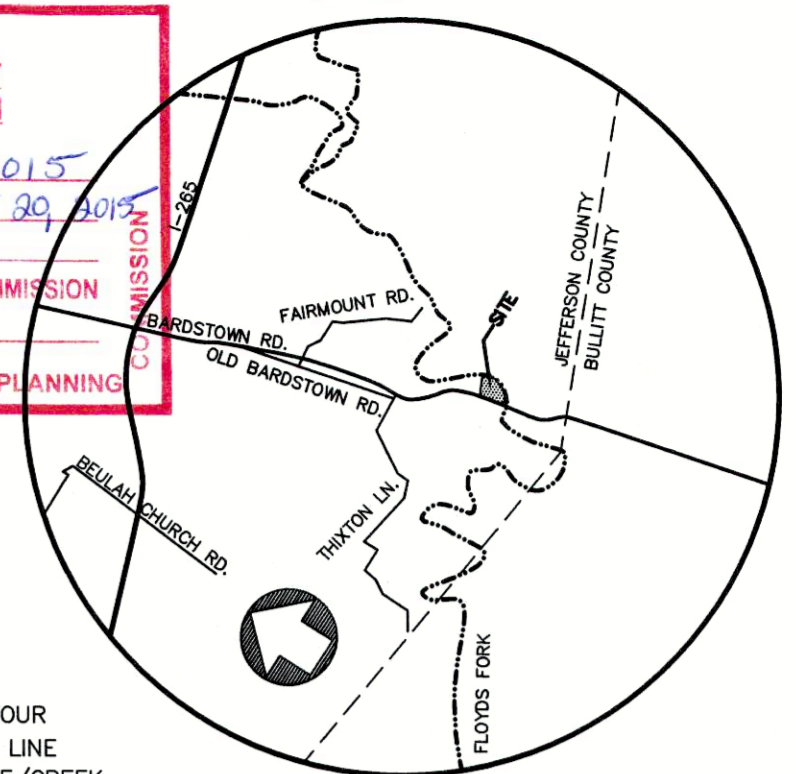


PRELIMINARY APPROVAL
 Condition of Approval:
 Development Review:
 LOUISVILLE/JEFFERSON COUNTY METRO GOV.
 LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT
 DB: 9155, PG: 165
 NFD/RR

NOTICE
 PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

METRO LOUISVILLE APPROVED DISTRICT DEVELOPMENT PLAN
 DOCKET NO. 15ZONE1015
 APPROVAL DATE: August 29, 2015
 EXPIRATION DATE:
 SIGNATURE OF PLANNING COMMISSION: [Signature]
 PLANNING



LEGEND

- EXISTING CONTOUR
- EXISTING TREE LINE
- EXISTING SWALE/CREEK
- EXISTING FENCE
- XX EXISTING ADJACENT LOT NUMBER
- PROPOSED BUILDING NUMBER
- PROPOSED STORM (CONCEPT)
- PROPOSED FLOW ARROW
- PROPOSED SANITARY (CONCEPT)
- PROPOSED SILT FENCE
- PROPOSED LANDSCAPE BUFFER AREA
- 100' STREAM CORRIDOR BUFFER
- 200' BUILDING SETBACK
- PROPOSED CONSTRUCTION ENTRANCE
- TREE CANOPY PRESERVATION AREA
- PROPOSED FLOODPLAIN COMPENSATION

GENERAL NOTES:

1. DOMESTIC WATER SUPPLY: SUBJECT SITE CAN BE SERVED BY THE LOUISVILLE WATER COMPANY. THE NECESSARY WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER / DEVELOPER'S EXPENSE.
2. TREE PRESERVATION: A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES ON THE SITE.
3. PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERRECTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES PREVENTING IMPACT OF ROOT SYSTEMS OF TREES TO BE PRESERVED. THE FENCING SHALL ENCLOSE THE AREA BENEATH THE DRIP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
4. THE DEVELOPMENT LIES IN THE FERN CREEK FIRE DISTRICT.
5. SIGNATURE ENTRANCE WALLS AND IDENTIFICATION SIGN SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING STAFF PRIOR TO CONSTRUCTION PLAN APPROVAL AND THEY SHALL MEET THE REQUIREMENTS OF CHAPTERS 4.4.3, 3.1 AND 8 OF THE LDC.
6. ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
7. ALL RADI TO BE 4.5' UNLESS OTHERWISE INDICATED.
8. BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.6 OF THE LDC.
9. ALL INTERIOR SIDEWALKS THAT ABUT PARKING TO BE 5' WIDE MINIMUM.
10. A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.
11. ALL EXISTING STRUCTURES AND DRIVEWAYS ON SITE TO BE REMOVED EXCEPT THE EXISTING ENTRANCE DRIVE.
12. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.
13. ALL LUMINAIRES SHALL BE AIMED, DIRECTED, OR FOCUSED SUCH AS TO NOT EXPOSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROTECTED OPEN SPACES (i.e. CONSERVATION EASEMENTS, GREENWAYS, OR PARKWAYS) ON ADJACENT OR NEARBY PARCELS, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC STREETS AND RIGHT OF WAYS PER CHAPTER 4.1.3 OF THE LDC.
14. IN ACCORDANCE WITH CHAPTER 4.9 OF THE LDC, A KARST SURVEY WAS PERFORMED BY MARK SITES, P.C., ON MAY 14, 2015 AND NO KARST TOPOGRAPHY WAS FOUND.
15. THE 20' LBA REQUIRED ALONG THE SITES EAST PROPERTY LINE (IN FLOYDS FORK) WILL BE MET WITH THE PRESERVATION OF EXISTING VEGETATION ALONG THE TOP OF BANK OF FLOYDS FORK CREEK.

MSD NOTES:

1. WASTEWATER: SANITARY SEWER WILL BE PROVIDED BY LATERAL EXTENSION TO THE BARDSTOWN BLUFF PUMP STATION TO THE CEDAR CREEK TREATMENT PLANT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
2. DRAINAGE / STORM WATER COMPENSATION: INCREASED RUNOFF VOLUME ON SITE SHALL BE COMPENSATED ON SITE AT A 1:1 RATIO. ALL THROUGH DRAINAGE SHALL CONTINUE TO PASS THROUGH THE SITE AND BE CONTAINED WITHIN A PROPOSED MSD EASEMENT. FINAL CONFIGURATION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
3. PORTIONS OF THE SITE TO BE DEVELOPED ARE LOCATED WITHIN THE LOCAL REGULATORY FLOODPLAIN AND THE FEMA MAPPED FLOODPLAIN. ALL CONSTRUCTION SHALL CONFORM WITH MSD, KDOV, USACE AND FEMA REQUIREMENTS. ANY FILL PLACED WITHIN THE FLOODPLAIN SHALL BE COMPENSATED ON THE SITE AT A 1:1 RATIO.
4. EROSION & SILT CONTROL: A SOIL AND SEDIMENTATION CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS. DOCUMENTATION OF MSD'S APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
5. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, (21111C0132E).
6. THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
7. PROPOSED MSD STORM SEWERS ARE SUBJECT TO AN MSD DRAINAGE BOND PRIOR TO CONSTRUCTION PLAN APPROVAL FOR THRU DRAINAGE.
8. USACE AND KDOV APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
9. STRUCTURES ON FILL AND/OR EXTENSIVE FILL MAY REQUIRE GEOTECHNICAL ANALYSIS PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
10. A LOCAL FLOODPLAIN WILL BE DEVELOPED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
11. A WATERSHED STUDY SHALL BE PROVIDED TO MSD PRIOR TO CONSTRUCTION PLAN APPROVAL TO VERIFY NO INCREASE OF THE WATER SURFACE ELEVATION.
12. THE FILL THAT WILL BE REQUIRED TO RAISE THE DEVELOPMENT PORTION OF THE SITE WILL BE EXCAVATED FROM THE EXISTING FLOODPLAIN. PRIOR TO CONSTRUCTION PLAN APPROVAL, A HYDROLOGIC MODEL WILL BE PREPARED AND SUBMITTED TO MSD FOR APPROVAL.

TREE CANOPY DATA:

GROSS SITE AREA	1,479,827± S.F.
TREE CANOPY CATEGORY	CLASS C
EXISTING TREE CANOPY	150,361± S.F. (10%)
EXISTING TREE CANOPY TO BE PRESERVED	136,848± S.F. (9%)
TREE CANOPY TO BE PLANTED	114,924± S.F. (8%)
TOTAL TREE CANOPY REQUIRED	251,772± S.F. (17%)

*TREE CANOPY CALCULATIONS PROVIDED AND REQUIRED WERE BASED ON INFORMATION GIVEN BY MSD DIGITAL LDC. FINAL CALCULATION SHALL BE PROVIDED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. MSD DIGITAL LDC. FINAL CALCULATION SHALL BE PROVIDED DURING THE CONSTRUCTION PLAN DESIGN PROCESS.

RECEIVED
 JUL 08 2015
 PLANNING & DESIGN SERVICES

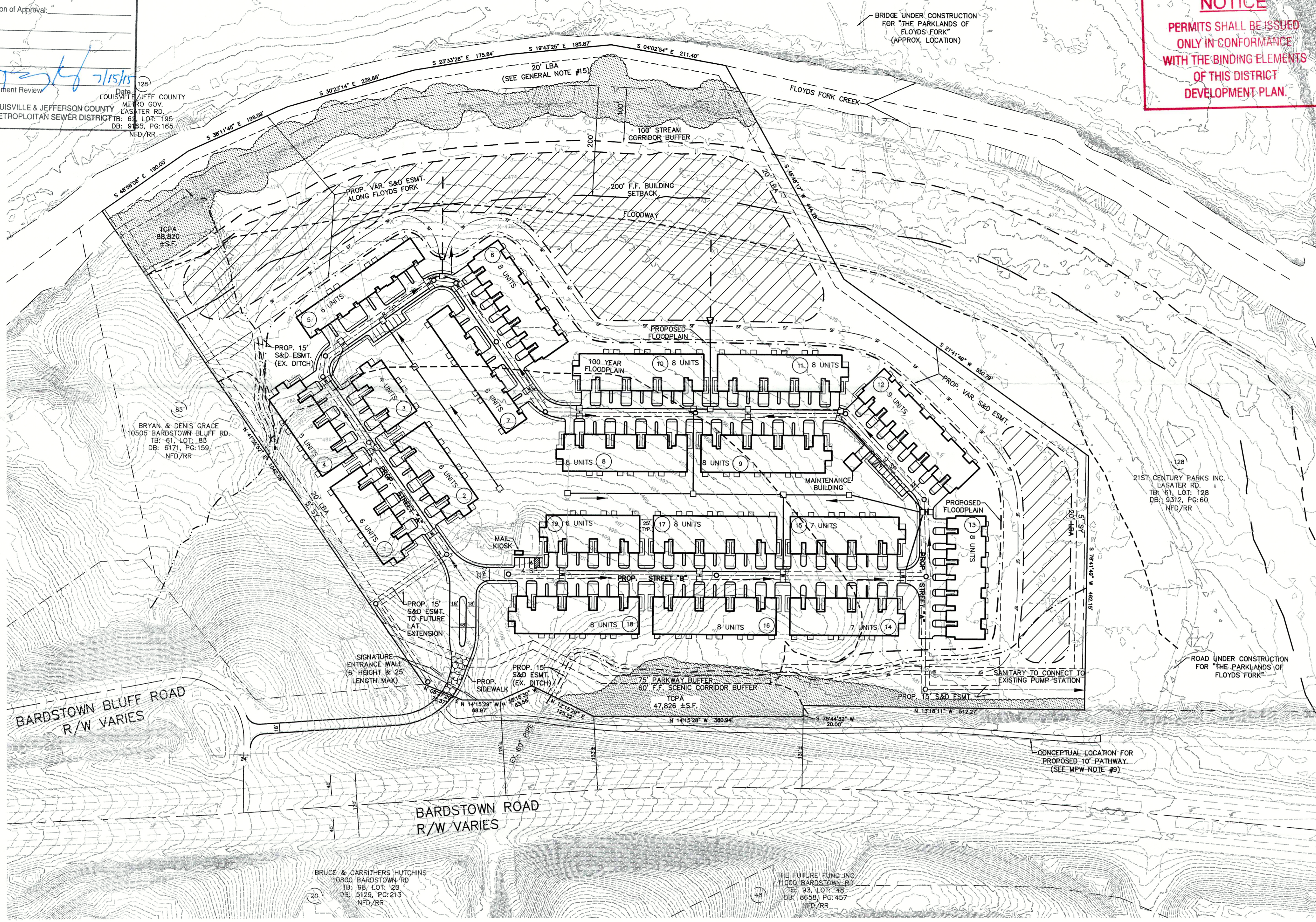
Vertical Scale: N/A
 Horizontal Scale: 1"=100'

Date: 6/1/2015
 Job Number: 3244

Sheet
 1 of 1

GRAPHIC SCALE 1"=100'
 0 50 100 200

CASE #15ZONE1015
 MSD WM # 11165



EROSION PREVENTION AND SEDIMENT CONTROL NOTE:

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMP'S (BEST MANAGEMENT PRACTICES) SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.

DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDED AND STABILIZED.

ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.

ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.

SEDMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE, OR CATCH BASIN.

WHERE CONSTRUCTION OR LAND DISTURBING ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE INSTALLED AS PRACTICABLE, BUT NO LATER THAN 14 DAYS AFTER THE ACTIVITY HAS CEASED.

PUBLIC WORKS AND KTC NOTES:

1. NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS R/W.
2. COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
3. AN ENCROACHMENT PERMIT AND BOND WILL BE REQUIRED FOR ALL WORK IN THE RIGHT OF WAY.
4. A DAMAGE BOND MAY BE REQUIRED BY METRO PUBLIC WORKS FOR ROADWAY REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES.
5. ALL STREET NAME SIGNS AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REQUIREMENTS AND BE INSTALLED PRIOR TO CONSTRUCTION OF THE FIRST RESIDENCE OR BUILDING ON THE STREET AND SHALL BE IN PLACE PRIOR TO REQUESTING A CERTIFICATE OF OCCUPANCY.
6. THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
7. ALL SIDEWALK RAMP SHALL CONFORM TO A.D.A STANDARD SPECIFICATIONS, THE "SPECIAL NOTE FOR DETECTABLE WARNINGS FOR SIDEWALK RAMPS" PER KTC STANDARD DRAWINGS FOR SIDEWALKS AND PER "KY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION," LATEST EDITION.
8. NO INCREASE OF RUNOFF ALLOWED TO DISCHARGE INTO STATE R/W.
9. DEVELOPER AGREES TO PROVIDE/CONSTRUCT A 10' PATHWAY ALONG THE SITES FRONTAGE WITHIN THE R/W OF BARDSTOWN ROAD TO BE A PART OF THE FUTURE LOUISVILLE LOOP. THE DESIGN AND LOCATION SHALL BE COORDINATED WITH MPW, KTC, METRO PARKS AND 21ST CENTURY PARKS. A CONNECTION SHALL BE MADE FROM THE DEVELOPMENT TO THE MULTI-USE PATH AS SHOWN.

WAIVER REQUEST

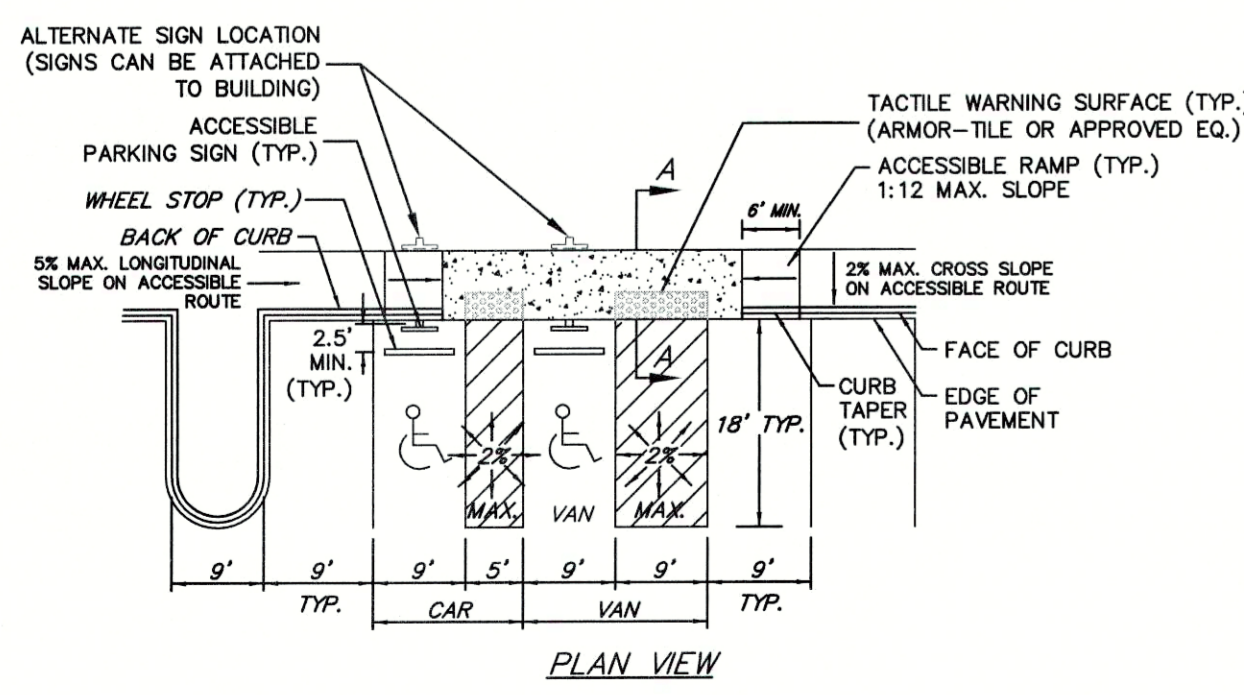
1. WAIVER FROM LDC 5.9.2.A.1.a.v TO NOT PROVIDE A PEDESTRIAN PATH CONNECTION TO THE ADJACENT 21ST CENTURY PARKS LOT TO THE SOUTH.

PROJECT DATA:

FORM DISTRICT	NFD
EXISTING ZONING	RR
PROPOSED ZONING	RSA
FRONT/STREET SIDE YARD	20'
SIDE YARD	5'
REAR YARD	25'
EXISTING LAND USE	SINGLE FAMILY RESIDENTIAL
PROPOSED LAND USE	MULTI-FAMILY RESIDENTIAL
TOTAL LAND AREA	33,972 AC.
TOTAL BUILDING AREA	238,652± S.F.
FLOOR AREA RATIO	0.16
NO. OF DWELLING UNITS	135
BUILDING HEIGHT (35' MAX)	1 STORY (20'±)
GROSS DENSITY	3.97 (DU./AC.)
PARKING SPACES REQUIRED	203-405 SPACES
(MIN. 1.5/JUNIT, MAX. 3/JUNIT)	
PARKING PROVIDED (INCLUDES GARAGES)	291 SPACES
PARKING AREA RATIO	2.15 SP./UNIT
OPEN SPACE REQUIRED	0± S.F.
(NONE IF <5 DU./AC.)	

DETENTION CALCULATIONS

2.9/12 (0.80-0.30) (15 AC.) = 1.8 ± AC.FT.
 RUNOFF VOLUME (APPROXIMATE) 1.8 ± AC.FT.
 FLOODPLAIN COMPENSATION VOLUME 60,000 ± C.Y.



TYPICAL ACCESSIBLE PARKING SPACES
 NO SCALE

Mindel, Scott & Associates, Inc.
 Planning · Engineering · Surveying · Landscape Architecture
 Utility Consulting · Property Management
 513 Jefferson Boulevard, Louisville, KY 40219
 Phone: (502) 462-5600 Fax: (502) 462-6000 Email: info@msai.com

MSA

DEVELOPER
 REDWOOD ACQUISITIONS, LLC
 23775 COMMERCIAL
 PARK, SUITE 7
 BEACHWOOD, OH. 44122

OWNER
 GINA & BARRELL NICE
 10509 BARDSTOWN BLUFF RD.
 LOUISVILLE, KY. 40291

DETAILED DISTRICT DEVELOPMENT PLAN
 BRENTWOOD COMMONS
 10509 BARDSTOWN BLUFF RD.
 LOUISVILLE, KY 40291
 TAX BLOCK: 61 LOTS: 87, D.B. 9212 PG. 904

6/19/15	PER AGENCY COMMENTS	
6/19/15	PER AGENCY COMMENTS	
6/17/15	PER AGENCY COMMENTS	
6/17/15	REVISED MSD NOTES	
6/17/15	WAIVER ADDED	

Vertical Scale: N/A
 Horizontal Scale: 1"=100'
 Date: 6/1/2015
 Job Number: 3244
 Sheet
 1 of 1

15ZONE1015

**Planning Commission Minutes
August 20, 2015**

Public Hearing

Case No. 15ZONE1015

Request: Change in zoning from RR Rural Residential to R-5A Multi-Family Residential; Detailed District Development Plan, Binding Elements, Floyds Fork Overlay, and Waivers

Project Name: Brentwood Commons

Location: 10509 Bardstown Bluff Road

Owner: Gina and Darrell Nice
10509 Bardstown Bluff Road
Louisville, KY 40291

Applicant: James E. Frey
Redwood Acquisitions, Inc.
23775 Commerce Park Suite 5
Beachwood, OH 44122

Representatives: William Bardenwerper
Bardenwerper Talbott & Roberts PLLC
1000 North Hurstbourne Parkway 2nd Floor
Louisville, KY 40223

Engineer/Designer: Kathy Linares
Mindel Scott & Associates, Inc.
5151 Jefferson Boulevard Suite 101
Louisville, KY 40219

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: **David B. Wagner, Planner II**

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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Agency Testimony:

00:36:33 David Wagner presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:43:00 Mr. Wagner summarized the Interested Party comments that had been received (see recording and staff's Power Point presentation for complete list of concerns.)

00:48:46 Commissioner Jarboe asked for clarification as to why the Waiver request would not be justified according to the staff report. Staff has recommended a pedestrian path, although Metro Parks and 21st Century Parks do not desire that connection.

00:51:50 In response to some Commissioners' questions about the floodplain, Mr. Wagner said the Corps of Engineers will be involved in floodplain construction.

The following spoke in favor of the proposal:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

David Mindel and Kathy Linares, Mindel Scott & Associates, Inc., 5151 Jefferson Boulevard Suite 101, Louisville, KY 40219

James Frey, 5311 Gillen Way, Westerville, OH 43082

Diane Zimmerman, Jacobs Engineering, 11940 Highway 42, Louisville, KY 40026

Summary of testimony of those in favor:

00:52:42 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:02:56 David Mindel, an applicant's representative, discussed the two separate buffers/setbacks and the floodplains. He also described what kinds of requirements must be met by which regulatory agencies for floodplain work.

01:11:45 Diane Zimmerman, with Jacobs Engineering, summarized the trip generation and distribution study.

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01:13:50 The width of the road leading into the development, and also the depth of the fill, were discussed. Mr. Bardenwerper said the applicant would agree to make sure the road would be widened if it was less than 18 feet.

The following spoke in opposition to the proposal:

David Miller, 10207 Bardstown Bluff Rd., Louisville, KY 40291

Billy Seabolt, 10503 Bardstown Bluff Rd., Louisville, KY 40291

Denis and Grace Bryan, 10505 Bardstown Bluff Rd., Louisville, KY 40291

Jeff Hurst, 12501 Oakland Hills Trail, Louisville, KY 40291

Todd O'Neil, 11506 Hickory Bend Hollow, Louisville, KY 40291

Summary of testimony of those in opposition:

01:15:28 David Miller spoke in opposition and specifically expressed concern about protecting Floyds Fork from trash and pollution. He said the applicant has not proven any need for these homes and that nearby developments are trying to fill their vacancies. He also discussed flooding issues.

01:22:13 Bill Seabolt spoke against the project design. He also discussed the importance of preserving greenspace, flooding issues, density issues, the unmaintained roads, and said the Commission had already been shown pictures showing the entire property under water. He said the proposed rental prices of the units are far too high.

01:30:10 Denis Bryan, an adjoining property owner, expressed great concern about digging and development along the creek and changing floodplains. He said the Corps of Engineers needs to look at the changed velocity of the creek and how it is affecting the new bridges; he claims flooding is becoming more violent and damaging. He said surface drainage hasn't been discussed yet. He said none of the traffic studies were done when school was in session, instead of during the summer.

01:39:01 Grace Bryan reviewed the Cornerstone 2020 checklist in the staff report. She questioned whether the Commission has enough accurate data to make an informed decision, and cited items that needed more data or had received a minus on the checklist. She was particularly concerned about traffic accidents and reckless driving on this stretch of road; compatibility; building in

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the floodplain; the dangers of moving the floodplain; and the ensuing risks to renters and wildlife.

01:59:39 Jeff Hurst said that school starting would cause the results of the traffic study to "dramatically change". He asked if Section 8 housing would be allowed in these rental units. He also discussed flooding on the site, and said that this rezoning would set a precedent in the area.

02:02:34 Todd O'Neil spoke in opposition and said he is very concerned about the accuracy of the traffic report. He said there are five schools that were not being accounted for in the summertime traffic study. He also expressed concern about disturbing Floyds Fork and the flooding.

The following spoke neither for nor against the proposal:

No one.

Rebuttal:

02:05:21 Mr. Bardenwerper resumed the podium for rebuttal. He said the flooding and traffic concerns had been addressed per regulatory requirements. He also said the Cornerstone 2020 checklist is for guidance. He stated that the project will not be built in the floodplain, and that developers are allowed to build in the floodplain within regulations. He said one of the ideas of 21st Century Parks is to encourage development in close proximity to the park. He addressed rentals.

02:15:00 Mr. Mindel said he and the applicant had met with Teena Halbig, Past President of the Floyds Fork Environmental Association, and Steve and Heather French Henry, several times to discuss the project.

02:18:09 Commissioner White said he had visited the site, and said he witnessed 12-14 ft of water in the basin. Mr. Mindel addressed the issue.

02:20:09 Commissioner Lewis asked about connection to the parks.

02:21:30 Commissioner Blake asked Ms. Zimmerman about traffic on Bardstown Bluff, as opposed to Bardstown Road.

02:23:03 Tony Kelly, representing MSD, discussed the Floodplain Ordinance and why there is no detention basin on this site. He added that the developer will

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have to prove that this project will not back up water onto adjacent properties. He also discussed sanitary sewers.

Deliberation:

02:26:04 Commissioner's deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Zoning

02:43:32 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form**. The subject property lies within the Neighborhood Form District and is located just south of the intersection of Bardstown Road and Bardstown Bluff Road. The site's location provides opportunities for residents to gain easy access to the new Parklands of Floyds Fork Park that addresses an essential goal of the Parklands project, which is to provide easy walking and biking access to all demographic and income groups to the new park. Also this community near Bardstown Road ensures easy access to Bullitt County to the south and to the Gene Snyder Freeway and the Fern Creek Town Center to the north. Major commercial land uses in close proximity to the subject property also include the Bardstown Road commercial corridor south of the Snyder Freeway. Buildings will be constructed of durable building materials (brick and "duralast" lap siding) and will feature architectural details similar to those in other nearby residential neighborhoods. Perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC). These features will screen and buffer resident activities from adjoining property owners; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 – Centers**. The proposed community conforms with the overall Intents of and specifically with Policies 4, 5, 12 and 14 of Guideline 2 for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in an area where

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residents currently seek new housing options that have easy access to the Bardstown Road commercial center. Future residents will also support the businesses and services in nearby activity centers north and south of the Snyder Freeway along Bardstown Road; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The proposed community conforms with the overall Intents of Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 21, 22, 23, and 28 of Guideline 3 for all the reasons described above and because this proposed community is in a low density range comparable to other R-4 residential communities. Buildings will be one-story in height and constructed with building materials comparable to residential communities in the area. Perimeter landscaping, screening and buffering is provided along all property lines. Buildings are oriented toward internal streets, and garages and driveways are in the fronts of each building, in order to keep resident activities away from adjoining properties; and

WHEREAS, the Commission further finds that sidewalks will be provided where required, and accommodations will be made for pedestrian and bicycle transportation as well as the handicapped and elderly. Odor and air quality concerns related to traffic congestion or delay will be mitigated by the fact that this is a low density residential development and that internal road and sidewalk are efficiently organized to control traffic flow and prevent delays. Refuse will be picked up on a regular basis. Lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations. All signage will be in conformance with Land Development Code regulations; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 4 and 5 – Open Space / Natural Areas and Scenic and Historic Resources**. The proposed community conforms with the overall Intents of and specifically with Policies 1, 3, 5, 6 & 7 of Guideline 4 and with the Intents of Guideline 5 for all the reasons described above and because it will feature significant open space interspersed among the buildings, parking areas and streets. That open space plus the significant open area along Floyds Fork will be available for the passive recreational enjoyment by residents and will serve to provide natural areas and an overall positive appearance for the community. Landscaping will also be provided along property perimeters, along street frontages and around buildings. Setbacks and buffers along property lines will ensure good transitions between the proposed community and existing land uses. Maintenance of landscaping, natural and open space areas will be performed by the corporate landlord of this for-lease community. This maintenance arrangement will result in a higher and more consistent level of

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maintenance of the open spaces than if the property were developed as a single-family subdivision; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 – Marketplace**. The proposed community conforms with the overall Intents of and specifically with Policies 1, 2 and 6 of Guideline 6 because future residents will support and be supported by the businesses, services, schools and churches in and around nearby activity centers. This proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services. The community, as proposed, will have easy access to Bardstown Road and 1-265 and several other roads in the area, and from there to the Parklands of Floyds Fork and to greater Louisville employment and commercial centers; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 7 (Circulation); 8 (Transportation Facility Design); and 9 (Bicycle, Pedestrian and Transit)**. The proposed community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed Detailed District Development Plan (DDDP) has been designed in conformance with all Metro Public Works and Transportation Planning design policies. Good internal circulation, appropriate access, sight distances, corner clearances and parking are provided. Bardstown Road has more than adequate traffic-carrying capacity. Sidewalks will be provided where required; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 10, 11, and 12 – Flooding and Stormwater, Water Quality, and Air Quality**. The proposed community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, although a portion of the site lies within the 100 year floodplain, MSD Floodplain regulatory requirements for cut, fill and compensation. All drainage will comply with storm water management requirements, and this DDDP will receive preliminary approval by MSD prior to docketing for LD&T review. Louisville Water Company will provide water to the site. A soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction. MSD water quality regulatory requirements will also be addressed. Air quality will remain at good levels because , as noted above, this is a low density development with easy access to major roads and the Parklands at Floyds Fork; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13 – Landscape Character**. The proposed community conforms with the overall Intents and applicable policies of Guideline 13 because landscaping

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will be provided around buildings, along the Bardstown Road entrance and frontage, along internal streets, and along property perimeters as noted above. Significant open space has been preserved for a positive natural appearance and for passive recreational enjoyment by residents. Tree canopy requirements have been met, as noted on the DDDP; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 14 – Infrastructure**. The proposed community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric and phone connections are available by nearby connection to ensure a reduced cost for infrastructure; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in Zoning from RR to R-5A for Multi-Family Residential be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, White, Tomes, Peterson, and Lewis.

NO: Commissioner Proffitt.

NOT PRESENT: Commissioners Turner and Kirchdorfer.

ABSTAINING: No one.

Waiver

02:44:38 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because this waiver is applied for pursuant to request of Metro Parks, which is involved with the Parklands of Floyds Fork along the south property line where this waiver is requested; and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of

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Public Hearing

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Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the Commission further finds that the extent of the waiver is the minimum necessary to afford relief to the applicant because it is not asking for other connectivity waivers apart from this one advised by Metro Parks, and a sidewalk connection along Bardstown Road to the future access to the Parklands of Floyds Fork is provided; and

WHEREAS, the Commission further finds that 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 because without this waiver the applicant's plan would conflict with the design preferences of Metro Parks; and

WHEREAS, the Commission further finds that the proposed multi-use path being constructed along the Bardstown Road right-of-way that abuts the property will serve as the main access point into the adjoining parkland; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the applicant's justification and that all of the other applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver #1 from LDC 5.9.2.A.1.a.v to not provide a pedestrian path connection to the adjacent 21st Century Parks lot to the south.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, White, Tomes, Peterson, and Lewis.

NO: No one.

NOT PRESENT: Commissioners Turner and Kirchdorfer.

ABSTAINING: No one.

Detailed District Development Plan, Binding Elements, and Floyds Fork Overlay Review

02:45:45 On a motion by Commissioner Brown, seconded by Commissioner White, the following resolution was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the key natural and scenic area on the site is Floyds Fork. The proposal provides extensive buffers and setbacks in excess of what is required per the Land Development Code. Tree canopy is also being preserved along the stream bank to help mitigate any adverse impacts of the development on the protected stream; and

WHEREAS, the Commission further finds that an internal roadway has been provided throughout the site and vehicular traffic is being directed onto the local level roadway that accesses the site, preventing traffic from being deposited directly onto a major arterial level roadway. An internal walkway has also been provided for the future residents of the development; and

WHEREAS, the Commission further finds that, since open space is not required for this proposal, appropriate open space has been provided for this development as required by LDC regulations; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Surrounding lots are used for residential dwellings and although the site introduces another housing style to the area, the buildings are clustered at the center of the site away from nearby residences. Adequate screening and landscaping already exists or will be provided; and

WHEREAS, the Commission further finds that the proposal for a patio home-style community in the vicinity of Floyds Fork meets or exceeds all the Floyd's Fork DRO guidelines concerning residential development; and

WHEREAS, the Commission further finds that filling is proposed in the floodplain, but regulatory compensation will be provided; and

WHEREAS, the Commission further finds that there will be no homes located on or near 20% or greater slopes, and grading and soil compaction should not affect preserved areas. Significant open space is retained; and

WHEREAS, the Commission further finds that, because of the sizable distance of this site from this community of Floyds Fork, the quality of surface water leaving

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this site and entering the Fork will remain acceptable. Sanitary Sewers will be provided; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, Binding Elements, and the Floyds Fork Overlay Review, **SUBJECT** to the following 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.
8. 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 Develop Louisville, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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- d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
9. 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.
10. 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.
11. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2015 Planning Commission meeting.
13. Construction activities on the site shall be limited to weekdays between the hours from 7 AM to 7 PM.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Jarboe, White, Tomes, Peterson, and Lewis.

NO: No one.

NOT PRESENT: Commissioners Turner and Kirchdorfer.

ABSTAINING: No one.

Planning Commission
Staff Report
August 20, 2015



Case No:	15ZONE1015
Request:	Change in Zoning from RR (Rural Residential) to R-5A (Multi-Family Residential), Detailed District Development Plan, Binding Elements, Floyds Fork Overlay, and Waivers
Project Name:	Brentwood Commons
Location:	10509 Bardstown Bluff Rd.
Owner:	Gina and Darrel Nice
Applicant:	Redwood Acquisitions, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC Mindel, Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	David B. Wagner – Planner II

REQUEST

- Rezoning from RR to R-5A for Multi-Family Residential
- Detailed District Development Plan
- Binding Elements
- Floyds Fork Overlay Review
- Waiver #1 from LDC 5.9.2.A.1.a.v to not provide a pedestrian path connection to the adjacent 21st Century Parks lot to the south

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is a single parcel of 33.97 acres. It is surrounded by vacant parcels zoned for large single family residential parcels on all sides except for the parcel to the north which has a single residence. Although it is accessed by Bardstown Bluff Road, the site fronts on Bardstown Road which is a major arterial level roadway and a designated parkway. Floyds Fork runs through the eastern side of the site and forms the eastern boundary of the site. Adjoining parcels on the east and south sides of the site are part of the Parklands of Floyds Fork and the site lies entirely within the Floyds Fork Overlay District.

The applicant is proposing to develop 135 multi-family residential dwellings. The dwellings will be one story apartments with individual attached parking garages. A densely planted 60' Floyds Fork Scenic Corridor Buffer and a 75' Parkway Buffer Setback will be provided along Bardstown Road. The required 100' Stream Corridor Buffer and 200' Floyds Fork Setback will be provided along the stream. Required landscape buffers and screens will also be provided elsewhere as required. A Waiver has been requested to not provide a pedestrian connection to the 21st Century Parks lot to the south which is a required connection for residential developments adjacent to non-residential developments.

Existing Zoning District: RR, Single Family Residential
Proposed Zoning District: R-5A, Multi-Family Residential
Form District: Neighborhood
Existing Use: Single Family Residential
Proposed Use: Multi-Family Residential

Minimum Parking Spaces Required: 203
 Maximum Parking Spaces Allowed: 405
 Parking Spaces Proposed: 291

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	RR	N
Proposed	Multi-Family Residential	R-5A	N
Surrounding Properties			
North	Single Family Residential	RR	N
South	Parkland	RR	N
East	Parkland	RR	N
West	Vacant	RR	N

PREVIOUS CASES ON SITE

- 11702: Minor Subdivision Plat, which created the current parcel.
- 14MINORPLAT1063: Minor Subdivision Plat, which has not been recorded.

INTERESTED PARTY COMMENTS

- Staff received comments from Billy and Jan Seabolt (10503 Bardstown Bluff Rd.) and Denis and Grace Bryan (10505 Bardstown Bluff Rd.) with concerns regarding the following topics: additional traffic on Bardstown Bluff Road, dangerous turn onto Bardstown Road, safety of horse riders and wildlife along Bardstown Bluff Road, future maintenance concerns of the streets with added traffic, construction within the flood plain, the buildings will ruin the park like atmosphere in the area, rezoning this site will encourage other rezoning in the area, the development should have direct access to Bardstown Road, increased flooding potential for surrounding properties and the new dwellings, lack of protection for the stream on Bryan property, using earth to fill in the floodplain, non-brick homes being built, and the floodplain being located closer to a sanitary pump station.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code

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 Cornerstone 2020; 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 Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has mostly been found for this proposal. This form district allows for multiple residential densities and styles of housing to provide for a wide spectrum of people. The proposal creates multi-family residential dwellings in an area dominated by large lot, single family residences. However, the Neighborhood Form District allows for high density residential development to be located along a major arterial level roadway (Bardstown Road) and this site is being developed at a density much less than is allowed in the R-5A zoning district. The density is even less than the maximum allowed in an R-4 zoning district. The apartments seem to fit in with the surrounding development and will be buffered from surrounding areas by existing tree canopy and new densely planted buffers and long setbacks along Bardstown Road due to the Floyds Fork Scenic Corridor Buffer and Parkway Setback. The dwellings are clustered in the center of the site away from the Floyds Fork stream and wide buffers and setbacks are also provided in this area. Full landscape buffers and screening will be provided along the other property lines as well. The applicant has provided an internal sidewalk along the drive aisles to allow better pedestrian access for the future residents and renderings of the proposed buildings to show how the building materials will be compatible with similar types of dwellings.

Compliance with **Guideline 4 (Open Space)** has been found as open space is not required for this development. The density is low enough that the threshold for an open space requirement was not met.

The proposal partially complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**. The key natural and scenic area on the site is Floyds Fork. The proposal provides extensive buffers and setbacks in excess of what is required per the Land Development Code. Tree canopy is also being preserved along the stream bank to help mitigate any adverse impacts of the development on the protected stream. However, the development will be altering the topography of the site by filling in portions of the existing flood plain. Adding earthen fill on the site in the flood plain is discouraged within the Floyds Fork Overlay District and the applicant should discuss why it should be permitted on this parcel.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been partially found for this proposal. An internal roadway has been provided throughout the site and vehicular traffic is being directed onto the local level roadway that accesses the site, preventing traffic from being deposited directly onto a major arterial level roadway. An internal walkway has also been provided for the future residents of the development. However, it would be appropriate for a connection to the parklands located south of the site. The applicant should justify why this connection should not be provided.

Staff has found compliance with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as MSD and APCD have approved the plan as presented.

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 Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1
from LDC 5.9.2.A.1.a.v to not provide a pedestrian path
connection to the adjacent 21st Century Parks lot to the south**

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

STAFF: The waiver will adversely affect adjacent property owners because the adjacent property will not be able to provide residents of the proposed development a direct way to return home, forcing them to drive or walk up to Bardstown Bluff Road before being able to access their property.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 since Guideline 4, Policy 9 states that developments should provide access to greenways whenever possible.

- (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 is the minimum necessary to afford relief to the applicant because they do not desire to provide the required access.

- (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 strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land and would not create an unnecessary hardship on the applicant because

the main reason this site is being developed is due to its proximity to the Louisville Loop trail. Since the future residents on this parcel will likely use the park frequently, it is reasonable that a direct connection be provided to the park.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND 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: The key natural and scenic area on the site is Floyds Fork. The proposal provides extensive buffers and setbacks in excess of what is required per the Land Development Code. Tree canopy is also being preserved along the stream bank to help mitigate any adverse impacts of the development on the protected stream. However, the development will be altering the topography of the site by filling in portions of the existing flood plain. Adding earthen fill on the site in the flood plain is discouraged within the Floyds Fork Overlay District and the applicant should discuss why it should be permitted on this parcel.

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

STAFF: An internal roadway has been provided throughout the site and vehicular traffic is being directed onto the local level roadway that accesses the site, preventing traffic from being deposited directly onto a major arterial level roadway. An internal walkway has also been provided for the future residents of the development. However, it would be appropriate for a connection to the parklands located south of the site. The applicant should justify why this connection should not be provided.

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

STAFF: Since open space is not required for this proposal, appropriate open space has been provided for this development as required by LDC regulations.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Surrounding lots are used for residential dwellings and although the site introduces another housing style to the area, the buildings are clustered at the center of the site away from nearby residences. Adequate screening and landscaping already exists or will be provided.

- 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 proposal complies with the guidelines of the Comprehensive Plan as explained in the review for the rezoning request.

TECHNICAL REVIEW

- MSD and Transportation Review have given preliminary approval for the proposal.
- Per LDC 3.1.1.f, it is not recommended to fill or excavate the floodplain within the Floyds Fork Overlay District. The development will require substantial filling of the floodplain in order to be constructed.
- Waiver #1 was required by staff as the applicant has not provided the required pedestrian connection to the 21st Century Parks lot to the south. Cornerstone 2020 also encourages connections to community green spaces and staff has recommended a pedestrian path running between Building 11 and 12 or Building 12 and 13 which would appear to be close to a future pedestrian path to be created on the 21st Century parks tract. It should also be known that Metro Parks and 21st Century Parks do not desire this required connection. However, staff believes this connection to be appropriate for a development adjacent to an important community asset like the Louisville Loop. The applicant will need to justify the appropriateness of the Waiver request.
- Per the request of the LD&T Committee, Binding Element #8 was changed from 5:30 PM to 7 PM.
- With the exception of the required Waiver, the plan meets the requirements of the LDC.

STAFF CONCLUSIONS

Rezoning

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning mostly complies with the Guidelines of the Comprehensive Plan.

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 Cornerstone 2020 which have substantially altered the basic character of the area.

Waiver, Floyds Fork DRO, Detailed District Development Plan, and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver #1 is NOT justified.

Staff analysis in the standard of review section of the staff report indicates the proposed Floyds Fork DRO, DDDP, and Binding Elements are justified.

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 meets the standards for granting a Waiver, Floyds Fork DRO, DDDP, and Binding Elements as established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from RR (Rural Residential) to R-5A (Multi-Family Residential), on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waiver #1 listed in the staff report

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Floyds Fork DRO listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report

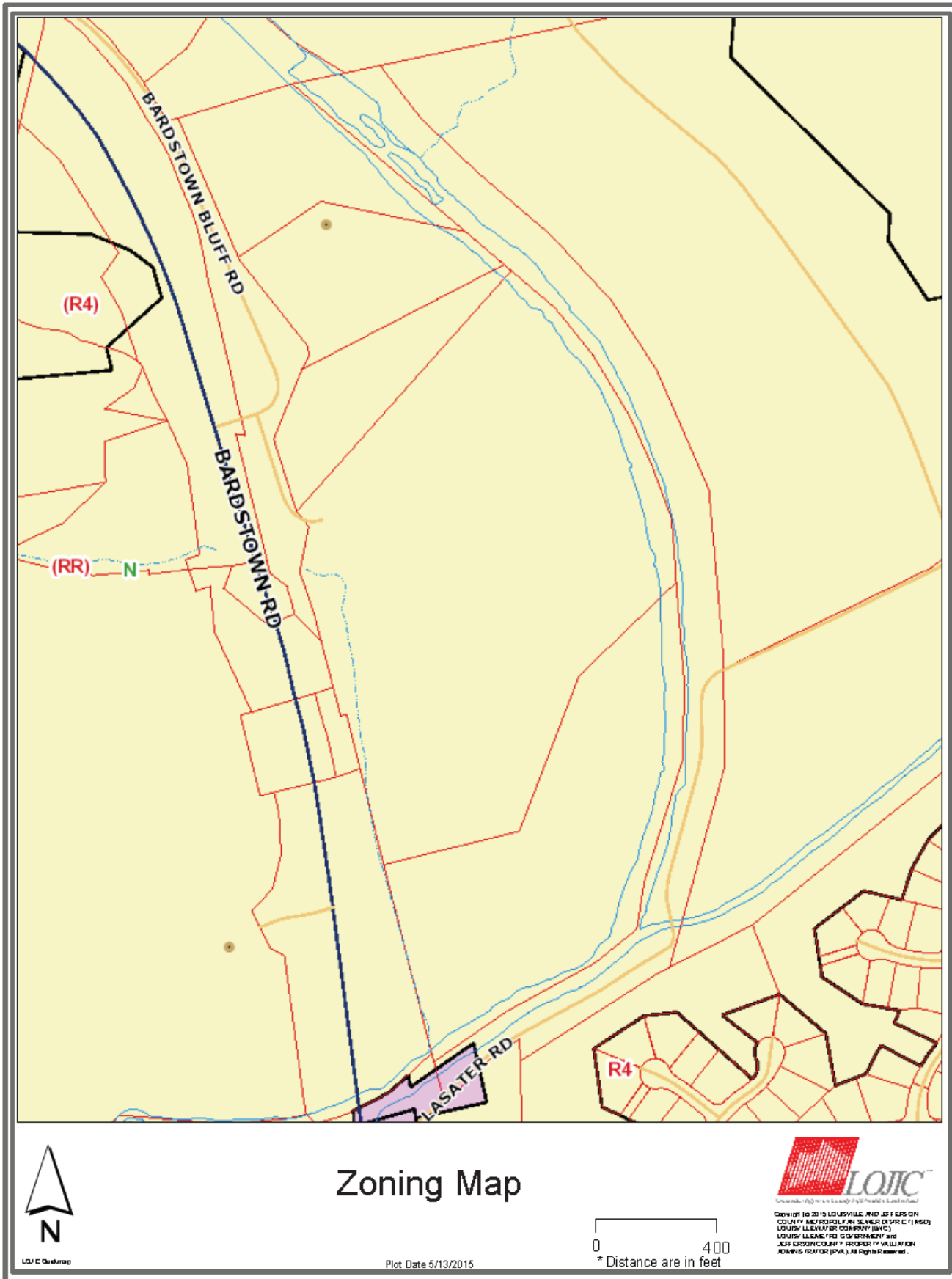
NOTIFICATION

Date	Purpose of Notice	Recipients
7/10/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 20 Notification of Development Proposals
8/5/15	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers to Council District 20 Notification of Development Proposals
8/5/15	Hearing before PC	Sign Posting on property
8/8/15	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements
4. Cornerstone 2020 Staff Checklist

1. Zoning Map



2. Aerial Photograph



3. 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 Develop Louisville, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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.
6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2015 Planning Commission meeting.
8. Construction activities on the site shall be limited to weekdays between the hours from 7 AM to 7 PM.

4. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	Since the surrounding area is single family residential, the proposal provides a mix of residential housing choices and densities by proposing multi-family residential on the site.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	NA	The proposal is not classified as high density and is to be developed at a single family density level.
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	✓	The proposal introduces a new housing type to the area and the dwelling design is compatible with the surrounding land uses since the land is used for residences.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	✓	The neighborhood streets are designed to invite human interaction as sidewalks have been provided throughout the development.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	The proposal is not an activity center.
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is not an activity center.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	NA	The proposal is not an activity center.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	The proposal is not an activity center.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not an activity center.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination	NA	The proposal is not an activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		with retail and office uses.		
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposal is not an activity center.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is not an activity center.
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is not an activity center.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	The proposal is not an activity center.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	NA	The proposal is not an activity center.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	NA	The proposal is not an activity center.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not an activity center.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	NA	The site is not an infill development and the LDC does not require certain building materials.
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.

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21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal utilizes the existing access point which is not directly accessing Bardstown Road. Vehicles can queue on the local level road and not cause a safety issue entering onto a major arterial level roadway.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal will conform to all lighting regulations.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	Since the surrounding area is single family residential, the proposal provides a mix of residential housing choices and densities by proposing multi-family residential on the site.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	+/-	The proposal is a higher density and is located along a transit corridor. However, it is not located near an activity center.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	+/-	The proposal potentially provides housing for the elderly or persons with a disability. However, the site is not located on a transit route or close to shopping or medical facilities.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposal creates appropriate housing that is compatible with surrounding land uses and that is in character with residential dwellings of this type.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental	+/-	The proposal provides substantial buffers and setbacks to Floyds Fork in excess of what is required per the LDC. Tree canopy is being preserved along the stream as well. However, the development will require earth to be filled within the flood plain which would not avoid substantial

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		degradation resulting from disturbance of natural systems.		changes to the topography of the site.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	The site does not contain buildings that have historic or architectural value.
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to integrate into the pattern of development.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development as required.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal utilizes the existing access point which is not directly accessing Bardstown Road. Vehicles can queue on the local level road and not cause a safety issue entering onto a major arterial level roadway. One continuous roadway is provided through the development.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development as required.
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	-	A stub street connection to the adjacent Louisville Loop to the south should be provided for this development. Therefore, adequate stub streets have not been provided since the applicant has requested a Waiver of the requirement.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	The development avoids access to development through areas of significantly lower intensity or density
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	-	A stub street connection to the adjacent Louisville Loop to the south should be provided for this development. Therefore, adequate stub streets have not been provided since the applicant has requested a Waiver of the requirement.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The neighborhood streets are designed to invite human interaction as sidewalks have been provided throughout the development. The proposal is appropriately located for its density since it is along a major arterial level roadway
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff	✓	MSD has given preliminary approval for the proposal.

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		assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.		
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The proposal provides substantial buffers and setbacks to Floyds Fork in excess of what is required per the LDC. Tree canopy is being preserved along the stream as well. This should allow any potential migration patterns to continue.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal is located in an area served by existing utilities.
47	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	MSD has given preliminary approval for the proposal.