

Planning Commission

Staff Report

May 20, 2021



Case No:	20-DDP-0045
Project Name:	Providence Point Apartments
Location:	2020 Herr Lane
Owner(s):	Providence Point LLC
Applicant:	Providence Point LLC
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Waivers:**
 - 1: from 10.2.4 to omit the required Landscape Buffer Area (LBA) on the zoning lines internal to the site (20-WAIVER-0079)
 - 2: from 10.2.4.B.3 to allow a utility easement to encroach more than 50% over a required LBA on the front and rear property lines (20-WAIVER-0080)
 - 3: from 10.2.4.B.1 allow parking and drive lanes to encroach into the required LBA along the rear property line (20-WAIVER-0081)
 - 4: from 5.4.1.G.3 to permit parking and garages to be located closer to the primary street than the façade of the buildings (20-WAIVER-0121)
 - 5: from 10.2.4.B.3 to allow a utility easement to encroach more than 50% over a required LBA on the east property line (21-WAIVER-0021)
- **Revised Detailed District Development Plan** with replacement of existing Binding Elements

CASE SUMMARY/BACKGROUND

The subject property is located along Herr Lane across from Ballard High School, and is currently undeveloped. The applicant proposes to construct a new 520-unit multi-family development, consisting of 12 3- and 4-story buildings. A clubhouse and pool will be located adjacent to, and partially within, Building 1, and the site plan reflects two dog parks.

The site was rezoned from R-4 to C-1, C-N and OR-3 under docket 9-08-00. The original approved plan was for general commercial, restaurant, office and bank uses. A revised detailed district development plan was approved under the same docket number in 2006, changing the use of the property to mixed commercial, office and residential, with 312 units and 173,900 square feet of non-residential floor space.

This case was heard by the Planning Commission on April 1, 2021, and was continued to April 15, 2021 for deliberation. At that time, it was continued again to May 20, 2021 in order to give the opposition attorney an opportunity to cross-examine MSD representative David Johnson.

STAFF FINDING

Staff finds that the development plan generally meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code, with the exception of the requested waivers and variances. Staff finds that the requested waivers are adequately justified and meet the standard of review. Two variances are requested as well. The variances will be reviewed by the Board of Zoning Adjustment.

TECHNICAL REVIEW

Plan 2040

Land Development Code (Louisville Metro)

MSD and Transportation Planning have provided preliminary approval of the site plan. Kentucky Transportation Cabinet will require a change to the plan, by removing the signal depicted on the plan. KYTC will not permit the signal to be constructed. KYTC performed a traffic signal warrant analysis, provided at the end of this report as Attachment #5, and determined that the signal is not warranted. KYTC will not approve the signal and would prefer to see the signal taken off the plan so that it does not confuse any members of the public into thinking that a signal will be constructed.

Staff recommends that the KYTC required change to the plan be made and the signal removed from the plan. The signal shall be constructed in accordance with proposed Binding Element 9a if warranted, but at this time it is not warranted and should not be on the plan.

INTERESTED PARTY COMMENTS

Numerous interested party comments in opposition to the request have been received. Additionally, attorney Clarence Hixson has objected to the request on the grounds of pending litigation in circuit court. Several emails were received after the previous hearings. One email has been received in favor of the request provided that affordable housing units are provided, and an email from the adjoining institutional use has been received neither in favor nor in opposition.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1:

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

STAFF: The waiver will not adversely affect adjacent property owners as the waiver is internal to the site and will permit the site to be utilized as a unified whole.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses and uses in different density categories. The adjacent uses on either side of the zoning district lines are identical and in the same density category.

- (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 provision of the required LBA would unnecessarily break up the development along the zoning district lines.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the zoning district lines were created passing through the lot, necessitating the subject waiver on each iteration of the plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2:

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

STAFF: The waiver will not adversely affect adjacent property owners as the affected adjacent property owner is non-residential in use, and the required plantings will be provided.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses. The proposed development is not incompatible with the adjacent commercial use.

- (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 neither the required LBA nor the required easements can be moved.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the overlap is necessitated by the creation of drainage easements, which are needed to serve the development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3:

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

STAFF: The waiver will not adversely affect adjacent property owners as the affected adjacent property owner is non-residential in nature and the encroachment will not affect the required planting density.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses. The proposed development is not incompatible with the adjacent institutional use.

- (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 encroachment is being made by a drive lane, which is needed to provide connectivity within the development.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring a complete re-design of the development, or the omission of some of the parking served by the drive lane.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #4:

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

STAFF: The waiver will not adversely affect adjacent property owners as the design of the garages and parking area is such that landscaping can conceal them.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages the provision of parking that does not create adverse impacts on neighboring residential uses, and to encourages the integration of parking garage facilities into their surroundings so that there is an inviting street-level appearance. The adjacent uses are non-residential.

- (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 not the minimum necessary to afford relief to the applicant as the applicant is providing parking in excess of the minimum required.

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

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived because the applicant proposes enhanced landscaping in front of the garages and parking area to screen them from view of the road.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #5:

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

STAFF: The waiver will not adversely affect adjacent property owners as the affected adjacent property owner is non-residential in use, and the required plantings will be provided.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses. The proposed development is not incompatible with the adjacent commercial use.

- (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 neither the required LBA nor the required easements can be moved.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the overlap is necessitated by the creation of drainage easements, which are needed to serve the development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 do not appear to be any environmental constraints or historic resources on the subject site. The site is undeveloped, and no natural resources appear to exist on the site aside from tree canopy. Tree canopy requirements are being met.

- 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. Louisville Metro Public Works has provided preliminary approval of the plan.

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

STAFF: Required open space and recreational open space are being provided.

- 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 overall site design and land uses are compatible with the existing and future development of the area. Ballard High School is located across the street. Institutional use is located to the rear of the property, and commercial uses are located to either side. The site is located near an existing activity center along the Brownsboro Road corridor.

- 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. The proposal would create new housing adjacent to an existing activity center and along a transit line. Residents would be able to easily access neighborhood-serving goods and services. The housing that exists in the neighborhood is largely single-family detached housing. The proposal would increase the variety of housing options and price points in the neighborhood. The plan conforms to requirements of the Land Development Code, with the exception of a requested waivers and variances.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan and Amended Binding Elements**

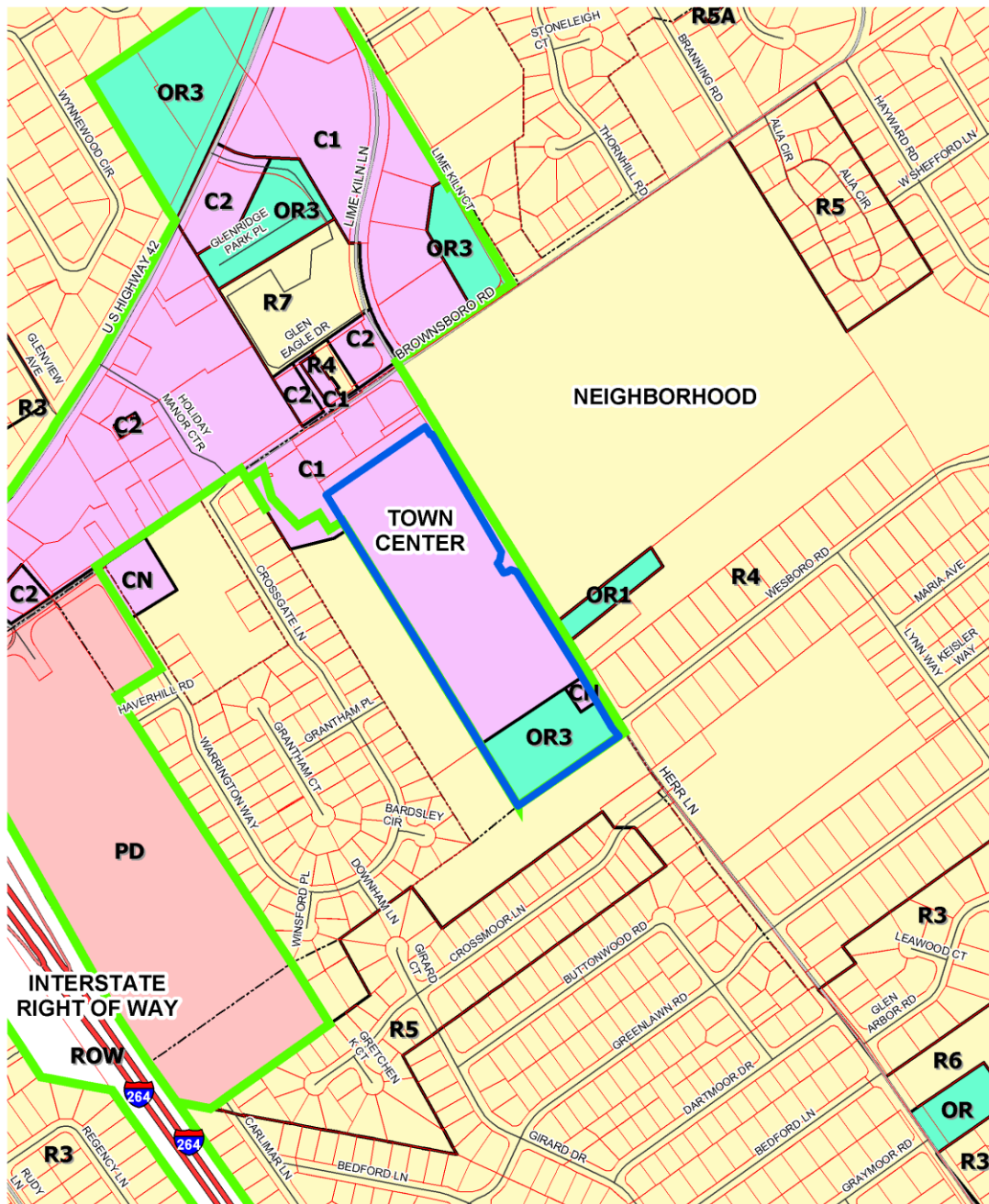
NOTIFICATION

Date	Purpose of Notice	Recipients
03/18/2021	Planning Commission Public Meeting	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 7

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (docket 09-08-00)
4. Proposed Binding Elements
5. KYTC Signal Warrant Analysis

1. Zoning Map



2020 Herr Lane
feet

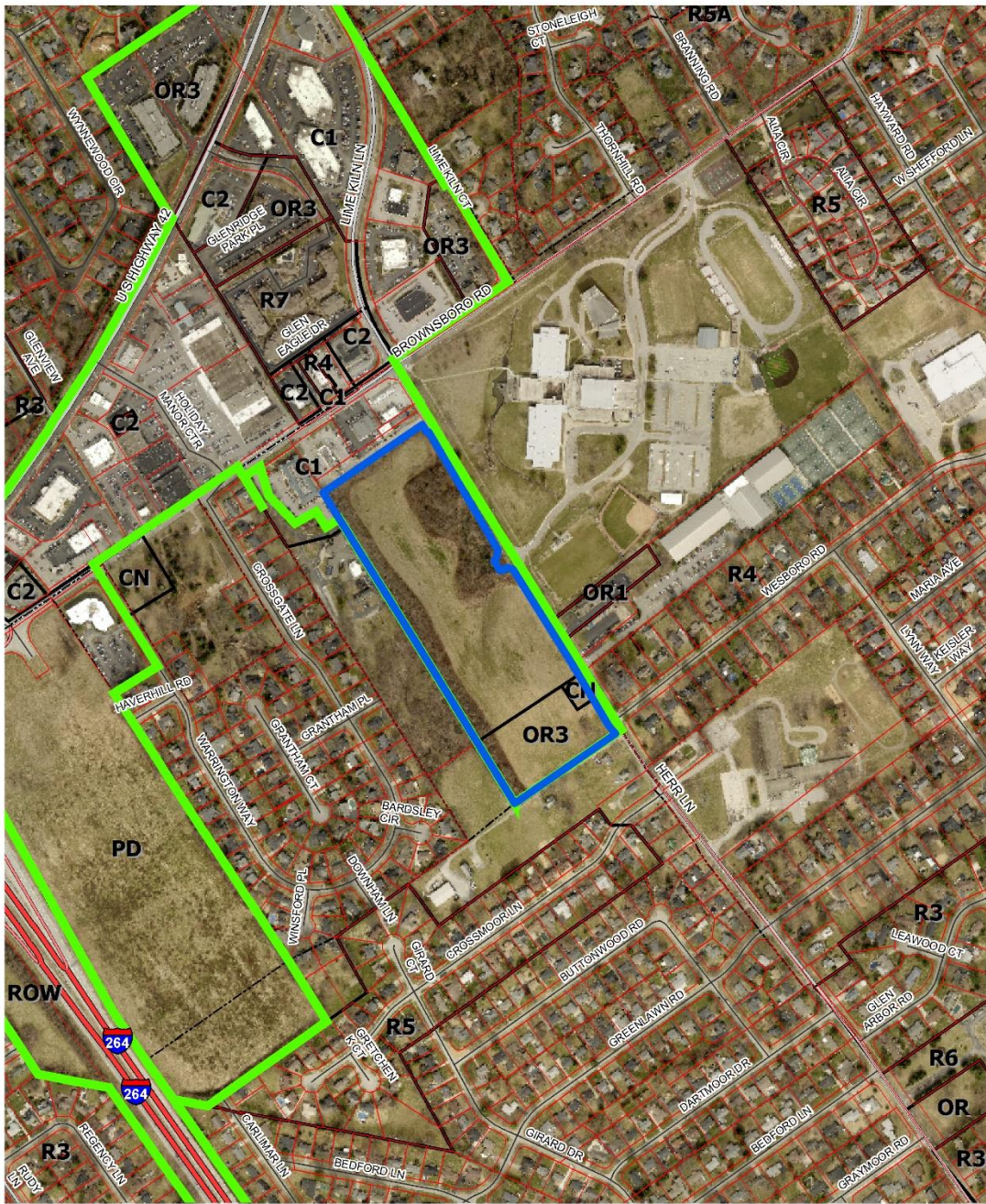
560

Map Created: 3/22/2021



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2. Aerial Photograph



2020 Herr Lane
feet

560

Map Created: 3/22/2021



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3. Existing Binding Elements (docket 09-08-00)

1. ~~The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.~~
2. ~~Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:~~
 - a. ~~screening, buffering, landscaping, tree preservation~~
 - b. ~~density, floor area, size and height of buildings~~
 - c. ~~points of access and site layout with respect to on-site circulation~~
 - d. ~~land uses~~
 - e. ~~signage~~
 - f. ~~loading berths~~
 - g. ~~parking~~
 - h. ~~sidewalks~~
 - i. ~~site design elements relating to alternative transportation modes~~
 - j. ~~outdoor lighting~~
 - k. ~~minor subdivision plat approval~~
 - l. ~~air pollution~~
 - m. ~~the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service and adequate fire protection~~
 - n. ~~dumpsters~~
3. ~~The development shall not exceed 791,852 square feet of gross floor area.~~
4. ~~No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
5. ~~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.~~
6. ~~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 Inspections, Permits and Licensing, 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 minor subdivision plat shall be recorded creating the lot lines as shown on the development plan/dedicating additional right-of-way. A copy of the recorded instrument shall be submitted to the Division of Planning and Design services; transmittal of~~

- approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- d. ~~The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.~~
- e. ~~A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
7. ~~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.~~
8. ~~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 assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.~~
9. ~~If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.~~
10. **Surface Water Detention.** ~~On-site surface water detention facilities shall be sized to contain 200% of the volume of surface water required by the Metropolitan Sewer District ("MSD").~~
11. **Signage.** ~~Signs shall be in accordance with Chapter 8.~~
12. **Lighting.** ~~At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.~~
13. **Outdoor Storage; Delivery Vehicle Idling; Dumpster Hours.**
- a. ~~There shall be no outdoor storage on site.~~
- b. ~~In the area between the retail buildings and the west property line, there shall be no overnight parking of idling vehicles between 11 PM and 7 AM daily, and between 10 AM and 12 noon on Sundays.~~
- c. ~~Dumpster unloading, movement, replacement or servicing shall not occur between the hours of 11 PM and 7 AM daily, and between 10 AM and 12 noon on Sundays.~~
14. **Bicycle Storage Facilities.** ~~One or more bicycle storage facilities shall be located on-site at a location or locations convenient for use by customers.~~

15. ~~Soil Erosion and Sediment Control.~~ Applicant/Developer shall comply with applicable recommendations or requirements by MSD or USDA Natural Resources Soil Conservation Service regarding soil erosion and sediment control.
16. Developer shall install, at its sole expense:
- a. ~~A traffic signal in compliance with all Kentucky Department of Transportation requirements at a location shown on an amended district development plan approved by the Planning Commission; and~~
 - b. ~~A left turn lane on Herr lane in compliance with all Kentucky Department of Transportation requirements into Ballard High School as shown on an amended development plan approved by the Planning Commission.~~
 - c. ~~The improvements in a. and b. above shall be fully installed and operational prior to requesting or issuance of any certificates of occupancy for the development.~~
17. ~~Prior to filling the existing pond(s) on site, a geotechnical survey shall be performed for review and approval by MSD and Public Works.~~
18. ~~Building materials shall not contain vinyl siding. Construction materials in each building of the development shall include no less than 75 percent brick, stone or manufactured stone, with wood, Hardy Plank and stucco not exceeding 25 percent but with a material generally known as Drivit to be used in cornices and eaves. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the May 17, 2006 Planning Commission meeting. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to transmittal of the plan to the appropriate agencies.~~
19. ~~The following uses shall not be permitted in the development:~~
- ~~Apartment Hotels~~
 - ~~Arcades~~
 - ~~Automobile Rental Agencies~~
 - ~~Automobile Service Stations~~
 - ~~Beer Depots~~
 - ~~Boarding and Lodging Houses~~
 - ~~Bowling Alleys~~
 - ~~Car Washes~~
 - ~~Commercial Communications Towers~~
 - ~~Dry-cleaning Facilities Greater than 3000 square feet in size~~
 - ~~Hotels and Motels~~
 - ~~Ice Storage Plants~~
 - ~~Massage Parlors and other Adult Entertainment Facilities~~
 - ~~Medical Laboratories~~
 - ~~Restaurants Typically Referred to as "Fast Food" ("Fast Food" Means Restaurants with Drive-Through Facilities)~~
 - ~~Tattoo Parlors~~
 - ~~Two-Family Dwellings~~
 - ~~Mini-warehouses~~
 - ~~Pawn Shop~~
20. ~~No drive through facilities shall be permitted, except a drive-through associated with a drug store or coffee shop (but not a restaurant) shall be permitted, and provided any permitted drive-through use shall be located in a freestanding building.~~

- ~~21. Sidewalks shall be included through the development and specifically along Herr Lane where drainage shall be piped rather than left in an open ditch.~~
- ~~22. Construction plans, bond, and KTC encroachment permit for Herr Lane roadway improvements are required prior to construction approval by Public Works. Road improvements shall be completed prior to any request for certificate of occupancy.~~
- ~~23. The roadway improvements shall be completed before any certificates of occupancy are issued.~~
- ~~24. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line of the entire development site.~~
- ~~25. No idling of trucks shall not take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on site.~~
- ~~26. Multi-family development of the property shall be limited to development under a horizontal property regime.~~
- ~~27. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.~~

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use is requested:
 - a. The development plan must receive full construction approval from Construction Review, 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - d. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. 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.
8. The Developer / Property Owner shall install a concrete boarding pad and bench pad as indicated on the development plan, and then notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the Developer / Property Owner shall clean the stop as needed.
9. Developer shall install, at its sole expense:
 - a. A traffic signal, if warranted by Kentucky Transportation Cabinet (KYTC) standard warranting methods. This shall be done in compliance with all KYTC specifications and requirements at the intersection of Herr Lane with the development and Ballard High School shown on an amended district development plan approved by the Planning Commission; and
 - b. A left turn lane on Herr lane, as approved by the Kentucky Transportation Cabinet, into both the development and Ballard High School as shown on an amended development plan approved by the Planning Commission.
 - c. The improvements in 9b. shall be fully installed and operational prior to requesting or the issuance of any certificates of occupancy for the development. For the improvements in 9a., the developer shall, before completion of the project, escrow adequate funding, as determined by KYTC, to potentially construct the improvements within the first 5 years of the issuance of the first Certificate of Occupancy. Installation of these improvements will be based on the intersection meeting the KYTC Warrants for signalization during this 5-year window. At the conclusion of the 5-year period, if no signal has been constructed and warrants are still not met, the funding will revert to the developer or owner of record of the escrow.
10. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

5. KYTC Signal Warrant Analysis



Kentucky Transportation Cabinet
 Division of Traffic Operations
 TRAFFIC SIGNAL WARRANT ANALYSIS

TC 72-6
 10/2013

COUNTY Jefferson DATE August 21, 2019 DAY OF WEEK Wednesday
 CITY Louisville MILEPOST 2 NO. OF CORRECTIBLE CRASHES IN 12 MONTH PERIOD _____
 MAJOR STREET NAME Herr Lane NO. OF MAJOR STREET APPROACH LANES 1
 MINOR STREET NAME Providence Point NO. OF MINOR STREET APPROACH LANES 1
 POSTED SPEED LIMIT MAJOR SREET 35 MPH POPULATION < 10,000 YES NO
 POSTED SPEED LIMIT MINOR SREET 25 MPH REDUCED WARRANTS BASED UPON SPEED POPULATION

TIME	MAJOR STREET TWO WAY VOLUME	MINOR STREET HIGHEST VOLUME APPROACH	Warrant 1 Condition A		Warrant 1 Condition B		Warrant 7 - CRASH EXPERIENCE (Warrant 1 Condition A or B 80% Satisfied) AND (5 or More Correctible Crashes in 12 Month Period)			
			Minimum Vehicular Volume		Interruption of Continuous Traffic		Warrant 1 Condition A - 80%		Warrant 1 Condition B - 80%	
			MAJOR	MINOR	MAJOR	MINOR	MAJOR	MINOR	MAJOR	MINOR
			500 (1) 600 (2)	150 (1) 200 (2)	750 (1) 900 (2)	75 (1) 100 (2)	400 (1) 480 (2)	120 (1) 160 (2)	600 (1) 720 (2)	60 (1) 80 (2)
			REDUCED WARRANTS				REDUCED WARRANTS (56% Reduction)			
Are Side Street Rights Included? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			350 (1) 420 (2)	105 (1) 140 (2)	525 (1) 630 (2)	53 (1) 70 (2)	280 (1) 336 (2)	84 (1) 112 (2)	420 (1) 504 (2)	42 (1) 56 (2)
			(1) = ONE LANE APPROACH		(2) = TWO LANE APPROACH					
7-8 am	903	228	X	X	X	X	X	X	X	X
8-9 am	868	166	X	X	X	X	X	X	X	X
9-10 am	622	108	X			X	X	X	X	X
10-11 am	600	89	X			X		X	X	X
11-12 am	718	85	X			X		X	X	X
12-1 pm	769	87	X		X	X		X	X	X
1-2 pm	789	91	X		X	X		X	X	X
2-3 pm	969	94	X		X	X		X	X	X
3-4 pm	957	93	X		X	X		X	X	X
4-5 pm	1,021	117	X		X	X		X	X	X
5-6 pm	1,168	145	X		X	X		X	X	X
6-7 pm	955	125	X		X	X		X	X	X
NUMBER OF HOURS			2		9		4		12	
COMPLIANCE			NO		YES		NO			