

Planning Commission Staff Report

April 19, 2018



Case No:	17ZONE1031
Project Name:	Cherokee Springs
Location:	1576 Cherokee Road
Owner(s):	Earl W. Reed III
Applicant:	Cherokee Springs, LLC
Representative(s):	Frost Brown Todd, LLC – Glenn Price
Project Area/Size:	0.5 acres
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Joel P. Dock, Planner II

REQUESTS

- **Change-in-Zoning** from R-7, Multi-Family Residential to R-8A, Multi-Family Residential
- **Waiver** of Land Development Code (LDC), section 5.8.1 to waive the required sidewalk along Cherokee Road
- **Variance** from LDC, section 5.1.12.A.2.d to exceed the infill established height range having a maximum height of 44' and be 76' in height or 6-stories, a variance of 32'
- **Variance** from LDC, section 5.4.1.D.2 to reduce the private yard area from 30% to 6%
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning from R-7 to R-8A on a tract of land opposite Cherokee Park and on the Southwest side of Cherokee Road in the Bonnycastle neighborhood is requested. The subject site is located one-half mile Northeast of Bardstown Road, a commercial and public transit corridor. A two-story multi-family structure is to be razed on the subject site to accommodate the new development. Twelve units between six-stories containing a total of 40,250 square feet of living space with private balconies at the front and sides of the structure are proposed. A landscape amenity is proposed on the park side of the site. Thirty parking spaces are proposed; the majority being in an underground garage. Access to parking facilities will be obtained from a rear alley running perpendicular with local residential roadways.

The change in zoning request is being made to accommodate the floor area ratio (FAR) of the proposed development; a ratio of 1.9. Reaching the requested ratio on this lot results in the building height being increased above the infill established range. Parking facilities at the rear and building layout have necessitated the need to reduce the private yard requirements.

STAFF FINDING

The proposal conforms to the Goals and Objectives of the Comprehensive Plan and the Bonnycastle Neighborhood Plan, and the variances, waiver, and detailed district development plan appear to be adequately justified. The proposed development is architecturally compatible with and takes cues from the surrounding historic neighborhoods. The requested zoning district is appropriately located for its density within a walkable and well connected neighborhood and within proximity to a public park, public-transit, services and amenities, and employment centers. The height and bulk of the proposed development fall within the range of the bulk and height of multi-family development in the general vicinity which adds to the diversity of style and design of

surrounding historic neighborhoods. Impact to Cherokee Park and the Cherokee Road corridor is minimal and the proposed development strives to transition appropriately from the natural to the built environment.

TECHNICAL REVIEW

The maximum FAR of the existing zoning district is 1.0; meaning that under the current conditions the size of any proposed building may not exceed the size of the lot or 21,675 square feet of “finished space” in this case. The density of the existing zoning district (34.8 du/ac) allows for the development of seventeen dwelling units. The proposed zoning district permits the development of 58.08 dwelling units per acre at a maximum FAR of 3.0 or 65,025 square feet containing twenty-nine dwelling units.

Bonnycastle Neighborhood Plan (adopted 10/01/02)

The following items of the Bonnycastle Neighborhood Plan as summarized by staff appear to be pertinent to the proposed development:

- Neighborhood Goal 1: Limit or restrict the conversion of single-family properties to multi-family use.
- Neighborhood Goal 2: Maintain the character of the residential and commercial aspects of the neighborhood as well as their balance and interdependence
- Neighborhood Goal 4: Take advantage of form districts and preserve diversity
- Neighborhood Goal 5: Maintain public safety (actual and perceived)
- Neighborhood Goal 6: Ensure streets and thoroughfares reinforce cohesiveness, while facilitating movement of pedestrians and vehicles and providing adequate on-street parking.
- In its discussion of *Neighborhood Assets*, the Cherokee Road corridor is highlighted as a “one of a kind” asset. The *Preservation Strategy/Action* states, “The balance of single family and multi-family uses currently in the Corridor should be maintained.” While the strategy primarily addresses the conversion of single-family homes to multi-family homes, there are several items that should be considered for the subject site:
 - Preserving the visual integrity of the Corridor as seen from the street and in relationship to the structures adjoining the property
- A parking ratio of 2.5 spaces per dwelling unit is recommended

Historic Preservation staff made the following comment:

“This site is within the Highlands National Register District. As per Wrecking Ordinance Section 150.110, there will be a required 30-day hold on the issuance of the permit. The building was constructed in 1959 in a fashion that is compatible with surrounding structures. The proposed new building could impact the integrity of the Highlands NR district. If demolition is approved, staff recommends new construction that is compatible with the size, scale, color, materials and character of the surrounding properties and the neighborhood. Taking cues from the surrounding structures is a good way to ensure sensitive changes in the district. The proposed height of the building will impact the view shed of district”

INTERESTED PARTY COMMENTS

Staff has received numerous comments from interested parties concerning the development of this site. Comments in opposition to the development include opposition to the proposed height and bulk of the building; perceived adverse impact of the building upon Cherokee Road and the surrounding neighborhood, as well as its impact on view sheds and the trespass of sun and light; and strict enforcement of land use regulations. A petition opposing the change in zoning was provided. The Bonnycastle Homestead Association has also provided a resolution indicating their opposition to the rezoning and variance. Comments indicate that some are not opposed to new development on the site but are specifically opposed to the change in zoning. Opposition Counsel has provided a detailed letter of opposition which has been made available to the Commission and public.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

The 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 Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood- serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the general vicinity contains a range of housing styles from the more common 2/2.5 story single-family residential structure to the 20-story multi-family "landmark" dominating a single corner of Cherokee Park. Multi-family structures in the area possess a wide variety of bulk, height, layout, orientation, and design that adds to the diversity and uniqueness of these historic neighborhoods. The proposed structure would fall within the range of bulk and height, and be architecturally consistent with the area. The form district in combination with the size of individual parcels controls the style and design of development, while the maximums (density and bulk) of the zoning district permitted are more fully reflected by the true capacity of land to accommodate and not necessarily the district standards. The proposed building materials increase the new development's compatibility as the style and design of the building provided in the applicant's renderings demonstrate consistency with the character of the area. Further, the structure takes cues from the character of surrounding neighborhoods and is sensitive to the established historic character of these neighborhoods.

The proposed zoning district introduces a higher density than is currently present on the subject site. It does not, however, introduce a type of density that would be uncommon in the area or be unable to be accommodated for in the area as the area has the capacity to handle increased density with respect to

proximity of services, multi-modal transportation options, and access to employment centers and public amenities. The surrounding vicinity contains a wide range of building styles of varying height and bulk allowing for flexibility in architectural style and design on the subject site and throughout the neighborhood. While this individual development would not appear to provide units that are attainable for all persons, the neighborhood as a whole is relatively inclusive.

The proposal respects the Cherokee Road corridor and activates the public realm between the built and natural environment in a manner that is compatible with the character of public realm in the area, aesthetically pleasing to users of Cherokee park/passers-by, and encourages its residents and guests to use the park. The proposal would not appear to adversely impact traffic in the area as the site is located in an urban area with many options for movement, along with having amenities, goods, and service located with walking distance which would reduce vehicular trips.

The proposed development appears to meet the goals of the Bonnycastle Neighborhood Plan as the proposed multi-family development will raze and replace an existing multi-family development in an area of mixed single- and multi-family development adjacent to a public park. The replacement of one multi-family development with another does not disrupt the balance of multi-family to single-family units in the area or the total balance of available renter-occupied units to owner-occupied units (Census 2010). The design of the newly proposed structure takes cues from the “distinguishable patterns” of the neighborhood to further the diversity of architecture and housing styles in the area. Public safety will not be adversely impacted by the proposal as vehicular access to the site is from a rear alley and the neighborhood is walkable and well-connected to activity centers. The Cherokee Road corridor is relatively undisturbed from the proposed project as no new construction will occur within the right-of-way as the sidewalk has been requested to be waived, no vehicular access will occur from the roadway, and trees will be preserved. The structure will maintain the front setbacks as established by abutting development. Additionally, the landscaping amenity proposed by the applicant at the front of the building provides a transition between the natural and built environment. Parking has been provided at the maximum to meet the guidance of the plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (HEIGHT)

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

STAFF: The requested variance will generally not adversely affect public health, safety or welfare as the proposed height does not impede the safe movement of pedestrians or vehicles, or negatively impact views along Cherokee Road of the park or within the public realm. The proposed height as demonstrated in the applicant’s *Shadow Study* may have an impact on the current or expected trespass of sun and light particularly upon immediately adjacent property to the North. This impact may have its greatest effect during winter months and may impact the efficiency to which the immediately adjacent homes are heated. The impact, however, requires more information and the ability to heat a home is not restricted by the proposed height and is subject to many variables.

- (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 as the general vicinity contains a range of housing styles from the more common 2/2.5 story single-family residential structure to the 20-story multi-family “landmark” dominating a single corner of Cherokee Park. Multi-family structures in the area possess a wide variety of bulk, height, layout, orientation, and design that adds to the diversity and uniqueness of these historic neighborhoods. The proposed structure would fall within the range of heights in the area and be architecturally consistent with the area.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public the proposed height does not impact the safe movement of pedestrians or vehicles, alter the character of the area, or cause environmental degradation.

- (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 zoning regulations as the proposed structure falls within the range of heights in the area, adds to the diversity of architecture in the area, takes cues from the character of surrounding neighborhoods, and is sensitive to the established historic character of these neighborhoods.

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 requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the form district of the subject site encompasses the majority of residential land in the area.

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: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as no public health, safety, or welfare concerns are significant, no hazards or nuisances will be created, and the design and height is consistent with the character of the surrounding neighborhood.

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 zoning regulation from which relief is sought as the site has not been developed and relief is being requested.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (PRIVATE YARD)

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

STAFF: The requested variance will not adversely affect public health, safety, or welfare as the proposed reduction does not impede the safe movement of pedestrians or vehicles, and the public park opposite Cherokee Park provides a generous amount of land for recreational opportunities to improve health.

- (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 as multi-family development at scales similar to the proposal do not commonly provide amenities at the rear but rather in interior courtyards or along the frontage similar to the proposal. The lack of private yard area for multi-family development in the area is evident in the abutting property to the south.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as private yard areas are not open to the public and the reduction in private yard allows for the rear alley to be utilized for private and guest parking at a ratio suggested by the Bonnycastle Neighborhood Plan.

- (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 zoning regulations as multi-family development at scales similar to the proposal do not commonly provide amenities at the rear but rather in interior courtyards or along the frontage similar to the proposal.

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 requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the project is for multi-family development and multi-family development in the area exhibits a slightly different pattern than the more common single-family principles of design.

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: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land for the reasons previously stated in staff's analysis.

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 zoning regulation from which relief is sought as the site has not been developed and relief is being sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (SIDEWALK)

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

STAFF: The waiver will not adversely affect adjacent property owners as sidewalks are not present at this time and the provision of sidewalks may adversely affect the park road.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as the area as a whole remains well-connected and walkable. Typically access to the subject site will be from the rear alley.

- (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 as the corridor and trees will be maintained as result of not providing a sidewalk.

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: the applicant has committed to minimal disturbance to the park corridor and preservation of existing trees a within the right-of-way. Views of the park from the corridor will not be impacted by the proposed use. The design of the newly proposed structure takes cues from the “distinguishable patterns” of the neighborhood to further the diversity of architecture and housing styles in the area.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as vehicular access will be obtained from the rear and the neighborhood is well-connected and walkable.

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

STAFF: The subject site immediately abuts an Olmstead park and the landscape amenity along the frontage helps transition from the natural to the built environment.

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

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

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

STAFF: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the general vicinity contains a range of housing styles from the more common 2/2.5 story single-family residential structure to the 20-story multi-family “landmark” dominating a single corner of Cherokee Park. Multi-family structures in the area possess a wide variety of bulk, height, layout, orientation, and design that adds to the diversity and uniqueness of these historic neighborhoods. The proposed structure falls within the range of heights in the area, adds to the diversity of architecture in the area, and is sensitive to the established historic character of these neighborhoods. The design of the newly proposed structure takes cues from the “distinguishable patterns” of the neighborhood to further the diversity of architecture and housing styles in the area. The landscape amenity along the frontage helps transition from the natural to the built environment.

- 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 as demonstrated in the *Cornerstone 2020 Staff Analysis* provided in *Attachment 3* of the staff report.

REQUIRED ACTION(S)

- **RECOMMEND** to the Louisville Metro Council that the Change-in-Zoning from R-7, Multi-Family Residential to R-8A, Multi-Family Residential on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Waiver** of Land Development Code (LDC), section 5.8.1 to waive the required sidewalk along Cherokee Road
- **APPROVE or DENY** the **Variance** from LDC, section 5.1.12.A.2.d to exceed the infill established height range having a maximum height of 44' and be 76' in height or 6-stories, a variance of 32'
- **APPROVE or DENY** the **Variance** from LDC, section 5.4.1.D.2 to reduce the private yard area from 30% to 6%
- **Detailed District Development Plan**

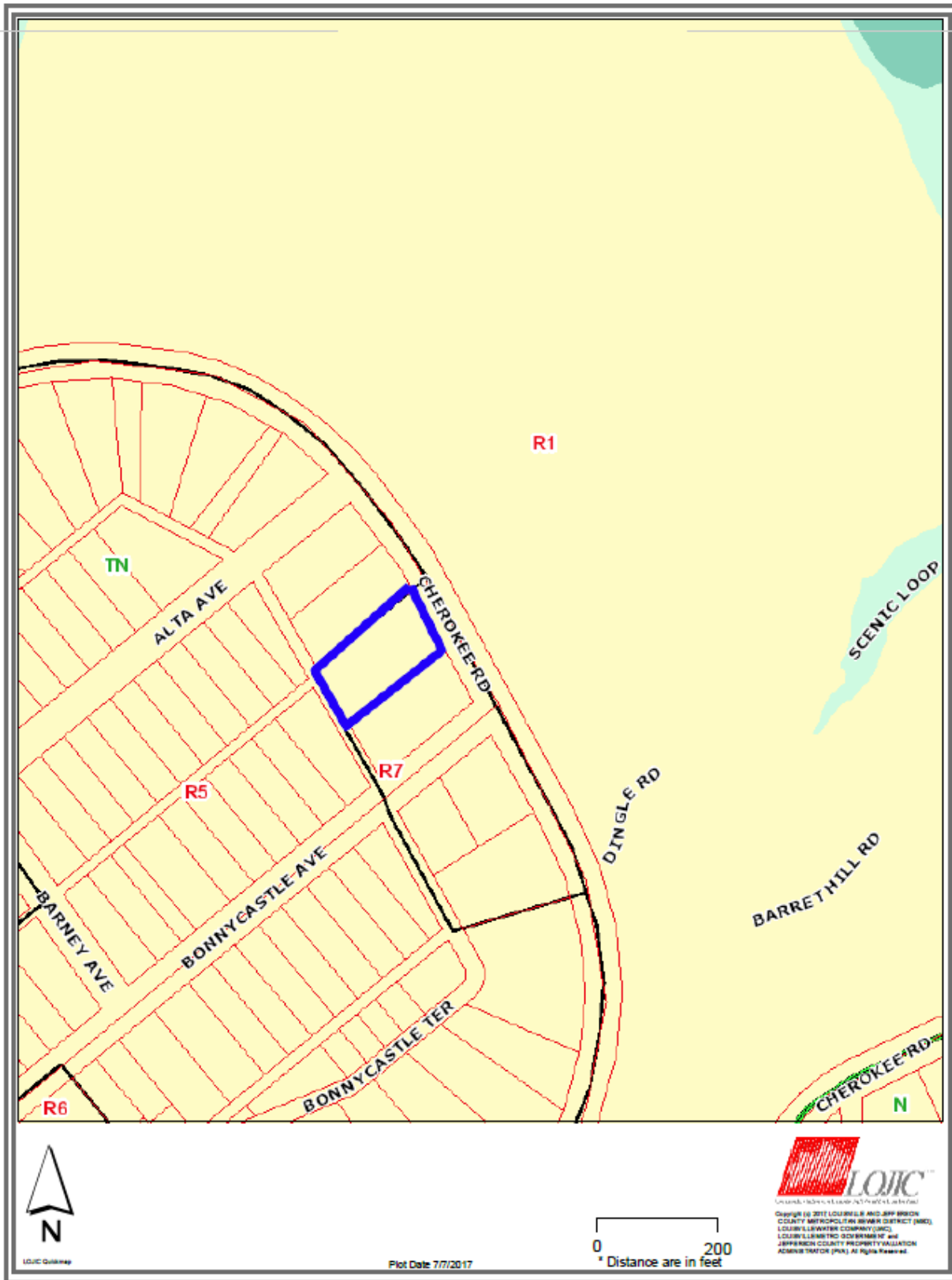
NOTIFICATION

Date	Purpose of Notice	Recipients
01/10/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
3/29/18	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
3/29/18	Hearing before PC	Sign Posting on property
4/7/18	Hearing before PC	Legal Advertisement in the Courier-Journal

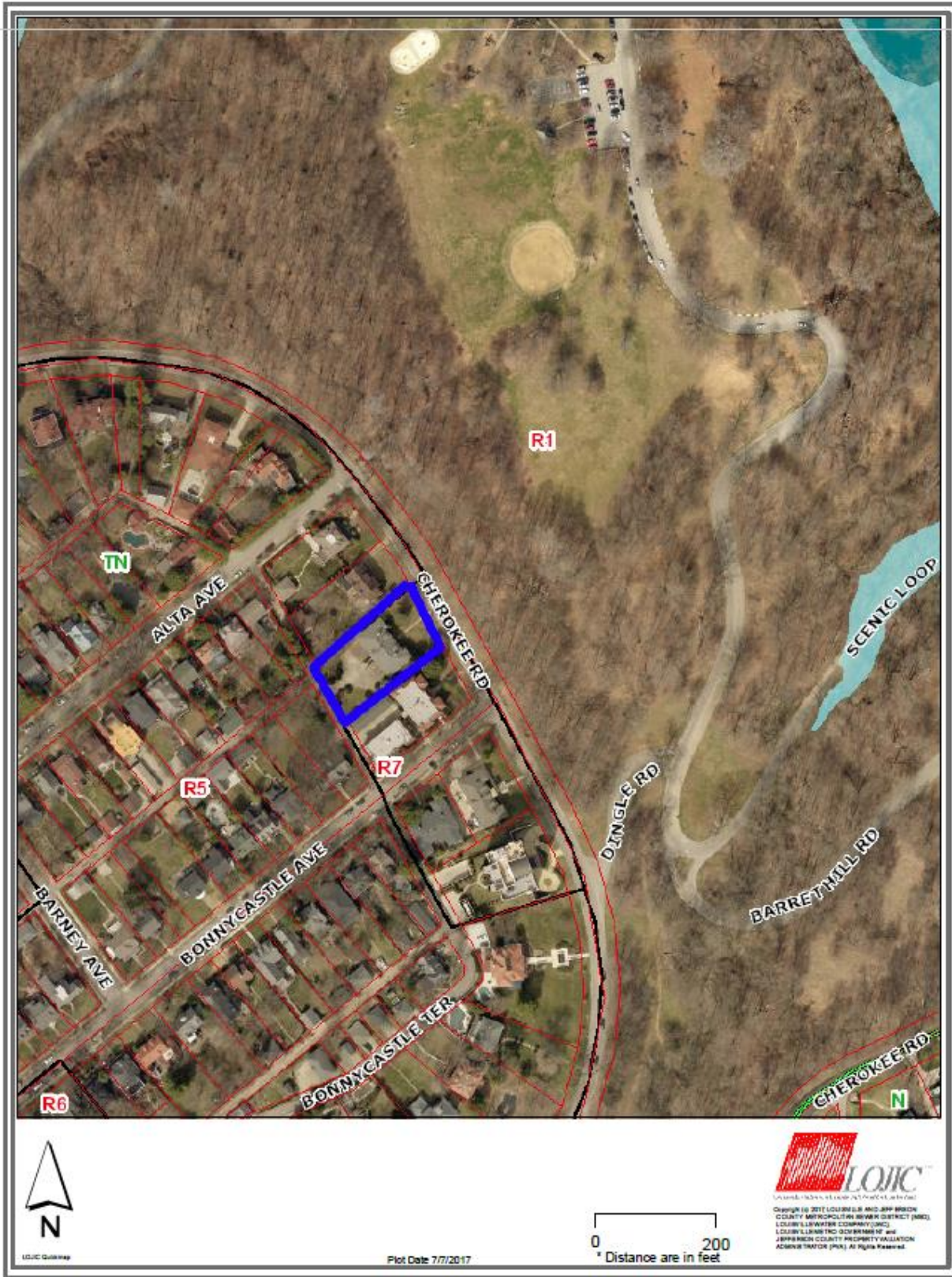
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Analysis

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

Traditional Neighborhood: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal preserves the existing grid pattern of streets, sidewalks and alleys. The proposal does not impact the existing grid pattern of streets and utilizes the alley for vehicular access. No sidewalks are currently present within the Cherokee Road right-of-way and sidewalks are not proposed to be provided.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses.	✓	The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses. The subject site follows this lotting pattern as it is located furthest from the transit corridor and provides density at an appropriate location adjacent to a public park.
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	✓	The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas. The proposal respects the Cherokee Road corridor and activates the public realm between the built and natural environment in a manner that is compatible with the character of public realm in the area, aesthetically pleasing to users of Cherokee park/passers-by, and encourages its residents and guests to use the park.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	✓	The proposal does not preserve the existing multi-family structure; however, this structure is being replaced with another multi-family structure that takes cues from the character of surrounding neighborhoods and is sensitive to the established historic character of these neighborhoods.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Traditional Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	The proposed development is for multi-family residential use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposed development is for multi-family residential use.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	✓	The proposed development is compact and utilizes the majority of this small site while providing options for increased density in an urban area.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	The proposed development is for residential use only and is located in a residential zoning district. Non-residential uses would not be appropriate or permitted at this location.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The residential use is not located in a center and does not include retail or office space. Retail or office space at this location would however be inappropriate.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	The residential use is not located in a center and does not include retail or office space. Retail or office space at this location would however be inappropriate.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Traditional Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposed development is for multi-family residential use on a single 0.5 acre parcel in a residential neighborhood. It is not for commercial use and commercial uses would be inappropriate at this location
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such out lot development should provide street-level retail with residential units above.	NA	The proposed development is for multi-family residential use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposed development is for multi-family residential use.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	Access to the site is provided from the rear alley which is consistent with the guidelines of the form district.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	✓	The subject site is located in the urban services district and will maintain an appropriate level of connection and access to services.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Access to the site is provided from the rear alley which is consistent with the guidelines of the form district.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	Although the subject site is not located in an activity center, its proximity to public transit, services, and amenities allows for ease of access to multiple forms of transportation.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the general vicinity contains a range of housing styles from the more common 2/2.5 story single-family residential structure to the 20-story multi-family "landmark" dominating a single corner of Cherokee Park. Multi-family structures in the area possess a wide variety of bulk, height, layout, orientation, and design that adds to the diversity and uniqueness of these historic neighborhoods. The proposed structure would fall within the range of bulk and height, and be architecturally consistent with the area. The form district in combination with the size of individual parcels controls the style and design of development, while the maximums (density and bulk) of the zoning district permitted are more fully reflected by the true capacity of land to accommodate and not necessarily the district standards.
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	✓	The proposed building materials increase the new development's compatibility as the style and design of the building provided in the applicant's renderings demonstrate consistency with the character of the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The proposed zoning district introduces a higher density than is currently present on the subject site. It does not, however, introduce a type of density that would be uncommon in the area or be unable to be accommodated for in the area as the area has the capacity to handle increased density with respect to proximity of services, multi-modal transportation options, and access to employment centers and public amenities. The surrounding vicinity contains a wide range of building styles of varying height and bulk allowing for flexibility in architectural style and design on the subject site and throughout the neighborhood.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal would not appear to adversely impact traffic in the area as the site is located in an urban area with many options for movement, along with having amenities, goods, and service located with walking distance which would reduce vehicular trips.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will be in compliance with LDC 4.1.3
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	The proposed zoning district allows for a variety of housing types. The proposed development does not introduce an uncommon or uncharacteristic housing style to the area which contains and maintains a wide range of housing options.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is not for a higher density than what is already permitted. It is located along a collector roadway within proximity to a transit corridor. The neighborhood is walkable and access to a major transit corridor is readily available and convenient.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	✓	The subject site is located in an urban area close to shopping, transit routes, and medical facilities, along with having amenities, goods, and service located with walking distance.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	While this individual development would not appear to provide units that are attainable for all persons, the neighborhood as a whole is relatively inclusive.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape buffers and tree canopy will be provided as required, architectural design is consistent with the area, and setbacks along the corridor and at the side are being met. The proposed height is consistent with the diversity of options in the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is compatible with adjacent development and all buffers and setbacks are to be provided as required.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments in the general vicinity. The form district and infill standards limit the allowable height; however, the height requested is consistent with the range of heights and architectural diversity that form the area.
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The development is located immediately adjacent to an Olmstead park where an abundance of open space is available for leisure and recreation.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	✓	The private yard area is being reduced on-site. Compensation for the rear yard is provided in a landscape amenity at the front of the building which provides transition between the natural and built environment of the adjacent park.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Trees within the Cherokee road corridor will be preserved
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposal would not appear to adversely impact natural features of the site or change the topography as seen by the public. Any impact of construction activities upon nearby property and the environment will be conducted in accordance with applicable statutes.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal does not preserve the existing multi-family structure; however, this structure is being replaced with another multi-family structure that takes cues from the character of surrounding neighborhoods and is sensitive to the established historic character of these neighborhoods.
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does not appear to possess any issues related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The dedication of right-of-way has been waived by the Director of Works and Planning and Design Services
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No new streets or lots are being created for this residential development.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the site is from public roads and through areas of similar density.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Access is from the rear alley which is consistent and compatible with the area and traditional neighborhood where alley access is available and feasible.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development. The subject site is located in a well-connected urban neighborhood.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area.
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The subject site is located an urban area without natural corridors as the site abuts on all sides residential development and transportation routes. A natural corridor and environmental habitat is located across Cherokee Road in Cherokee park.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities. The subject site is located in the urban services district.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The subject site is located in the urban services district.

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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
3. 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.
4. 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.
5. There shall be no direct vehicular access to Cherokee Road.
6. The development shall not exceed 40,250 square feet of gross floor area; an FAR of 1.9.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 19, 2018 Planning Commission meeting
9. Construction access shall be prohibited from Cherokee Road and limited to the rear alley only.
10. Trees located within the right-of-way of Cherokee Road are to be preserved. The removal or placement of any tree within the right-of-way of Cherokee Road must first receive approval from the Louisville Metro Department of Parks and Recreation.
11. In the event blasting is to occur, a pre-blast survey of nearby homes shall be conducted in conformance with State Law for a minimum of two tiers of adjacent property or greater distance if specified by statute.

12. The rear alley from Bonnycastle Avenue to Alta Avenue and providing primary vehicular access to the subject site shall be resurfaced by the applicant in conformance applicable construction standards. Any trees or vegetation lost as a result of construction shall be replaced.