

Planning Commission

Staff Report

May 7, 2026



Case No:	25-ZONEPA-0133
Project Name:	Grace Hope Senior Apartments
Location:	820 S Clay Street
Applicant:	Rebound Inc.
Representative:	Sabak, Wilson, & Lingo
Jurisdiction:	Louisville Metro
Council District:	4 – Ken Herndon
Case Manager:	Mark Pinto, Planner II

REQUEST(S)

- **Change in zoning from U-N Urban Neighborhood and C-1 Commercial to R-8A Multi-Family Residential**
- **Variance** from LDC 5.1.12.A.2.e.ii to allow the proposed building to exceed the maximum permitted infill building height. Maximum height permitted: two-story, proposed: three-story for a total of 42 ft (26-VARIANCE-0032).

Location	Required or Max.	Proposed	Variance
Building Height – Infill	2-story (30 ft)	3-story (42 ft)	12 ft.

- **Waiver** of LDC 5.9.2.C.4 to allow vehicular circulation in front of the building between the building façade and street (26-WAIVER-0032).
- **Detailed District Development plan** with binding elements.

CASE SUMMARY

The subject property is located at the corner of S Clay and E Breckinridge Streets, south of Broadway, and within the Traditional Neighborhood form district. The site is roughly 0.60 acres and developed with a one-story nonresidential building and split zoned U-N Urban Neighborhood and C-1 Commercial. The applicant has proposed to rezone the subject property to R-8A multi-family residential to allow a three-story, 22-unit senior-living apartment building.

STAFF FINDING

The proposal generally conforms to the land use guidelines and development policies of Plan 2040. The Detailed Development Plan complies with the Comprehensive Plan and Land Development Code, except where relief has specifically been requested. The waiver and variance are adequately justified for approval.

TECHNICAL REVIEW

Land Development Code (LDC); Comprehensive Plan 2040.

Transportation Planning and MSD have preliminarily approved the proposal

The subject property is located within the boundaries of the Smoketown/Shelby Park Neighborhood Plan (2002). The Neighborhood Plan highlights the Traditional Neighborhood form district being characterized by a range of residential densities and a variety of housing types. The form district is developed with street patterns which include alley ways, on-street parking, occasional office uses on predominately residential blocks, and proximity to parks and open spaces and to marketplace corridors. The Conceptual Master Plan identifies the corner of Breckenridge and Clay Street as a potential node for neighborhood serving uses and retail.

For land use recommendations, the plan encourages allowing infill development that is consistent with surrounding land uses. While the plan recommends keeping the existing zoning C-1 for the corner properties at S Clay and Breckinridge Street, the proposal only rezones a portion the subject property to allow for greater density in residential housing types. The other properties across S Clay and Breckinridge Street are currently zoned C-1 Commercial and could allow for redevelopment to support neighborhood serving retail uses, as the Plan recommends. There is a mix of commercial zoning districts in neighborhood, particularly at the corners of neighborhood streets, that could also permit additional neighborhood serving commercial uses.

INTERESTED PARTY COMMENTS

All interested party comments staff receives shall be incorporated into the record.

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

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

The site is located in the Traditional Neighborhood Form District

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.

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

The proposal is appropriately located and compatible with surrounding land uses. There is a mix of neighborhood serving commercial uses and residential densities in the area. The proposal is not substantially different in scale and intensity than current development in the area, as there is a variety of zoning districts and land uses throughout the neighborhood. The proposed zoning district would permit additional residential density in an area that is connected to an existing transportation network, supportive services, employment opportunities, and amenities throughout Louisville Metro.

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 City Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed building will be required to meet all applicable building and fire code regulations prior to receiving a certificate of occupancy. The proposed building would not permit uses that could potentially cause a hazard or nuisance to the public, as the proposed zoning district does not permit potentially hazardous, or nuisance uses.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The Traditional Neighborhood form district is characterized by residential and nonresidential buildings that vary in height. Two- and three-story buildings are commonly found throughout Traditional Neighborhoods, specifically on corner lots. There are comparable two and three-story buildings in the area. The proposed building is located at the corner of two streets, which is an appropriate location for additional massing and height, especially when considering the additional story provides additional residential density in a neighborhood that can support the proposal.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the property is similar in size and shape to other lots in the Traditional Neighborhood form district.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulations would create an unnecessary hardship on the applicant since the number of dwelling units would need to be decreased due to the reduction of stories. The Traditional Neighborhood form district permits a max height of 45 ft or three stories.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structure for which this variance is being requested.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed pickup and drop off area that is in front of the proposed building will not encroach on any adjacent properties. The proposed building and paved areas are not encroaching into any required setbacks from adjacent properties.

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

STAFF: The waiver will not violate specific guidelines of the Comprehensive Plan. Housing Goal 1, Policy 2 calls to promote housing options and environments that support aging in place. The proposal is for senior living apartments, the vehicular area that is in front of the building is a pickup and drop off area for residents. The proposal is a housing option with an area for pickup and drop off that supports aging in place.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation the minimum necessary to afford relief to the applicant since the current plan would not have the opportunity to provide a safe and efficient pickup and drop off area without the waiver.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums and compensate for noncompliance with the requirements to be waived. The applicant is providing additional open and recreational space than what is required, with the incorporation of an outdoor private yard area and outdoor patios and balconies for the residents.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

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

STAFF: There are no natural resources on the property that could be conserved. There is no mature tree canopy, soil concerns, floodplains, water courses, or steep slopes. The proposal will be required to meet landscaping requirements for new plantings per LDC Chapter 10.

- (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 Transportation Planning has approved the preliminary development plan.

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

STAFF: The provision of sufficient open space to meet the needs of the proposed development are shown on the Detailed District Development plan. The proposal includes outdoor recreational open space through the incorporation of a private yard area, walking paths, patios, and balconies for the residents.

- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

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

STAFF: The design of the proposal is compatible with the existing and projected future development of the area. There is a variety of land uses and densities in the neighborhood surrounding the proposed development. The subject site is located within the Traditional Neighborhood form district, which encourages a variety of housing types, densities, and neighborhood serving uses. Supportive services, amenities, and alternative transportation options exist in the area to support the proposal.

- (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 plan is in conformance with the requirements of the Land Development Code, except where relief is specifically requested and the Comprehensive Plan. Community Form Goal 1, Policy 7 calls to 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 within the Traditional Neighborhood form district, which contains an established network of historic roadway networks and pedestrian sidewalks that support multi-modal transportation options. The development does not necessitate additional roadway improvements, as the current conditions can support additional residential density. The site is near a mix of employment opportunities, supportive services, and amenities.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in Zoning from U-N Urban Neighborhood and C-1 Commercial to R-8A Multi-Family Residential.**
- **APPROVE** or **DENY** the **Variance** from LDC 5.1.12.A.2.e.ii to allow the proposed building to exceed the maximum permitted infill building height. Maximum height permitted: two-story, proposed: three-story for a total of 42 ft (26-VARIANCE-0032).
- **APPROVE** or **DENY Waiver** the of LDC 5.9.2.C.4 to allow vehicular circulation in front of the building between the building façade and street (26-WAIVER-0032).
- **APPROVE** or **DENY** the **Detailed District Development plan** with binding elements.

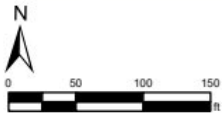
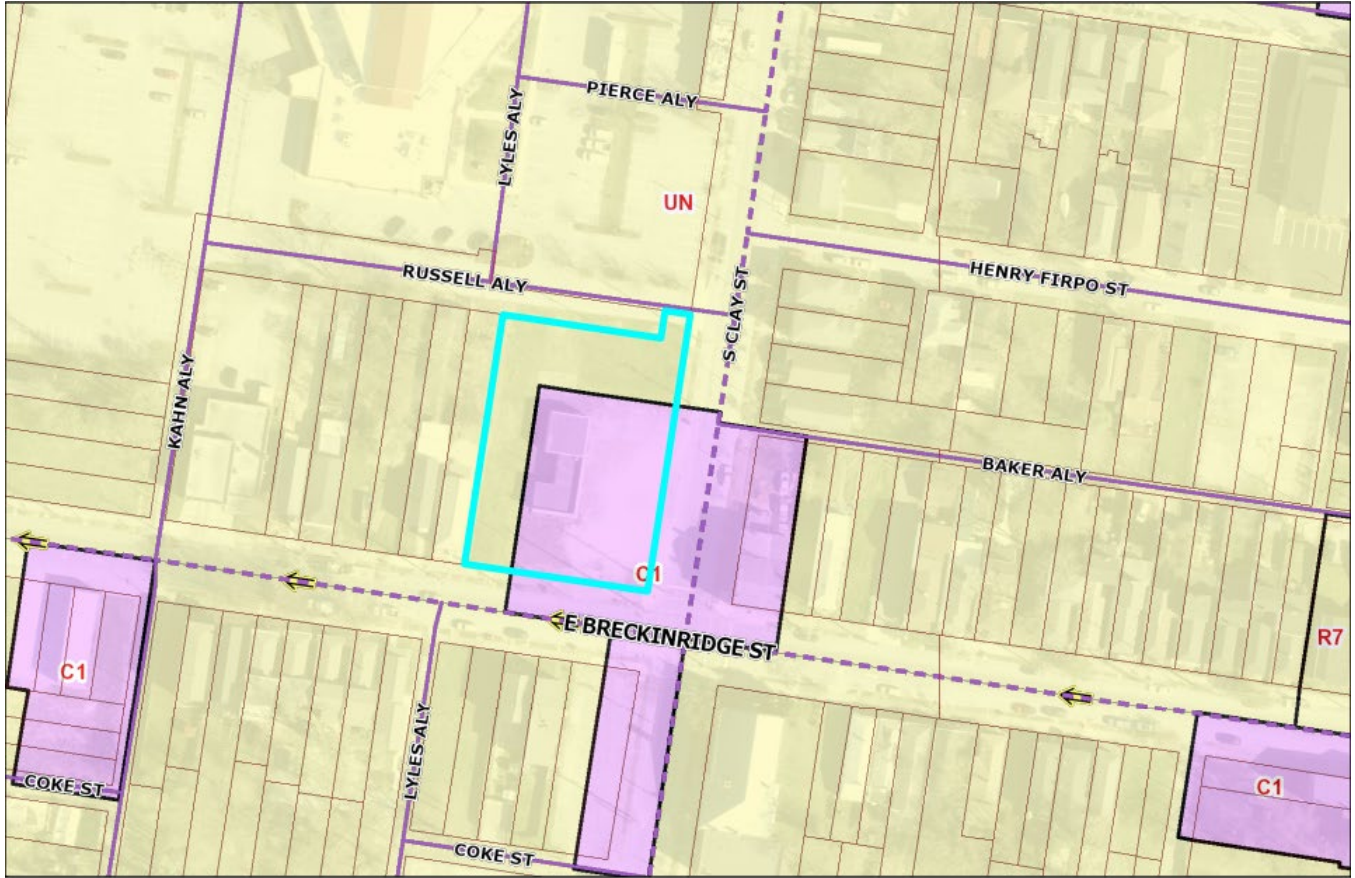
NOTIFICATION

Date	Purpose of Notice	Recipients
4/21/2026 4/16/2026	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents. Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4
4/20/2026	Hearing before PC	Sign Posting on property
4/24/2026	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

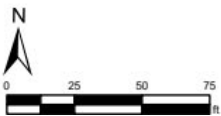


Monday, November 17, 2025 | 9:48 AM



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

2. Aerial Photograph



Monday, November 17, 2025 | 9:49 AM



3. Staff Plan 2040 Checklist

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

Traditional Neighborhood: Residential

Plan 2040 Plan Elements/Staff Analysis

1	<p><u>Community Form: Goal 1, Policy 7.</u> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</p> <p>✓ <u>Staff Analysis:</u> The proposal is in an area that is readily served by an established transportation network with a variety of land uses and supportive services nearby. Public transportation is available to the site.</p>
2	<p><u>Community Form: Goal 1, Policy 9.</u> Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.</p> <p>✓ <u>Staff Analysis:</u> The proposal is appropriately located and compatible with surrounding land uses. There is a mix of neighborhood serving commercial uses and residential densities in the area. The proposal is not substantially different in scale and intensity, as there is a variety of zoning districts and land uses within the Traditional Neighborhood form district. The proposal shall meet landscaping and screening requirements of LDC Chapter 10.</p>
3	<p><u>Community Form: Goal 2, Policy 9.</u> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would permit new residential development that creates additional density.</p>
4	<p><u>Community Form: Goal 3, Policy 10.</u> Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.</p> <p>✓ <u>Staff Analysis:</u> There are no known environmental constraints on site in relation to highly permeable soils, slopes, or erosion problems. The subject property is a flat, traditional form lot.</p>
5	<p><u>Community Form: Goal 4, Policy 2.</u> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ <u>Staff Analysis:</u> There are no known significant cultural features on site. The property is developed with a one-story, nonresidential building that appears to have been an auto-related use.</p>
6	<p><u>Community Form: Goal 4, Policy 3.</u> Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.</p> <p>✓ <u>Staff Analysis:</u> The subject site is not a historic site or eligible for the National Register of Historic Places, as Historic Preservation reviewed the proposal and found no historical or cultural significance.</p>
7	<p><u>Mobility: Goal 1, Policy 4.</u> Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</p> <p>✓ <u>Staff Analysis:</u> The subject property is in an area that is readily served by an established transportation network. Public transportation is available.</p>
8	<p><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.</p> <p>✓ <u>Staff Analysis:</u> The proposal does not include access through areas of significantly lower intensity or density. The connecting streets serve a variety of land uses in the area and would not create significant nuisances for existing residential development in the area.</p>
9	<p><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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would allow for a mixture of compatible residential land uses that encourage alternative means of travel including walking, biking, and public transit. The site is located in an area readily served by existing transportation networks that connect to various employment opportunities, amenities, and supportive services throughout Louisville Metro.</p>
10	<p><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.</p> <p>✓ <u>Staff Analysis:</u> The proposed development and zoning change is unlikely to cause an adverse impact on the transportation network that nearby residential and nonresidential uses also utilize currently. The existing</p>

Plan 2040 Plan Elements/Staff Analysis

	<p>transportation network can support additional residential densities. Transportation Planning and Public Works reviewed the proposal and all outstanding agency comments have been addressed.</p>
11	<p><u>Mobility: Goal 3, Policy 6.</u> <i>Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</i></p> <p>✓ Staff Analysis: Transportation Planning and Public Works reviewed the proposal and found there to be no additional roadway improvements needed because of the development. The plan includes improvements and replacement of sidewalks along S Clay and Breckinridge Streets.</p>
12	<p><u>Mobility: Goal 3, Policy 9.</u> <i>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.</i></p> <p>✓ Staff Analysis: Transportation Planning and Public Works reviewed the proposal and found there to be no additional roadway improvements needed because of the development. The plan includes improvements and replacement of sidewalks along S Clay and Breckinridge Streets.</p>
13	<p><u>Mobility: Goal 3, Policy 10.</u> <i>Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</i></p> <p>✓ Staff Analysis: Transportation Planning and Public Works reviewed the proposal and found there to be no additional roadway improvements needed because of the development. The plan includes improvements and replacement of sidewalks along S Clay and Breckinridge Streets.</p>
14	<p><u>Mobility: Goal 3, Policy 21.</u> <i>Prevent safety hazards caused by direct residential access to high-speed roadways.</i></p> <p>✓ Staff Analysis: Transportation Planning/Public Works are reviewing the proposal. The proposal would not include access to a high-speed roadway. The abutting streets serve a variety of residential uses in the area.</p>
15	<p><u>Community Facilities: Goal 2, Policy 1.</u> <i>Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</i></p> <p>✓ Staff Analysis: The subject property is in an area that should be served by existing utilities or where it is capable to extend any necessary public or private utilities.</p>
16	<p><u>Community Facilities: Goal 2, Policy 2.</u> <i>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.</i></p> <p>✓ Staff Analysis: Coordination with utilities shall be required. An adequate supply of potable water and water for fire-fighting purposes will be available.</p>
17	<p><u>Community Facilities: Goal 2, Policy 3.</u> <i>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).</i></p> <p>✓ Staff Analysis: MSD has reviewed the proposal and given preliminary approval. Sanitary sewage and drainage shall be made available to serve the development.</p>
18	<p><u>Livability: Goal 1, Policy 5.</u> <i>Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.</i></p> <p>✓ Staff Analysis: No existing unique characteristics on the site regarding landscape types and native plant communities are known currently. The proposal shall meet landscaping and screening requirements of LDC Chapter 10.</p>
19	<p><u>Livability: Goal 1, Policy 17.</u> <i>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.</i></p> <p>✓ Staff Analysis: MSD has reviewed the proposal and given preliminary approval. Sanitary sewage and drainage infrastructure shall be made to the development.</p>
20	<p><u>Livability: Goal 1, Policy 21.</u> <i>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.</i></p> <p>✓ Staff Analysis: The property is not within the floodplain. MSD has reviewed the proposal and given preliminary approval.</p>

Plan 2040 Plan Elements/Staff Analysis

<p>21</p> <p>✓</p>	<p><u>Housing: Goal 1, Policy 1.</u> Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.</p> <p><u>Staff Analysis:</u> The proposed zoning district would permit a variety of housing types that are compatible with the existing pattern of the Traditional Neighborhood form district.</p>
<p>22</p> <p>✓</p>	<p><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.</p> <p><u>Staff Analysis:</u> The proposed zoning district would permit a variety of housing types and services that encourage aging in place. The site is located near employment centers, parks, and similar services and amenities as permitted in the requested district. Public transit is readily available to the site.</p>
<p>23</p> <p>✓</p>	<p><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.</p> <p><u>Staff Analysis:</u> The proposed zoning district would permit a variety of housing development that supports intergenerational and mixed-income housing, including mixed-use development. The proposal is located along a transit corridor and provides connectivity to employment centers and amenities along the corridor and throughout Louisville metro. Access for pedestrians will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.</p>
<p>24</p> <p>✓</p>	<p><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.</p> <p><u>Staff Analysis:</u> Existing activity centers, employment opportunities, and transit-oriented services exist within the immediate area to serve the development.</p>
<p>25</p> <p>✓</p>	<p><u>Housing: Goal 3, Policy 1.</u> Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.</p> <p><u>Staff Analysis:</u> The proposed zoning district would permit additional residential density and housing choices.</p>
<p>26</p> <p>✓</p>	<p><u>Housing: Goal 3, Policy 2.</u> As neighborhoods evolve, discourage displacement of existing residents from their community.</p> <p><u>Staff Analysis:</u> There would be no displacement of existing residents from their communities. The subject site is not in active use and the proposal would provide additional residential units.</p>
<p>27</p> <p>✓</p>	<p><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.</p> <p><u>Staff Analysis:</u> The proposed zoning district would encourage innovative, alternative housing types that advance efforts for affordable housing.</p>

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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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. 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.