

Planning Commission
Staff Report
January 16, 2014



Case No:	13ZONE1019
Request:	Change in Zoning from EZ-1, Enterprise Zone to R-6, Multi-Family Residential, Variance, Revised General District Development Plan, Detailed District Development Plan, and Amendment to Binding Elements
Project Name:	Jefferson Post Apartments
Location:	4600 Fern Valley Rd.
Owner(s):	Noltemeyer Capital LTD
Applicant:	Michael Keal – Keal & Associates, Inc.
Representative(s):	Bill Bardenwerper – Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in Zoning from EZ-1, Enterprise Zone to R-6, Multi-Family Residential
- Variance to reduce the 75' Parkway Setback to 50' along Fern Valley Road (LDC Table 10.3.1)*****REMOVED BY CASE MANAGER*****
- Revised General District Development Plan
- Detailed District Development Plan
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site lies at the southeast corner of Fern Valley Road and Jefferson Boulevard. Being part of the previously approved Clearwater Farm development, it was originally planned to have two retail buildings constructed on the property. The site remains vacant today as are adjacent properties to the south and west. Apartments for the Clearwater Farm development lie to the east while properties to the north across Fern Valley Road are an undeveloped office site and single family residences. Blue Spring Ditch is also on the north side of Fern Valley Road between the road and the single family residences.

The proposal calls for a 104 unit apartment community spread between seven buildings. There will be a club house and pool as well as 1.88 acres of open space, which is in excess of the amount of open space required. There is a required 75' Parkway Setback along Fern Valley Road of which the applicant is requesting a Variance to reduce it to 50' as vehicular use area is encroaching into the setback. Fern Valley Road is also a part of the Hurstbourne Parkway Corridor Study. However, the Parkway Buffer and Setback requirements in Section 10.3 of the LDC have requirements that are equal to or greater than this study originally proposed.

Existing Zoning District: EZ-1 (Enterprise Zone)
Proposed Zoning District: R-6 (Multi-Family Residential)
Form District: Suburban Workplace
Existing Use: Vacant
Proposed Use: Apartments

Minimum Parking Spaces Required: 156
 Maximum Parking Spaces Allowed: 312
 Parking Spaces Proposed: 208
 Plan Certain Docket #: 9-25-05

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1	SW
Proposed	Apartments	R-6	SW
Surrounding Properties			
North	Vacant/Single Family Residential	OR-1/R-4	N
South	Vacant	EZ-1	SW
East	Apartments	R-6	SW
West	Vacant	EZ-1	SW

PREVIOUS CASES ON SITE

- Docket #9-25-05 & #10-40-05: Re-zoning from EZ-1 & R-4 to R-6 & C-1, Preliminary Major Subdivision Plan, General District Development Plan
- Plat Book 52, Page 22: Clearwater Farm, Phase I
- Plat Book 52, Page 55: Clearwater Farm, Phase II

INTERESTED PARTY COMMENTS

Staff has received no inquiries.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Hurstbourne Parkway Corridor Study – A 30’ LBA is required along Fern Valley Road that meets parkway standards. However, the Parkway Buffer and Setback requirements in Section 10.3 of the LDC have requirements that are equal to or greater than this study originally proposed.

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Suburban Workplace Form District

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

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

Compliance with **Guideline 1 (Community Form)** and **Guideline 3 (Compatibility)** has been met. The proposal continues the existing apartments to the east (Clearwater Farm). Since the original plan called for this site to be used as commercial retail, the down zoning to allow multi-family residential will cause fewer adverse impacts on the adjacent single and multi-family residences. The site will create a better transition from the single family residences to the north to the potential commercial and industrial uses to the southwest. The buildings will maintain the setbacks, building heights, and landscaping pattern of the existing Clearwater Farm apartments while using the existing transportation infrastructure through sidewalks and public and private streets. The site can be accessed by both major roadways adjacent to the site. A transit route is located along Shepherdsville Road, which is within walking distance of the site, and major areas of activity are within a reasonable distance on Jefferson Boulevard, Outer Loop, and Preston Highway.

The proposal complies with **Guideline 4 (Open Space)**, **Guideline 5 (Natural Areas and Scenic and Historic Resources)**, and **Guideline 13 (Landscape Character)** as the proposal includes open space that contains recreation amenities such as a club house and pool to complement general open space. The site has no natural resources to protect and the proposal has been approved by Historic Preservation staff.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been met. It was determined by Transportation Review and KTC that the previously proposed right in/right out along Fern Valley Rd. is not appropriate due to the proximity of a major street intersection to the west. However, Transportation Review and KTC have approved the development plan upon the removal of the right-in/right-out and the applicant having provided additional sidewalk connections from the internal walkways on the subject site to the sidewalks in the adjacent rights-of-way. The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. It is within walking distance of transit routes, and sidewalks are provided along Fern Valley & Jefferson.

The proposal complies with **Guideline 10 (Flooding and Stormwater)** and **Guideline 14 (Infrastructure)** as MSD has approved the request. Appropriate sanitary sewers and drainage will be provided for the development, including two detention basins at the southern side of the site.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR

RGDDP, DDDP, AND BINDING ELEMENTS

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

STAFF: There are no natural resources that currently exist on the site.

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

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

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

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

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

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

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

STAFF: The proposal continues the existing apartments to the east (Clearwater Farm). The buildings will maintain the setbacks, building heights, and landscaping pattern of the existing Clearwater Farm apartments while using the existing transportation infrastructure through sidewalks and public and private streets. The site can be accessed by both major roadways adjacent to the site.

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

STAFF: The proposal continues the existing apartments to the east (Clearwater Farm). Since the original plan called for this site to be used as commercial retail, the down zoning to allow multi-family residential will cause fewer adverse impacts on the adjacent single and multi-family residences. The site will create a better transition from the single family residences to the north to the potential commercial and industrial uses to the southwest. The buildings will maintain the setbacks, building heights, and landscaping pattern of the existing Clearwater Farm apartments while using the existing transportation infrastructure through sidewalks and public and private streets. The site can be accessed by both major roadways adjacent to the site. A transit route is located along Shepherdsville Road, which is within walking distance of the site, and major areas of activity are within a reasonable distance on Jefferson Boulevard, Outer Loop, and Preston Highway.

TECHNICAL REVIEW

- The plan meets the requirements of the LDC.
- While preparing this staff report, it was brought to the attention of the case manager that per Section 10.3.5.A.9 of the LDC, Parkway Setbacks apply only to buildings and not Vehicular Use Areas (VUA). Since the Variance request was only for the perceived encroachment by VUA into the Parkway

Setback, staff determined the Variance request was no longer needed and removed from the list of requests.

- The LD&T Committee requested the plan be revised to show more sidewalk connectivity. Accordingly, the applicant revised the plan to include a sidewalk connection from Jefferson Boulevard, two more sidewalk connections to Jefferson Post Drive, and a new sidewalk along the south side of Vincent Station Way.
- The proposed Binding Elements will apply only to the property being re-zoned within this request.

STAFF CONCLUSIONS

Rezoning

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

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

Revised General District Development Plan, Detailed District Development Plan, and Amendment to Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed RGDDP, DDDP, and Amendment to Binding Elements are justified.

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

Required Actions

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

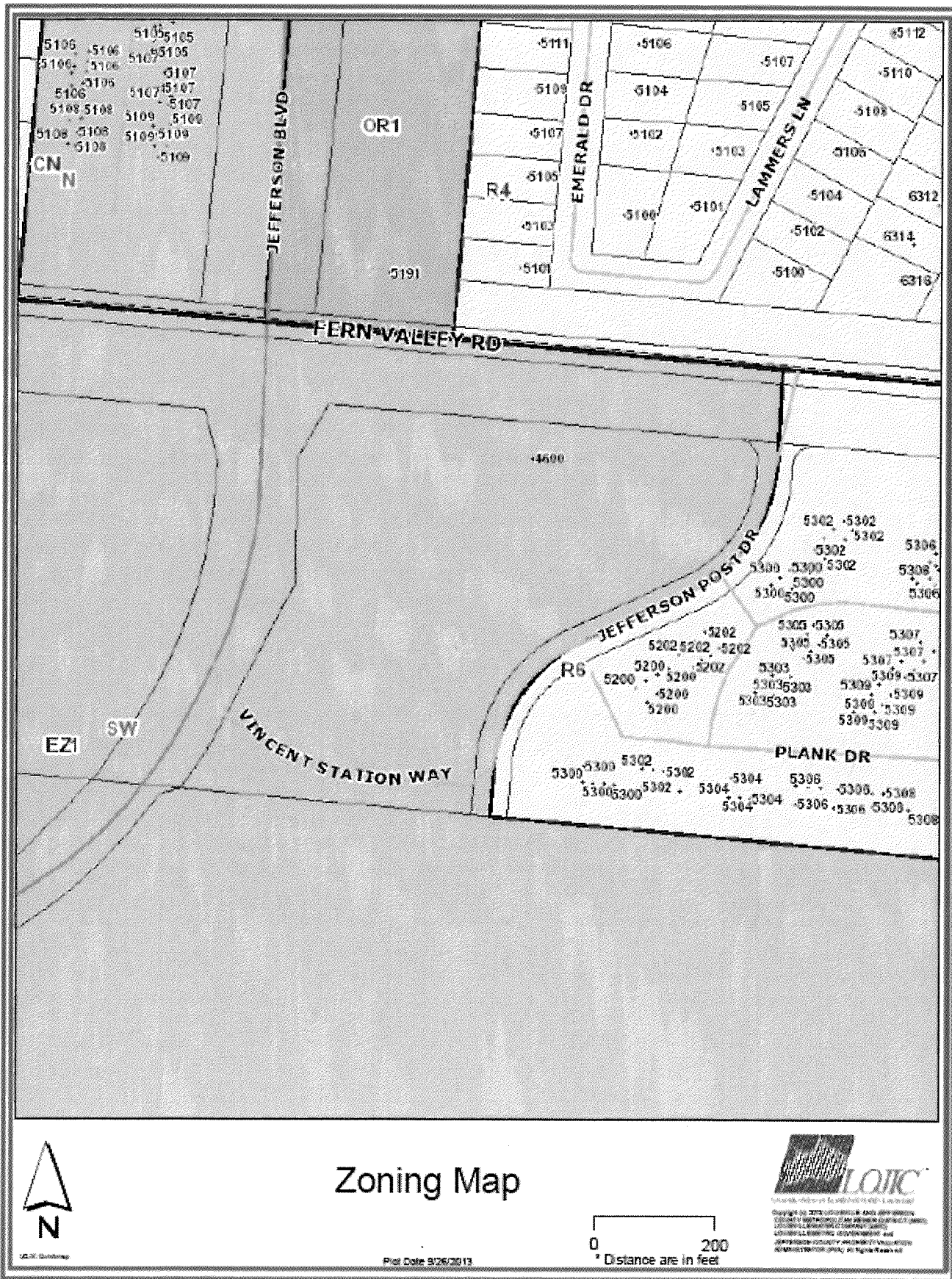
NOTIFICATION

Date	Purpose of Notice	Recipients
11/27/13	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 2 Notification of Development Proposals
12/20/13	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers to Council District 2 Notification of Development Proposals
1/2/14	Hearing before PC	Sign Posting on property
1/8/14	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements to Remain with RGDDP
5. Proposed Binding Elements to Apply to DDDP

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses.	NA	There are no planned developments in the area in which this proposal can be integrated.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. It is within walking distance of transit routes, and sidewalks are provided along Fern Valley & Jefferson.
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 integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	√	The proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
6	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Transportation Review has approved the proposal.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposed lighting will meet the requirements of the LDC.
9	Community Form/Land Use Guideline 3:	A.10: The proposal includes a variety of housing types, including, but not	√	The proposal only includes apartments, but it continues the multi-family unit pattern along this block and acts as a

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
	Compatibility	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.		transition between the single family residences and potential commercial or industrial uses to the southwest.
10	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is located close to a transit corridor and activity center.
11	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	√	The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping and transit routes.
12	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	√	The proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
13	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
14	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
15	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks, lot dimensions and building heights are compatible with the apartments to the east and meet form district standards.
16	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.
17	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	√	Open space design is consistent with the pattern of development in the Suburban Workplace Form District.
18	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate.
19	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features to integrate.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and	√	Historic Preservation staff has no concerns with this proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		placement.		
21	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	Transportation Review has approved the proposal.
22	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal will utilize existing transportation facilities such as roads, sidewalks, and street stubs to access future development.
23	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The proposal will dedicate additional ROW if required by Transportation Planning.
24	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	Adequate stub streets are provided for future roadway connections.
25	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	Access to the site will be from appropriate intensity uses.
26	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. It is within walking distance of transit routes, and sidewalks are provided along Fern Valley & Jefferson.
27	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. It is within walking distance of transit routes, and sidewalks are provided along Fern Valley & Jefferson.
28	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has approved the proposal.
29	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no natural areas that are a system of natural corridors for migration patterns.
30	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal provides access to existing or planned utilities in the area.
31	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	MSD has approved the proposal.

4. **Existing Binding Elements to Remain with RGDDP**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The density of the development shall not exceed 472 dwelling units, total. The western most portion shall be developed with 12.85 per acre (232 units on 18.06 acres). The eastern most portion shall be developed with 14.64 per acre (240 units on 16.39 acres).
4. The western most commercial portion of the development shall not exceed 62,000 square feet of gross floor area. The eastern most commercial portion of the development shall not exceed 33,800 square feet of gross floor area.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site, except for those permitted by the Land Development Code.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
8. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

9. 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.
10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors, and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 18, 2005 Planning Commission meeting.
12. The facade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
13. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
14. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
15. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
16. Prior to requesting a building permit for the apartment buildings, renderings of all apartment buildings shall be submitted to the LD&T Committee for approval. The apartment buildings shall be at least 70% brick. Renderings of all commercial buildings shall be submitted to the LD&T Committee for approval prior to requesting building permits for the commercial buildings.
17. Prior to cemetery site disturbance, the existing cemetery shall be moved in accordance with all applicable statutes and regulations. The cemetery shall be located on the subject site in the vicinity of the historic house.
18. The developer will pay for a traffic signal at the intersection of Fern Valley Road and the extension of Bahama Lane, when that signal is approved by the Kentucky Department of Highways.
19. Trees to be provided for canopy, and interior street trees in the apartment areas, will be a minimum of 235 trees in excess of trees required for screening and parkway.
20. Bahama Lane shall not be extended within the development to Fern Valley Road. Instead, a pedestrian/bicycle path capable of emergency vehicle use shall be constructed within Acapolca Way, where Bahama Lane currently intersects, and the subject property. The pedestrian/bicycle path shall be extended through the development to tie into the street and sidewalk network within the development.

The applicant shall submit a revised plan eliminating the extension of Bahama Lane and including said pedestrian/bicycle path that is best capable of emergency vehicle use to Planning and Design Services for approval of the LD&T Committee of the Planning Commission. Said plan shall be submitted within thirty (30) days of Metro Council final action.

21. The existing house and slave house, which are listed in the National Register of Historic Places, the path leading out from the slave house to the road, and the two stone gates that are beside the walkway shall all be preserved. Exterior changes to this structure shall be reviewed and approved by the staff of the Metro Landmarks Commission. The historic home shall be restored and renovated and used as a community center for the entire development.
22. Prior to ground disturbance of the area to be surveyed as described below, the developer shall hire a professional archaeologist approved by the Urban Design Division to assess the effects, if any, on archaeological resources in the area of the historic house, the area in the rear of the historic house and the slave house, to conduct an archaeological survey in those areas, if recommended, and to report any subsequent discoveries during construction to the Metro Landmarks Commission. The specific area of the site to be surveyed, as well as the scope of work, shall be established in consultation with the Urban Design Division prior to implementation.
23. The developer shall conduct photographic documentation, including digital images and National Register quality black and white prints with negatives, for any structure to be removed as part of the project. Documentation shall be reviewed and approved by the staff of the Urban Design Division of Planning and Design Services prior to removal of any structures.

5. Proposed Binding Elements to Apply to DDDP

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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and the Metropolitan Sewer District
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. 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.

5. 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.

6. The apartment buildings shall be at least 70% brick to ensure compatibility with the existing apartments to the east (Clearwater Farm). The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the January 16, 2014 Planning Commission public hearing.

Land Development and Transportation Committee Staff Report

December 12, 2013



Case No:	13ZONE1019
Request:	Change in Zoning from EZ-1, Enterprise Zone to R-6, Multi-Family Residential, Variance, Revised General District Development Plan, Detailed District Development Plan, and Amendment to Binding Elements
Project Name:	Jefferson Post Apartments
Location:	4600 Fern Valley Rd.
Owner(s):	Noltemeyer Capital LTD
Applicant:	Michael Keal – Keal & Associates, Inc.
Representative(s):	Bill Bardenwerper – Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in Zoning from EZ-1, Enterprise Zone to R-6, Multi-Family Residential
- Variance to reduce the 75' Parkway Setback to 50' along Fern Valley Road (LDC Table 10.3.1)
- Revised General District Development Plan
- Detailed District Development Plan
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site lies at the southeast corner of Fern Valley Road and Jefferson Boulevard. Being part of the previously approved Clearwater Farm development, it was originally planned to have two retail buildings constructed on the property. The site remains vacant today as are adjacent properties to the south and west. Apartments for the Clearwater Farm development lie to the east while properties to the north across Fern Valley Road are an undeveloped office site and single family residences. Blue Spring Ditch is also on the north side of Fern Valley Road between the road and the single family residences.

The proposal calls for a 104 unit apartment community spread between seven buildings. There will be a club house and pool as well as 1.88 acres of open space, which is in excess of the amount of open space required. There is a required 75' Parkway Setback along Fern Valley Road of which the applicant is requesting a Variance to reduce it to 50' as vehicular use area is encroaching into the setback. Fern Valley Road is also a part of the Hurstbourne Parkway Corridor Study. However, the Parkway Buffer and Setback requirements in Section 10.3 of the LDC have requirements that are equal to or greater than this study originally proposed.

Existing Zoning District: EZ-1 (Enterprise Zone)
Proposed Zoning District: R-6 (Multi-Family Residential)
Form District: Suburban Workplace
Existing Use: Vacant
Proposed Use: Apartments
Minimum Parking Spaces Required: 156

Maximum Parking Spaces Allowed: 312
 Parking Spaces Proposed: 208
 Plan Certain Docket #: 9-25-05

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1	SW
Proposed	Apartments	R-6	SW
Surrounding Properties			
North	Vacant/Single Family Residential	OR-1/R-4	N
South	Vacant	EZ-1	SW
East	Apartments	R-6	SW
West	Vacant	EZ-1	SW

PREVIOUS CASES ON SITE

- Docket #9-25-05 & #10-40-05: Re-zoning from EZ-1 & R-4 to R-6 & C-1, Preliminary Major Subdivision Plan, General District Development Plan
- Plat Book 52, Page 22: Clearwater Farm, Phase I
- Plat Book 52, Page 55: Clearwater Farm, Phase II

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Hurstbourne Parkway Corridor Study – A 30’ LBA is required along Fern Valley Road that meets parkway standards. However, the Parkway Buffer and Setback requirements in Section 10.3 of the LDC have requirements that are equal to or greater than this study originally proposed.

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

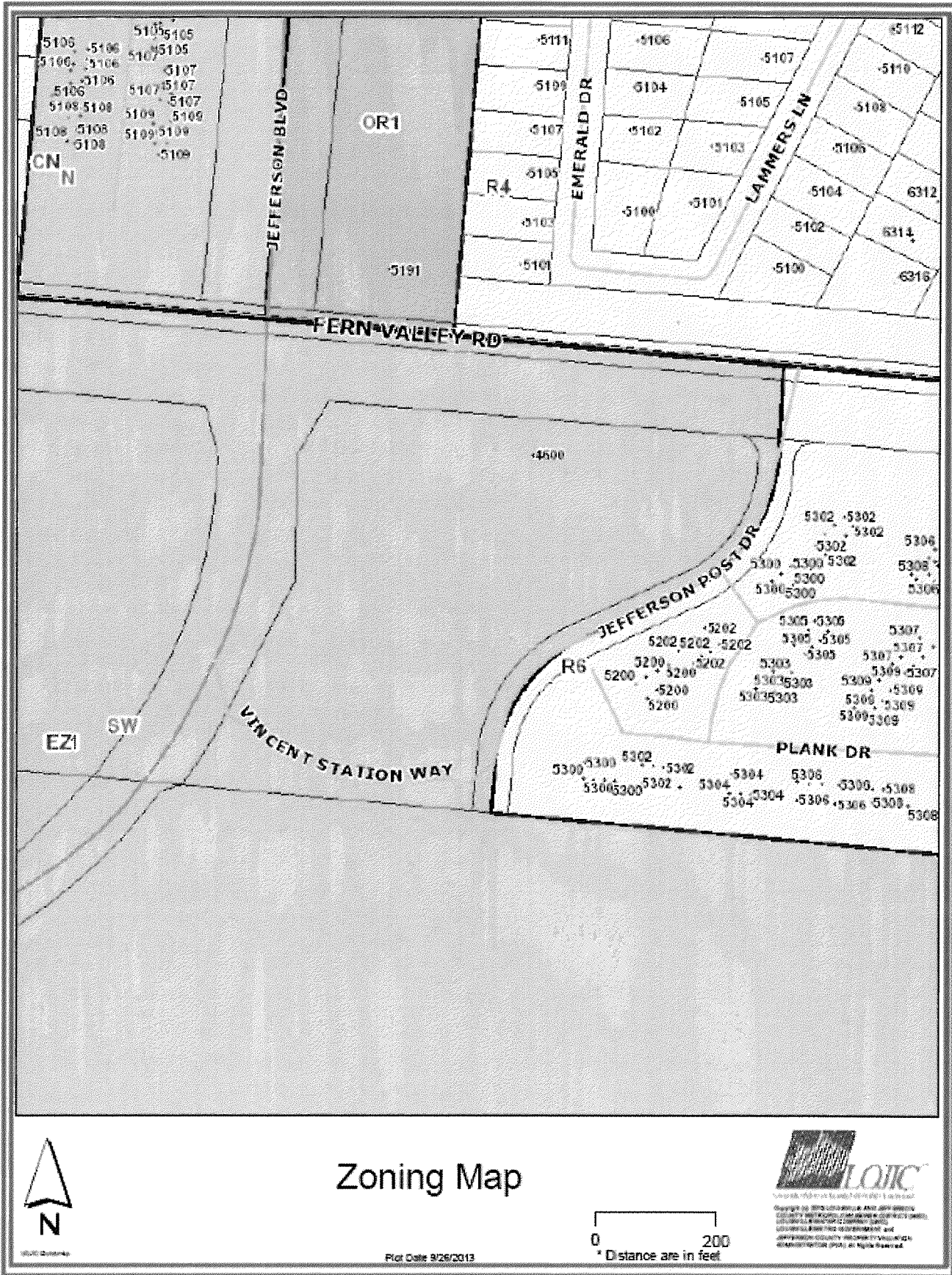
1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

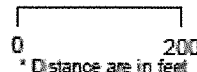
Following is staff’s analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Suburban Workplace Form District

1. Zoning Map



Zoning Map



Plot Date 9/26/2013

2. Aerial Photograph



3. Existing Binding Elements to Remain with RGDDP

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The density of the development shall not exceed 472 dwelling units, total. The western most portion shall be developed with 12.85 per acre (232 units on 18.06 acres). The eastern most portion shall be developed with 14.64 per acre (240 units on 16.39 acres).
4. The western most commercial portion of the development shall not exceed 62,000 square feet of gross floor area. The eastern most commercial portion of the development shall not exceed 33,800 square feet of gross floor area.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site, except for those permitted by the Land Development Code.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
8. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
9. 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.
10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall

advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors, and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 18, 2005 Planning Commission meeting.
12. The facade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
13. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
14. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
15. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
16. Prior to requesting a building permit for the apartment buildings, renderings of all apartment buildings shall be submitted to the LD&T Committee for approval. The apartment buildings shall be at least 70% brick. Renderings of all commercial buildings shall be submitted to the LD&T Committee for approval prior to requesting building permits for the commercial buildings.
17. Prior to cemetery site disturbance, the existing cemetery shall be moved in accordance with all applicable statutes and regulations. The cemetery shall be located on the subject site in the vicinity of the historic house.
18. The developer will pay for a traffic signal at the intersection of Fern Valley Road and the extension of Bahama Lane, when that signal is approved by the Kentucky Department of Highways.
19. Trees to be provided for canopy, and interior street trees in the apartment areas, will be a minimum of 235 trees in excess of trees required for screening and parkway.
20. Bahama Lane shall not be extended within the development to Fern Valley Road. Instead, a pedestrian/bicycle path capable of emergency vehicle use shall be constructed within Acapolca Way, where Bahama Lane currently intersects, and the subject property. The pedestrian/bicycle path shall be extended through the development to tie into the street and sidewalk network within the development. The applicant shall submit a revised plan eliminating the extension of Bahama Lane and including said pedestrian/bicycle path that is best capable of emergency vehicle use to Planning and Design Services for approval of the LD&T Committee of the Planning Commission. Said plan shall be submitted within thirty (30) days of Metro Council final action.
21. The existing house and slave house, which are listed in the National Register of Historic Places, the path leading out from the slave house to the road, and the two stone gates that are beside the walkway shall all be preserved. Exterior changes to this structure shall be reviewed and approved by the staff of

the Metro Landmarks Commission. The historic home shall be restored and renovated and used as a community center for the entire development.

22. Prior to ground disturbance of the area to be surveyed as described below, the developer shall hire a professional archaeologist approved by the Urban Design Division to assess the effects, if any, on archaeological resources in the area of the historic house, the area in the rear of the historic house and the slave house, to conduct an archaeological survey in those areas, if recommended, and to report any subsequent discoveries during construction to the Metro Landmarks Commission. The specific area of the site to be surveyed, as well as the scope of work, shall be established in consultation with the Urban Design Division prior to implementation.
23. The developer shall conduct photographic documentation, including digital images and National Register quality black and white prints with negatives, for any structure to be removed as part of the project. Documentation shall be reviewed and approved by the staff of the Urban Design Division of Planning and Design Services prior to removal of any structures.

4. Proposed Binding Elements to Apply to DDDP

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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and the Metropolitan Sewer District
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. 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.
5. 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.

6. The apartment buildings shall be at least 70% brick to ensure compatibility with the existing apartments to the east (Clearwater Farm). The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the _____ Planning Commission public hearing.

**Pre-Application
Staff Report**

September 26, 2013



Case No:	13ZONE1019
Project Name:	Jefferson Post Apartments
Location:	4600 Fern Valley Rd.
Owner(s):	Noltemeyer Capital LTD
Applicant:	Michael Keal – Keal & Associates, Inc.
Representative(s):	Bill Bardenwerper – Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size:	8.418 Acres
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from EZ-1 to R-6 to allow an apartment community
- Revised General District Development Plan
- Detailed District Development Plan
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site lies at the southeast corner of Fern Valley Road and Jefferson Boulevard. Being part of the previously approved Clearwater Farm development (Docket #9-25-05), it was originally planned to have two retail buildings constructed on the property. The site remains vacant today as are adjacent properties to the south and west. Apartments for the Clearwater Farm development lie to the east while properties to the north across Fern Valley Road are an undeveloped office site and single family residences. Blue Spring Ditch is also on the north side of Fern Valley Road between the road and the single family residences.

Existing Zoning District: EZ-1 (Enterprise Zone)
Proposed Zoning District: R-6 (Multi-Family Residential)
Form District: Suburban Workplace
Existing Use: Vacant
Proposed Use: Apartments
Minimum Parking Spaces Required: 156
Maximum Parking Spaces Allowed: 312
Parking Spaces Proposed: 210

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1	SW
Proposed	Apartments	R-6	SW
Surrounding Properties			
North	Vacant/Single Family Residential	OR-1/R-4	N
South	Vacant	EZ-1	SW
East	Apartments	R-6	SW
West	Vacant	EZ-1	SW

PREVIOUS CASES ON SITE

- Docket #9-25-05 & #10-40-05: Re-zoning from EZ-1 & R-4 to R-6 & C-1, Preliminary Major Subdivision Plan, General District Development Plan
- Plat Book 52, Page 22: Clearwater Farm, Phase I
- Plat Book 52, Page 55: Clearwater Farm, Phase II

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Hurstbourne Parkway Corridor Study – A 30' LBA is required along Fern Valley Road that meets parkway standards

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Suburban Workplace Form District

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

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-

servicing uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

Compliance with **Guideline 1 (Community Form)** and **Guideline 3 (Compatibility)** has been met. The proposal continues the existing apartments to the east (Clearwater Farm). Since the original plan called for this site to be used as commercial retail, the down zoning to allow multi-family residential will cause fewer adverse impacts on the adjacent single and multi-family residences. The site will create a better transition from the single family residences to the north to the potential commercial and industrial uses to the southwest. The buildings will maintain the setbacks, building heights, and landscaping pattern of the existing Clearwater Farm apartments while using the existing transportation infrastructure through sidewalks and public and private streets. The site can be accessed by both major roadways adjacent to the site while further discussion on the right in/right out access along Fern Valley Road will need further input from KTC as to its appropriateness and design. A transit route is located along Shepherdsville Road, which is within walking distance of the site, and major areas of activity are within a reasonable distance on Jefferson Boulevard, Outer Loop, and Preston Highway.

The proposal complies with **Guideline 4 (Open Space)**, **Guideline 5 (Natural Areas and Scenic and Historic Resources)**, and **Guideline 13 (Landscape Character)** as the proposal includes open space that contains recreation amenities such as a club house and pool to complement general open space. The site has no natural resources to protect and the proposal has been approved by Historic Preservation staff.

More information is required to determine compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)**. Transportation Review and KTC comments will need to be addressed, including whether or not the right in/right out along Fern Valley Rd. is appropriate and if it meets design criteria.

The proposal will need to provide additional information to determine compliance with **Guideline 10 (Flooding and Stormwater)** and **Guideline 14 (Infrastructure)** as any comments from MSD will need to be addressed.

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

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

TECHNICAL REVIEW

Tree Canopy Regulations – Chapter 10.1.4 of the LDC

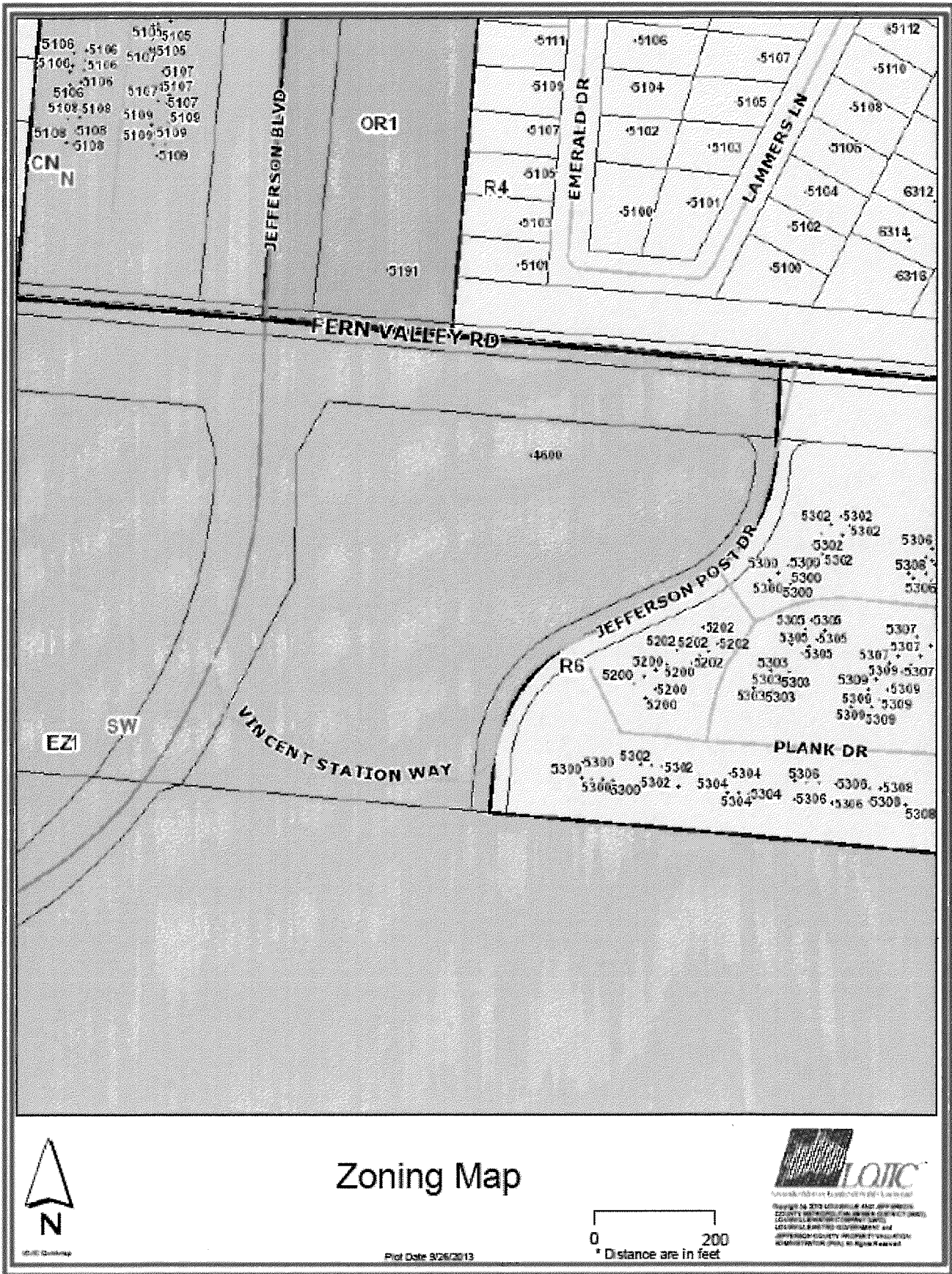
Table 10.1.2 Minimum Tree Canopy Coverage

Class Canopy Requirement per Table 10.1.1	Preserved Tree Canopy Coverage Area	New Tree Canopy Coverage Area	Total Tree Canopy Coverage Area Required
Class C	15%	0%	15%
If site is 0%-40% covered in existing tree canopy	12%	4%	16%
	9%	8%	17%
	6%	12%	18%
	3%	16%	19%
	0%	20%	20%

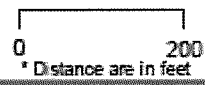
ATTACHMENTS

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

1. **Zoning Map**



Zoning Map



Plot Date 9/26/2013

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2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses.	NA	There are no planned developments in the area in which this proposal can be integrated.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. The site will have multiple access points, it is within walking distance of transit routes, and sidewalks are provided along Fern Valley & Jefferson.
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 integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	√	The proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
6	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Applicant will need to address Transportation Review comments.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposed lighting will meet the requirements of the LDC.
9	Community Form/Land Use Guideline 3:	A.10: The proposal includes a variety of housing types, including, but not	√	The proposal only includes apartments, but it continues the multi-family unit pattern along this block and acts as a

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
	Compatibility	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.		transition between the single family residences and potential commercial or industrial uses to the southwest.
10	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is located close to a transit corridor and activity center.
11	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	√	The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping and transit routes.
12	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	√	The proposed building materials will meet the requirements of the LDC as presented at the Planning Commission.
13	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
14	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal integrates into the pattern of development as the proposed buildings are setback from property lines with proposed landscaping. It continues the apartment development to the east and helps to buffer adjacent single family residences to the north from potential commercial or industrial development to the southwest. This site was originally proposed to be commercial uses and, as apartments, would be a good transition from the adjacent single family residences to any future commercial or industrial uses to the southwest.
15	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks, lot dimensions and building heights are compatible with the apartments to the east and meet form district standards.
16	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.
17	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	√	Open space design is consistent with the pattern of development in the Suburban Workplace Form District.
18	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate.
19	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features to integrate.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and	√	Historic Preservation staff has no concerns with this proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
		placement.		
21	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	+/-	Applicant will need to address Transportation Review comments.
22	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal will utilize existing transportation facilities such as roads, sidewalks, and street stubs to access future development.
23	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The proposal will dedicate additional ROW if required by Transportation Planning.
24	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	Adequate stub streets are provided for future roadway connections.
25	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	Access to the site will be from appropriate intensity uses.
26	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. The site will have multiple access points, it is within walking distance of transit routes, and sidewalks are provided along Fern Valley & Jefferson.
27	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians. The site will have multiple access points, it is within walking distance of transit routes, and sidewalks are provided along Fern Valley & Jefferson.
28	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	Applicant will need to address MSD comments.
29	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no natural areas that are a system of natural corridors for migration patterns.
30	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal provides access to existing or planned utilities in the area.
31	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
32	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	Applicant will need to address MSD comments.

4. **Site Inspection Report**
Reserved

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

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