26-ZONE-0087

Planning Commission
Staff Report
September 3, 2026

McMahan Plaza - The Dubliner

Location:	3937 Taylorsville Road
Applicant:	McMahan Plaza
Representative:	Douglas Sellers
Jurisdiction:	Louisville Metro
Council District:	26 – Brent T. Ackerson
Case Manager:	Zack Jones, Planner II

REQUESTS & RECOMMENDED ACTIONS

1. Change in Zoning from C-1 Commercial to C-2 Commercial
   - Staff finds the request is in keeping with Plan 2040 and recommends the Planning Commission **RECOMMEND** that the Louisville Metro Council **APPROVE** the requested change in zoning.

2. Detailed District Development Plan with Binding Elements
   - Staff finds the justification for the request is adequate and recommends the Planning Commission **APPROVE** the Detailed District Development Plan

CASE SUMMARY

The subject property is located on Taylorsville Road between Yorkshire Boulevard and Richland Ave. The entirety of the site is currently zoned C-1 Commercial and is located in the Regional Center form district. A variety of zoning and land uses are present in the immediate vicinity, with a mixture of residential, commercial, and office uses in the area. Taylorsville Road is a major arterial roadway.

The applicant has proposed to rezone the subject site from C-1 Commercial to C-2 Commercial to allow an outdoor patio area to the existing tavern located at the subject site. Given the proposal is not a bonafide restaurant use, a change to the C-2 zone is required for this use. The proposal does not include significant changes to the site, only the development of a patio that would see the loss of 4 parking spaces on site. A change in form district is not requested.

There is a CUP on site presently (21-CUP-0121) to allow the outdoor sale of alcohol, but it is in connection with an adjacent restaurant use and would not be applicable to a tavern or bar.

TECHNICAL REVIEW

- Comprehensive Plan 2040; Land Development Code (Louisville Metro 2025)
- MSD and Transportation Planning have provided preliminary approval.

STANDARD OF REVIEW FOR REZONING AND FORM 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 / FORM DISTRICT

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

The site is located in the Regional Center Form District

A Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium-to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The amount of floor space in Regional Centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged.

Integration of civic uses such as branch libraries, community centers or government offices is encouraged, and can strengthen the identity and success of the center. Regional Centers are most appropriately located on or near major arterials, state or interstate highways. Development in Regional Centers should be compact and provide for site accessibility through all means of transportation. A high level of transit access is desirable and Regional Centers should serve as focal points for transit from homes and workplaces. A wide mix of uses including high density residential should be promoted to encourage the creation of transit nodes. Connectivity and the capacity to handle traffic should be addressed through unified access and circulation. The site plan should encourage pedestrian activity within the Regional Center with human-scale design and by providing pedestrian amenities and pedestrian connectivity among buildings.

Landscaping, building design and unified signage in the Regional Center give character to the development, defines and reinforces identity and provides a human scale. A center may include several internal focal points. Several uses sharing a building may have separate entrances and the design of the building facades may mimic a traditional marketplace corridor or "main street." Parking in Regional Centers is provided on a shared basis to avoid excessive impervious areas, and the center is designed to encourage customers to visit several establishments without moving their vehicles.

Regional Center site design should provide screening of the parking lot and outbuildings as the site is viewed from the arterial roadway. The rear or loading area of buildings should be well screened from arterials, freeways and adjacent residential areas. Human safety or "crime prevention through environmental design" should be a factor in the design of Regional Centers.

STAFF FINDING: The zoning change to C-2 is appropriate at this location, as the proposed rezoning will contribute to providing an expansion of the existing uses serving the population along Taylorsville Road and the surrounding area. There integration of the site will be consistent and complementary with the existing uses in the shopping center as well as the surrounding area. The subject site is located in an existing commercial corridor on Taylorsville Road, a major arterial roadway. The site is in the Regional Center form and the proposed zone is overall compatible with the existing uses in the form as well as the immediate area.

The proposed zoning district is generally in compliance with the plan elements and CHASE principles of Plan 2040. All other agency comments should be addressed to demonstrate compliance with the remaining Goals, Objectives and Policies of Plan 2040.

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

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 2040.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN AND 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 FINDING: There do not appear to be any environmental constraints or historic resources on the subject site including living vegetation, steep slopes, water courses, flood plains, etc. Tree canopy requirements of the Land Development Code is not required to be provided on the subject site in compliance with Land Development Code requirements.

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

STAFF FINDING: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development are provided, and Metro Public Works preliminarily approved the preliminary development plan. Staff has identified no concerns with the changes as it relates to the Detailed District Development Plan.

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

STAFF FINDING: The site is proposed to presently provide the same amount of open space as is currently existing on the site. Any future redevelopment of the site would have to comply with Land Development Code requirements for buffers and tree canopy on site.

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 FINDING: The Metropolitan Sewer District has provided preliminary approval for the plan and has not conveyed any concerns with the proposal.

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 FINDING: The overall site design and land uses are compatible with the existing and future development of the area. There is a minor decrease in vehicle use area on site. Additional landscaping is not triggered by this plan. The overall site design is generally compatible with the existing sites in the vicinity, including the complementary facilities within the McMahan shopping center.

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 FINDING: The development plan conforms to the applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The proposal is complementary to the existing facilities surrounding the area and could allow development in the future that complies with the regional serving intent of the form district and comprehensive plan.

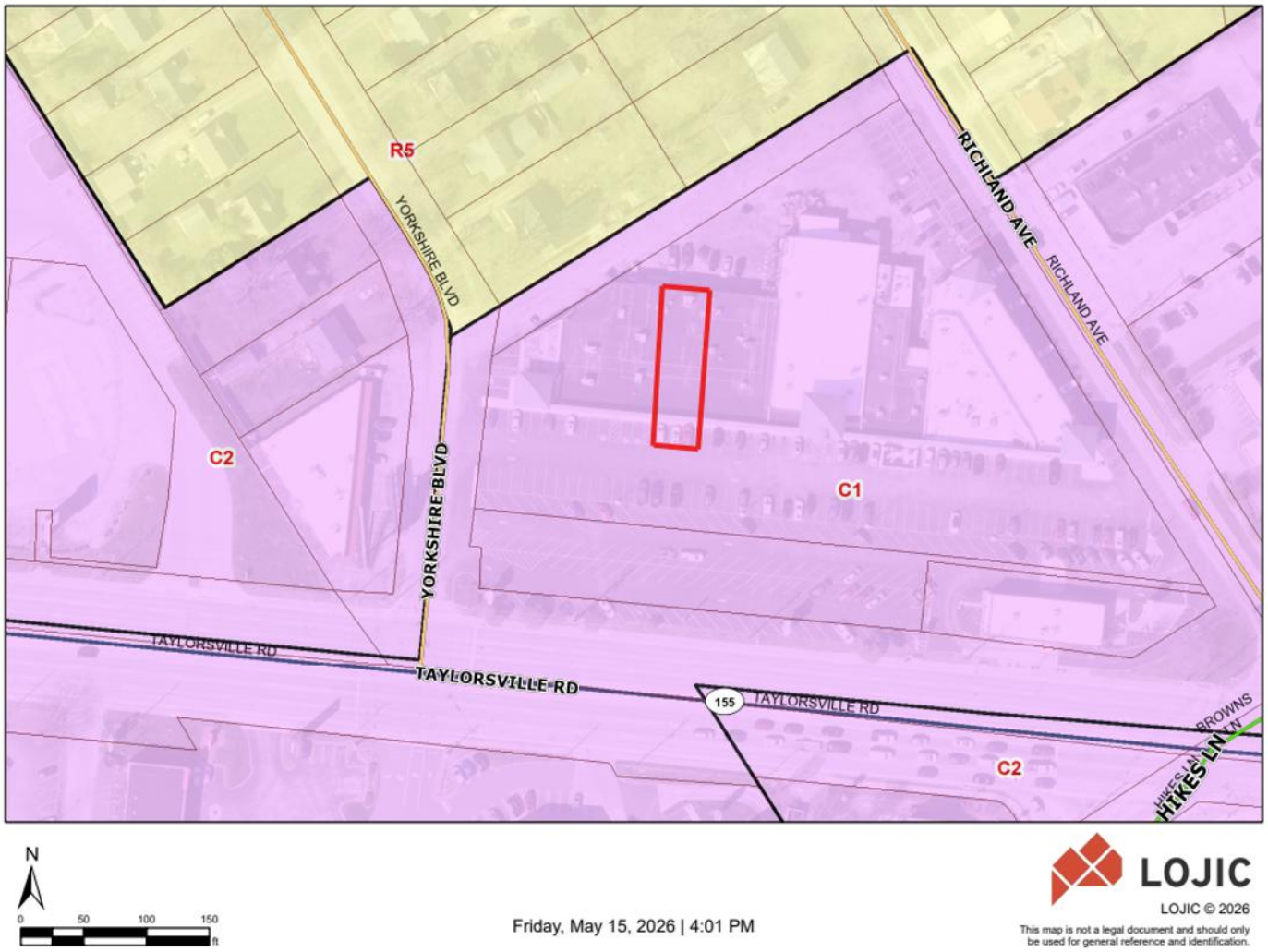
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
8/20/2026	Planning Commission Public Hearing	1st and 2nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 26
8/14/2026	Planning Commission Public Hearing	Sign Posting on Property
8/20/2026	Planning Commission Public Hearing	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. ZONING MAP


R5
YORKSHIRE BLVD
RICHLAND AVE
RICHLAND AVE
C2
C1
YORKSHIRE BLVD
TAYLORSVILLE RD
TAYLORSVILLE RD
155
TAYLORSVILLE RD
BROWNS
C2
HIKES LN
N
0
50
100
150
ft
Friday, May 15, 2026 | 4:01 PM
LOJIC
LOJIC © 2026
This map is not a legal document and should only be used for general reference and identification.

2. AERIAL MAP

YORKSHIRE BLVD
RICHLAND AVE
RICHLAND AVE
YORKSHIRE BLVD
TAYLORSVILLE RD
TAYLORSVILLE RD
155
TAYLORSVILLE RD
BROWNS LN
HIKES LN
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LOJIC
LOJIC © 2026
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3. STAFF PLAN 2040 CHECKLIST

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

Regional Center: Non-Residential

	Plan 2040 Plan Elements/Staff Analysis
1	***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.*
✓	**Staff Analysis: The proposal will not be a non-residential expansion into existing residential areas. The proposal is a change in zoning within an existing shopping center located in an existing activity center along Taylorsville Road, a major arterial roadway at this location.**
2	***Community Form: Goal 1, Policy 7.*** *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.*
✓	**Staff Analysis: The proposal will allow a higher intensity commercial use in an existing activity center with access to Taylorsville Road, a major arterial roadway. There is demand and adequate infrastructure exists. There is no new construction.**
3	***Community Form: Goal 1, Policy 8.*** *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.*
NA	**Staff Analysis: The proposed zoning district does not permit industrial uses.**
4	***Community Form: Goal 1, Policy 15.*** *When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionally impacted.*
✓	**Staff Analysis: The proposed zoning district does not permit hazardous uses. The proposed commercial zoning district will be compatible with the surrounding uses.**
5	***Community Form: Goal 1, Policy 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 disproportionally affected.*
✓	**Staff Analysis: There is no new construction with the proposed change in zoning. There are no environmental constraints on the site. Adverse impacts to human health are not anticipated with the proposed zoning.**
6	***Community Form: Goal 1, Policy 17.*** *Mitigate adverse impacts of traffic from proposed development on nearby existing communities.*

Plan 2040 Plan Elements/Staff Analysis	
✓	**Staff Analysis: There is no new construction. The subject site has operated as a commercial non-residential use previously and the change in zoning should not create adverse impacts of traffic on nearby existing communities.**
7	***Community Form: Goal 1, Policy 18.*** *Mitigate adverse impacts of noise from proposed development on existing communities.*
✓	**Staff Analysis: The proposal is located within an established activity center and will be compatible with surrounding uses.**
8	***Community Form: Goal 1, Policy 21.*** *Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.*
NA	**Staff Analysis: The proposed zoning district does not allow for industrial uses.**
9	***Community Form: Goal 2, Policy 1.*** *Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.*
✓	**Staff Analysis: The proposed commercial zoning district will locate regional serving commercial uses in an established shopping center/activity center.**
10	***Community Form: Goal 2, Policy 5.*** *Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.*
✓	**Staff Analysis: The proposed change in zoning to C-2 will continue to allow commercial uses in an established activity center with sufficient population that exists to support it.**
11	***Community Form: Goal 2, Policy 6.*** *Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.*
✓	**Staff Analysis: The proposal will allow for a variety of commercial uses in an established activity center with an existing non-residential building. There is no new construction proposed beyond the patio seating.**
12	***Community Form: Goal 2, Policy 7.*** *Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.*
✓	**Staff Analysis: The proposed zoning will allow for a mixture of compatible regional and neighborhood serving commercial uses.**
13	***Community Form: Goal 2, Policy 8.*** *Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.*
✓	**Staff Analysis: The proposed zoning district would allow a higher density residential in an existing activity center.**
14	***Community Form: Goal 2, Policy 9.*** *Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.*
✓	**Staff Analysis: The proposal involves the reuse of an existing shopping center building for commercial uses.**
15	***Community Form: Goal 2, Policy 10.*** *Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.*
✓	**Staff Analysis: The proposal is detailing the reuse of underused parking to be patio seating in association with an existing tavern.**
16	***Community Form: Goal 3, Policy 9.*** *Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.*
✓	**Staff Analysis: There is no proposed construction beyond the proposed patio with the proposed change in zoning. There are no environmental constraints on the site.**

Plan 2040 Plan Elements/Staff Analysis	
17	***Community Form: Goal 3, Policy 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.*
✓	**Staff Analysis: There is no proposed construction with this change in zoning beyond the proposed patio area. There are no environmental constraints on site.**
18	***Community Form: Goal 3, Policy 11.*** *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.*
NA	**Staff Analysis: The subject site is not located within the Ohio River Corridor.**
19	***Community Form: Goal 3, Policy 12.*** *When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.*
✓	**Staff Analysis: There is no proposed construction with this proposed change in zoning beyond the expanded patio area. The plan has received preliminary approval from MSD.**
20	***Community Form: Goal 4, Policy 1.*** *Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.*
✓	**The proposed rezoning will allow for an existing shopping center to reuse space for higher intensity commercial uses. There is no new construction proposed beyond the patio area and the existing building is compatible with the existing activity center.**
21	***Community Form: Goal 4, Policy 2.*** *Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.*
✓	**Staff Analysis: There are no distinctive cultural features to preserve on the subject site.**
22	***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.*
✓	**Staff Analysis: The proposed change in zoning will locate regional serving commercial uses within an established activity center along Taylorsville Road.**
23	***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.*
✓	**Staff Analysis: The subject site is located within an area with road and sidewalk networks and is accessible by bicycle, car, transit or by walking.**
24	***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.*
✓	**Staff Analysis: The proposal has received preliminary approval from Transportation Planning.**
25	***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.*
✓	**Staff Analysis: The proposal has received preliminary approval from Transportation Planning.**

Plan 2040 Plan Elements/Staff Analysis	
26	***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.*
✓	**Staff Analysis: The proposed plan has received preliminary approval from Transportation Planning.**
27	***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.*
✓	**Staff Analysis: The plan has received preliminary approval from Transportation Planning. There is no new construction with this proposal beyond the patio area.**
28	***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.*
✓	**Staff Analysis: The plan has received preliminary approval from Transportation Planning. There is no new construction with this proposal beyond the small patio area.**
29	***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.*
✓	**Staff Analysis: The proposal has received preliminary approval from Transportation Planning.**
30	***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.*
✓	**Staff Analysis: The development is located in an area already served by existing utilities.**
31	***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: Louisville Water has not identified concerns regarding the proposal.**
32	***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 proposal has received preliminary approval from MSD.**
33	***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.**
34	***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 locating higher density commercial on Taylorsville Road, a major arterial roadway. The proposal will not adversely affect adjacent areas.**
35	***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 proposed zoning district does not permit industrial uses.**

Plan 2040 Plan Elements/Staff Analysis	
36	***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 proposed zoning district does not permit industrial uses.**
37	***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.*
✓	**Staff Analysis: The subject site is located within an area designated for karst terrain. However, no new construction is proposed on site and environmental considerations are not a concern at this level.**
38	***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.*
✓	**Staff Analysis: Subject site is not located within the regulatory floodplain. The plan has received preliminary approval from MSD. There is no new construction beyond the proposed patio area.**
39	***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.*
✓	**Staff Analysis: Subject site is not located within the regulatory floodplain. The plan has received preliminary approval from MSD. There is no new construction beyond the proposed patio area.**
40	***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 proposed zoning would permit higher density residential and therefore promote housing options that support aging in place. The subject site is located within an established neighborhood and near a commercial activity center.**
41	***Housing: Goal 2, Policy 1.*** *Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.*
✓	**Staff Analysis: The proposed zoning would allow for higher density in residential units in a connected and established neighborhood.**
42	***Housing: Goal 2, Policy 2.*** *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.*
✓	**Staff Analysis: The proposed zoning would allow for more density in residential units near a commercial activity center.**
43	***Housing: Goal 3, Policy 2.*** *As neighborhoods evolve, discourage displacement of existing residents from their community.*
✓	**Staff Analysis: There is no displacement anticipated with this proposal.**
44	***Housing: Goal 3, Policy 3.*** *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.*
✓	**Staff Analysis: The proposed zoning would allow for mixed use developments and higher density in residential units.**

4. PROPOSED DETAILED DISTRICT DEVELOPMENT PLAN 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. 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.

    a. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

3. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

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.