

Planning Commission Staff Report

December 5, 2013



Case No:	13ZONE1002
Project Name:	Jefferson Boulevard Apartments
Location:	1253-1259 McCawley Rd. & 7489 Egypt Ln.
Owner(s):	Coxco Realty, LLC
Applicant:	Lee Hasken – Faulkner Real Estate
Representative(s):	Kent Gootee – Mindel, Scott, & Associates Bill Bardenwerper – Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size:	53.77 Acres
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from EZ-1, R-7 & R-4 to R-6 for Multi-Family Residential
- Variance #1 to allow buildings to be 40' tall, exceeding the maximum allowed height of 35' (Land Development Code [LDC] Table 5.3.1)
- Variance #2 to allow Vehicular Use Area (VUA) to encroach into the required 25' rear yard setback along the future commercial lots (LDC Table 5.3.1)
- Waiver to allow VUA to encroach into the required 35' Landscape Buffer Area (LBA) along the future commercial lots (LDC Table 10.2.3)
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is approximately 375 feet west of the northwest corner of McCawley Road and Jefferson Boulevard. Jefferson Boulevard is the northeast boundary of the site, McCawley Road is along the southern lot line, and Egypt Lane abuts the far west end of the site. The site is currently vacant with wooded areas and open fields. Commercial warehouses border the site to the northwest, apartments are along the west edge, single family residences, vacant land, and a post office adjoin the property to the south, and the land to the east and north is vacant wooded areas. Although the site is almost entirely within the Suburban Workplace Form District, there are large Neighborhood areas to the south and northeast, a Regional Center is to the east and southeast which includes the Jefferson Mall development, and the Suburban Marketplace Corridor follows Preston Highway a bit west of the proposal. The site is the southern portion of the large Suburban Workplace Form District to the north.

The proposal is to re-zone the majority of the site to R-6 for a 552 unit gated apartment community. The northeastern access drive that parallels Jefferson Boulevard and the four commercial out-lots will remain EZ-1 zoning. The zoning boundary between the EZ-1 and R-6 areas will be on the south side of the internal access drive. The access drive will allow for vehicular access to the future commercial out-lots to the north and to potential development to the north and east of the site. Both entrances to the apartment complex will have roundabouts in front a clubhouse while the apartment units will have gate restricted access. A 22-acre open space will preserve the existing wetlands on the western side of the site per an agreement with the Army Corps of Engineers. Four other open spaces will be created for outdoor recreation. These five open spaces will provide more than the required open space.

Existing Zoning District: EZ-1 (Enterprise Zone), R-7 (Multi-Family Residential), & R-4 (Single Family Residential)
 Proposed Zoning District: EZ-1 (Enterprise Zone) & R-6 (Multi-Family Residential)
 Form District: Suburban Workplace & Neighborhood
 Existing Use: Vacant
 Proposed Use: Apartments and Commercial Outlots
 Minimum Parking Spaces Required: 828
 Maximum Parking Spaces Allowed: 1,656
 Parking Spaces Proposed: 1,030

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1, R-7, R-4	SW, N
Proposed	Apartments and Commercial Outlots	EZ-1 and R-6	SW, N
Surrounding Properties			
North	Vacant/Commercial Warehouse	EZ-1	SW, RC
South	Vacant/Residential/Post Office	R-4, R-7	N
East	Vacant	C-2, EZ-1	SW, RC
West	Residential/ Commercial Warehouse	EZ-1, R-7, R-4	SW, N

PREVIOUS CASES ON SITE

There are no previous cases on site.

INTERESTED PARTY COMMENTS

Staff received comments from Joy Jamison (5311 Bartonfield Ln.) stating that Louisville is in need of more trees as the tree cover is diminished. She shared her reasoning as to why tree cover is diminished in the city and is concerned about the removal of any tree cover. She believes a better site with less tree cover would be more appropriate for the proposal to build apartments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR

3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

Compliance with **Guideline 1, Community Form** and **Guideline 3, Compatibility** has been met. The proposal enlarges the multi-family residential use to the west and creates a natural transition from the less intense single family residences to the south and the more intense uses to the north and east. The proposed buildings will be setback from the street and internal access drive along the south side of the commercial out-lots in a landscaped setting. Apartment buildings will be compatible with the design and height of structures in the area due to the commercial/industrial development in the area while being buffered from the single family residences to the south by a street and appropriate landscaping and screening. A large 22 acre open space on the western side of the development helps to buffer the existing residential areas to the west and south of the site from the future commercial and industrial uses that will potentially exist to the north and east.

The proposal complies with **Guideline 4, Open Space** as the proposal maintains the large 22 acre open space on the western side of the site. There also are two retention basins and open spaces surrounded by apartment buildings that act as focal points within the apartment complex, allowing for recreational opportunities.

Historic Preservation has approved the proposal and, therefore, the proposal complies with **Guideline 5, Natural Areas and Scenic and Historic Resources**.

The proposal complies with **Guideline 7, Circulation; Guideline 8, Transportation Facility Design; and Guideline 9, Bicycle, Pedestrian and Transit**. Transportation Review has preliminarily given their approval of the proposal. Development within the site will be served by two main entrances providing turning lanes from each road. An appropriate internal road system is included, as well as an internal access drive at the rear of the commercial out-lots. This drive allows potential connectivity to possible future commercial/industrial development to the north and east. Sidewalks along the public streets and on the interior of the development will allow for pedestrian and bicycle access.

The proposal complies with **Guideline 10: Flooding and Stormwater** and **Guideline 14: Infrastructure** as MSD has given preliminary approval for the site.

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 VARIANCE #1
to allow buildings to be 40' tall, exceeding the maximum allowed height of 35' (LDC Table 5.3.1)**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare because height is really an aesthetic concern, not a public health, safety or welfare one, and, given the location described above, height should not relate to any of these factors.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity because this area contains a mix of mostly heavy industrial and commercial uses.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or a nuisance to the public because this area contains a mix of mostly heavy industrial and commercial uses, and the few single family residential uses nearby will be distance-separated and well screened and buffered.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the mostly heavy industrial and intense commercial uses predominate in the area.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an area that is mostly predominated by heavy industrial and intense commercial uses.

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

STAFF: 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 because the floors of the buildings or roof pitches would have to be shorter/flatter than modern day buildings normally are; or otherwise more land would be taken up with more buildings in order for the same number of units to be accommodated, and yet 20 plus acres are set aside for wet lands mitigation which is important.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather is a consequence of this location predominately near heavy industrial and intense commercial.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2
to allow VUA to encroach into the required 25' rear yard setback**

along the future commercial lots (LDC Table 5.3.1)

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare because this is an issue of mitigating the impacts of the apartment buildings on the adjoining yet-to-be-determined commercial uses and of mitigating of those commercial uses on the apartment buildings which can be accomplished, to the extent that impacts even exist, through imposition of this developers own screening and buffering devices.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity because this variance is wholly internal to this overall development and has no impact whatsoever on any other nearby properties or nearby uses.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or a nuisance to the public because, as stated above, this variance is wholly internal to this overall development, has no impact whatsoever on any other nearby properties or nearby uses, and is capable of mitigation by this developer through its own mitigation measures particular to its own properties and tenants.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as stated above, this variance is wholly internal to this overall development, has no impact on other nearby properties or nearby uses, and therefore does not result in any kind of precedent as it relates to other developments and their impacts on independent, not codependent, projects and properties.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is, as stated, an overall mixed use plan conceived, and to be executed by, one master developer who has chosen to locate buildings and different uses on the overall site as it has taking into account whatever impact mitigation measures it decides to employ, if necessary, to assure an overall successful development of different but compatible uses.

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

STAFF: 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 because the developer would have to move all sorts of buildings and facilities already laid out on this overall master plan development.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather is a result of an overall master plan development that does not negatively impact anyone else's property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

to allow VUA to encroach into the required 35' LBA along the future commercial lots (LDC Table 10.2.3)

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

STAFF: The waiver will not adversely affect adjacent property owners because this is a master planned development, and thus the adjoining users are all part of this applicant/developer's tenant mix. No property owners or uses other than those involving this application affected by this waiver request.

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

STAFF: The waiver will not violate the Comprehensive Plan as required plantings and screening will still be provided and the encroachment is along an internal access drive between the apartments and future commercial out-lots. There will be no effect on surrounding properties since this is internal to the development.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this applicant/developer is not requesting a total waiver of this LBA but only a partial one.

- (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: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because it would have to totally redesign its own master planned development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND BINDING ELEMENTS

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

STAFF: The proposal conserves natural resources that currently exist on the site, including the 22.02 acre open space that is a wetland mitigation area in coordination with the Corps of Engineers.

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

STAFF: Transportation Review has approved the proposal's transportation facilities.

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

STAFF: Open space has been provided in excess of the requirements of the LDC.

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

STAFF: MSD has approved the drainage facilities for the site.

- 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 proposal enlarges the multi-family residential use to the west and creates a natural transition from the less intense single family residences to the south and the more intense uses to the north and east. The proposed buildings will be setback from the street and internal access drive along the south side of the commercial out-lots in a landscaped setting. Apartment buildings will be compatible with the design and height of structures in the area due to the commercial/industrial development in the area while being buffered from the single family residences to the south by a street and appropriate landscaping and screening. A large 22 acre open space on the western side of the development helps to buffer the existing residential areas to the west and south of the site from the future commercial and industrial uses that will potentially exist to the north and east.

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

STAFF: The proposal enlarges the multi-family residential use to the west and creates a natural transition from the less intense single family residences to the south and the more intense uses to the north and east. The proposed buildings will be setback from the street and internal access drive along the south side of the commercial out-lots in a landscaped setting. Apartment buildings will be compatible with the design and height of structures in the area due to the commercial/industrial development in the area while being buffered from the single family residences to the south by a street and appropriate landscaping and screening. A large 22 acre open space on the western side of the development helps to buffer the existing residential areas to the west and south of the site from the future commercial and industrial uses that will potentially exist to the north and east.

TECHNICAL REVIEW

- With the exception of the required variances and waiver, the plan meets the requirements of the LDC.

STAFF CONCLUSIONS

Rezoning

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

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

Detailed District Development Plan, Variances, and Waiver

Staff analysis in the standard of review section of the staff report indicates the proposed DDDP, Variances, and Waiver are justified.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the standards for granting a DDDP, Variances, and Waiver established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from EZ-1, R-7 & R-4 for Enterprise Zone, Multi-Family Residential, and Single Family Residential to R-6 for Multi-Family Residential, on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Variance #1 and #2 listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Waiver listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report

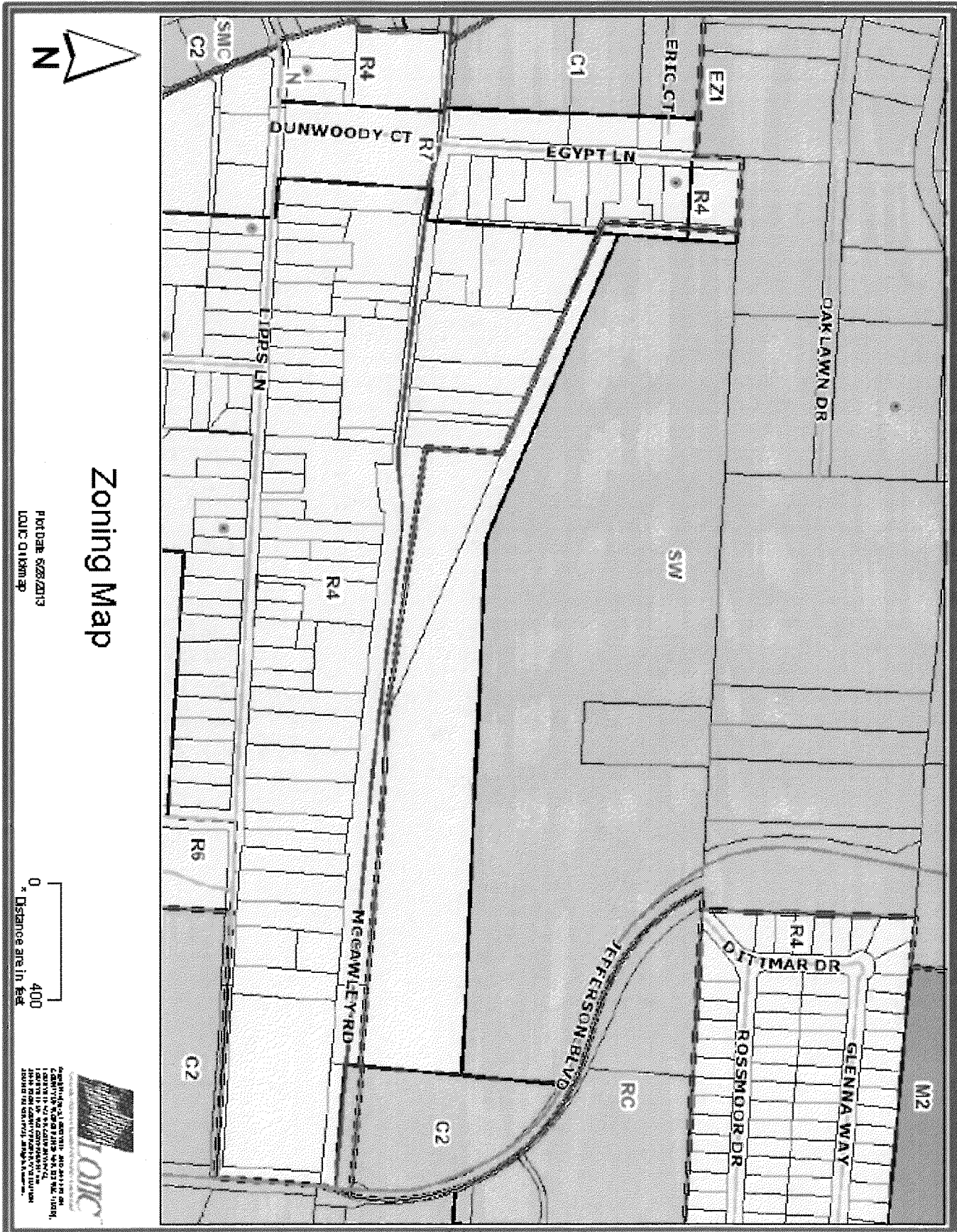
NOTIFICATION

Date	Purpose of Notice	Recipients
10/31/13	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 24 Notification of Development Proposals
11/20/13	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 24 Notification of Development Proposals
11/20/13	Hearing before PC	Sign Posting on property
11/22/13	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with existing or proposed landscaping. Although the access drive between the apartments and future commercial lots encroach into the setbacks and LBA, the required plantings and screening will still be provided between the apartments and access drive. The western portion of the site will be entirely open space while there are woodlands along the north and east boundaries.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses.	√	The proposal does not integrate into a planned development but the development does contain a mixture of residential and commercial uses.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. There are two points of ingress/egress on Jefferson Blvd. & McCawley Rd., the site is within walking distance of transit routes, and sidewalks are provided along Jefferson & McCawley.
4	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	√	The proposal acts as both a buffer and transition zoning for the single family residences to the south of the site due to the potential commercial/industrial development to the north and along Jefferson Blvd. It is compatible with other apartment complexes in the vicinity and is of a similar site design.
5	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 proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
6	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 a less intense use that would act as a transition between commercial/industrial uses to the north and east and residential uses to the south and west. It is further compatible with adjoining residential uses by maintenance of existing vegetation on site and proposed landscaping to complement existing vegetation on adjoining property owners' property.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Transportation Review has given preliminary approval for the proposal. An entrance with turn lanes are provided for both access points.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposed lighting will meet the requirements of the LDC.
9	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	NA	The surrounding area within this Form District does not have a residential use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		line, average lot, cluster and accessory residential structures, that reflect the form district pattern.		
10	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 located close to a transit corridor and activity center.
11	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 transit routes.
12	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 proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
13	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 a less intense use that would act as a transition between commercial/industrial uses to the north and east and residential uses to the south and west. It is further compatible with adjoining residential uses by maintenance of existing vegetation on site and proposed landscaping to complement existing vegetation on adjoining property owners' property.
14	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 a less intense use that would act as a transition between commercial/industrial uses to the north and east and residential uses to the south and west. It is further compatible with adjoining residential uses by maintenance of existing vegetation on site and proposed landscaping to complement existing vegetation on adjoining property owners' property.
15	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.	√	Although the access drive between the apartments and future commercial lots encroach into the setbacks and LBA, the required plantings and screening will still be provided between the apartments and access drive. A variance is also requested for building height but since there are commercial/industrial sites in the area and landscaping and roads separating the single family residences from the apartments, the proposal is compatible with nearby development.
16	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.	√	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. The western portion of the lot is entirely open space and there is open space throughout the site including retention basins that act as focal points within the development.
17	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	√	Open space design is consistent with the pattern of development in the Suburban Workplace Form District.
18	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The proposal integrates natural features by using the existing vegetation on the western half of the site as open space.
19	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.	√	The proposal respects the natural features by using the existing vegetation on the western half of the site as open space.
20	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,	√	Historic Preservation staff has no concerns with this proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.		
21	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 Review has given preliminary approval for the proposal. An entrance with turn lanes are provided for both access points.
22	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.	√	Transportation Review has given preliminary approval for the proposal. An entrance with turn lanes are provided for both access points. An internal roadway system is provided connecting both access points and the access drive along the commercial out-lots allows for cross connectivity to possible future development of EZ-1 property to the north and east.
23	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 Review has given preliminary approval for the proposal. Any required ROW dedication will be provided.
24	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.	√	Transportation Review has given preliminary approval for the proposal. An internal roadway system is provided connecting both access points and the access drive along the commercial out-lots allows for cross connectivity to possible future development of EZ-1 property to the north and east.
25	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.	√	Transportation Review has given preliminary approval for the proposal. No access through areas of significant lower intensity will occur.
26	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.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. There are two points of ingress/egress on Jefferson Blvd. & McCawley Rd., the site is within walking distance of transit routes, and sidewalks are provided along Jefferson & McCawley.
27	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. There are two points of ingress/egress on Jefferson Blvd. & McCawley Rd., the site is within walking distance of transit routes, and sidewalks are provided along Jefferson & McCawley.
28	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 given preliminary approval for the proposal.
29	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.	NA	There are no natural areas that are a system of natural corridors for migration patterns.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
30	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal provides access to existing or planned utilities in the area.
31	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
32	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	MSD has given preliminary approval for the proposal.

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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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. Prior to any site disturbance permit being issued, and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of 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 subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

- f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
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 property owner shall provide a cross over access easement if the property to the north or east, as shown on the development plan, is ever developed ~~for a nonresidential use~~. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the December 5th, 2013 Planning Commission public hearing.
10. The property owner shall provide an access easement for the flag pole lot between the properties addressed 1251 and 1257 McCawley Road as shown on the development plan. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

Land Development and Transportation Committee Staff Report

November 14, 2013



Case No:	13ZONE1002
Project Name:	Jefferson Boulevard Apartments
Location:	1253-1259 McCawley Rd. & 7489 Egypt Ln.
Owner(s):	Coxco Realty, LLC
Applicant:	Lee Hasken – Faulkner Real Estate
Representative(s):	Kent Gootee – Mindel, Scott, & Associates Bill Bardenwerper – Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size:	53.77 Acres
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from EZ-1, R-7 & R-4 to R-6 for Multi-Family Residential
- Variance #1 to allow buildings to be 40' tall, exceeding the maximum allowed height of 35' (Land Development Code [LDC] Table 5.3.1)
- Variance #2 to allow Vehicular Use Area (VUA) to encroach into the required 25' rear yard setback along the future commercial lots (LDC Table 5.3.1)
- Waiver to allow VUA to encroach into the required 35' Landscape Buffer Area (LBA) along the future commercial lots (LDC Table 10.2.3)
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is approximately 375 feet west of the northwest corner of McCawley Road and Jefferson Boulevard. Jefferson Boulevard is the northeast boundary of the site, McCawley Road is along the southern lot line, and Egypt Lane abuts the far west end of the site. The site is currently vacant with wooded areas and open fields. Commercial warehouses border the site to the northwest, apartments are along the west edge, single family residences, vacant land, and a post office adjoin the property to the south, and the land to the east and north is vacant wooded areas. Although the site is almost entirely within the Suburban Workplace Form District, there are large Neighborhood areas to the south and northeast, a Regional Center is to the east and southeast which includes the Jefferson Mall development, and the Suburban Marketplace Corridor follows Preston Highway a bit west of the proposal. The site is the southern portion of the large Suburban Workplace Form District to the north.

The proposal is to re-zone the majority of the site to R-6 for a 552 unit gated apartment community. The northeastern access drive that parallels Jefferson Boulevard and the four commercial out-lots will remain EZ-1 zoning. The zoning boundary between the EZ-1 and R-6 areas will be on the south side of the internal access drive. The access drive will allow for vehicular access to the future commercial out-lots to the north and to potential development to the north and east of the site. Both entrances to the apartment complex will have roundabouts in front a clubhouse while the apartment units will have gate restricted access. A 22-acre open space will preserve the existing wetlands on the western side of the site per an agreement with the Army Corps of Engineers. Four other open spaces will be created for outdoor recreation. These five open spaces will provide more than the required open space.

Existing Zoning District: EZ-1 (Enterprise Zone), R-7 (Multi-Family Residential), & R-4 (Single Family Residential)

Proposed Zoning District: EZ-1 (Enterprise Zone) & R-6 (Multi-Family Residential)

Form District: Suburban Workplace & Neighborhood

Existing Use: Vacant

Proposed Use: Apartments and Commercial Outlots

Minimum Parking Spaces Required: 828

Maximum Parking Spaces Allowed: 1,656

Parking Spaces Proposed: 1,030

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1, R-7, R-4	SW, N
Proposed	Apartments and Commercial Outlots	EZ-1 and R-6	SW, N
Surrounding Properties			
North	Vacant/Commercial Warehouse	EZ-1	SW, RC
South	Vacant/Residential/Post Office	R-4, R-7	N
East	Vacant	C-2, EZ-1	SW, RC
West	Residential/ Commercial Warehouse	EZ-1, R-7, R-4	SW, N

PREVIOUS CASES ON SITE

There are no previous cases on site.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

A final analysis of the proposal against the Comprehensive Plan will be done prior to the public hearing.

TECHNICAL REVIEW

- With the exception of the required variances and waiver, the plan meets the requirements of the LDC.

STAFF CONCLUSIONS

A public hearing date is ready to be set.

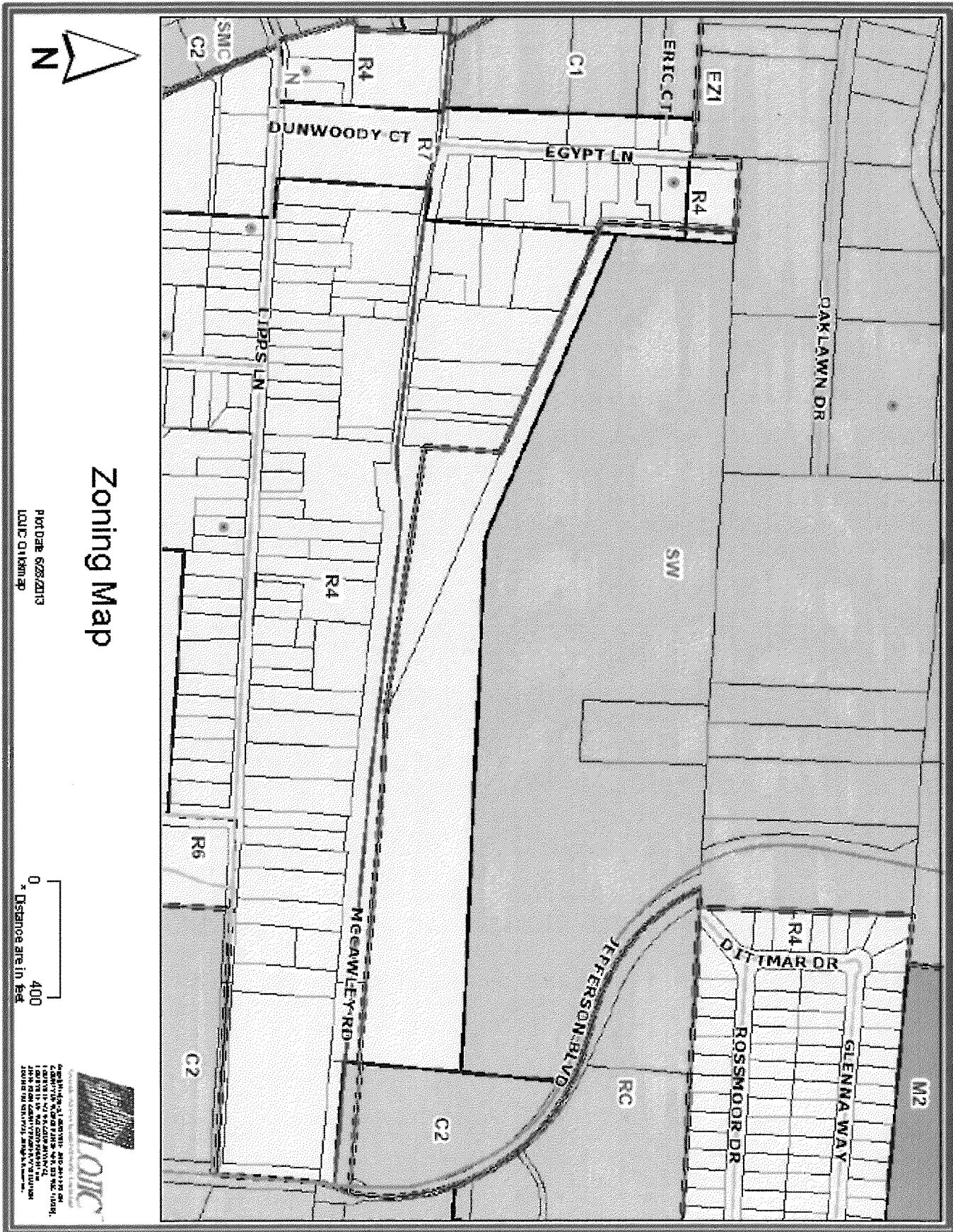
NOTIFICATION

Date	Purpose of Notice	Recipients
10/31/13	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 24 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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. Prior to any site disturbance permit being issued, and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of 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 subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
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

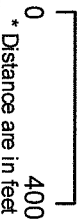
developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

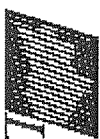
8. The property owner shall provide a cross over access easement if the property to the north or east is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request. *AS shown on the plan **
9. The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the _____ Planning Commission public hearing.
10. *Access easmt. for flag pole portion abutting McCawley & 2 residences on either side.*



Aerial Map

Plot Date 6/28/2013
LOLIC Quickmap




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Zoning Map

Plot Date 6/28/2013
LOLIC Quickmap



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Pre-Application Staff Report

June 28, 2013



Case No:	13ZONE1002
Project Name:	Jefferson Boulevard Apartments
Location:	1253-1259 McCawley Rd, 7489 Egypt Ln, & 7205 Dittmar Dr
Owner(s):	Coxco Realty, LLC
Applicant:	Faulkner Real Estate Corporation
Representative(s):	Bill Bardenwerper – Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size:	59.66 Acres
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from EZ-1, R-7, and R-4 to EZ-1 and R-6 to allow an apartment community and commercial outlots
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: EZ-1 (Enterprise Zone), R-7 (Multi-Family Residential), & R-4 (Single Family Residential)
 Proposed Zoning District: EZ-1 (Enterprise Zone) & R-6 (Multi-Family Residential)
 Form District: Suburban Workplace & Neighborhood
 Existing Use: Vacant
 Proposed Use: Apartments and Commercial Outlots
 Minimum Parking Spaces Required: 828
 Maximum Parking Spaces Allowed: 1,656
 Parking Spaces Proposed: 927

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1, R-7, R-4	SW, N
Proposed	Apartments and Commercial Outlots	EZ-1 and R-6	SW, N
Surrounding Properties			
North	Vacant/Commercial Warehouse	EZ-1	SW, RC
South	Vacant/Residential/Post Office	R-4, R-7	N
East	Vacant	C-2, EZ-1	SW, RC
West	Residential/ Commercial Warehouse	EZ-1, R-7, R-4	SW, N

PREVIOUS CASES ON SITE

There are no previous cases on site.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Neighborhood Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The subject site is approximately 375 feet west of the northwest corner of McCawley Road and Jefferson Boulevard. Jefferson Boulevard is the northeast boundary of the site, McCawley Road along the southern lo line, and Egypt Lane abuts the extreme west end of the site. The site is currently vacant with the site occupied by wooded areas and open fields. Commercial warehouses border the site to the northwest, apartments are along the west edge, single family residences, vacant land, and a post office adjoin the property to the south, and the land to the east and north is vacant wooded areas. Although the site is almost entirely within the Suburban Workplace Form District, there are large Neighborhood areas to the south and northeast, a Regional Center is to the east and southeast which includes the Jefferson Mall development, and the Suburban Marketplace Corridor follows Preston Highway a bit west of the proposal. The site is the southern portion of the large Suburban Workplace Form District to the north.

Compliance with **Guideline 1, Community Form** and **Guideline 3, Compatibility** may need further information to be provided and further consideration by the Planning Commission. The proposal enlarges the multi-family residential use to the west and creates a natural transition from the less intense single family residences to the south to the EZ-1 and more intense uses to the north. The proposed buildings will be setback from the street in a landscaped setting. A large 22 acre open space on the western side of the development helps to buffer the existing residential areas to the west and south of the site from the future commercial and industrial uses that will potentially exist to the north and east. The applicant will need to ensure that adequate transportation access is provided from the apartments to the surrounding commercial development. The applicant may also consider amending the Form District for the apartment development to the Neighborhood Form District as that appears to be more appropriate.

The proposal complies with **Guideline 4, Open Space** as the proposal maintains the large 22 acre open space on the western side of the site. There also is a lake and open space surrounded by apartment buildings that acts as a focal point within the apartment complex, allowing for recreational opportunities.

Historic Preservation has approved the proposal and, therefore, the proposal complies with **Guideline 5, Natural Areas and Scenic and Historic Resources**.

More information is required to determine compliance with **Guideline 7, Circulation; Guideline 8, Transportation Facility Design; and Guideline 9, Bicycle, Pedestrian and Transit**. Transportation Review has made several comments that need to be addressed.

The proposal will need to provide additional information to determine compliance with **Guideline 10: Flooding and Stormwater** and **Guideline 14: Infrastructure** as there was not enough data for MSD to review the sewer disposal and drainage for 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.

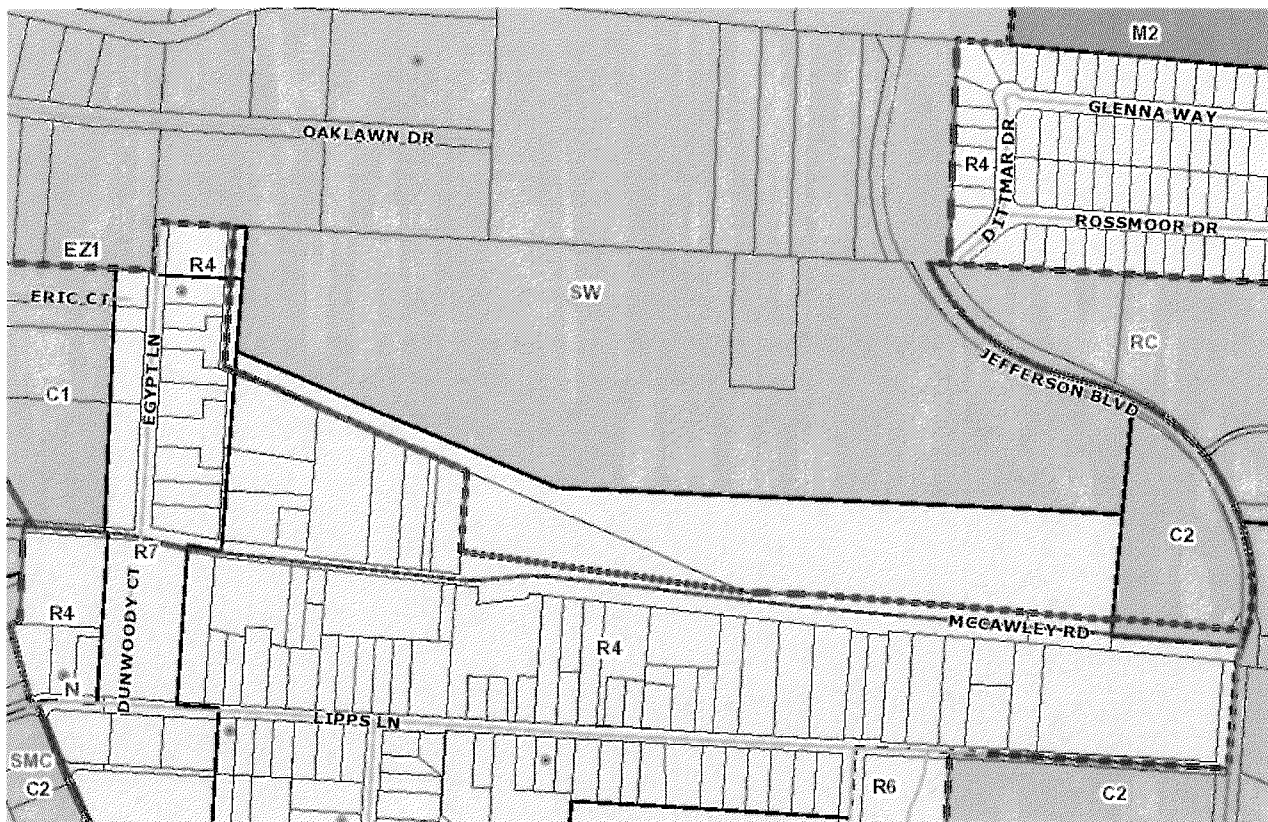
TECHNICAL REVIEW

See attached comments to be addressed.

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

- + Meets Guideline
- √ Meets Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with existing or proposed landscaping. The western portion of the site will be entirely open space while there are woodlands along the north and east boundaries.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses.	√	The proposal does not integrate into a planned development but the development does contain a mixture of residential and commercial uses.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. There are two points of ingress/egress on Jefferson Blvd. & McCawley Rd., the site is within walking distance of transit routes, and sidewalks are provided along Jefferson & McCawley.
4	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.	+/-	More information is needed to determine compatibility with the pattern of nearby development as the Suburban Workplace is intended to be for large developments as places of employment. The proposal is for a residential development. The applicant might consider amending the area of the apartment development to the Neighborhood Form District which would appear to be more appropriate. The proposed commercial outlots should remain in the Suburban Workplace Form District.
5	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 proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
6	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 a less intense use that would act as a transition between commercial/industrial uses to the north and east and residential uses to the south and west. It is further compatible with adjoining residential uses by maintenance of existing vegetation on site and proposed landscaping to complement existing vegetation on adjoining property owners' property.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Applicant will need to address Transportation Review comments.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposed lighting will meet the requirements of the LDC.
9	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.	NA	The surrounding area within this Form District does not have a residential use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
10	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 located close to a transit corridor and activity center.
11	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 transit routes.
12	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 proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
13	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 a less intense use that would act as a transition between commercial/industrial uses to the north and east and residential uses to the south and west. It is further compatible with adjoining residential uses by maintenance of existing vegetation on site and proposed landscaping to complement existing vegetation on adjoining property owners' property.
14	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 a less intense use that would act as a transition between commercial/industrial uses to the north and east and residential uses to the south and west. It is further compatible with adjoining residential uses by maintenance of existing vegetation on site and proposed landscaping to complement existing vegetation on adjoining property owners' property.
15	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.	√	The proposal will comply with setbacks, lot dimensions, and building heights in the LDC.
16	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.	√	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. The western portion of the lot is entirely open space and there is open space throughout the site including the lake that acts as a focal point within the development.
17	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	√	Open space design is consistent with the pattern of development in the Suburban Workplace Form District.
18	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The proposal integrates natural features by using the existing vegetation on the western half of the site as open space.
19	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.	√	The proposal respects the natural features by using the existing vegetation on the western half of the site as open space.
20	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.	√	Historic Preservation staff have no concerns with this proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
21	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.	+/-	Applicant will need to address Transportation Review comments.
22	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.	+/-	Applicant will need to address Transportation Review comments.
23	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.	+/-	Applicant will need to address Transportation Review comments.
24	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.	+/-	Applicant will need to address Transportation Review comments.
25	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.	+/-	Applicant will need to address Transportation Review comments.
26	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.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. There are two points of ingress/egress on Jefferson Blvd. & McCawley Rd., the site is within walking distance of transit routes, and sidewalks are provided along Jefferson & McCawley.
27	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. There are two points of ingress/egress on Jefferson Blvd. & McCawley Rd., the site is within walking distance of transit routes, and sidewalks are provided along Jefferson & McCawley.
28	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.	+/-	Applicant will need to address MSD comments.
29	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.	NA	There are no natural areas that are a system of natural corridors for migration patterns.
30	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal provides access to existing or planned utilities in the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
31	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
32	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.	+/-	Applicant will need to address MSD comments.

4. **Site Inspection Report**

Reserved

5. **Proposed Binding Elements/Conditions of Approval (for CUP)**

Reserved

6. **Applicant's Justification Statement and Proposed Findings of Fact**

Reserved