

Binding Element Amendment Justification:

In order to justify approval of any amendments to binding elements, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- 1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

The site has previously been developed and any natural resources on the property worth preserving were incorporated into previous development plans.

- 2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

The site was previously developed and currently connects to the surrounding vehicular and pedestrian networks.

- 3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

Sufficient open space is being provided by the existing facilities.

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- 4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Provisions were made during development to provide the required drainage systems.

- 5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

This area is a portion of a larger site which is being developed as a multi-family and single-family residential development, which is compatible with the existing and future development of the area.

- 6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

The proposal conforms with a variety of goals and objectives within the Comprehensive Plan as well as applicable sections of the Land Development Code.

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**Letter of Explanation
For a Request to a Amend Binding Element
Signature Point
(August 17, 2020)**

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Signature Point is a residential development with a variety of Louisville Planning and Design Services case management numbers, the most current being 19DEVPLAN1061.

At this time, the Applicant is requesting to amend the language of Case #19DEVPLAN1061 Binding Element #16.

This request was first made by the Applicant in 2017 under Case #17MOD1010, but the case was continued to a date uncertain by the Development Review Committee at their 10/18/17 meeting. Since more than a year has passed the Applicant was advised by Planning & Design Services staff to submit this new Binding Element Amendment request.

BE #16 is associated with an earlier version of the development which was primarily multi-storied, multi-family residential buildings. Multi-storied condominiums were proposed adjacent to the Christian Academy of Louisville property. There are now single-family residential lots proposed, most of which are already constructed, adjacent to the Christian Academy of Louisville property line. The single-family lots are zoned PRD. The single-family residences will provide a 10-foot rear setback on their lots. The change to single family residences adjacent to Christian Academy eliminates the need for the original BE #16. Instead the Applicant proposes new language for BE #16 shown below.

Additionally, since the 10/18/17 DRC meeting, the Signature Point developers have met and communicated with Christian Academy of Louisville about the details of the proposed fencing. Christian Academy of Louisville has agreed to the new fencing plan illustrated on the attached exhibit since the development along the common property line is a lower profile, single-family development that is considerably less intense than the multi-family buildings originally planned for this area. The fencing will be placed on the Christian Academy of Louisville property.

Existing Binding Element 16: *“The developer shall, at its expense, construct a 7-foot chain link fence with black vinyl coating with a variety of deciduous and evergreen trees planted along this fence line on 10-foot centers along the entire property line common to Christian Academy of Louisville property. The fence shall be constructed at the earliest of the following times: (A) before construction begins on the buildings along the north line of the subject property; or (B) one year after site work begins anywhere on the subject property. The fence shall be perpetually maintained by the developer or its successor (Condominium Council, Homeowners Association, etc).”*

Proposed Binding Element 16: *“The developer shall, at its expense, construct a 6-foot chain link fence with black vinyl coating as depicted on the attached exhibit.*

20. AMEND-0005