

# Planning Commission Staff Report

March 4, 2021



<b>Case No:</b>	20-ZONE-0102
<b>Project Name:</b>	Woodland Warehouse
<b>Location:</b>	8201 Minor Lane
<b>Owner(s):</b>	Barrington Investment Company, LLC
<b>Applicant:</b>	Barrington Investment Company, LLC
<b>Representative(s):</b>	Bardenwerper, Talbott & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Mark Fox
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4, OR-2 & C-2 to EZ-1
- **Revised Detailed District Development Plan**

## CASE SUMMARY

The subject site of the proposed change in zoning and revised development plan is located on the west side of I-65, north of its intersection with I-265 and south of Outer Loop, in an area of industrial growth and expansion. Minor Lane will provide primary access to the subject site. The proposal includes 3 warehouses of greater than 400,000 square feet with parking, loading areas, amenity, and floodplain compensation and detention. A residential community is present in the area of development along the existing Shadeswood Ave. Residents of this community will need to be relocated in advance of development activity.

## Associated Cases

09-64-86: Change in zoning from R-4 to R-8 & C-2 (approved by PC 8/21/86 with revisions 1/26/89, 2/23/89, & 10/30/03)

B-49-69: Conditional Use Permit for Mobile Home Park (approved 9/24/1969)

## STAFF FINDING

The proposal conforms to the land use and development policies of Plan 2040. The development plan has also been adequately justified based on staff's analysis contained in the standard of review. The proposed district is in the Suburban Workplace form district in a growing industrial area south of the regional airport. The Suburban Workplace is a form characterized by predominately industrial and office uses. The proposal is situated to take advantage of a concentration of industrial uses in the workplace form and does not create an isolated industrial site.

A plan for the closure of the residential community within the area of development must be established. Binding element # 6 has been included and provides a general and enforceable plan for closure. A discussion of this binding element is included in the Technical Review.

## **TECHNICAL REVIEW**

Occupants of the residential community will be relocated prior to development activity. The community contains roughly 80-90 dwelling units based on aerial imagery. Current residents were mailed notice of the public hearing. Staff has continued conversations with the applicant regarding the closure plan. While discussions were ongoing at the time of publication, staff has included Binding Element # 6, which reads as follows:

*Prior to requesting a permit to carry out development as shown on the approved plan for any area within the residential community at 8201 Minor Lane (Shadeswood Avenue), including but not limited to building, parking lot, change of use, clearing/grading, site disturbance, alteration permit, or demolition permit:*

- a. *The developer(s) and/or property owner(s) shall host a meeting with all residents of the property. Notice of this meeting shall be given to all residents 14 days in advance of the meeting. A copy of this notice shall also be provided to Planning and Design Services and placed in the case file of record. At this meeting, the developer and/or owner shall state the intent to close the park, identify the earliest date at which closure will begin, and provide contact information for themselves and other persons involved in the closure and relocation.*
- b. *A “housing counselor(s)” or other individual(s) with similar experience in local housing services shall be retained to evaluate, document, and provide resources to each occupant (and their families) to assist with relocation. Upon conclusion of this outreach, the counselor shall provide documentation to Planning and Design Services and placed in the case file of record which states the time period of the outreach effort, summarizes services and resources provided, and indicates how many, if any, declined counseling.*
- c. *A direct line to an on-site manager shall also be provided to each occupant(s) and Planning and Design Services. The on-site manager shall be responsible for ensuring the property is maintained in good condition during relocation and assist the housing counselor(s). The on-site manager, if experienced in local housing services, may serve as the housing counselor.*
- d. *Local fire and police districts having jurisdiction shall be notified of the closure prior to the first meeting with residents. A contact with each should be established.*
- e. *Units and their associated structures or improvements shall be removed promptly after the occupant(s) vacates the premises. No unoccupied unit shall sit abandoned for more than 6 weeks.*
- f. *In addition to the elements cited above, all other requirements of applicable local, state, and federal law shall be met.*

Drafts of this binding element have been provided to the applicant’s representative and conversations between the applicant and staff will continue until the date of the public hearing.

A “housing counselor” is someone who can provide resources or counseling on topics related to housing including but not limited to financing, budgeting, lending; rental and home ownership assistance and pre-purchase counseling, as well as homelessness counseling. A counselor may be HUD sponsored. Resources pertaining to HUD sponsored counselors may be obtained here: [https://www.hud.gov/i\\_want\\_to/talk\\_to\\_a\\_housing\\_counselor](https://www.hud.gov/i_want_to/talk_to_a_housing_counselor). Other individuals such as community health workers, realtors, housing advocates, or social workers may also satisfy the role of a housing counselor.

In addition to Binding Element #6, staff has also included #7 which reads as follows:

*Closure and relocation as provided for in Binding Element # 6 shall not occur during a State of Emergency (COVID-19).*

### **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 land use and development policies of 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 Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

#### The site is in the Suburban Workplace Form District

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.

The proposed district is in the Suburban Workplace form district in a growing industrial area south of the regional airport. It is located with access to I-65 & I-265, the airport, and local arterial roadways. The Suburban Workplace is a form characterized by predominately industrial and office uses. The proposed industrial district is situated to take advantage of a concentration of industrial uses in the workplace form district to relief pressure in citing elsewhere near residential communities and to take advantage of infrastructure. Truck traffic and emissions should be expected in this form as it commonly serves warehousing and distribution centers. All improvements to the street and sidewalk network required of the development will be provisioned.

A residential community is present in the area of development. A plan for relocation will be required prior to any development activity on the subject property to ease the burden of relocation on residents. An existing residential community also shares a property boundary. All landscaping to provide appropriate transition at this industrial location will be provided as required.

Mitigation necessary to minimize the impact on natural features on the subject site will be provided. The protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD. The site contains floodplain and conveyance zone. MSD has reviewed and given preliminary approval for the project as proposed. ACOE and KDOW approval will be required prior to development of the site to reduce degradation caused by disturbance of natural features.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

- 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: 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 will be conserved. Mitigation necessary to minimize the impact on natural features on the subject site will be provided. The protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD. The site contains floodplain and conveyance zone. MSD has reviewed and given preliminary approval for the project as proposed. ACOE and KDOW approval will be required prior to development of the site to reduce degradation caused by disturbance of natural features.

- 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 will be provided. All improvements to the street and sidewalk network required of the development will be provisioned.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided by employee amenity areas and the protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD. The site contains floodplain and conveyance zone. MSD has reviewed and given preliminary approval for the project as proposed. ACOE and KDOW approval will be required prior to development of the site to reduce degradation caused by disturbance of natural features.

- 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. the protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD. The site contains floodplain and conveyance zone. MSD has reviewed and given preliminary approval for the project as proposed. ACOE and KDOW

approval will be required prior to development of the site to reduce degradation caused by disturbance of natural features.

- 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.

- 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 proposed development plan conforms to Plan 2040 as the proposal is in the Suburban Workplace form district in a growing industrial are south of the regional airport. It is located with access to I-65 & I-265, the airport, and local arterial roadways. The Suburban Workplace is a form characterized by predominately industrial and office uses. The proposal is situated to take advantage of a concentration of industrial uses in the workplace form district to relief pressure in citing elsewhere near residential communities and to take advantage of infrastructure

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4, OR-2 & C-2 to EZ-1 on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Revised Detailed District Development Plan**

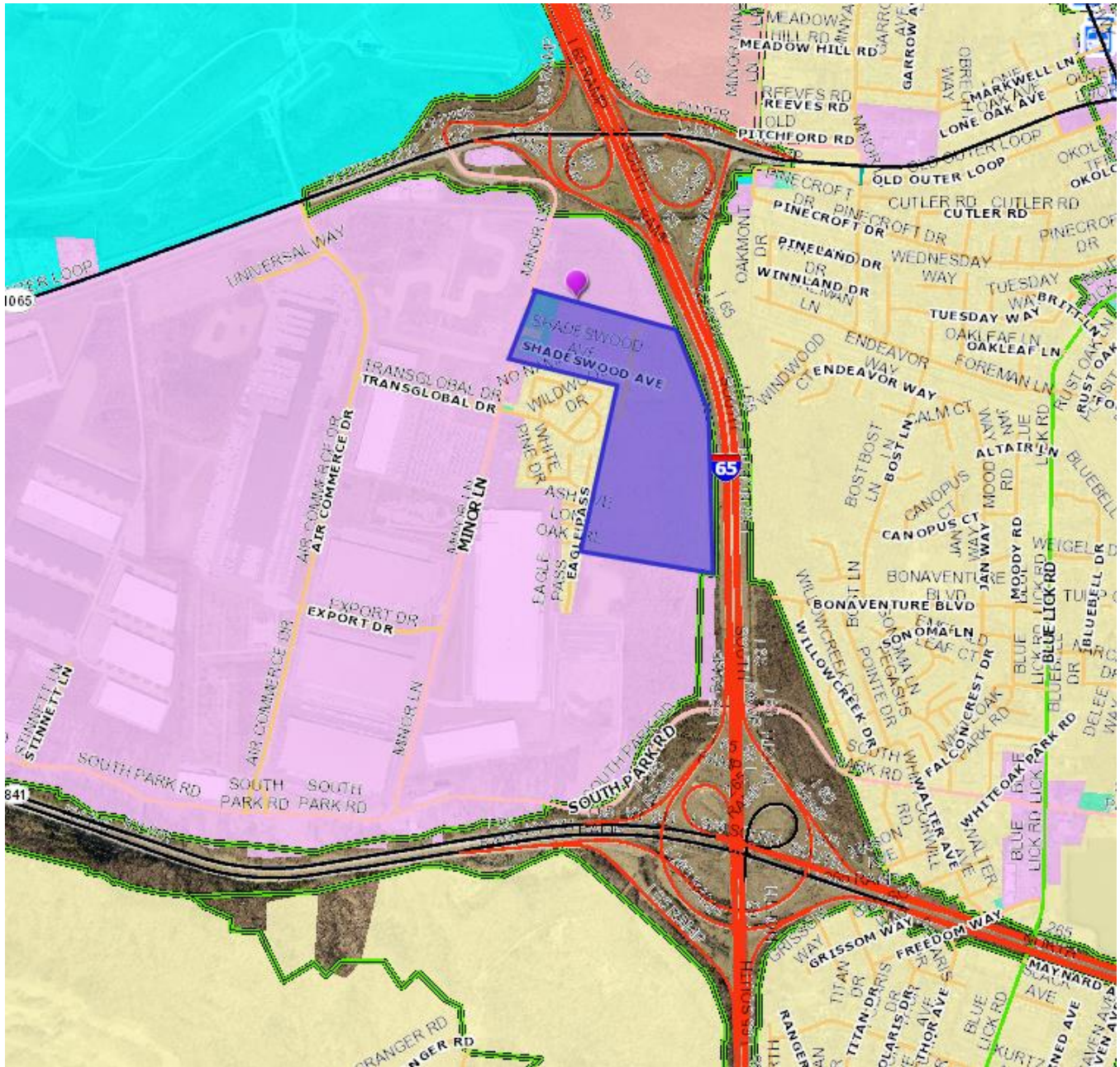
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12/30/20	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
2/17/21	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
2/17/21	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph



### 3. Plan 2040 Staff Checklist

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

#### Suburban Workplace: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	<p><b>6.</b> 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>The proposed district is in the Suburban Workplace form district in a primarily industrial area. A residential community is present in the area of development. A plan for relocation will be required prior to any development activity on the subject property to ease the burden of relocation on residents. The Suburban Workplace is a form characterized by predominately industrial and office uses. An existing residential community shares a property boundary. All landscaping to provide appropriate transition at this industrial location will be provided as required.</p>
Community Form: Goal 1	<p><b>7.</b> 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>The proposed higher intensity use is located to take advantage of nearby transportation and infrastructure as it is located with access to I-65 &amp; I-265, the airport, and local arterial roadways. A sufficient population is present in nearby communities and the Metro area to support industrial growth at this location.</p>
Community Form: Goal 1	<p><b>8.</b> 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>The proposed district is in the Suburban Workplace form district in a primarily industrial area. It is located with access to I-65 &amp; I-265, the airport, and local arterial roadways.</p>



Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	✓	The proposed industrial district is situated to take advantage of a concentration of industrial uses in the workplace form district to relief pressure in citing elsewhere near residential communities and to take advantage of infrastructure. The immediate area previously contained a residential community (now heritage CreeK) which relocated as the airport expanded in the 1990's and the area has transitioned to industrial uses over the last few decades.
Community Form: Goal 1	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	The form district in which the site is located is intended to concentrate industrial and offices uses. Truck traffic and emissions should be expected in this form as it commonly serves warehousing and distribution centers.
Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	No adverse impacts of traffic are expected on nearby communities as the subject site has access to interstates and major arterials, as well as the airport without transporting through residential areas.
Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	No adverse impacts of noise are expected on nearby communities as the site is bounded by the interstate which provides mitigation against sound on nearby residential communities.
Community Form: Goal 1	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.	✓	The proposed district is segregated from population centers. Where residential is present appropriate transitions will be put in place.
Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposal has been appropriately located in a SW form district which is characterized by predominately industrial and office uses.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 2	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposed district allows for the large-scale agglomeration of multiple uses of varying intensities in an industrial area.
Community Form: Goal 2	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.	✓	The proposed district allows for the large-scale agglomeration of multiple uses in varying intensities. Trips will be determined by employment which is supported by nearby populations opposite the interstates.
Community Form: Goal 3	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.	✓	Mitigation necessary to minimize the impact on natural features on the subject site will be provided. The protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD.
Community Form: Goal 3	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	Mitigation necessary to minimize the impact on natural features on the subject site will be provided. The protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD.
Community Form: Goal 3	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.	✓	The site contains floodplain and conveyance zone. MSD has reviewed and given preliminary approval for the project as proposed.
Community Form: Goal 4	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.	✓	It would not appear that the site contains features of historic and landscape significance.
Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	Mitigation necessary to minimize the impact on natural features on the subject site will be provided. The protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 1	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.	✓	The proposed district is in an area that supports a wide range of employment opportunities that, in-turn, supports fewer trips and efficient transportation. Public Transit routes are present along national Turnpike and Preston Highway.
Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.
Mobility: Goal 3	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.	✓	The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.
Mobility: Goal 3	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.	✓	The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.
Mobility: Goal 3	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.	✓	The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 3	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.	✓	The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.
Mobility: Goal 3	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.	✓	The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.
Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned.
Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposal will be served by existing utilities or capable of being served by public or private utility extensions.
Community Facilities: Goal 2	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.	✓	The proposal will have an adequate supply of potable water and water for fire-fighting purposes
Community Facilities: Goal 2	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).	✓	The proposal will have an adequate means of sewage treatment and disposal to protect public health and to protect water quality as approved by MSD.
Economic Development: Goal 1	1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposal will support existing and future uses within the workplace form and it is compatible with the scale and intensity of those uses.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Economic Development: Goal 1	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.	✓	The proposal is in an industrial area within the bounds of the workplace form to take advantage of special infrastructure needs. The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations
Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The proposal is in an industrial area within the bounds of the workplace form to take advantage of special infrastructure needs. The area includes a concentration of compatible uses that allow for industrial uses to be located near each other and not dispersed in isolated locations
Livability: Goal 1	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.	✓	ACOE and KDOW approval will be required prior to development of the site to reduce degradation caused by disturbance of natural features.
Livability: Goal 1	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.	✓	MSD floodplain permit will be required prior to development of the site minimize disturbance and decrease risk of more frequent flooding events.
Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The suburban workplace form district is intended as district to serve a concentration of industrial and offices use. The area concentrates industrial uses as it continues to grow. A plan will be in place in advance of any development activity that will ease the burden of relocation upon residents in this industrial area.

#### **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. 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 Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
  - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Prior to requesting a permit to carry out development as shown on the approved plan for any area within the residential community at 8201 Minor Lane (Shadeswood Avenue), including but not limited to building, parking lot, change of use, clearing/grading, site disturbance, alteration permit, or demolition permit:
  - a. The developer(s) and/or property owner(s) shall host a meeting with all residents of the property. Notice of this meeting shall be given to all residents 14 days in advance of the meeting. A copy of this notice shall also be provided to Planning and Design Services and placed in the case file of record. At this meeting, the developer and/or owner shall state the intent to close the park, identify the earliest date at which closure will begin,

- and provide contact information for themselves and other persons involved in the closure and relocation.
- b. A “housing counselor(s)” or other individual(s) with similar experience in local housing services shall be retained to evaluate, document, and provide resources to each occupant (and their families) to assist with relocation. Upon conclusion of this outreach, the counselor shall provide documentation to Planning and Design Services and placed in the case file of record which states the time period of the outreach effort, summarizes services and resources provided, and indicates how many, if any, declined counseling.
  - c. A direct line to an on-site manager shall also be provided to each occupant(s) and Planning and Design Services. The on-site manager shall be responsible for ensuring the property is maintained in good condition during relocation and assist the housing counselor(s). The on-site manager, if experienced in local housing services, may serve as the housing counselor.
  - d. Local fire and police districts having jurisdiction shall be notified of the closure prior to the first meeting with residents. A contact with each should be established.
  - e. Units and their associated structures or improvements shall be removed promptly after the occupant(s) vacates the premises. No unoccupied unit shall sit abandoned for more than 6 weeks.
  - f. In addition to the elements cited above, all other requirements of applicable local, state, and federal law shall be met.
7. Closure and relocation as provided for in Binding Element # 6 shall not occur during a State of Emergency (COVID-19).