

Planning Commission Staff Report April 24, 2025



Case No:	24-ZONE-0133
Project Name:	Texas Avenue Rezoning
Location:	1325 Texas Avenue
Owner(s):	Nathan Ryan Albert and Victoria Elizabeth Petko
Applicant:	Albert Johns Property Holdings, LLC.
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Molly Clark, Planner II

REQUEST

- **Change in zoning** from OR-1 Office Residential to C1 Commercial
- **Waiver** from Land Development Code section 10.2.4 to not provide the required property perimeter 15 foot landscape buffer plantings along the southeast property line.
- **Revised Detailed District Development Plan** with revisions to binding elements

CASE SUMMARY/BACKGROUND

The subject site is currently zoned OR-1 office residential in the Traditional Neighborhood form district. The subject site is located at the intersection of Texas Avenue and Ash Street and consists of one parcel developed with a mixed-use structure and a detached garage. The applicant proposes to rezone the site to C-1 commercial in order to utilize the existing building for a restaurant/deli with outdoor seating. The subject site was previously rezoned from R-5 single family residential to OR-1 office residential under 22-ZONE-0132 that was approved at Metro Council on February 16, 2023.

STAFF FINDING

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

TECHNICAL REVIEW

Louisville Metro Plan 2040

Land Development Code (Louisville Metro)

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

INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Committee in advance of the public hearing.

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 Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with side-walks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces.

The proposal would not constitute an expansion of non-residential uses into an existing residential area. The structure on the site is commercial in nature and the site has been used commercially in the recent past. The site is located in a neighborhood with several corner commercial uses. It is also approximately 320 feet from Goss Avenue that functions as a commercial corridor.

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. Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to not provide the required 15 foot landscape buffer plantings.

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing detached garage will buffer the noise from the outdoor patio. All other required buffering and plantings will be provided on the subject site.

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

STAFF: Community Form Goal 1, Policy 6 calls to 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 storm-water. 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. Community Form Goal 1, Policy 9 calls 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. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. There is an existing building located within the landscape buffer that would need to be removed to meet the requirements. The applicant is still providing screening with a fence where the building is not located.

- (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 since there is an existing detached garage located within the required buffer area.

- (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 deprive the applicant of the reasonable use of the land because the applicant would have to tear down the detach garage to meet the landscaping requirements.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP with Amendment to binding elements

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

STAFF: No natural resources are evident on the site. Landscaping and screening will be provided

along the area where the outdoor patio is located to mitigate adverse affects.

- (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.

- (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.

REQUIRED ACTIONS

- **RECOMMEND APPROVAL** or **DENIAL** to Metro Council for a Change in zoning from OR-1 Office Residential to C-1 Commercial
- **APPROVE** or **DENY** the Waiver
- **APPROVE** or **DENY** the Revised Detailed District Development plan with Binding Elements

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if 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.

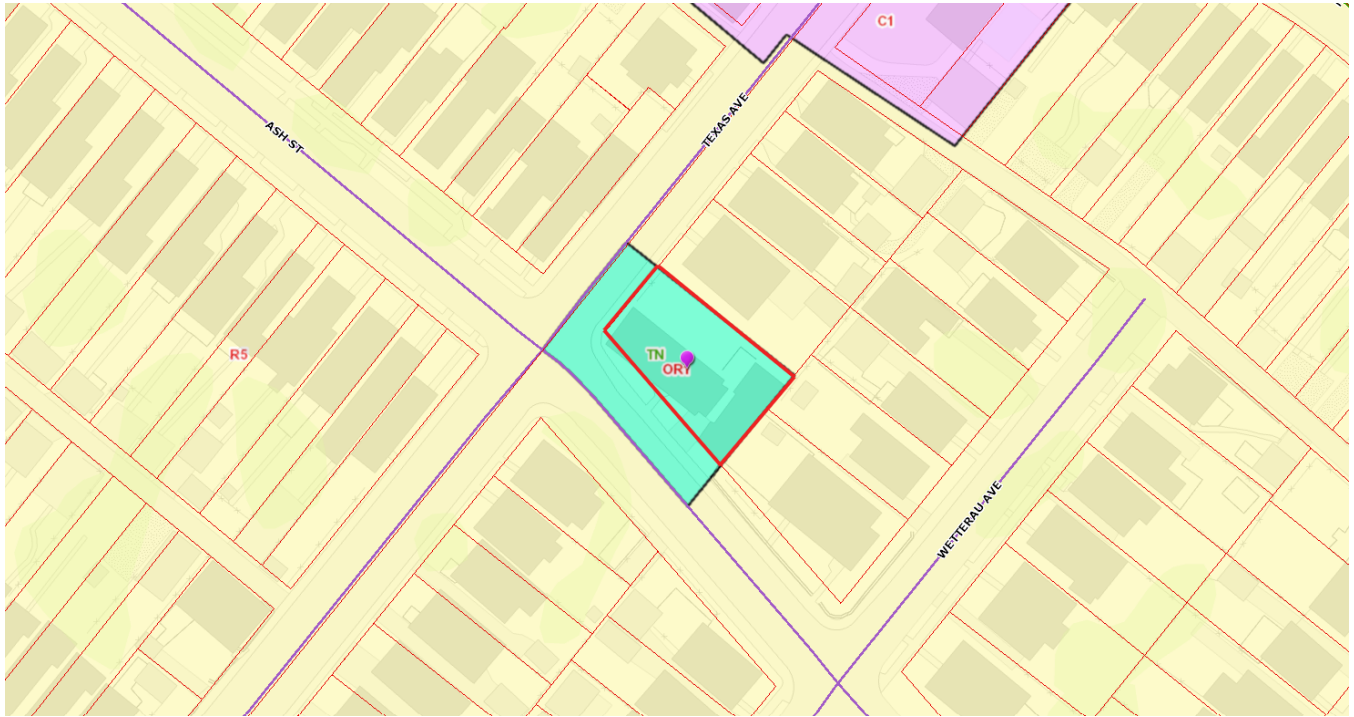
NOTIFICATION

Date	Purpose of Notice	Recipients
2-26-25	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 15
4-7-25	Hearing before PC	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 15
4-7-25	Hearing before PC	Sign Posting on property
4-9-25	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Checklist

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

Traditional Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p>Community Form: Goal 1, Policy 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.</p> <p>✓ Staff Analysis: The proposal would not constitute an expansion of non-residential uses into an existing residential area. The structure on the site is commercial in nature and the site has been used commercially in the recent past.</p>

Plan 2040 Plan Elements/Staff Analysis	
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 in a neighborhood with several corner commercial uses. It is also approximately 320 feet from Goss Avenue that functions as a commercial corridor.</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 proposed rezoning does not allow for industrial uses.</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> Hazardous uses and uses with air, noise and light emissions will need to comply with LMCO and LDC regulations. Applicant has agreed to binding element restricting hours of operation.</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>NA <u>Staff Analysis:</u> The proposed zoning district would not permit uses which generate 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 from Ash Street and Texas Avenue which are both local roads. The site is approximately 320 feet from Goss Avenue which is a minor arterial. There will be no vehicular access proposed or proposed off street parking areas.</p>
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> The proposed plan shows landscape buffers with screening adjacent to residential uses. The applicant will also be subject to a binding element regarding hours of operation to mitigate impacts from noise.</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> A commercial zoning district would not permit industries which handle hazardous or flammable materials, or are similar to 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 design and density of the proposal will be compatible with the desired form, adjacent uses, and existing and planned infrastructure as the existing structure is proposed to be re-used.</p>
10	<p><u>Community Form: Goal 2, Policy 4.</u> Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.</p> <p>✓ <u>Staff Analysis:</u> The site has appropriate access and connectivity for corner commercial uses.</p>
11	<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 site is relatively close to the activity corridor at Goss Avenue</p>
12	<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 encourage a more compact development pattern by providing corner commercial in an existing commercial structure.</p>

Plan 2040 Plan Elements/Staff Analysis	
13	<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 proposal would increase the mixture of compatible land uses in the vicinity by permitting corner commercial in an appropriate location.</p>
14	<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 proposal would place neighborhood-serving commercial uses in proximity to housing.</p>
15	<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 re-use an existing structure providing commercial uses.</p>
16	<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 or outlot development.</p>
17	<p><u>Community Form: Goal 2, Policy 11.</u> Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.</p> <p>✓ <u>Staff Analysis:</u> The proposal would permit appropriate placement, design and scale of commercial development as the proposal would re-use an existing commercial structure.</p>
18	<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>✓ <u>Staff Analysis:</u> No natural features are evident on the site.</p>
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> No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site.</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 site is not located in the Ohio River Corridor.</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>NA <u>Staff Analysis:</u> The site is not located in a flood prone area or on karst terrain.</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> The proposal re-uses an existing commercial structure to provide new commercial uses.</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>

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: The proposal re-uses an existing commercial structure to provide new commercial uses.
24	<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>✓ Staff Analysis: The proposal would provide neighborhood-serving goods and services near an existing neighborhood, and close to a commercial corridor along Goss Avenue.</p>
25	<p>Mobility: Goal 2, Policy 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p>✓ Staff Analysis: The site is located at the intersection of Ash Street and Texas Avenue. The site is also approximately 320 feet from Goss avenue.</p>
26	<p>Mobility: Goal 3, Policy 1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.</p> <p>✓ Staff Analysis: The proposal would provide neighborhood-serving commercial in an existing neighborhood, at an appropriate corner location.</p>
27	<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>✓ Staff Analysis: The site is easily accessible by bicycle, car, transit, pedestrians and people with disabilities. The proposal would promote a mixture of compatible land uses by providing commercial uses in an existing commercial building on a corner.</p>
28	<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>✓ Staff Analysis: The proposal would encourage higher density mixed-use development by providing corner commercial services in an existing neighborhood.</p>
29	<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>✓ Staff Analysis: The proposal is located in a walkable neighborhood with complete sidewalk networks and is accessible by bicycle. The proposal has also received preliminary approval from Transportation Planning.</p>
30	<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>✓ Staff Analysis: The subject site is located in an established neighborhood with complete street and sidewalk networks that are easily accessible for pedestrians and bicyclist.</p>
31	<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>✓ Staff Analysis: The subject site will be reusing an existing commercial building in an established neighborhood with existing sidewalk and road networks. Transportation Planning has preliminarily approved the plan.</p>
32	<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 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 subject site will be reusing an existing commercial building in an established neighborhood with existing sidewalk and road networks. Transportation Planning has preliminarily approved the plan.</p>
33	<p>Mobility: Goal 3, Policy 10. 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 subject site will be reusing an existing commercial building in an established neighborhood with existing sidewalk and road networks. Subject site is easily accessible by bicycles and vehicles as well as accessible for pedestrians. Transportation Planning has preliminarily approved the plan</p>
34	Community Facilities: Goal 2, Policy 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: The proposal involves the reuse of an existing commercial structure that is adequately served by existing utilities.
35	Community Facilities: Goal 2, Policy 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.
✓	Staff Analysis: The proposal involves the reuse of an existing commercial structure that is adequately served by existing utilities.
36	Community Facilities: Goal 2, Policy 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).
✓	Staff Analysis: The proposed development plan has received preliminary approval from MSD.
37	Economic Development: Goal 1, Policy 2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.
NA	Staff Analysis: The proposed zoning district does not permit industrial uses.
38	Economic Development: Goal 1, Policy 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.
✓	Staff Analysis: The proposal is unlikely to generate high volumes of traffic, as the proposed restaurant/deli is a neighborhood serving use.
39	Economic Development: Goal 1, Policy 4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.
NA	Staff Analysis: The proposal is not for industrial zoning. The site is not located near the airport or the Ohio River.
40	Economic Development: Goal 1, Policy 5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.
NA	Staff Analysis: The proposal is not for industrial zoning.
41	Livability: Goal 1, Policy 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.
NA	Staff Analysis: The site is not located on karst terrain.
42	Livability: Goal 1, Policy 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	Staff Analysis: The site is not located in the floodplain.
43	Livability: Goal 1, Policy 24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.
NA	Staff Analysis: The site is not located within the floodplain.
44	Housing: Goal 1, Policy 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.
✓	Staff Analysis: The proposal would support aging in place by providing neighborhood-serving goods and services at a corner location in an existing neighborhood.

Plan 2040 Plan Elements/Staff Analysis	
45	<p><u>Housing: Goal 2, Policy 1.</u> <i>Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</i></p> <p>✓ <u>Staff Analysis:</u> The proposal would encourage inter-generational mixed-income and mixed-use development in an existing connected neighborhood by permitting corner commercial in an appropriate location.</p>
46	<p><u>Housing: Goal 2, Policy 2.</u> <i>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.</i></p> <p>✓ <u>Staff Analysis:</u> The proposal includes a dwelling unit on the second story creating a mixed use site. The residential unit is located in an established neighborhood with complete sidewalks and street networks.</p>
47	<p><u>Housing: Goal 3, Policy 2.</u> <i>As neighborhoods evolve, discourage displacement of existing residents from their community.</i></p> <p>✓ <u>Staff Analysis:</u> No existing residents will be displaced by the proposal.</p>
48	<p><u>Housing: Goal 3, Policy 3.</u> <i>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.</i></p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would encourage mixed-use development.</p>

4. **Existing Binding Elements with proposed changes**

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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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 audible beyond the property line.**
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. **Hours of operation shall be from 10am to 11pm.**

5. Revised Binding Elements with proposed changes

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:
 - c. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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 audible beyond the property line.
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. Hours of operation shall be from 10am to 11pm.