

# Planning Commission Staff Report

September 17, 2020



<b>Case No:</b>	20-ZONE-0055
<b>Project Name:</b>	Octapharma
<b>Location:</b>	2809 W. Broadway
<b>Owner(s):</b>	Elda KY LV, LLC
<b>Applicant:</b>	Octapharma Plasma, Inc.
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Donna Purvis
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-Zoning** from EZ-1, Enterprise Zone to C-2, Commercial
- **Conditional Use Permit** for Blood/Plasma Collection Center (Land Development Code 4.2.10) with relief from 'A' to allow the center to be located within 1,000 feet of a residential zone
- **Detailed District Development Plan**

## CASE SUMMARY

A blood/plasma collection center is proposed within an existing multi-tenant center on W. Broadway between 28<sup>th</sup> and 29<sup>th</sup> Streets. While the existing zoning district allows for C-2 uses, it does not allow for a conditional use permit (CUP) to be requested for this use within the current EZ-1 district. A down-zoning of the area containing the proposed use is proposed. The CUP would then be within a C-2 district and the CUP is eligible for action. Minimal improvements to the property are proposed, including curb/access work at the rear of the property along 29<sup>th</sup> Street.

## STAFF FINDING

The proposed change in zoning is in conformance with the land use and development policies of Plan 2040. The minimum area necessary to allow for the conditional use permit to be reviewed has been requested. The remainder of the site will remain EZ-1. The Broadway mixed use corridor contains a wide range of uses and intensities moving east and west from the subject site that are supported by the form district.

The conditional use permit and detailed district development plan appear to be adequately justified based on staff's analysis contained in the standard of review. Relief from item 'A' of the CUP also appears to be in order as residential development is located to the east of the development site and to the rear of non-residential uses along W. Broadway. The use is in an area of the site and building that is located immediately abutting higher intensities uses along 29<sup>th</sup> Street, as well as an existing health/medical user within the same structure.

## TECHNICAL REVIEW

- The applicant expanded notification as requested by LD&T to include residential property owners within 1,000 feet of the proposed use, see attachment. No comments had been received by adjoining property owners at the time of publication of this staff report.

## **STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES**

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 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 located in the Traditional Marketplace Corridor Form District

The Traditional Marketplace Corridor is a form found along a major roadway where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants, and services. These uses frequently have apartments or offices on the second story. Buildings generally have little or no setback, roughly uniform heights and a compatible building style. Buildings are oriented toward the street. Buildings typically have 2-4 stories. New development and redevelopment should respect the predominant rhythm, massing and spacing of existing buildings.

There should be a connected street and alley system. New development should maintain the grid pattern and typical block size. Parking is provided either on-street or in lots at the rear of buildings. New development should respect this pattern. Flexible and shared parking arrangements are encouraged. A street capable of permitting on-street parking is usually necessary. Wide sidewalks, street furniture and shade trees should make a pedestrian friendly environment that invites shoppers to make multiple shopping stops without moving their vehicle. The area should also be easily accessible by pedestrians, transit and bicycle users.

Attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of the scale and architectural style and building materials of any proposed new development with nearby existing development within the corridor

The proposal is in an existing higher intensity zoning district and does not result in an expansion into a residential area. It is located along W. Broadway, which is a major transportation facilities and transit corridor, and contains employment centers where demand and adequate infrastructure exists. The Broadway mixed use corridor contains a wide range of uses that to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place

The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity. Out-lot development is encouraged for future tenants to bring services closer to the pedestrian along W. Broadway.

The proposal eliminates many potentially hazardous or nuisance uses, including those uses that produce noxious odors, particulates and emissions (M zoning district uses) from the development site in a manner consistent with the mix of intensities along the corridor. The removal of industrial operation at this location does not diminish available land for industry in industrial subdivisions.

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

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

STAFF: The proposal is consistent with the Comprehensive Plan. The Broadway mixed use corridor contains a wide range of uses that reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel. The proposal will be encompassed by existing uses within a higher intensity district.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with surrounding uses and the general character of the form district as the site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use will be provided.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

LDC 4.2.10 provides:

*A Blood/Plasma Collection Center may be allowed within the C-2, C-3, C-M and all form districts except the Neighborhood, Village and Traditional Neighborhood Form Districts upon the granting of a conditional use permit and compliance with the listed requirements.*

*A. The property proposed for a blood/plasma collection center shall be at least 1,000 feet from a property zoned residential.*

*B. One parking space per 300 square feet of gross floor area shall be provided.*

STAFF: The property is within 1,000 feet of a residential zoning district. The general area contains a mixture of intensities, including commercial and industrial operations fronting W. Broadway. Residential development is located to east of the development site and to the rear of non-residential uses along W. Broadway. A public park adjoins the rear of the property. The use is in an area of the site/building that is located immediately abutting higher intensities uses along 29<sup>th</sup> Street, as well as an existing health/medical user.

**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 provided. The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity

- 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 are provided as the subject property is served by existing transportation and transit infrastructure along a major arterial roadway.

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

STAFF: The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity. No open space is required of this proposal.

- 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 provisions 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: Setbacks, lot dimensions and building heights are compatible with the existing and projected future development of the area as conditions of the building and site will be maintained.

- 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 the Comprehensive Plan and Land Development Code. The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity. All necessary

improvements to public infrastructure required by this development will be made, including curb/access improvements on 29<sup>th</sup> Street.

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from EZ-1, Enterprise Zone to C-2, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Conditional Use Permit** for Blood/Plasma Collection Center (Land Development Code 4.2.10) with relief from ‘A’ to allow the center to be located within 1,000 feet of a residential zone
- **APPROVE** or **DENY** the **Detailed District Development Plan**

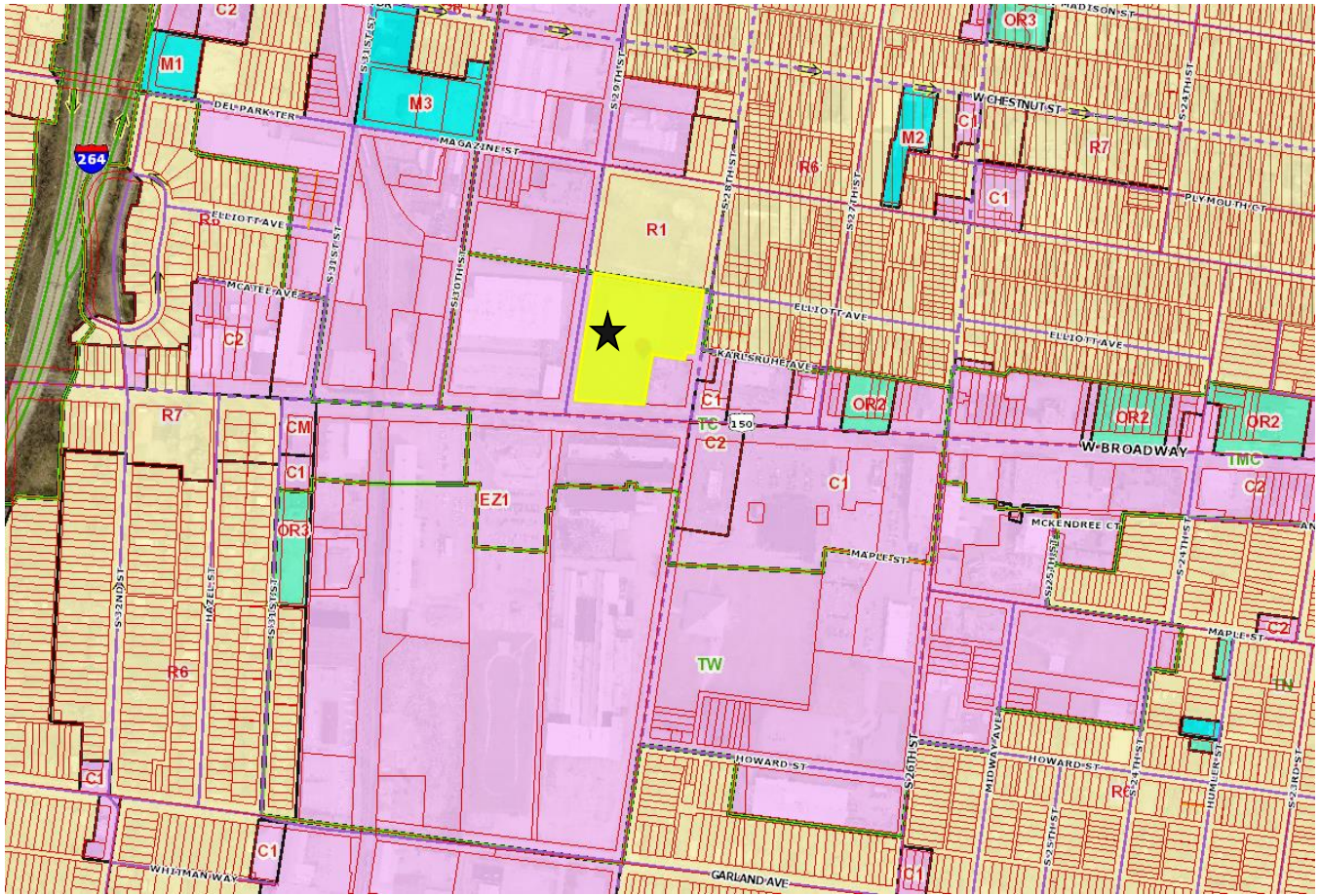
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8/13/20	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
9/3/20	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
9/4/20	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
5. Expanded Notice – Residential property within 1,000 feet

1. **Zoning Map**



2. Aerial Photograph



### 3. Plan 2040 Staff Analysis

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

#### Traditional Marketplace Corridor: Non-Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	<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.	✓	The proposal is in an existing higher intensity zoning district and does not result in an expansion into a residential area.
2	Land Use & Development Goal 1: Community Form	<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.	✓	The proposal is located along W. Broadway, which is a major transportation and transit corridor, and contains employment centers where demand and adequate infrastructure exists.
3	Land Use & Development Goal 1: Community Form	<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.	✓	The current property is not industrially developed at this time and is located in a mixed intensity area where commercial districts are appropriate.
4	Land Use & Development Goal 1: Community Form	<b>15.</b> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	✓	The proposal eliminates many potentially hazardous or nuisance uses from the development site in a manner consistent with the mix of intensities along the corridor.



#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Land Use & Development Goal 1: Community Form	<b>16.</b> 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 proposal eliminates many potentially hazardous or nuisance uses, including those uses that produce noxious odors, particulates and emissions (M zoning district uses) from the development site in a manner consistent with the mix of intensities along the corridor
6	Land Use & Development Goal 1: Community Form	<b>17.</b> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Infrastructure is sufficient to support a variety of traffic conditions without impacting nearby communities.
7	Land Use & Development Goal 1: Community Form	<b>18.</b> Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The proposal eliminates many uses producing large volumes of noise (M zoning district uses) from the development site in a manner consistent with the mix of intensities along the corridor
8	Land Use & Development Goal 1: Community Form	<b>21.</b> 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 proposal eliminates many potentially hazardous or nuisance uses, including those uses that produce noxious odors, particulates and emissions (M zoning district uses) from the development site in a manner consistent with the mix of intensities along the corridor
9	Land Use & Development Goal 2: Community Form	<b>1.</b> 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 existing commercial corridor supports a variety of intensities and densities. The site development is existing and does not impact the current character of the area. The district is currently permitted within the existing district as well.
10	Land Use & Development Goal 2: Community Form	<b>5.</b> Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	Retail commercial as is currently present is supported by sufficient population.
11	Land Use & Development Goal 2: Community Form	<b>6.</b> Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	Conditions of the site are existing and do not alter the existing compatibility of the development or the compatibility of the district.
12	Land Use & Development Goal 2: Community Form	<b>7.</b> 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 Broadway mixed use corridor contains a wide range of uses that to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Land Use & Development Goal 2: Community Form	<b>8.</b> Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	✓	The proposed district does not hinder the ability for the site to be redeveloped and provide for residential uses in activity centers.
14	Land Use & Development Goal 2: Community Form	<b>9.</b> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The commercial development in the current industrial-hybrid district provides for continued commercial uses on the subject property.
15	Land Use & Development Goal 2: Community Form	<b>10.</b> 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.	✓	Out lot development is encouraged for future development of the center to bring uses closer to the pedestrian on Broadway
16	Land Use & Development Goal 3: Community Form	<b>9.</b> 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.	✓	The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity.
17	Land Use & Development Goal 3: Community Form	<b>10.</b> 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.	✓	The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
18	Land Use & Development Goal 3: Community Form	<p><b>11.</b> 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>	NA	
19	Land Use & Development Goal 3: Community Form	<p><b>12.</b> 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>	✓	The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity.
20	Land Use & Development Goal 4: Community Form	<p><b>1.</b> 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>	✓	The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity.
21	Land Use & Development Goal 4: Community Form	<p><b>2.</b> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p>	✓	The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity.
22	Land Use & Development Goal 1: Mobility	<p><b>4.</b> 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>	✓	The proposal is in the TMC and supports commercial growth and employment, as well as transit-oriented development and an efficient public transportation system.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
23	Land Use & Development Goal 3: Mobility	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.	✓	The proposal eliminates many non-neighborhood serving uses from the development site, such as those uses permitted in the M zones.
24	Land Use & Development Goal 3: Mobility	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 proposed district is consistent with uses along the corridor in terms of the impact on mobility.
25	Land Use & Development Goal 3: Mobility	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 proposed district is consistent with uses along the corridor in terms of the impact on mobility.
26	Land Use & Development Goal 3: Mobility	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 proposed district is consistent with uses along the corridor in terms of the impact on mobility.
27	Land Use & Development Goal 3: Mobility	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 proposed district is consistent with uses along the corridor in terms of the impact on mobility.
28	Land Use & Development Goal 3: Mobility	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.	✓	Improvements will be made as required and made necessary by the development, including curb/access work along 29 <sup>th</sup> Street.

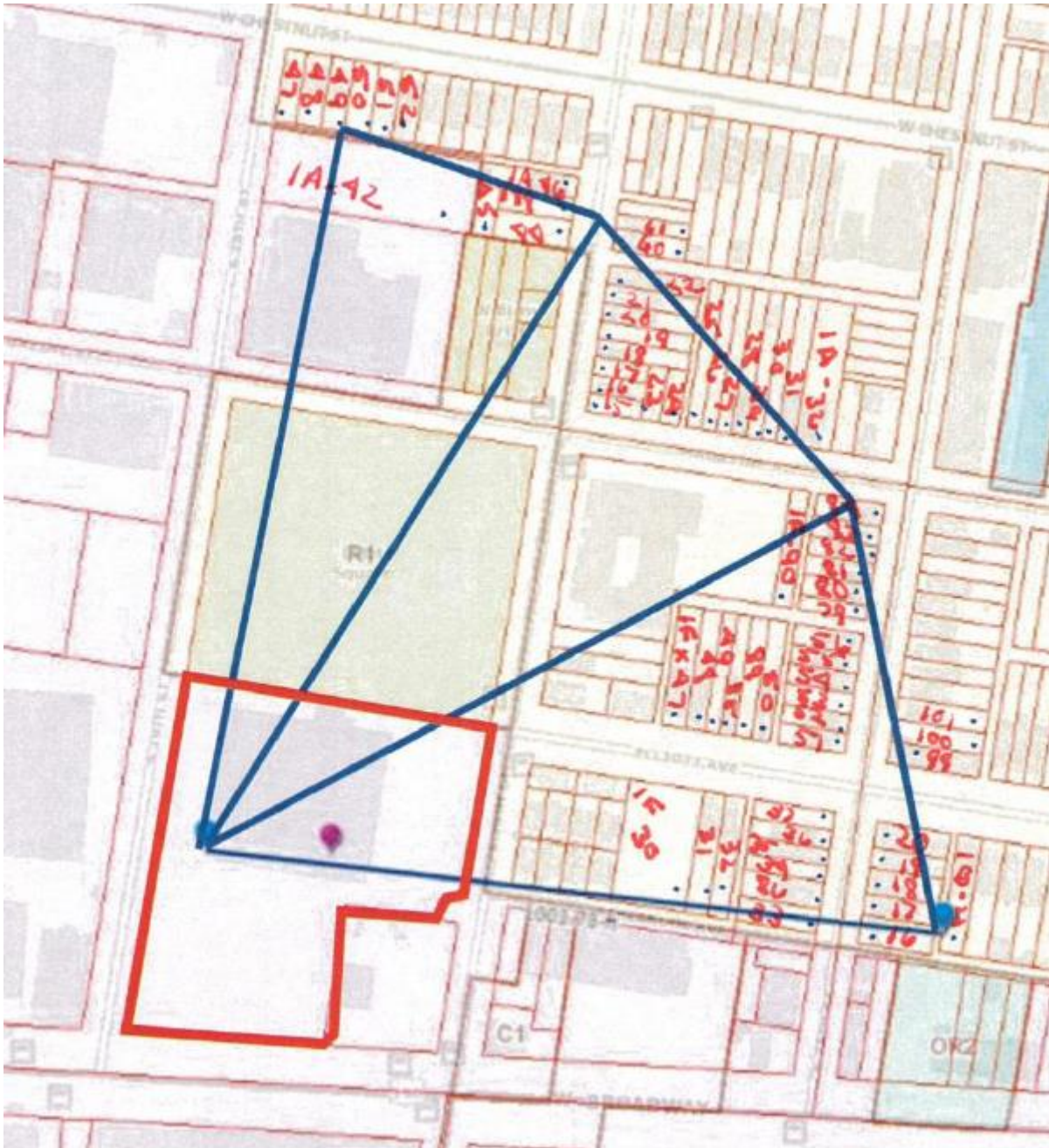
#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
29	Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, 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.	✓	Improvements will be made as required and made necessary by the development, including curb/access work along 29 <sup>th</sup> Street.
30	Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Improvements will be made as required and made necessary by the development, including curb/access work along 29 <sup>th</sup> Street.
31	Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The development is served by existing utilities.
32	Land Use & Development Goal 2: Community Facilities	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.	✓	An adequate supply of potable water and water for fire-fighting purposes appears to be available.
33	Land Use & Development Goal 2: Community Facilities	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).	✓	An adequate means of sewage treatment and disposal to protect public health and to protect water quality will be provide or is currently available.
34	Land Use & Development Goal 1: Economic Development	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 removal of industrial operation at this location does not diminish available land for industry in industrial subdivisions.
35	Land Use & Development Goal 1: Economic Development	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.	✓	The proposed district is consistent with uses along the corridor in terms of the impact on mobility.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
36	Land Use & Development Goal 1: Economic Development	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	
37	Land Use & Development Goal 1: Economic Development	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The removal of industrial operation at this location does not diminish available land for industry in industrial subdivisions.
38	Land Use & Development Goal 1: Livability	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.	✓	The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity.
39	Land Use & Development Goal 1: Livability	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.	✓	The site is built-out. No natural, cultural, or environmental features appear to be present that adversely impact development or the immediate vicinity.
40	Land Use & Development Goal 1: Livability	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.	✓	The proposal eliminates many potentially hazardous or nuisance uses, including those uses that produce noxious odors, particulates and emissions (M zoning district uses) from the development site in a manner consistent with the mix of intensities along the corridor

**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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
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. Expanded Notice



See Page 13 of Applicant's Booklet and Justification