

Planning Commission

Staff Report

April 2nd, 2015



Case No:	14ZONE1060
Request:	Change in zoning from R-4 to R-6; Landscape Waiver and Detailed District Development Plan
Project Name:	Springs at Bunsen Parkway
Location:	9120 Blowing Tree Road
Owner:	Margaret Thieneman & the Thieneman Family
Limited Partnership	
Applicant:	Continental 325 Fund LLC
Representative:	Bill Bardenwerper
Jurisdiction:	Louisville
Council District:	18 – Marilyn Parker
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in zoning from R-4, Single Family Residential, to R-6, Multi-Family Residential
- Waiver #1: Landscape Waiver from Chapter 10.2.10 to allow a variable width VUA LBA along the ROW reservation and dedication area for the possible Blowing Tree Road extension
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4, Single Family Residential
Proposed Zoning District: R-6, Multi-Family Residential
Form District: Campus
Existing Use: Landscape Nursery
Proposed Use: Multi-Family Residential
Minimum Parking Spaces: 426
Maximum Parking Spaces: 852
Parking Spaces Proposed: 480
Plan Certain Docket #: None

The proposal for the site is to rezone the existing landscape nursery property from R-4, single family residential, to R-6, multi-family residential, to allow for the construction of 284 total units over the 2.33 acres. Access to the site is proposed through an extension of Bunsen Parkway to the east. A secondary gated emergency access entrance will be established along Blowing Tree Road. Both of these streets are considered local level roads with Blowing Tree Road containing very minimal ROW of 45'. Blowing Tree Road currently ends at the subject property and becomes a gravel road. The proposal labels ROW to be reserved for potential future expansion adjacent to the existing Blowing Tree Road. The reservation varies in width from southwest to northeast along the property. Blowing Tree Road will not be continued past the emergency access point to the site.

The proposal is located in an area of mixed use. The majorities of the uses within the vicinity are residential in nature or associated with residential uses. There is a subdivision of single family homes to the southwest and a multi-family residential complex to the southeast. Along the western and northern property perimeters, there is

a golf course that separates the property from another subdivision further west. Directly to the south and east, there is a mix of office uses prior to the I-64 ROW.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Landscape Nursery	R-4	Campus
Proposed	Multi-Family Residential	R-6	Campus
Surrounding Properties			
North	Golf Course	R-4	Campus
South	Single Family Residential/Office	R-4/OR-3	Neighborhood/Campus
East	Office	OR-3	Campus
West	Golf Course	R-4	Campus

PREVIOUS CASES ON SITE

No previous cases on site.

INTERESTED PARTY COMMENTS

Representatives of Hurstbourne Acres as well as the Bullitt Estate contacted staff with concerns about the ROW being proposed along Blowing Tree Road. There were concerns raised by Hurstbourne Acres about not expanding Blowing Tree Road. Other parties felt that the proposed ROW might not be enough if Blowing Tree Road were to be expanded in the future. All parties met to resolve the issue which led to the vary width ROW reservation currently shown on the plan.

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

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

The site is located in the Campus Form District

Campus form districts typically contain a mixture of uses that are clustered for a single or predominant function, often of regional importance, such as a university, a hospital complex or an office development for corporate headquarters. A mixture of uses is encouraged and may include residential

(e.g., student housing) or commercial, but the uses primarily should serve the people whom work or live on the Campus. The form should be compact and walkable, with multiple buildings, central gathering areas, extensive open space, internal shared parking, private walkways and roadways, and shared utilities and signage. Some Campus form districts may need significant buffering from abutting uses. Campuses may include entry roads as part of an internal system of interconnected streets.

The proposal to rezone the subject site from R-4, Single Family Residential, to R-6, Multi-Family Residential would create an additional mix of residentially zoned property that could include possible housing associated with the office and commercial uses located to the east and south from Bunsen Parkway to the nearby Hurstbourne Parkway corridor. The Campus form district encourages a mix of uses, including residential, that are designed to support those individuals who live and work in the Campus. The proposed rezoning integrates into an area of mixed office and residential uses along Bunsen Parkway.

The applicant has demonstrated compliance with **Guideline 1, Community Form**, since the proposed rezoning integrates into an area of mixed residential and office uses at the terminus of Bunsen Parkway. There is existing single and multi-family residential in the vicinity that support the nearby office as well as commercial uses closer to Hurstbourne Parkway. The proposal is compact on the 19.42 acre site with private walkways connecting the various buildings on the property. There is a large open space area within the interior of the site as well as central gathering areas. ROW will be reserved for possible future expansions of Blowing Tree Road and Bunsen Parkway. Pedestrian connectivity will be provided from the site to both frontages at the entrance and emergency entrance with gate.

The applicant has demonstrated that the proposed R-6 zoning district will comply with **Guideline 2, Centers** and **Guideline 3, Compatibility**. The applicant has provided for all methods of transportation and easy access to the site for all modes of transportation. There is pedestrian connectivity to both street frontages at the entry points. There is no pedestrian connectivity proposed along the remaining frontage from Blowing Tree Road but it would be built with any future road expansion. No transit routes exist along either roadway connecting to the site. It is not currently an activity center but the expansion of surrounding roadways in the future could lead to additional activity and/or possibly transit connectivity. One full vehicular entryway will be provided with a secondary emergency access. The proposal incorporates residential use that could serve the surrounding office uses within the Campus Form District. The site is designed around a central open space feature as emphasized within the Campus Form District. The property is located within a transition zone between the neighborhood and campus form districts. It follows the required setbacks of the neighborhood form district as and incorporates into the surrounding developmental pattern.

The proposal has some issues in its compliance with **Guideline 5, Natural Areas and Scenic and Historic Resources**, of the Comprehensive Plan. The main home on the site is a potentially eligible historic resource as an example of rural agricultural resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. The circa 1910 house could be reused and incorporated into the proposal. The applicant has planned to demolish this structure. The applicant will be providing natural areas of tree canopy and the pond area within the property.

The applicant has demonstrated compliance with **Guidelines 7, 8, and 9** of the Comprehensive Plan. ROW will be dedicated along Bunsen Parkway and ROW will be reserved along Blowing Tree Road to allow potential future roadway improvements. There is continuous connectivity throughout the site and access to both surrounding roadways. Cross access or dedication will be established for the Bunsen Parkway entrance. There is pedestrian connectivity to both street frontages at the entry points and throughout 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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 does not appear to be any environmental constraints on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. There is a potentially eligible historic resource as an example of rural agricultural resources. Historic Preservation staff recommended adaptive re-use of the structure instead of demolition.

- 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 and the Kentucky Transportation Cabinet have 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 requirements have been met for the proposed development.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. 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 WAIVERS

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

STAFF: The waiver will not adversely affect adjacent property owners since the required screening and planting materials will be provided by the applicant.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls 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 the impacts from 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since the intent of the buffer will be met with the required screening and planting materials.

- (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 to allow the buffering to be provided while meeting the parking requirements as well as area for ROW reservation.

- (d) Either:

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring elimination of a parking row and the associated drive aisle adjacent to Blowing Tree Road.

TECHNICAL REVIEW

- No outstanding technical review issues need to be resolved.

STAFF CONCLUSIONS

The proposed rezoning integrates into an area of mixed residential and office uses at the terminus of Bunsen Parkway. There is existing single and multi-family residential in the vicinity that support the nearby office as well as commercial uses closer to Hurstbourne Parkway. ROW will be reserved along Blowing Tree Road and a small portion dedicated along the possible Bunsen Parkway extension. These streets following the reservation and dedication could potentially be connected in the future to create a more complete system. The proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan with the exception of the requested landscape waiver which meets the standard of review. 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. In addition, 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 landscape waiver and detailed district development plan as established in the Land Development Code.

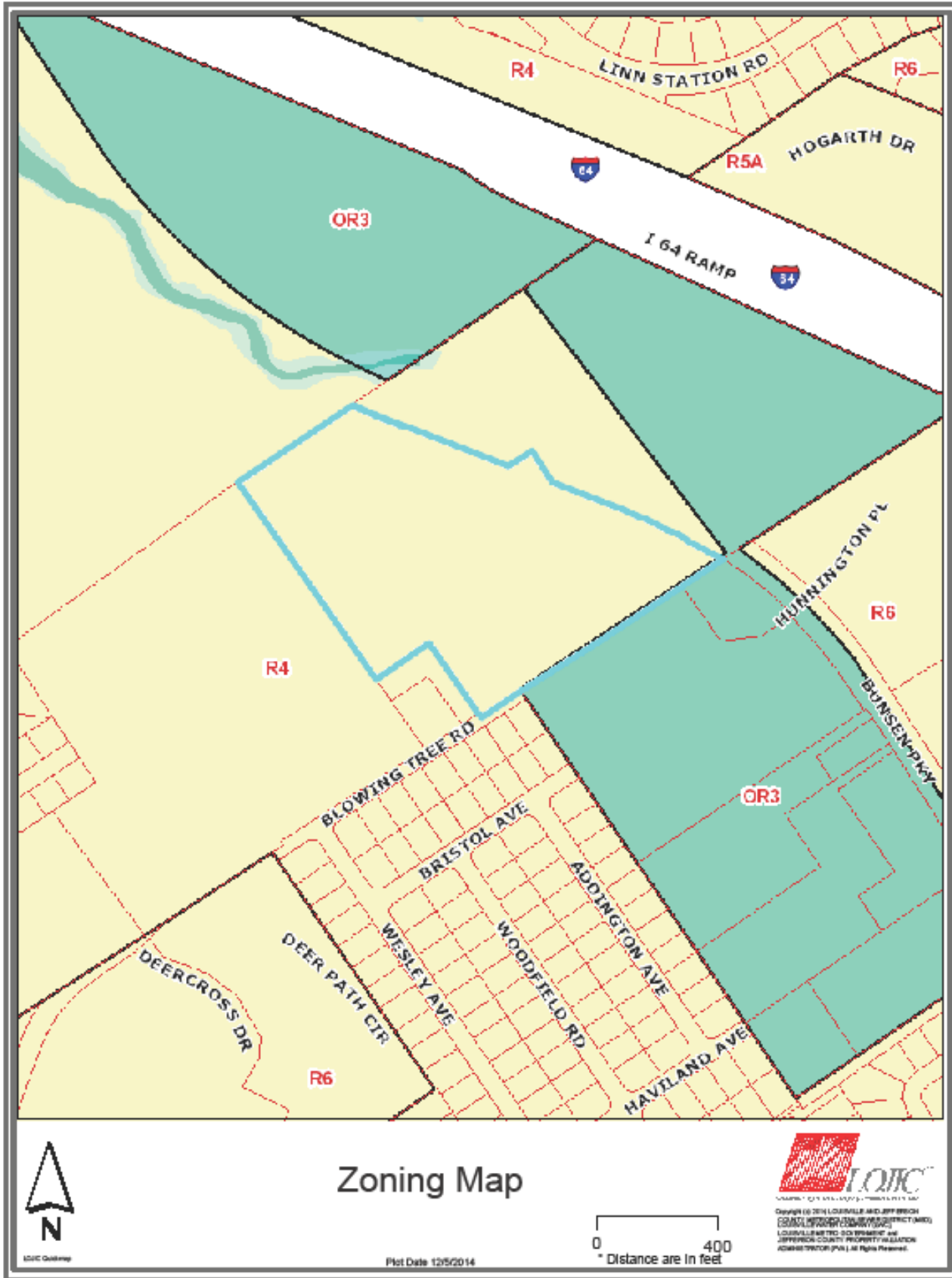
NOTIFICATION

Date	Purpose of Notice	Recipients
1/30/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals
3/5/14	Hearing before PC / BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals
3/6/14	Hearing before PC / BOZA	Sign Posting on property
3/11/14	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

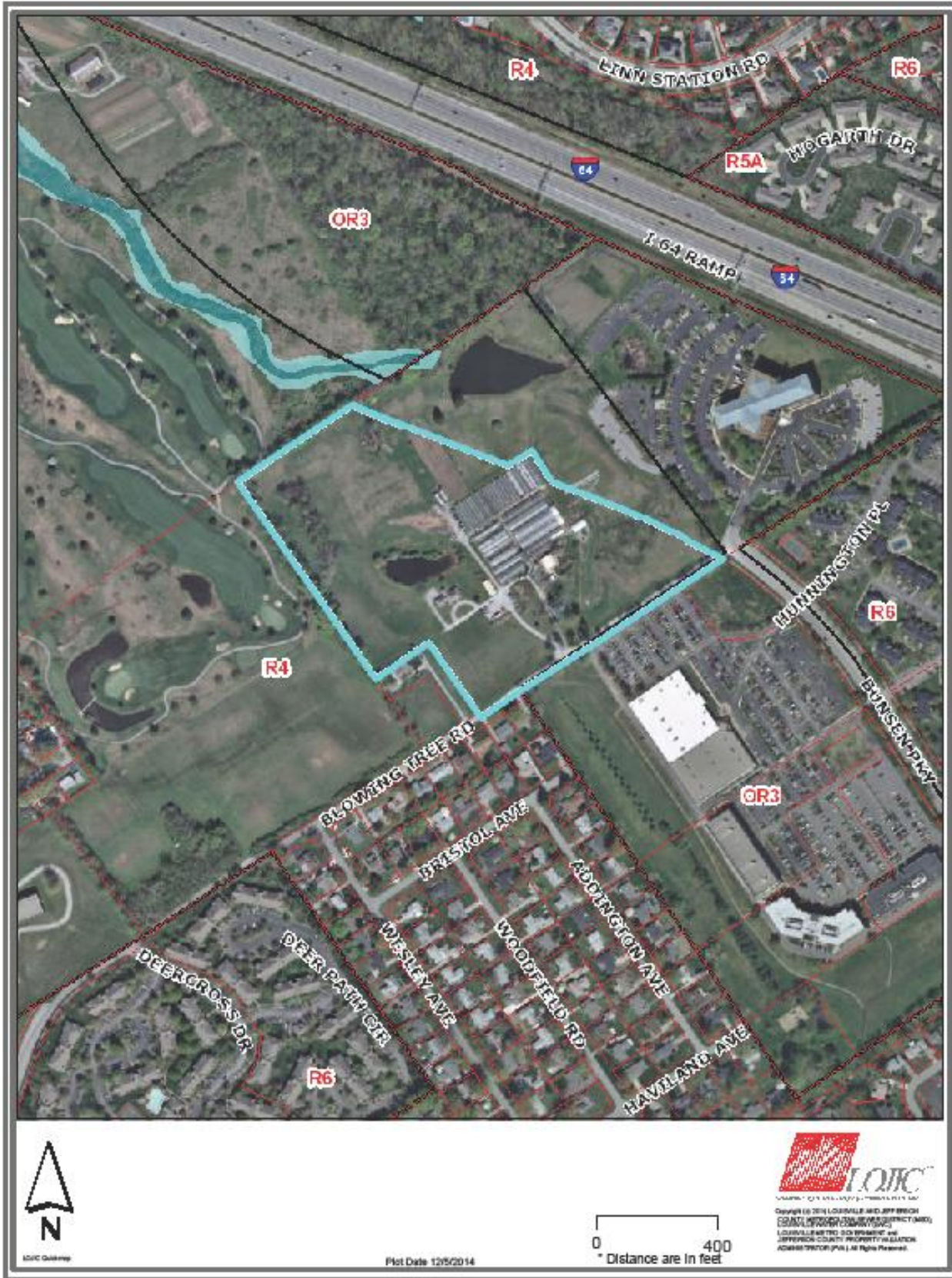
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

Rezoning from R-4 to R-6

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
1	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.11: The proposal integrates into a mixture of uses, including residential or commercial, that are designed to support those who live in the Campus.	√	The proposed rezoning integrates into an area of mixed residential and office uses at the terminus of Bunsen Parkway. There is existing single and multi-family residential in the vicinity that support the nearby office as well as commercial uses closer to Hurstbourne Parkway.
2	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.11: The proposal is compact and walkable, and includes multiple buildings, central gathering areas, extensive open space, internal shared parking, private walkways and roads, and shared utilities and signs.	√	The proposal is compact on the 19.42 acre site with private walkways connecting the various buildings on the property. There is a large open space area within the interior of the site as well as central gathering areas. ROW will be reserved for possible future expansions of Blowing Tree Road and Bunsen Parkway. Pedestrian connectivity will be provided from the site to both frontages at the entrance and emergency entrance with gate.
3	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.11: The proposal includes a system of interconnected streets.	√	ROW will be reserved along Blowing Tree Road and a small portion dedicated along the possible Bunsen Parkway extension. These streets following the reservation and dedication could potentially be connected in the future to create a more complete system. Entrances to both frontages will be provided with the Blowing Tree Road entrance being gated for emergency use only.
4	Form Districts Goals H2, H3, H4, all related objectives	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Campus Form District.	√	The site is within an activity center of surrounding office and residential uses.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
5	Form Districts Goals H2, H3, H4, all related objectives	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 rezoning is for a residential only zoning category.
6	Form Districts Goals H2, H3, H4, all related objectives	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.	√	All needed infrastructure will be provided.
7	Form Districts Goals H2, H3, H4, all related objectives	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.	-	There is pedestrian connectivity to both street frontages at the entry points. No transit routes exist along either roadway connecting to the site. One full entryway will be provided with a secondary emergency access. There is only one use proposed and only one full vehicular entry point for the larger complex.
8	Form Districts Goals H2, H3, H4, all related objectives	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is for a residential only site with no mix use.
9	Form Districts Goals H2, H3, H4, all related objectives	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 proposed new development will provide residential use alone on the site.
10	Form Districts Goals H2, H3, H4, all related objectives	Community Form/Land Use Guideline 2: Centers	A.10: Encourage out lot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such out lot development should provide street-level retail with residential units above.	NA	The proposal is situated on a site for residential zoning only with no potential for out lot development. The out lot development would require a higher intensity zoning not appropriate to the site or surrounding area.
11	Form Districts Goals H2, H3, H4, all related objectives	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 residential development is organized around the central feature of the existing lake area on the site and incorporates into a large public open space for the property.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
12	Form Districts Goals H2, H3, H4, all related objectives	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	√	Entry will be directly to the west of the existing office entry from Bunsen Parkway. No shared parking or entrance will be provided or needed since it is a singular residential proposed on the site.
13	Form Districts Goals H2, H3, H4, all related objectives	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.	√	Utility easements will be located to provide access and to provide services.
14	Form Districts Goals H2, H3, H4, all related objectives	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	√	Proposal incorporates parking into detached garages and surface parking which are located to allow easy access to the surrounding buildings.
15	Form Districts Goals H2, H3, H4, all related objectives	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	√	There is pedestrian connectivity to both street frontages at the entry points. There is no pedestrian connectivity proposed along the remaining frontage from Blowing Tree Road but it would be built with any future road expansion. No transit routes exist along either roadway connecting to the site. One full entryway will be provided with a secondary emergency access.
16	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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 incorporates residential use that could serve the surrounding office uses within the Campus Form District. The site is designed around a central open space feature as emphasized within the Campus Form District. The property is located within a transition zone between the neighborhood and campus form districts. It follows the required setbacks of the neighborhood form district as and incorporates into the surrounding developmental pattern.
17	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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 and design will meet the requirements of the Land Development Code.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
18	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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 adjacent to residential uses. It is compatible with residential uses that exist within the area. The proposal introduces a higher level of density into the nearest residential developments but incorporates elements of mitigation through landscaping and buffering.
19	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	All faculties are being provided to accommodate present and future traffic patterns.
20	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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.
21	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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.
22	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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 higher density residential with no transit corridor access nor is it located in an activity area.
23	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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 housing proposed could serve elderly individuals or persons with disabilities.
24	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	√	The proposal creates a new type of housing for the surrounding area and the building design meets the Land Development Code requirements.
25	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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.	√	Landscape buffer yards are proposed to be provided with appropriate screening and planting along the property boundaries to provided appropriate transitions between zoning districts.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
26	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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.	√	Landscape buffer yards are proposed to be provided with appropriate screening and planting along the property boundaries to provided appropriate transitions between zoning districts.
27	Form District Goals H1, H2, H3, H4, Objectives H1.1, H2.1-2.6, H3.1-3.5, H4.1-4.4	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 are form district compliant.
28	Livability Goals H3 and H5, all related objectives	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 requirements will be met.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Campus Form District.	√	The centrally located and designed open space feature is consistent with the pattern for the Campus Form District.
30	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	A pond area for recreational space and drainage retention will be provided on the site as well as required tree canopy.
31	Livability Goals E1-E4, all related Objectives	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.	√	A pond area for recreational space and drainage retention will be provided on the site as well as required tree canopy.
32	Livability Goals E1-E4, G1, all related Objectives	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 main home on the site is a potentially eligible historic resource as an example of a rural agricultural resource. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. The circa 1910 house could be reused and incorporated into the proposal.
33	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	ROW will be dedicated along Bunsen Parkway and ROW will be reserved along Blowing Tree Road to allow potential future roadway improvements.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
34	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	There is continuous connectivity throughout the site and access to both surrounding roadways. Cross access or dedication will be established for the Bunsen Parkway entrance.
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	ROW will be dedicated along Bunsen Parkway and ROW will be reserved along Blowing Tree Road to allow potential future roadway improvements.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	The street will be stubbed at the end of the existing Bunsen Parkway to allow future potential expansion. Cross access or dedication will be established in this area.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	All access to the site avoids areas of lower intensity or density.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	There is pedestrian connectivity to both street frontages at the entry points. There is no pedestrian connectivity proposed along the remaining frontage from Blowing Tree Road but it would be built with any future road expansion. No transit routes exist along either roadway connecting to the site. One full entryway will be provided with a secondary emergency access.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
40	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Storm water	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 stream bank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has given preliminary approval.
41	Livability, Goals F1 and F2, all related objectives	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.	√	A pond area for recreational space and drainage retention will be provided on the site as well as required tree canopy.
42	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The site is served by existing utilities.
43	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	Adequate water supply is available to the area
44	Quality of Life Goal J1, Objectives J1.1-1.2	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.

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. The density of the development shall not exceed 14.62 dwelling units per acre (**284 units on 19.43 acres**).
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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Develop Louisville Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.

- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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. 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.
 7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 19th, 2015 Planning Commission meeting.
 8. As noted and shown on the development plan, there shall be 45' right-of-way reservation for the Blowing Tree Rd extension from the current right-of-way terminus easterly to Bunsen Pkwy. Nothing can be built within this area to prevent or hinder the future extension.
 9. The proposed zone change will affect a previously undocumented historic resource. Since this site is proposed to be developed, the applicant shall ensure that the site will be documented at the National Register level which includes photographs and a historic context. Staff can provide a list of preservation professionals that would be qualified to complete the type of documentation requested. All materials shall be completed and submitted to Historic Preservation Staff prior to ground disturbance and demolition.
 10. The developer shall connect to Blowing Tree Road for the sole purpose of allowing locked gate access to emergency responders.
 11. The locked gate access onto Blowing Tree Road shall not be modified to allow apartment dwellers to access Blowing Tree Road as a way of accessing Taylorsville Road.
 12. Apartment dwellers shall access the facility solely through a connection to Bunsen Parkway.
 13. The developer shall install barriers at the end of Blowing Tree Road, next to Lot 123, to prevent current Blowing Tree Road from being extended formally or informally through to Bunsen Parkway.
 14. The developer shall remove the graveled roadway that currently extends Blowing Tree Road north beyond Lot 123, and sod and landscape area.
 15. Applicant shall dedicate the area shown as "reserved" on the detailed district development plan to public right of way prior to construction plan approval and agree to maintain the dedicated property until the earlier of such time as Louisville Metro Public Works agrees in writing to accept maintenance of the dedicated property or construction commences on the planned connector road running between Taylorsville Road and Bunsen Parkway (Stony Brook/Blowing Tree).

16. Property owner shall be responsible for the site entrance reconstruction within their property limits to accommodate the future Blowing Tree and Bunsen Pkwy extensions