

Planning Commission

Staff Report

May 7, 2026



Case No:	25-ZONE-0097
Project Name:	Hull St. Brew Pub
Location:	524 Baxter Avenue
Applicant:	Auckland Land Trust
Representative:	Scot Heath
Jurisdiction:	Louisville Metro
Council District:	4 – Ken Herndon
Case Manager:	Jude Mattingly, Planner II

REQUEST(S)

- **Change in zoning** from M-2 Industrial & C-1 Commercial to C-2 Commercial
- **Detailed District Development Plan** with proposed binding elements

CASE SUMMARY

The applicant is requesting a change in zoning from M-2 industrial and C-1 commercial to C-2 commercial to allow for a mixed residential and commercial use. The request includes property known as 524 & 528 Baxter Ave which is currently zoned M-2 and 530 & 532 Baxter Ave which is currently zoned C-1. The total requested change in zoning area is 0.36 acres. Currently developed with a non-residential structure that was last occupied by “Alliance Machine Tool Co, Inc.” the applicant is proposing to revitalize and repurpose this structure with no new construction identified at this time. The site is located on the SE corner of Baxter Ave and Hull St with industrial, commercial, office residential, and residential zoning and land uses in close proximity. The subject site is located within a Traditional Neighborhood form district and there is no proposed form district change associated with this request. No variances and/or waivers are requested at this time.

STAFF FINDING

The change in zoning does not violate the goals and/or objectives of the Comprehensive Plan based on staff’s analysis. The Detailed District Development Plan is compliant with the Land Development Code.

TECHNICAL REVIEW

Plan 2040

Land Development Code (2025) Louisville Metro

The Department of Transportation and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

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

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 Traditional Neighborhood Form District

Traditional Neighborhood: This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments.

Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces.

STAFF: The change in zoning from M-2 and C-1 to C-2 is compliant with the guidelines and policies of Plan 2040 in the context of the Traditional Neighborhood form district. The site fronts Baxter Ave which is classified as a Major Arterial roadway and the immediate area is developed with an advanced network of sidewalks and roadways allowing for safe and efficient multi-modal travel. The change in zoning from M-2 and C-1 to C-2 will allow for an appropriately integrated higher density residential use and commercial use less intense and more compatible with the

surrounding area. The proposal revitalizes and repurposes a structure that the PVA indicates was constructed in the 1930s into new uses in an area with adequate infrastructure to support it.

A checklist is attached to the end of this staff report with a more detailed analysis. The 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 DDDP and PROPOSED 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: The proposal retains any natural resources present on the subject site. No issues negatively impacting living vegetation, steep slopes, water courses, flood plains, soils, air quality, or scenic views has been observed or are anticipated. While not in a Historic Preservation District or Overlay District, the subject site is located within the “Highlands” National Register District. The proposal revitalized and repurposes the existing structure that the PVA records as having been constructed in the 1930s.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and the Department of Transportation and the KYTC have reviewed and approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal. If the property were redeveloped in the future the subject site will be required to meet Land Development Code requirements.

- 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: MSD has reviewed and approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code except for where the waiver is requested.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in Zoning** from M-2 Industrial & C-1 Commercial to C-2 Commercial
- **APPROVE** or **DENY** the **Detailed District Development Plan** with proposed binding elements

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

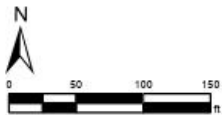
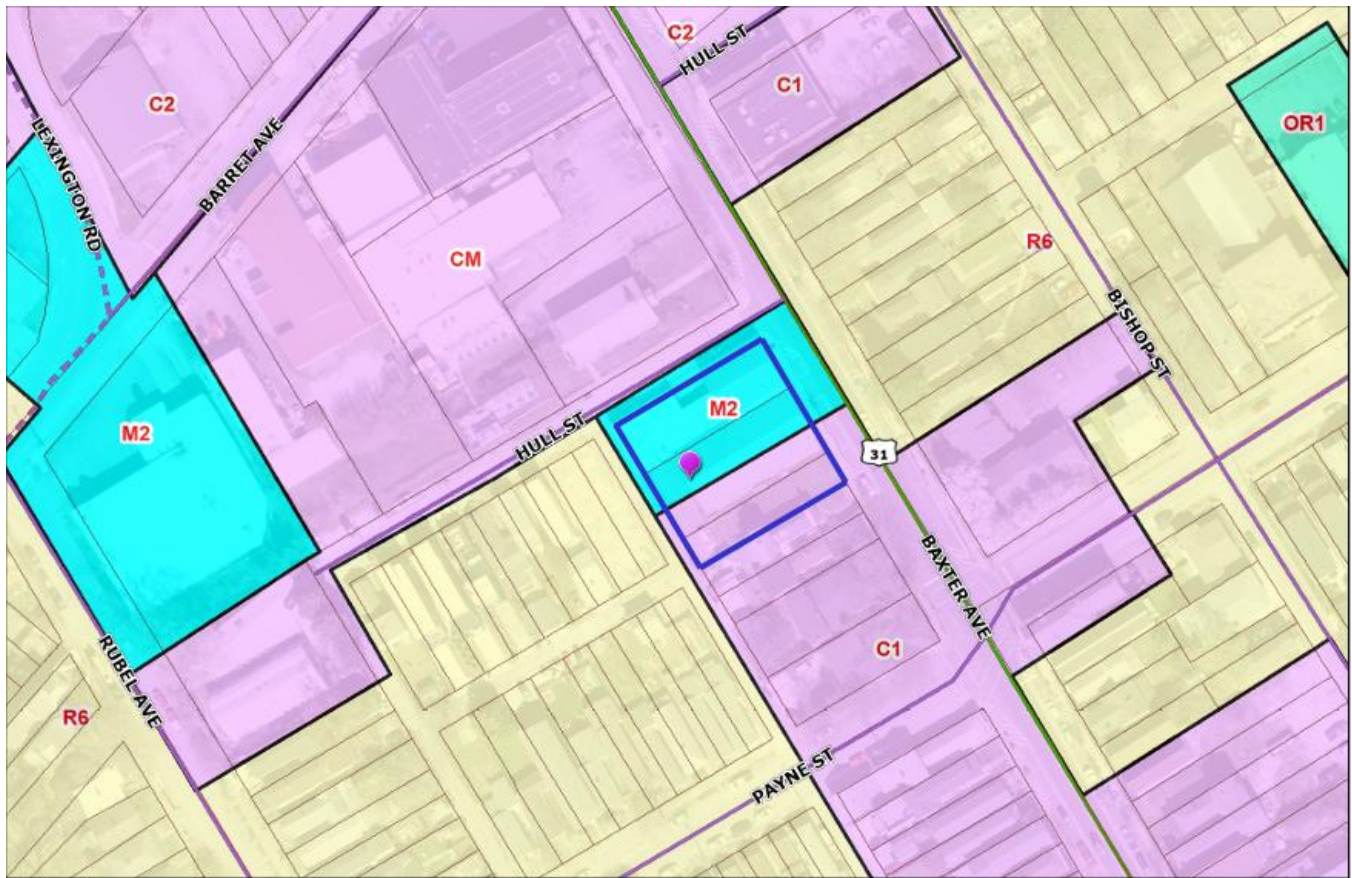
NOTIFICATION

Date	Purpose of Notice	Recipients
04-21-26	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents
04-22-26		Registered Neighborhood Groups in Council District 4
04-20-26	Hearing before PC	Sign Posting on property
04-30-26	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



Zoning Map

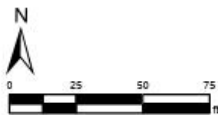
Monday, May 4, 2026 | 9:46 AM



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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



Aerial Photograph

Monday, May 4, 2026 | 9:49 AM



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3. Staff Plan 2040 Checklist

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

Traditional Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	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 would replace M-2 zoning that currently would not permit residential uses with C-2 which would allow for higher density housing options in an area developed to support it. C-2 zoning is more compatible with the adjacent commercial zoning and land uses in the immediate area than the existing M-2 zoning. ✓
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: C-2 zoning would constitute a lower intensity than the existing M-2 zoning. The site fronts a Major Arterial roadway and is located in an activity center with a variety of employment and recreational opportunities and an infrastructure to support it. ✓
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. Staff Analysis: The proposal is not for industrial zoning. NA
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 disproportionately impacted. Staff Analysis: The proposal is compatible with the immediate area and as a result should not present any concerns for disadvantaged populations. C-2 zoning would not permit as intense of land uses as M-2 zoning which are less compatible with the immediate area. ✓
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 disproportionately affected. Staff Analysis: The proposal is more compatible with the immediate area than the existing M-2 zoning and as a result should not present any negative impacts to human health, quality of life or the environment. C-2 zoning would not permit as intense of land uses as M-2 zoning which are less compatible with the immediate area. ✓
6	Community Form: Goal 1, Policy 17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities. Staff Analysis: The proposal is in an area that is already a major activity and employment center. It is unlikely that any significant or adverse impacts to traffic for nearby communities would result from the change in zoning. The department of Transportation and KYTC have both reviewed and provided preliminary approval. ✓
7	Community Form: Goal 1, Policy 18. Mitigate adverse impacts of noise from proposed development on existing communities. Staff Analysis: The proposal will not be exempt from any Metro Ordinance regulating noise. A binding element has been included that would not permit amplified outdoor music or an outdoor PA system which will further help mitigate any potential adverse impact on the existing community. ✓

Plan 2040 Plan Elements/Staff Analysis

8 NA	<u>Community Form: Goal 1, Policy 21.</u> <i>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.</i> <u>Staff Analysis:</u> The proposed change in zoning would not allow for industrial land uses. The current M-2 zoning could allow for potentially offensive uses near residential areas.
9 ✓	<u>Community Form: Goal 2, Policy 1.</u> <i>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.</i> <u>Staff Analysis:</u> The proposed change in zoning to C-2 is in an area with compatible zoning, land uses, density, and an infrastructure capable to support it.
10 ✓	<u>Community Form: Goal 2, Policy 4.</u> <i>Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.</i> <u>Staff Analysis:</u> C-2 zoning allows for residential development in addition to commercial uses. The location has appropriate access and is compatible with the surrounding area.
11 ✓	<u>Community Form: Goal 2, Policy 5.</u> <i>Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</i> <u>Staff Analysis:</u> The proposed change in zoning to C-2 is in an area with compatible zoning, land uses, density, and features a developed infrastructure that can accommodate the use. A sufficient population exists and/or is anticipated to support a commercial use in the activity center.
12 ✓	<u>Community Form: Goal 2, Policy 6.</u> <i>Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</i> <u>Staff Analysis:</u> The proposal would allow for efficient land uses and cost-effective infrastructure investment and is compatible with the surrounding area.
13 ✓	<u>Community Form: Goal 2, Policy 7.</u> <i>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.</i> <u>Staff Analysis:</u> The proposed change in zoning to C-2 is in an area with compatible zoning, land uses, density, and features a developed infrastructure that can accommodate the use.
14 ✓	<u>Community Form: Goal 2, Policy 8.</u> <i>Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</i> <u>Staff Analysis:</u> C-2 zoning would allow for a variety of residential, office, and commercial land uses. The area is developed with the infrastructure to support the change in zoning.
15 ✓	<u>Community Form: Goal 2, Policy 9.</u> <i>Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</i> <u>Staff Analysis:</u> The proposal revitalizes and repurposes a structure that the PVA indicates was originally constructed in the 1930s and would allow for mixed commercial and residential uses.
16 NA	<u>Community Form: Goal 2, Policy 10.</u> <i>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.</i> <u>Staff Analysis:</u> The proposal does not include outlot development.

Plan 2040 Plan Elements/Staff Analysis

17	<u>Community Form: Goal 2, Policy 11.</u> <i>Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.</i> ✓ <u>Staff Analysis:</u> C-2 zoning at the site is more appropriate in placement, design, and scale than the existing M-2 zoning.
18	<u>Community Form: Goal 3, Policy 9.</u> <i>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.</i> +/- <u>Staff Analysis:</u> The proposal revitalizes and repurposes a structure that the PVA indicates was originally constructed in the 1930s and would allow mixed commercial and residential uses and as a result no issues with changes to topography and/or environmental degradation resulting from the disturbance of a natural system has been observed. Future redevelopment of the site would be subject to Office of Planning review, should additions or new construction be proposed.
19	<u>Community Form: Goal 3, Policy 10.</u> <i>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.</i> ✓ <u>Staff Analysis:</u> The proposal revitalizes and repurposes an existing structure and as a result no concerns with highly permeable soils, severe steep or unstable slopes, and/or severe erosion problems have been observed. All developments must receive full approval from MSD and the Department of Construction Review.
20	<u>Community Form: Goal 3, Policy 11.</u> <i>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.</i> NA <u>Staff Analysis:</u> The subject site is not within the Ohio River Corridor.
21	<u>Community Form: Goal 3, Policy 12.</u> <i>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.</i> ✓ <u>Staff Analysis:</u> The subject site is not located within the floodplain and does not have any indication of being inherently flood-prone or containing any features vulnerable to natural disasters.
22	<u>Community Form: Goal 4, Policy 1.</u> <i>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.</i> ✓ <u>Staff Analysis:</u> The proposal revitalizes and repurposes a structure that the PVA indicates was originally constructed in the 1930s and would allow mixed commercial and residential uses. C-2 land uses are more compatible in scale and intensity than the existing M-2 zoning would allow.
23	<u>Community Form: Goal 4, Policy 2.</u> <i>Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</i> ✓ <u>Staff Analysis:</u> The proposal revitalizes and repurposes a structure that the PVA indicates was originally constructed in the 1930s and would allow mixed commercial and residential uses.
24	<u>Mobility: Goal 1, Policy 4.</u> <i>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.</i> ✓ <u>Staff Analysis:</u> C-2 zoning would permit less intense uses than the current M-2 zoning. The site is located in an existing employment and activity center and is developed with the infrastructure that is capable of supporting it.

Plan 2040 Plan Elements/Staff Analysis

25	<u>Mobility: Goal 2, Policy 4.</u> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. ✓ <u>Staff Analysis:</u> There is no proposed access through areas of significantly lower intensity or density that would create significant nuisances.
26	<u>Mobility: Goal 3, Policy 1.</u> 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. ✓ <u>Staff Analysis:</u> C-2 zoning would allow for commercial and residential uses more compatible with the surrounding area than the existing M-2 zoning. The site is developed with an advanced network of sidewalks and roadways that will allow and encourage for multi-modal travel.
27	<u>Mobility: Goal 3, Policy 2.</u> 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. ✓ <u>Staff Analysis:</u> C-2 zoning would allow for commercial and residential uses more compatible with the surrounding area than the existing M-2 zoning. The site is developed with an advanced network of sidewalks and roadways that will allow and encourage multi-modal travel. There are several established public transit options and the site is in a location that is accessible and easily navigable by individuals.
28	<u>Mobility: Goal 3, Policy 3.</u> 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. ✓ <u>Staff Analysis:</u> The development will promote public transit and pedestrian use of an advanced network of sidewalks and roadways which would reduce the need for multiple automobile trips and as a result will benefit air quality standards.
29	<u>Mobility: Goal 3, Policy 4.</u> 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. ✓ <u>Staff Analysis:</u> The development will promote public transit and pedestrian use of an advanced network of sidewalks and roadways which allow for safe and efficient multi-modal travel options in an employment and activity center with similar land uses.
30	<u>Mobility: Goal 3, Policy 5.</u> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. ✓ <u>Staff Analysis:</u> The Department of Transportation and KYTC have reviewed and provided preliminary approval. No significant negative impacts on the transportation network have been observed or are anticipated.
31	<u>Mobility: Goal 3, Policy 6.</u> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. ✓ <u>Staff Analysis:</u> The Department of Transportation and KYTC have reviewed and provided preliminary approval.
32	<u>Mobility: Goal 3, Policy 9.</u> 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. ✓ <u>Staff Analysis:</u> The Department of Transportation and KYTC have reviewed and provided preliminary approval.
33	<u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. ✓ <u>Staff Analysis:</u> The Department of Transportation and KYTC have reviewed and provided preliminary approval.

Plan 2040 Plan Elements/Staff Analysis

34	<u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. ✓ <u>Staff Analysis:</u> The site is served by existing utilities. No issues or concerns have been observed or are anticipated.
35	<u>Community Facilities: Goal 2, Policy 2.</u> 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. ✓ <u>Staff Analysis:</u> No issues with the supply of water for firefighting purposes have been observed.
36	<u>Community Facilities: Goal 2, Policy 3.</u> 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). ✓ <u>Staff Analysis:</u> MSD has reviewed and provided preliminary approval.
37	<u>Economic Development: Goal 1, Policy 2.</u> 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 <u>Staff Analysis:</u> The proposed change in zoning to C-2 would not allow for industrial land uses.
38	<u>Economic Development: Goal 1, Policy 3.</u> 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. ✓ <u>Staff Analysis:</u> C-2 zoning would allow for commercial and residential uses more compatible with the surrounding area than the existing M-2 zoning. The site fronts Baxter Ave which is classified as a Major Arterial roadway and the adjacent area should not be negatively impacted.
39	<u>Economic Development: Goal 1, Policy 4.</u> 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 <u>Staff Analysis:</u> The subject site is not near the Airport or Ohio River nor is the proposal for industrial zoning.
40	<u>Economic Development: Goal 1, Policy 5.</u> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions. NA <u>Staff Analysis:</u> The proposal is not for industrial zoning.
41	<u>Livability: Goal 1, Policy 17.</u> 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. ✓ <u>Staff Analysis:</u> No issues with highly permeable soils, severe steep or unstable slopes, and/or severe erosion problems have been observed. All developments must receive full approval from MSD and the Department of Construction Review. Future redevelopment that could include new construction would also require Office of Planning review.
42	<u>Livability: Goal 1, Policy 21.</u> Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events. NA <u>Staff Analysis:</u> The subject site is not located within the floodplain and does not have any indication of being inherently flood-prone.

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43	<u>Livability: Goal 1, Policy 24.</u> Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance. <u>Staff Analysis:</u> The subject site is not located within the regulatory floodplain nor would the proposed change in zoning to C-2 allow for the storage of hazardous wastes.
NA	
44	<u>Housing: Goal 1, Policy 2.</u> Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities. <u>Staff Analysis:</u> The proposed change in zoning would allow for a variety of housing options in an area that is developed to support it.
✓	
45	<u>Housing: Goal 2, Policy 1.</u> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. <u>Staff Analysis:</u> The proposal could encourage inter-generational, mixed-income, and mixed-use development that is more compatible than the existing M-2 zoning would allow for.
✓	
46	<u>Housing: Goal 2, Policy 2.</u> Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers. <u>Staff Analysis:</u> C-2 zoning would allow for commercial and residential uses more compatible with the surrounding area than the existing M-2 zoning. The site is developed with an advanced network of sidewalks and roadways that will allow and encourage multi-modal travel.
+	
47	<u>Housing: Goal 3, Policy 2.</u> As neighborhoods evolve, discourage displacement of existing residents from their community. <u>Staff Analysis:</u> C-2 zoning would allow for residential uses whereas the existing M-2 zoning does not.
+	
47	<u>Housing: Goal 3, Policy 3.</u> Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing. <u>Staff Analysis:</u> C-2 zoning would allow for a variety of housing options in an area that is developed to support it.
✓	

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. 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.

3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
4. 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.
5. Prior to requesting a certificate of occupancy for any use of the subject site, the curb cuts along Baxter Ave and Hull Street shall be closed, the asphalt tapers removed, and curbing restored as necessary. All sidewalks adjacent to the site shall be repaired per ADA, KYTC and Louisville Metro Department of Transportation requirements.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor PA system permitted on the site.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.