

Planning Commission
Staff Report
August 29, 2017



Case No:	16ZONE1056
Project Name:	Prospect Cove Senior Residences
Location:	6500 Forest Cove Lane & 7301 River Road
Owner(s):	Prospect Development LLC
Applicant:	LDG Multi-Family LLC
Jurisdiction:	Louisville Metro
Council District:	16-Scott Reed
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Change in zoning from R-5A, R-4, and OR-1 to R-7
- Waiver from Chapter 10 to permit the encroachment of an easement into a LBA by more than 50%
- Revised District Development plan with amendments to binding elements (Binding elements to only be removed and replaced for the subject site only)

CASE SUMMARY/BACKGROUND

The proposal is for a 198 unit senior housing facility located on approximately 9.61 acres. The proposed density is 20.6 du/ac where R-7 permits 34.8 du/ac. The site is heavily treed along the River Road frontage and is located across Timber Ridge Drive from a commercial center. The applicant proposes the treed area along River Road be preserved in a Woodland Preserved Area (WPA).

9-27-06/10-22-06- Change in zoning from R-4 Single-Family Residential to OR-1 Office-Residential, C-N Commercial Neighborhood and R-5A Multi-family Residential, a variance to permit the proposed condo to be 45 feet in height- approved in 2006
9725- Revised Development Plan approved 2007
11084- Height variance approved by BOZA in 2008
11086- Amendment to Binding Elements approved in 2008
18601- Change in zoning from CN to C-1 approved in 2013.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. The proposal is for high density residential development located within walking distance of services provided at the strip retail center across Timber Ridge Drive. The proposal is also located within walking distance of a transit route. While the current transit system operates on a limited schedule, the schedule could change due to ridership demand. A Woodland Preserved Area is being established along the sites River Road frontage to preserve the Scenic Byway. Development on the site is condensed to one area of the total acreage. That area is also located closest to other adjacent development.

TECHNICAL REVIEW

- Ohio River Corridor Master Plan (1996)- The Ohio River Corridor Master Plan was adopted as part of Cornerstone 2020. That plan recommended that Upper River Road, which is designated as a Scenic Byway, have design controls adopted. Those design controls would deal with buffers and setbacks. The Land Development Code has had the Ohio River Corridor Special District reserved in Chapter 3 Part 3 since 2003. There are no specific recommendations for this site in the Master Plan.
- River Road Corridor Management Plan (DRAFT 2010)- The Plan indicates that “the stretch of River Road from Harrods Creek to Mayfair Avenue embodies many of the rural elements characteristic of the scenic byway and should be preserved.” It also indicates “providing a multi-use trail connection from Timber Ridge north along a portion of Mayfair Avenue will help to link Prospect and area neighborhoods to the River.” “Timber Ridge is an important link to the River Road byway. Improving this intersection to accommodate pedestrian crossings will allow greater access to the corridor.” “Cycling is already a popular recreational activity on the corridor. It’s also an excellent way to experience the scenic qualities of the corridor while providing an alternative travel choice. Any future bicycle facilities should consider the needs and abilities of all cyclists. Evaluating alternative locations for a multi-use trail would serve pedestrians and inexperienced cyclists. Evaluating alternatives for bike lanes or a paved shoulder would accommodate experienced cyclists. Consideration should be given to the impact any proposed facility might have on the corridor’s intrinsic qualities. Any facility located outside of the public right-of-way would require cooperation from individual land owners.”

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Please see attached citizen letters

STANDARD OF REVIEW FOR REZONING

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 CHANGE IN ZONING

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

The site is located in the Village Form District

Village Form is characterized by predominately low to medium density residential uses where the pattern of development is distinguished by open space such as parks, greenways, and farmland protected by conservation easements. The Village Form should have a small-scale village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district. The village center may be arranged

around a village green. Low-density residential uses interspersed with open space may be encouraged at the edge of the Village. Village Form should be designed to encourage pedestrian, bicycle and transit use.

Natural features on the site include the designated WPA along River Road and an intermittent stream that runs through the property which will not be disturbed. The development portion of the site is located on the flattest land with minimal disturbance to the existing canopy on the site. A floodplain compensation area will involve tree removal but will help with flooding in the area and run off from the development.

The proposal is not for mixed use.

The proposal is not introducing low to medium residential to the area as the site is already zoned for low (R-4), medium (R-5A), and high density (OR-1). The proposal is not introducing a density that is not already permitted. Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area. The area is being preserved as a Woodland Preserved Area (WPA). Open space is also being provided in the form of the compensation basin and pool amenity area. The open space on the plan would not be considered park or park-like or farm land since it is a wooded area. The sanitary sewer line and compensation area as well as the other open space areas on the site may not make the wooded area suitable for a greenway. The proposal is not located at the edge of the Village Form. The proposal is located in the Village Form Outlier just outside the Village Center where a diversity of housing types that may be higher in density is encouraged. The proposal is located adjacent to an existing activity center that has been created along Timber Ridge Drive. River Road is a major arterial and there is an established non-residential shopping center located across Timber Ridge Drive from the site. Established non-residential uses are also found on both sides of Timber Ridge to the intersection of US 42. High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes. With the proposal being located across the street from higher intensity uses, the result is an efficient use of land and lower cost infrastructure. The proposal is utilizing only a portion of the site closest to adjacent developments and preserving the rest which makes the proposal compact. The existing strip centers in the area will be served by the high density residential proposed. Existing and proposed sidewalks on the site and around the adjacent area will encourage alternate modes of transportation.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

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

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 screening and planting requirements will still be met.

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

STAFF: Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The intent of the buffer area will still be met since the screening and planting requirements will still be met.

- (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 since accommodating the full buffer outside the easement would result in the building site being moved closer to the existing wooded area. The intent of the buffer area will still be met since the screening and planting requirements will still be met.

- (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 of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) since the proposal calls for a large wooded area between the building site and River Road to be preserved. Also the easement is an access easement where the buffer and planting requirements will still be met within the area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP 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: There do not appear to be any historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. A wooded area and the intermittent stream that runs through it between the building site and River Road is being preserved in a Woodland Preserved Area.

- 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 Metro Public Works 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: Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.

- 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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-5A, R-4, and OR-1 to R-7
- **APPROVE** or **DENY** the **Waiver from Chapter 10 to allow for over 50% overlap of an easement into a LBA.**
- **APPROVED** or **DENY** the **Revised District Development Plan with Amendments to Binding Elements**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/17/16	Hearing before LD&T on 12/8/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
1/13/17	Hearing before PC on 1/31/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
1/14/17	Hearing before PC on 1/31/17	Sign Posting on property
1/18/17	Hearing before PC in 1/31/17	Legal Advertisement in the Courier-Journal
7/12/17	Hearing before LD&T on 7/27/17	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 16
8/10/17	Hearing before PC on 8/29/17	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 16
8/14/17	Hearing before PC on 8/29/17	Sign Posting on property
8/12/17	Hearing before PC on 8/29/17	Legal Advertisement in the Courier-Journal

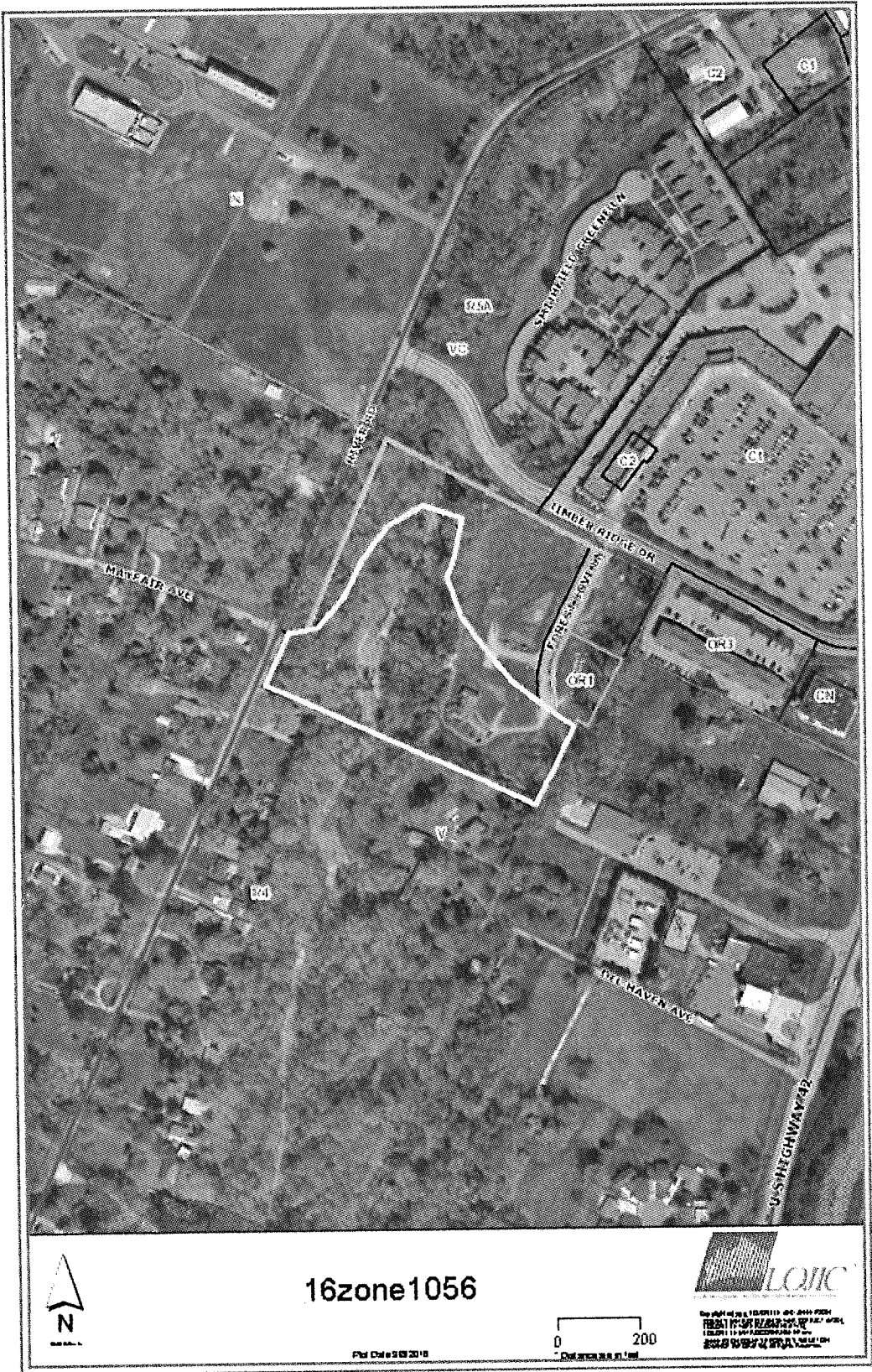
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Village: Residential

#	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.4: The proposal introduces a low to medium density residential character to the area.	✓	The proposal is not introducing low to medium residential to the area as the site is already zoned for low (R-4), medium (R-5A), and high density (OR-1). The proposal is not introducing a density that is not already permitted.
2	Community Form/Land Use Guideline 1: Community Form	B.4: Open space is in the form of parks or park-like areas, greenways and farmland protected by conservation easements.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area. The area is being preserved as a Woodland Preserved Area (WPA). Open space is also being provided in the form of the compensation basin and pool amenity area. The open space on the plan would not be considered park or park-like or farm land since it is a wooded area. The sanitary sewer line and compensation area as well as the other open space areas on the site may not make the wooded area suitable for a greenway.
3	Community Form/Land Use Guideline 1: Community Form	B.4: If the proposal is located at the edge of the Village Form, it is low-density and interspersed with open space.	✓	The proposal is not located at the edge of the Village Form. The proposal is located in the Village Form Outlier just outside the Village Center where a diversity of housing types that may be higher in density is encouraged.
4	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Village 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.	✓	The proposal is located adjacent to an existing activity center that has been created along Timber Ridge Drive. River Road is a major arterial and there is an established non-residential shopping center located across Timber Ridge Drive from the site. Established non-residential uses are also found on both sides of Timber Ridge to the intersection of US 42.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
5	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 for residential.
6	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.	✓	High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes. With the proposal being located across the street from higher intensity uses, the result is an efficient use of land and lower cost infrastructure. The proposal utilizing only a portion of the site closest to adjacent developments and preserving the rest which makes the proposal compact.
7	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.	✓	The existing strip centers in the area will be served by the high density residential proposed. Existing and proposed sidewalks on the site and around the adjacent area will encourage alternate modes of transportation.
8	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	-	The proposal is located adjacent to a center but is not for mixed use.
9	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	The proposal is a new development with a single high density residential use adjacent to a commercial strip center with a mix of uses and offices.
10	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.	✓	The proposal is not located in the Neighborhood Form District and is not for a proposed center. The proposal is adjacent to a center that would serve the needs of the proposed high density residential zoning.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
11	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 for commercial.
12	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.	✓	The large development is organized around an interior courtyard space. It is compact because it is only utilizing a portion of the site adjacent to existing non-residential development.
13	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	The Forest Cove entrance is shared with an adjacent non-residential development. No new curb cut is being proposed along timber Ridge.
14	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.	✓	Easements serving the site are existing. A shared access easement along Forest Cove Lane allows for continuous public access to the site and the adjacent gas station. Del Haven Avenue is an unimproved ROW that could provide access to the site if ever improved.
15	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Parking is provided exterior to the site. A sidewalk is being provided along Forest Cove as well as interior to the site. There are existing sidewalks located along portions of Timber Ridge. An existing driveway that connects the site to River Road will remain.
16	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	The proposal will be able to be accessed by all forms of transportation due to the existing roadway, proposed sidewalk, and existing bike lanes along Timber Ridge.
17	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 proposed building is separated from the adjacent residential by parking and landscaping to provide more distance from the closest residential uses.
18	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.)	✓	The building materials are similar to those found in the area. Building materials in the area include brick and siding. The proposed building materials are also brick and siding.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	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 compatible to existing residential areas as the site will be buffered from the lower density residential located to the south of the site. The existing treed area to be designated WPA along River Road will screen the proposal from the single family residential located along River Road. Vegetated buffers whether existing or proposed will screen the proposal from the nearby residential. The proposal permits the same density as permitted on the existing C-1 zoned sites but permits a lower density than what is permitted on the nearby OR-3 which results in a mix of density permitted in the area. The proposal does not introduce a new density as other sites in the area permit the same density.
20	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation planning has not indicated any adverse impacts of the proposal on traffic.
21	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.	✓	Lighting will meet LDC requirements.
22	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.	✓	The proposal is for one housing type, apartments, in a zoning district that permits all types of housing. The Village (Outlier) form is just outside the Village Center where a diversity of housing types that may be higher in density is encouraged. The proposal diversifies the current single family and multi-family housing choices in the area
23	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 for high density and is not located along a transit route but is near an activity center. Transit with limited service is available within walking distance along the nearby US 42 at Timber Ridge.
24	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 creates housing for the elderly or persons with disabilities, which is located close to shopping and within walking distance of transit. There is an immediate care medical facility located in the strip center across Timber Ridge.
25	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 building materials are similar to those found in the area (mainly brick and siding). The applicant has indicated that the senior apartments will be affordable and inclusive. Buffers are provided between the site and the existing lower density residential to ensure compatibility. The building design is suburban which is compatible with the sites' suburban setting.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
26	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 compatible to existing residential areas as the site will be buffered from the lower density residential located to the south of the site. The existing treed area to be designated WPA along River Road will screen the proposal from the single family residential located along River Road. Vegetated buffers whether existing or proposed will screen the proposal from the nearby residential. The building design is suburban which is compatible with the sites' suburban setting. All required setbacks and building heights are in compliance with the Land Development Code.
27	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 compatible to existing residential areas as the site will be buffered from the lower density residential located to the south of the site. The existing treed area to be designated WPA along River Road will screen the proposal from the single family residential located along River Road. Vegetated buffers whether existing or proposed will screen the proposal from the nearby residential.
28	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 and building heights meet LDC requirements and form district standards.
29	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.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area that is designated as a WPA. River Road is a Scenic Byway where the continued preservation of the woodland along the property will contribute to the maintenance of River Road being a Scenic Byway which is a community value.
30	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Village Form District.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area. The tree WPA portion of the site is consistent with the tree preservation that has occurred along River Road in this area.
31	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	+	Natural features on the site include the designated WPA along River Road and an intermittent stream that runs through the property. The tree WPA portion of the site is consistent with the tree preservation that has occurred along River Road in this area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	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 degradation resulting from disturbance of natural systems.	+	Natural features on the site include the designated WPA along River Road and an intermittent stream that runs through the property which will not be disturbed. The development portion of the site is located on the flattest land with minimal disturbance to the existing canopy on the site. A floodplain compensation area will involve tree removal but will help with flooding in the area and run off from the development.
33	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.	✓	PDS' Historic Preservation Specialist indicates that no known cultural or historic resources will be affected. The preservation of the trees and open space between the building site and River Road ensures the preservation of the scenic byway.
34	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.	✓	Soils are not an issue with the proposal.
35	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.	✓	Transportation planning is not requiring roadway improvements.
36	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.	✓	An existing access road serves the site and the adjacent gas station.
37	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.	✓	Transportation Planning is not requesting additional right of way.

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38	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.	✓	An existing access road serves the site and the adjacent gas station.
39	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 main access to the site is from the existing Forest Cove Lane which shares access with the adjacent gas station and not through a lower density development.
40	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.	✓	An existing access road serves the site and the adjacent gas station.
41	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.	✓	Existing and proposed sidewalks on the site and around the adjacent area will encourage alternate modes of transportation. Bicycles will utilize existing roadways. Transit with limited service is available within walking distance along the nearby US 42 at Timber Ridge.
42	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 blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has not indicated any issues with the proposal.
43	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.	+	Natural features on the site include the designated WPA along River Road and an intermittent stream that runs through the property. The tree WPA portion of the site is consistent with the tree preservation that has occurred along River Road in this area.
44	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing or proposed utilities will serve the site.
45	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 site has adequate access to a water supply.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
46	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.	✓	The health department has not indicated any issues with the proposal.

4. Existing Binding Elements (To be removed from the proposal site and replaced)

- ~~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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.~~
- ~~3. Tract 1: The development shall be 30 dwelling units (30 units on 3.36 acres: 8.92 DU/acre).
Tract 2: The development shall not exceed 3,500 square feet of gross floor area.
Tract 3: The development shall not exceed 4,950 square feet of gross floor area.~~
- ~~4. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (24 square feet and 4 feet tall).~~
- ~~5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
- ~~6. 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 Louisville Metro Department of Inspections, Permits and Licenses, 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.~~
 - ~~c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.~~
 - ~~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.~~~~
- ~~7. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~

- ~~8. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.~~
- ~~9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment audible beyond the property line.~~
- ~~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 the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - ~~a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.~~
 - ~~b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.~~
 - ~~c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.~~~~
- ~~12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 21, 2006 Planning Commission meeting.~~
- ~~13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.~~
- ~~14. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.~~
- ~~15. 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.~~
- ~~16. Landscaping, screening and buffering along Timber Ridge frontage shall be in accordance with the detailed landscape buffer plan and cross-section profiles presented at the September 21, 2006 public hearing.~~

5. 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 29, 2017 Planning Commission meeting.
9. The applicant shall plant 35 deciduous Type A trees in the area of the subject property between River Road and the proposed water quality/detention basin.
10. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
11. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
 - A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation with the exception of invasive species and noxious plants such as poison ivy etc. shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
 - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 - C. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing & Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
 - D. No parking, material storage or construction activities are permitted within WPAs
 - E. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.
 - F. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of Woodland Protection Areas requires notification of adjoining property owners and LD&T action.

Planning Commission

Staff Report

January 31, 2017



Case No:	16zone1056
Request:	Change in zoning from R-5A, R-4, and OR-1 to R-7 on approximately 9.61 acres with a waiver, Revised District Development Plan and Amendments to Binding Elements
Project Name:	Prospect Cove
Location:	6500 Forest Cove Lane & 7301 River Road
Owner:	Prospect Development LLC
Applicant:	LDG Multi-Family LLC
Representative:	Sabak, Wilson, & Lingo, Inc.; Dinsmore and Shohl
Jurisdiction:	Louisville Metro
Council District:	16-Scott Reed
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST

- Change in zoning from R-5A, R-4, and OR-1 to R-7
- Waiver from Chapter 10 to permit the encroachment of an easement into a LBA by more than 50%
- Revised District Development plan with amendments to binding elements (Binding elements to only be removed and replaced for the subject site only)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a 198 units senior housing facility located on approximately 9.61 acres. The proposed density is 20.6 du/ac where R-7 permits 34.8 du/ac. The site is heavily treed along the River Road frontage and is located across Timber Ridge Drive from a commercial center.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-5A, R-4, and OR-1	Village
Proposed	Multi-Family	R-7	Village
Surrounding Properties			
North	Multi-Family/ Commercial	R-5A, C-1	Village Center
South	Single Family Residential	R-4	Village
East	Office/ Single Family Residential	OR-3, R-4	Village Center/Village
West	Single Family Residential	R-4	Village

PREVIOUS CASES ON SITE

9-27-06/10-22-06- Change in zoning from R-4 Single-Family Residential to OR-1 Office-Residential, C-N Commercial Neighborhood and R-5A Multi-family Residential, a variance to permit the proposed condo to be 45 feet in height- approved in 2006
 9725- Revised Development Plan approved 2007

- 11084- Height variance approved by BOZA in 2008
11086- Amendment to Binding Elements approved in 2008
18601- Change in zoning from CN to C-1 approved in 2013.

INTERESTED PARTY COMMENTS

1. Staff received a phone call from Joyce Goldstein on September 27, 2016. She expressed the following concerns:
 - Not enough green space on site for 800 people
 - People “hanging out” at the shopping center
 - Children getting hurt
 - A tenement building on a small lot
 - River Road is busy and dangerous
 - Nowhere to walk
 - Kids will be there despite being not allowed
 - Kids will be killed because there is no park or place to go
 - There are no jobs here
 - There are no buses here
 - People who live there won't be working
 - Wants 30 homes built there
 - Increased traffic
2. As a Prospect resident I was horrified to learn of the proposal to develop such a dense residential structure. The rest of the Prospect corridor is much less dense and much more scenic. In addition, the density is not only incompatible, but very likely not what is needed in the Prospect area. As you know, this project will back up to the lovely River Road Scenic byway. A lot of man hours-- volunteer and otherwise--as well as tax dollars went into getting this designation so it would be a real shame to risk losing this by such a development. It is my strong opinion that all cities benefit from diversity and each city needs some areas that remain scenic for residents and visitors to enjoy in their travels. My line of work makes it very difficult to attend zoning hearings which are held during regular business hours. Being unable to attend the Thursday December 8 meeting should in know way reflect as a lack of interest in participation. Alice Gunnison

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Ohio River Corridor Master Plan (1996)- The Ohio River Corridor Master Plan was adopted as part of Cornerstone 2020. That plan recommended that Upper River Road, which is designated as a Scenic Byway, have design controls adopted. Those design controls would deal with buffers and setbacks. The Land Development Code has had the Ohio River Corridor Special District reserved in Chapter 3 Part 3 since 2003. There are no specific recommendations for this site in the Master Plan.
- Land Development Code
- River Road Corridor Management Plan (DRAFT 2010)- The Plan indicates that “the stretch of River Road from Harrods Creek to Mayfair Avenue embodies many of the rural elements characteristic of the scenic byway and should be preserved.” It also indicates “providing a multi-use trail connection from Timber Ridge north along a portion of Mayfair Avenue will help to link Prospect and area neighborhoods to the River.” “Timber Ridge is an important link to the River Road byway. Improving this intersection to accommodate pedestrian crossings will allow greater access to the corridor.” “Cycling is already a popular recreational activity on the corridor. It’s also an excellent way to experience the scenic qualities of the corridor while providing an alternative travel choice. Any future bicycle facilities should consider the needs and abilities of all cyclists. Evaluating alternative locations for a multi-use trail would serve pedestrians and inexperienced cyclists. Evaluating alternatives for bike

lanes or a paved shoulder would accommodate experienced cyclists. Consideration should be given to the impact any proposed facility might have on the corridor's intrinsic qualities. Any facility located outside of the public right-of-way would require cooperation from individual land owners."

STANDARD OF REVIEW FOR REZONING

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 Village Form District

Village Form is characterized by predominately low to medium density residential uses where the pattern of development is distinguished by open space such as parks, greenways, and farmland protected by conservation easements. The Village Form should have a small-scale village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district. The village center may be arranged around a village green. Low-density residential uses interspersed with open space may be encouraged at the edge of the Village. Village Form should be designed to encourage pedestrian, bicycle and transit use.

The proposal is located adjacent to a center, but is not being zoned for mixed use.

The proposal is for high density zoning in an area that has other zoning districts that permit high density residential. Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area. The proposal is located just outside of the Village Center form district. The proposal is located adjacent to an existing activity center that has been created along Timber Ridge Drive. River Road is a major arterial and there is an established non-residential shopping center located across Timber Ridge Drive from the site. High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes. With the proposal being located across the street from higher intensity uses, the result is an efficient use of land. The existing strip centers in the area will be served by the high density residential proposed. Existing and proposed sidewalks on the site and around the adjacent area will encourage alternate modes of transportation.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDD_r 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: There do not appear to be any historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. A wooded area and the intermittent stream that runs through it between the building site and River Road is being preserved.

- 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 Metro Public Works 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: Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.

- 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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to allow a utility easement to encroach more than 50% into the landscape buffer area

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

STAFF: The waiver will not adversely affect adjacent property owners since the screening and planting requirements will still be met.

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

STAFF: Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The intent of the buffer area will still be met since the screening and planting requirements will still be met.

- (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 since accommodating the full buffer outside the easement would result in the building site being moved closer to the existing wooded area. The intent of the buffer area will still be met since the screening and planting requirements will still be met.

- (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 of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) since the proposal calls for a large wooded area between the building site and River Road to be preserved. Also the easement is an access easement where the buffer and planting requirements will still be met within the area.

TECHNICAL REVIEW

- Agency review comments have been addressed.

STAFF CONCLUSIONS

The proposal is adjacent to a large commercial center that would serve the high density residential as well as the other office and commercial uses located along Timber Ridge Drive. There are also commercial uses located along the nearby US 42 where transit is available. The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/17/16	Hearing before LD&T on 12/8/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
1/13/17	Hearing before PC on 1/31/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
1/14/17	Hearing before PC on 1/31/17	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

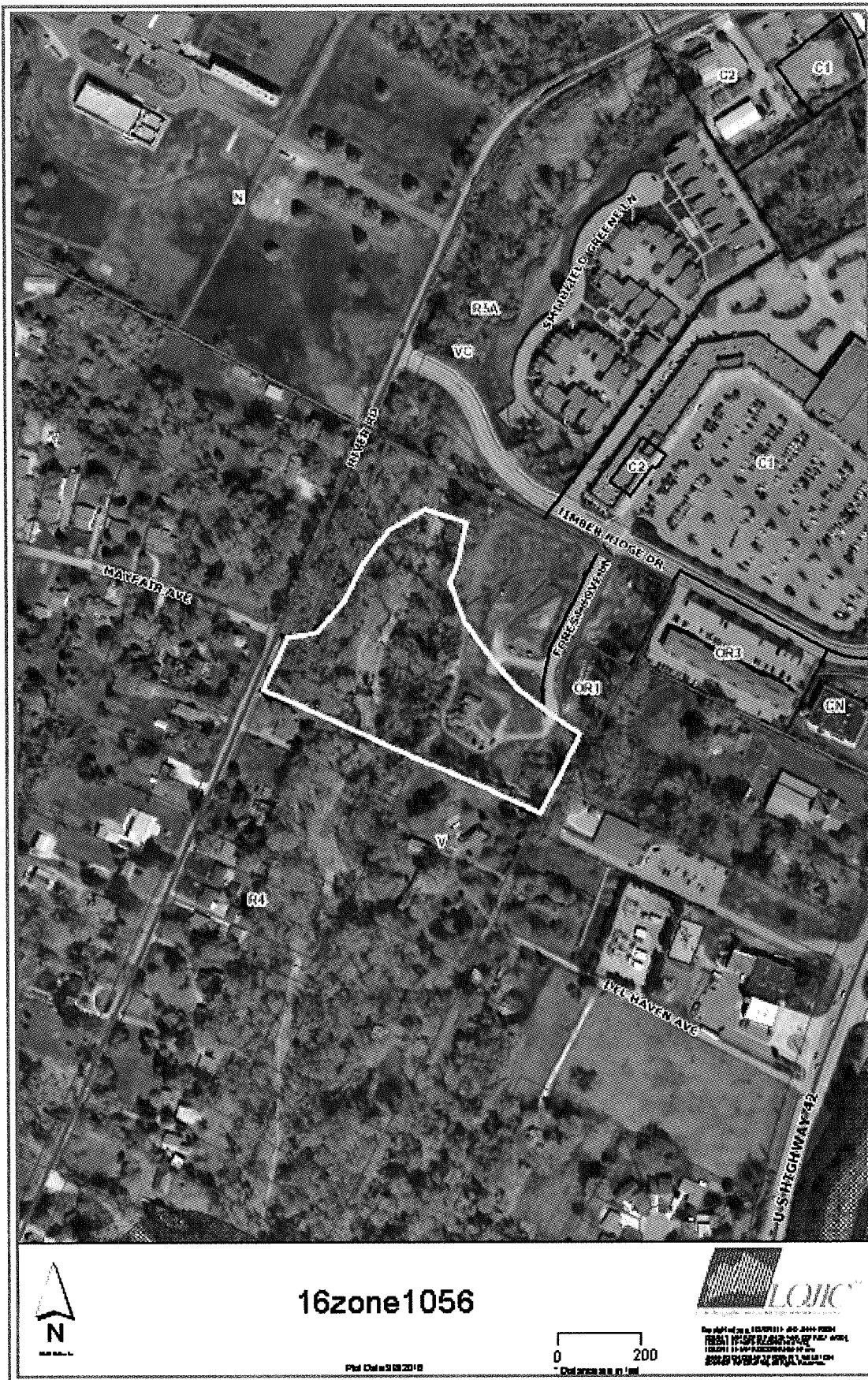
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Village: Residential

#	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.4: The proposal introduces a low to medium density residential character to the area.	✓	The proposal is for high density zoning in an area that has other zoning districts that permit high density residential.
2	Community Form/Land Use Guideline 1: Community Form	B.4: Open space is in the form of parks or park-like areas, greenways and farmland protected by conservation easements.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
3	Community Form/Land Use Guideline 1: Community Form	B.4: If the proposal is located at the edge of the Village Form, it is low-density and interspersed with open space.	✓	The proposal is located just outside of the Village Center form district.
4	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Village 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.	✓	The proposal is located adjacent to an existing activity center that has been created along Timber Ridge Drive. River Road is a major arterial and there is an established non-residential shopping center located across Timber Ridge Drive from the site.
5	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 for residential.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	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.	✓	High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes. With the proposal being located across the street from higher intensity uses, the result is an efficient use of land.
7	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.	✓	The existing strip centers in the area will be served by the high density residential proposed. Existing and proposed sidewalks on the site and around the adjacent area will encourage alternate modes of transportation.
8	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	-	The proposal is located adjacent to a center and is not for mixed use.
9	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	The proposal is a new development with a single high density residential use.
10	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.	✓	The proposal is adjacent to a center that would serve the high density residential.
11	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 for commercial.
12	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.	✓	The large development is organized around a courtyard space.
13	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	The Forest Cove entrance is shared.
14	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.	✓	Easements serving the site are existing. A shared access easement along Forest Cove Lane allows for continuous public access to the site and the adjacent gas station. Del Haven Avenue is an unimproved ROW that could provide access to the site if ever improved.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Parking is provided exterior to the site. A sidewalk is being provided along Forest Cove as well as interior to the site. There are existing sidewalks located along portions of Timber Ridge. An existing driveway that connects the site to River Road will remain.
16	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	The proposal will be able to be accessed by all forms of transportation due to the existing roadway and proposed sidewalk.
17	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 proposed building is separated from the adjacent residential by parking to provide more distance from the closest residential uses.
18	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.)	✓	The building materials are similar to those found in the area.
19	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 compatible to existing residential areas as the site will be buffered from lower density residential. The proposal permits the same density as permitted on the existing C-1 zoned sites but permits a lower density than what is permitted on the nearby OR-3 which results in a mix of density permitted in the area.
20	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation planning has not indicated any adverse impacts of the proposal on traffic.
21	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.	✓	Lighting will meet LDC requirements.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	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.	✓	The proposal is for one housing type, apartments, in a zoning district that permits all types of housing.
23	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 for high density and is not located along a transit route but is near an activity center. Transit is available along the nearby US 42 at Timber Ridge.
24	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 creates housing for the elderly or persons with disabilities, which is located close to shopping.
25	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 building materials are similar to those found in the area. The applicant has indicated that the senior apartments will be affordable and inclusive. Buffers are provided between the site and the existing lower density residential.
26	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.	✓	Buffers are provided between the site and the existing lower density residential.
27	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.	✓	Buffers are provided between the site and the existing lower density residential.
28	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 and building heights meet LDC requirements and form district standards.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
29	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.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
30	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Village Form District.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
31	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
32	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 degradation resulting from disturbance of natural systems.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
33	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.	✓	PDS' Historic Preservation Specialist indicates that no known cultural or historic resources will be affected. The preservation of the trees and open space between the building site and River Road ensures the preservation of the scenic byway.
34	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.	✓	Soils are not an issue with the proposal.
35	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.	✓	Transportation planning is not requiring roadway improvements.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	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.	✓	An existing access road serves the site and the adjacent gas station.
37	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.	✓	Transportation Planning is not requesting additional right of way.
38	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.	✓	An existing access road serves the site and the adjacent gas station.
39	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 main access to the site is from the existing Forest Cove Lane and not through a lower density development.
40	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.	✓	An existing access road serves the site and the adjacent gas station.
41	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.	✓	Existing and proposed sidewalks on the site and around the adjacent area will encourage alternate modes of transportation. Bicycles will utilize existing roadways. The site is located near a transit route along US 42.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
42	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 assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has not indicated any issues with the proposal.
43	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.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
44	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing or proposed utilities will serve the site.
45	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 site has adequate access to a water supply.
46	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.	✓	The health department has not indicated any issues with the proposal.

4. Existing Binding Elements (To be removed from the proposal site and replaced)

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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Tract 1: The development shall be 30 dwelling units (30 units on 3.36 acres: 8.92 DU/acre).
Tract 2: The development shall not exceed 3,500 square feet of gross floor area.
Tract 3: The development shall not exceed 4,950 square feet of gross floor area.
4. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (24 square feet and 4 feet tall).

5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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 Louisville Metro Department of Inspections, Permits and Licenses, 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.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - 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.
7. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment audible beyond the property line.
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 the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 21, 2006 Planning Commission meeting.
13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land

development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

14. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
15. 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.
16. Landscaping, screening and buffering along Timber Ridge frontage shall be in accordance with the detailed landscape buffer plan and cross section profiles presented at the September 21, 2006 public hearing.

5. 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 31, 2017 Planning Commission meeting.

**Land Development and Transportation
Committee
Staff Report
July 27, 2017**



Case No:	16zone1056
Project Name:	Prospect Cove Senior Residences
Location:	6500 Forest Cove Lane & 7301 River Road
Owner(s):	Prospect Development LLC
Applicant:	LDG Multi-Family LLC
Jurisdiction:	Louisville Metro
Council District:	16-Scott Reed
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Change in zoning from R-5A, R-4, and OR-1 to R-7
- Waiver from Chapter 10 to permit the encroachment of an easement into a LBA by more than 50%
- Revised District Development plan with amendments to binding elements (Binding elements to only be removed and replaced for the subject site only)

CASE SUMMARY/BACKGROUND

The proposal is for a 4-story, 198 units senior housing facility located on approximately 9.61 acres. The proposed density is 20.6 du/ac where R-7 permits 34.8 du/ac. The site is heavily treed along the River Road frontage and is located across Timber Ridge Drive from a commercial center. 49% of the site is covered in tree canopy, 30% of the sites tree canopy will be preserved. The proposal is located in the Village (Outlier) form district where the Neighborhood Form District design requirements apply.

9-27-06/10-22-06- Change in zoning from R-4 Single-Family Residential to OR-1 Office-Residential, C-N Commercial Neighborhood and R-5A Multi-family Residential, a variance to permit the proposed condo to be 45 feet in height- approved in 2006
9725- Revised Development Plan approved 2007
11084- Height variance approved by BOZA in 2008
11086- Amendment to Binding Elements approved in 2008
18601- Change in zoning from CN to C-1 approved in 2013.

STAFF FINDING

Since the building elevations were a main topic of discussion at the public hearing, the LD&T Committee should discuss the elevations and any other site issues prior to setting the public hearing date.

Staff finds that the proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

All technical review issues have been addressed.

INTERESTED PARTY COMMENTS

Please see attached citizen letters.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed 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 CHANGE IN ZONING

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

The site is located in the Village Form District

Village Form is characterized by predominately low to medium density residential uses where the pattern of development is distinguished by open space such as parks, greenways, and farmland protected by conservation easements. The Village Form should have a small-scale village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district. The village center may be arranged around a village green. Low-density residential uses interspersed with open space may be encouraged at the edge of the Village. Village Form should be designed to encourage pedestrian, bicycle and transit use.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/17/16	Hearing before LD&T on 12/8/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
1/13/17	Hearing before PC on 1/31/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
1/14/17	Hearing before PC on 1/31/17	Sign Posting on property
1/18/17	Hearing before PC in 1/31/17	Legal Advertisement in the Courier-Journal
7/12/17	Hearing before LD&T on 7/27/17	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 16

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (To be removed from the proposal site and replaced)
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



4. Existing Binding Elements (To be removed from the proposal site and replaced)

- ~~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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.~~
- ~~3. Tract 1: The development shall be 30 dwelling units (30 units on 3.36 acres: 8.92 DU/acre).
Tract 2: The development shall not exceed 3,500 square feet of gross floor area.
Tract 3: The development shall not exceed 4,950 square feet of gross floor area.~~
- ~~4. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (24 square feet and 4 feet tall).~~
- ~~5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
- ~~6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
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 - ~~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.~~
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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.~~~~
- ~~7. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~8. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.~~
- ~~9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment audible beyond the property line.~~
- ~~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 the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission:
 - a) ~~Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.~~
 - b) ~~A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.~~
 - c) ~~Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.~~~~
- ~~12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 21, 2006 Planning Commission meeting.~~
- ~~13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.~~
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- ~~16. Landscaping, screening and buffering along Timber Ridge frontage shall be in accordance with the detailed landscape buffer plan and cross section profiles presented at the September 21, 2006 public hearing.~~

5. 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
9. The applicant shall plant 35 deciduous Type A trees in the area of the subject property between River Road and the proposed water quality/detention basin.

**Land Development and Transportation Committee
Staff Report**

December 8, 2016



Case No:	16zone1056
Request:	Change in zoning from R-5A, R-4, and OR-1 to R-7 on approximately 9.61 acres with a waiver, Revised District Development Plan and Amendments to Binding Elements
Project Name:	Prospect Cove
Location:	6500 Forest Cove Lane & 7301 River Road
Owner:	Prospect Development LLC
Applicant:	LDG Multi-Family LLC
Representative:	Sabak, Wilson, & Lingo, Inc.; Dinsmore and Shohl
Jurisdiction:	Louisville Metro
Council District:	16-Kelly Downard
Case Manager:	Julia Williams, RLA (IN), AICP, Planning Supervisor

REQUEST

- Change in zoning from R-5A, R-4, and OR-1 to R-7
- Waiver from Chapter 10 to permit the encroachment of an easement into a LBA by more than 50%
- Revised District Development plan with amendments to binding elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a 198 units senior housing facility located on approximately 9.61 acres. The proposed density is 20.6 du/ac where R-7 permits 34.8 du/ac. The site is heavily treed along the River Road frontage and is located across Timber Ridge Drive from a commercial center.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-5A, R-4, and OR-1	Village
Proposed	Multi-Family	R-7	Village
Surrounding Properties			
North	Multi-Family/ Commercial	R-5A, C-1	Village Center
South	Single Family Residential	R-4	Village
East	Office/ Single Family Residential	OR-3, R-4	Village Center/Village
West	Single Family Residential	R-4	Village

PREVIOUS CASES ON SITE

9-27-06/10-22-06- Change in zoning from R-4 Single-Family Residential to OR-1 Office-Residential, C-N Commercial Neighborhood and R-5A Multi-family Residential, a variance to permit the proposed condo to be 45 feet in height- approved in 2006
9725- Revised Development Plan approved 2007

11084- Height variance approved by BOZA in 2008
11086- Amendment to Binding Elements approved in 2008
18601- Change in zoning from CN to C-1 approved in 2013.

INTERESTED PARTY COMMENTS

Staff received a phone call from Joyce Goldstein on September 27, 2016. She expressed the following concerns:

- Not enough green space on site for 800 people
- People “hanging out” at the shopping center
- Children getting hurt
- A tenement building on a small lot
- River Road is busy and dangerous
- Nowhere to walk
- Kids will be there despite being not allowed
- Kids will be killed because there is no park or place to go
- There are no jobs here
- There are no buses here
- People who live there won't be working
- Wants 30 homes built there
- Increased traffic

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Ohio River Corridor Master Plan (1996)- The Ohio River Corridor Master Plan was adopted as part of Cornerstone 2020. That plan recommended that Upper River Road, which is designated as a Scenic Byway, have design controls adopted. Those design controls would deal with buffers and setbacks. The Land Development Code has had the Ohio River Corridor Special District reserved in Chapter 3 Part 3 since 2003. There are no specific recommendations for this site in the Master Plan.
- Land Development Code
- River Road Corridor Management Plan (DRAFT 2010)- The Plan indicates that “the stretch of River Road from Harrods Creek to Mayfair Avenue embodies many of the rural elements characteristic of the scenic byway and should be preserved.” It also indicates “providing a multi-use trail connection from Timber Ridge north along a portion of Mayfair Avenue will help to link Prospect and area neighborhoods to the River.” “Timber Ridge is an important link to the River Road byway. Improving this intersection to accommodate pedestrian crossings will allow greater access to the corridor.” “Cycling is already a popular recreational activity on the corridor. It’s also an excellent way to experience the scenic qualities of the corridor while providing an alternative travel choice. Any future bicycle facilities should consider the needs and abilities of all cyclists. Evaluating alternative locations for a multi-use trail would serve pedestrians and inexperienced cyclists. Evaluating alternatives for bike lanes or a paved shoulder would accommodate experienced cyclists. Consideration should be given to the impact any proposed facility might have on the corridor’s intrinsic qualities. Any facility located outside of the public right-of-way would require cooperation from individual land owners.”

STANDARD OF REVIEW FOR REZONING

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

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

The site is located in the Village Form District

Village Form is characterized by predominately low to medium density residential uses where the pattern of development is distinguished by open space such as parks, greenways, and farmland protected by conservation easements. The Village Form should have a small-scale village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district. The village center may be arranged around a village green. Low-density residential uses interspersed with open space may be encouraged at the edge of the Village. Village Form should be designed to encourage pedestrian, bicycle and transit use.

TECHNICAL REVIEW

- Agency review comments have been addressed.

STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/17/16	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

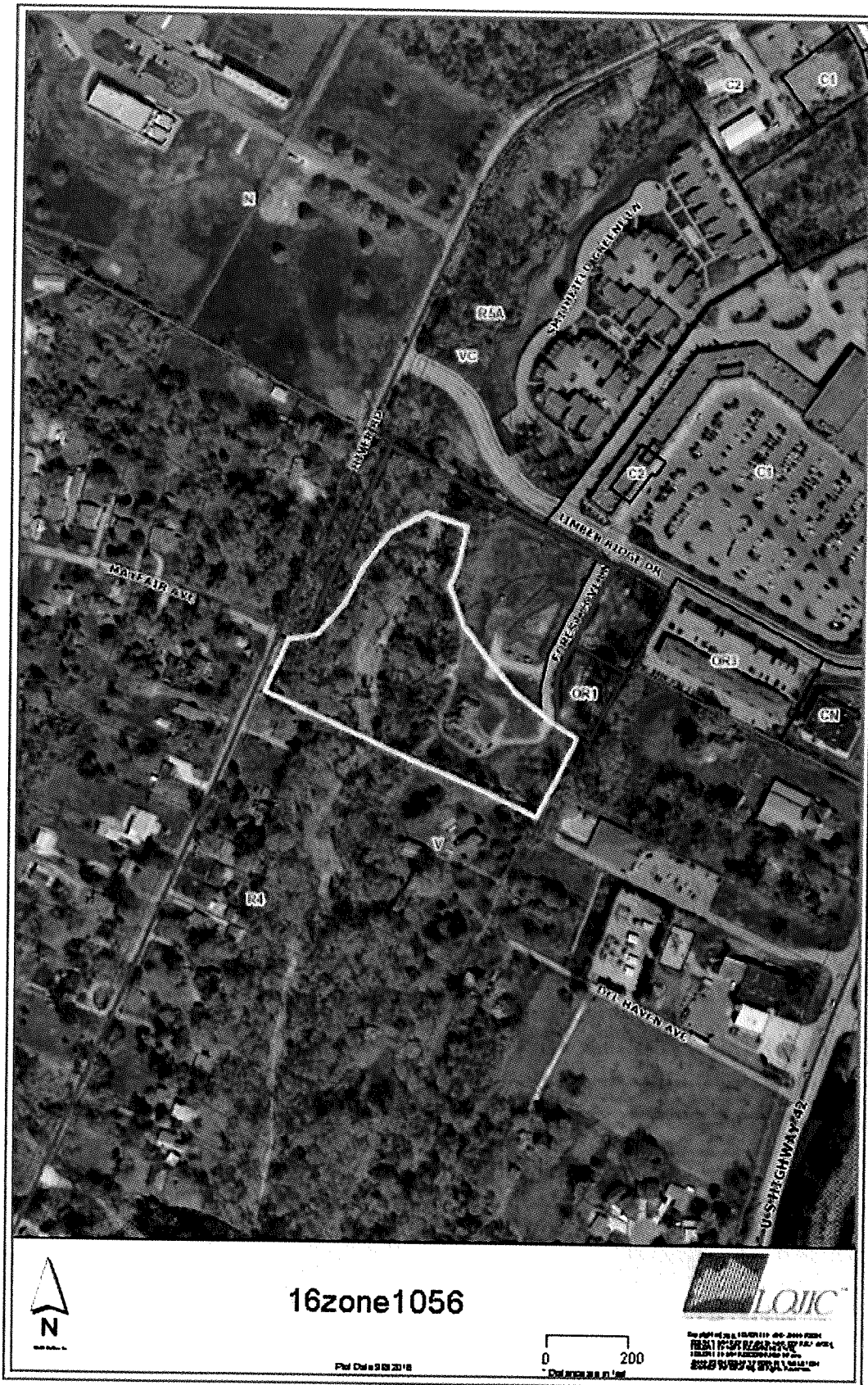
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements (To be removed and replaced)

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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Tract 1: The development shall be 30 dwelling units (30 units on 3.36 acres: 8.92 DU/acre).
Tract 2: The development shall not exceed 3,500 square feet of gross floor area.
Tract 3: The development shall not exceed 4,950 square feet of gross floor area.
4. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (24 square feet and 4 feet tall).
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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 Louisville Metro Department of Inspections, Permits and Licenses, 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.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - 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.
7. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment audible beyond the property line.
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 the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 21, 2006 Planning Commission meeting.
13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
14. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
15. 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.
16. Landscaping, screening and buffering along Timber Ridge frontage shall be in accordance with the detailed landscape buffer plan and cross section profiles presented at the September 21, 2006 public hearing.

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:

- a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
 6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.

Pre-Application

Staff Report

September 14, 2016



Case No:	16zone1056
Request:	Change in zoning from C-1, R-5A, R-4, and OR-1 to R-7 on approximately 9.61 acres
Project Name:	Prospect Cove
Location:	6500 Forest Cove Lane & 7301 River Road
Owner:	Prospect Development LLC
Applicant:	LDG Multi-Family LLC
Representative:	Sabak, Wilson, & Lingo, Inc.; Dinsmore and Shohl
Jurisdiction:	Louisville Metro
Council District:	16-Kelly Downard
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST

- Change in zoning from C-1, R-5A, R-4, and OR-1 to R-7
- Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a 198 units senior housing facility located on approximately 9.61 acres. The proposed density is 20.6 du/ac where R-7 permits 34.8 du/ac. The site is heavily treed along the River Road frontage and is located across Timber Ridge Drive from a commercial center.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1, R-5A, R-4, and OR-1	Village
Proposed	Multi-Family	R-7	Village
Surrounding Properties			
North	Multi-Family/ Commercial	R-5A, C-1	Village Center
South	Single Family Residential	R-4	Village
East	Office/ Single Family Residential	OR-3, R-4	Village Center/Village
West	Single Family Residential	R-4	Village

PREVIOUS CASES ON SITE

10-13-90-

9-27-06/10-22-06- Change in zoning from R-4 Single-Family Residential to OR-1 Office-Residential, C-N Commercial Neighborhood and R-5A Multi-family Residential, a variance to permit the proposed condo to be 45 feet in height- approved in 2006

9725- Revised Development Plan approved 2007

11084- Height variance approved by BOZA in 2008

11086- Amendment to Binding Elements approved in 2008

18601- Change in zoning from CN to C-1 approved in 2013.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

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

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

Village Form is characterized by predominately low to medium density residential uses where the pattern of development is distinguished by open space such as parks, greenways, and farmland protected by conservation easements. The Village Form should have a small-scale village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district. The village center may be arranged around a village green. Low-density residential uses interspersed with open space may be encouraged at the edge of the Village. Village Form should be designed to encourage pedestrian, bicycle and transit use.

The proposal is for high density zoning in an area that has other zoning districts that permit high density residential. Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area. The proposal is located just outside of the Village Center form district. The proposal is located adjacent to an existing activity center that has been created along Timber Ridge Drive. River Road is a major arterial and there is an established non-residential shopping center located across Timber Ridge Drive from the site.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

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

TECHNICAL REVIEW

- See agency comments for development plan review comments.

STAFF CONCLUSIONS

The proposal is ready for a neighborhood meeting.

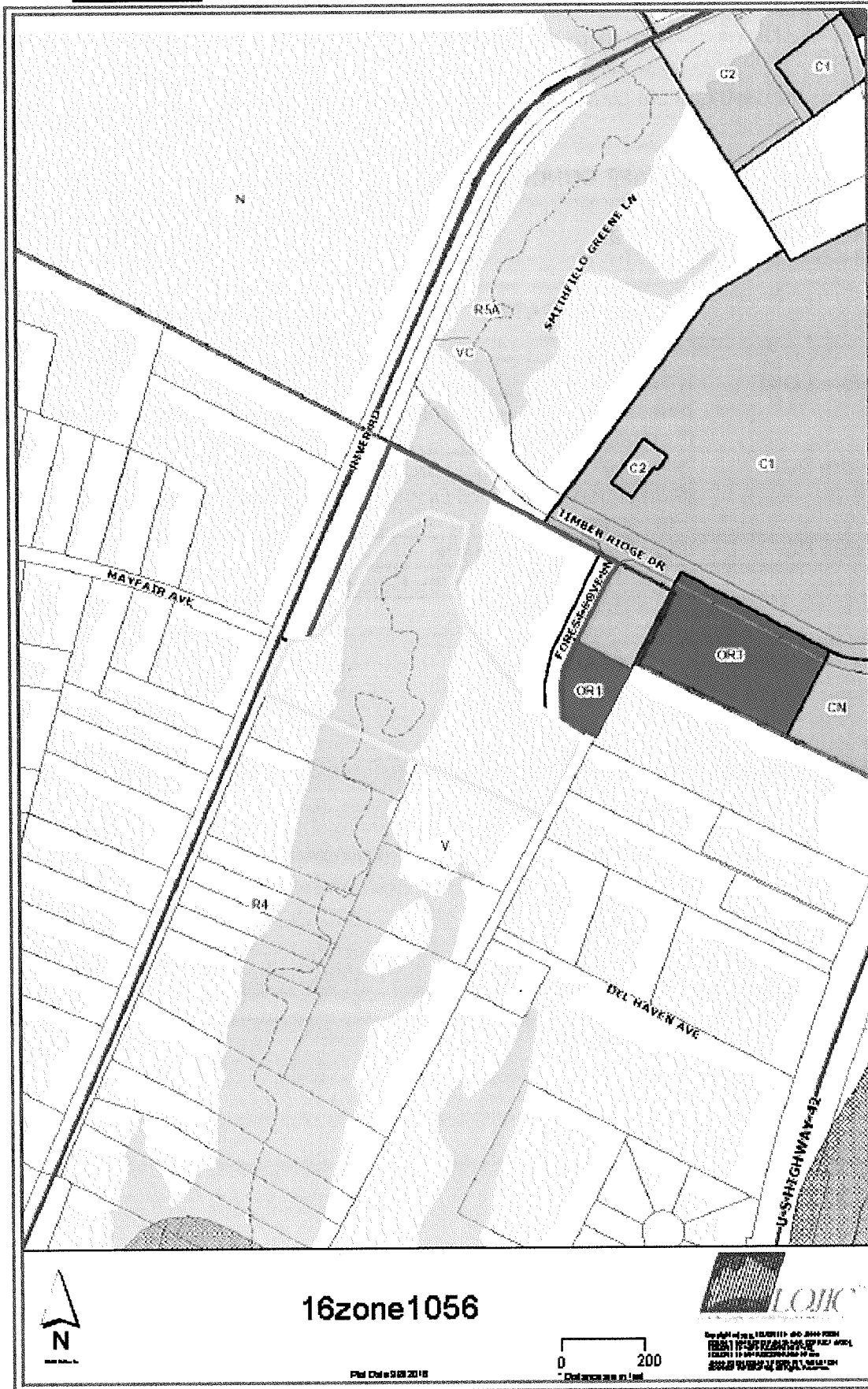
NOTIFICATION

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

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Village: Residential

#	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.4: The proposal introduces a low to medium density residential character to the area.	✓	The proposal is for high density zoning in an area that has other zoning districts that permit high density residential.
2	Community Form/Land Use Guideline 1: Community Form	B.4: Open space is in the form of parks or park-like areas, greenways and farmland protected by conservation easements.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
3	Community Form/Land Use Guideline 1: Community Form	B.4: If the proposal is located at the edge of the Village Form, it is low-density and interspersed with open space.	✓	The proposal is located just outside of the Village Center form district.
4	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Village 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.	✓	The proposal is located adjacent to an existing activity center that has been created along Timber Ridge Drive. River Road is a major arterial and there is an established non-residential shopping center located across Timber Ridge Drive from the site.
5	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 for residential.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	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.	✓	High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes. With the proposal being located across the street from higher intensity uses, the result is an efficient use of land.
7	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.	+/-	The existing strip centers in the area will be served by the high density residential proposed. More information on walkability is needed.
8	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	-	The proposal is not located in a center nor is it involved in mixed use.
9	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	The proposal is a new development with a single high density residential use.
10	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.	✓	The proposal is adjacent to a center that would serve the high density residential.
11	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 for commercial.
12	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.	✓	The large development is organized around a courtyard space.
13	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	The Forest Cove entrance is shared.
14	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.	+/-	More information is needed to determine how the easements provide services to adjacent development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	+/-	Parking is provided exterior to the site. More information on walkability.
16	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	The proposal will be able to be accessed by all forms of transportation due to the existing roadway and proposed sidewalk.
17	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 proposed building is separated from the adjacent residential by parking to provide more distance from the closest residential uses.
18	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.)	+/-	More information on building materials is necessary to determine compliance.
19	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.	+/-	More information is needed.
20	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Transportation planning is reviewing the traffic impacts of the site on the community.
21	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.	✓	Lighting will meet LDC requirements.
22	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.	-	The proposal is for one housing type, apartments.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	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 for high density and is not located along a transit route but is near an activity center.
24	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 creates housing for the elderly or persons with disabilities, which is located close to shopping.
25	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.	+/-	More information on the building design is necessary to determine compliance. Whether or not the housing is inclusive has not been identified on the site.
26	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.	+/-	More information is needed.
27	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.	+/-	More information is needed.
28	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.	+/-	More information is needed.
29	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.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
30	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Village Form District.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
31	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	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 degradation resulting from disturbance of natural systems.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
33	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.	+/-	The proposal is being reviewed by the PDS Historic Preservation Specialist.
34	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.	✓	Soils are not an issue with the proposal.
35	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.	+/-	Transportation planning is reviewing the site to determine any ROW improvements.
36	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.	+/-	More information is necessary.
37	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.	+/-	Transportation Planning is reviewing the site for any additional dedication of ROW.
38	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.	+/-	More information is necessary.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
39	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 main access to the site is from the existing Forest Cove Lane and not through a lower density development.
40	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.	+/-	More information is necessary.
41	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.	+/-	More information is necessary.
42	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 blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	MSD is reviewing the proposal.
43	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.	✓	Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area.
44	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing or proposed utilities will serve the site.
45	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	+/-	LWC is reviewing the proposal for water issues.
46	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.	+/-	The health department is reviewing the proposal.