scale commercial uses near existing residential.</p> |
| 44 | <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> No existing residents would be displaced by the proposal.</p> |
| 45 | <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 proposal would permit innovative methods of 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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Camp Ground Road right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Office of Planning prior to obtaining a building permit.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of off-site residential structures. No overnight idling of trucks shall be permitted on-site.
7. 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.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. No more than four inoperable vehicles shall be located on the site. No vehicles shall be stored outside except in designated non-resident parking spaces as shown on the preliminary plan. No parts shall be stored outside. No vehicles shall be parked on grass. No pavement or gravel shall be placed except as shown on the preliminary plan.