

# Planning Commission Staff Report

July 20, 2017



<b>Case No:</b>	17ZONE1006
<b>Project Name:</b>	Villas of Beaumont
<b>Location:</b>	8602 Old Bardstown Road
<b>Owner(s):</b>	Monsour Builders, Inc.
<b>Applicant:</b>	SFLS, LLC
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Joel P. Dock, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to R-5A, Multi-Family Residential
- **Detailed District Development Plan**
- **Major Preliminary Subdivision Plan** for extension of public right-of-way

## CASE SUMMARY

Sixteen residential buildings containing fifty-eight dwelling-units with shared side and/or rear walls and individual driveways served by internal drive lanes are being proposed on 12.35 acres, located roughly one and one-half miles South of Interstate-265. Primary access to the site is gained from Old Bardstown Road via Long Home Road/Sanctuary Lane. The public road of Sanctuary Lane will be extended Westward through the site and stub to an abutting property. Single-family residential dwellings immediately surround the subject site, either as standard subdivisions or patio and condominium developments similar to the proposed development. Unlike many of these surrounding patio home developments, the units proposed will not be separated as individual properties; thus, a multi-family zoning is being requested.

## STAFF FINDING

The requests are in conformance with the Comprehensive Plan and Land Development Code as demonstrated in the Cornerstone 2020 Staff Review Checklist provided as Attachment 3 and Staff's Analysis beginning on page 3. The number of units proposed is no greater than permitted under the existing R-4 zoning district. The type of housing proposed necessitates a zoning change as the units are attached side and/or rear wall without individual lots separating the dwellings. Renderings provided demonstrate consistency with the surrounding area and no adverse impact on abutting properties would be generated as appropriate transitions are provided. The impact of this site on the single-family development in the PRD zoning district to the east and surrounding single-family residential lots are minimal as the subject site is being developed at a low-density.

The area appears to be developing rapidly in fragmented sections from formerly rural, agricultural land to residential communities within proximity of an activity center providing a variety of 1<sup>st</sup> and 2<sup>nd</sup> order

goods and services. As a result of this transitional time-period, public transportation and pedestrian options along the adjacent major transportation corridor are limited. The current transit restriction increases the cost burden of potential residents by necessitating vehicle trips. This may decrease the diversity of tenant-types due to increased travel cost and time to obtain goods or services and access employment.

## **TECHNICAL REVIEW**

The site is subject to the Fern Creek Small Area Plan. Below is staff's assessment of the plan:

- The subject site is located within *Quadrant III: Southwestern Quadrant*.
  - *8.2: Land Use Recommendations* call for low- to medium-density residential development for vacant land in the area, as well as the preservation of the rural, agricultural landscapes. Protection of water quality within the Cedar Creek watershed was also emphasized.
  
- The subject site is adjacent to the *Bardstown Road Corridor*
  - *5.2: Land Use Recommendation* discourages high density/intensity uses between Bardstown Road and Old Bardstown Road, but encourages mixed uses of low intensity.
  - *5.3.4: Transit Service*. *Transit Authority of River City (TARC) provides one route along Bardstown Road – Route 17, which runs from Glenmary Subdivision north to downtown Louisville and Stony Brook Drive north into Jeffersontown. There are three park-n-TARC parking lots – one at the Harley Center, one north of Fern Creek High School, and one at Piccadilly Plaza.*
  - *5.3.5: Bikeways and Greenways*. The Bardstown Road Corridor has two major bikeways. Bardstown Road is considered a shared path bikeway, as stated in the 1994 Bicycle and Pedestrian Circulation Plan. Signs will be posted along the route to notify cyclists and passing motorists. The plan proposes no construction of new bike paths along the Bardstown Road corridor. Also, Old Bardstown Road is designated as a shared access bikeway. No construction to this roadway is proposed since it is used primarily for local travel.
  - *5.4: Transportation Recommendations*. There do not appear to be any recommendations for sidewalk construction or designated bike lanes. There are also no recommendations for extended TARC service.

Preliminary approval has been received from the Metropolitan Sewer District and Transportation Planning.

## **STANDARD OF REVIEW FOR REZONING**

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

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

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

### **STAFF ANALYSIS FOR CHANGE IN ZONING**

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

#### **The site is located in the Neighborhood Form District**

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The area is primarily auto-centric with limited mobility options as sidewalks and designated bike lanes are not readily available along Old Bardstown or Bardstown Roads and safe access to TARC service which terminates North (Route 17) and South (Route 66) of the site is absent. This limitation restricts most individuals to vehicular trips to the nearby activity center surrounding the Interstate-265 interchange. At this location a variety of first (drug and convenience stores, grocery, and banks) and second (big-box retail, chain restaurants, and carwash) order goods and services are available. An additional large commercial development is also proposed at the Southeast corner of this interchange, adding to the amenities provided within the center. Internal connections and walks are provided and appear to present no danger to pedestrians.

The development is compatible in type and scale to surrounding uses, appropriate transitions are being made to abutting development, and renderings demonstrate that the proposed material and design is

consistent with the surrounding area. The zoning district proposed allows a density of up to 12.01 du/ac. The proposed density is low at only 4.7 du/ac and similar to surrounding neighborhoods.

There do not appear to be any adverse impacts of traffic as access roads are public and exit immediately onto Old Bardstown and Bardstown Road. A Stub street is being extended through the subject site to the west boundary line. An additional stub is provided to a large residentially zoned property to the South to preserve the location of a pond which provides a natural habitat for wildlife. Hierarchy of streets is being maintained through the local road to the arterial roadways before reaching the interstate. Transportation approval has been received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

- 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: Natural resources are being preserved on-site as a stub street is being routed elsewhere for the purpose of preserving a pond which allows for a natural habitat for wildlife. Tree canopy is being provided as required and there are no features of historical significance on the site.

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

STAFF: The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community are provided as an internal network of roadway connections and walks are provided to abutting sites and the hierarchy of streets is maintained.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development is provided through the preservation of roughly one-acre of land, tree canopy, and pond in the Southwest corner.

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

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

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

STAFF: The proposal is compatible with respect to the overall site design (location of buildings, parking lots, screening, landscaping) and land use as the development is compatible in type and scale to surrounding uses, appropriate transitions are being made to abutting development, and renderings demonstrate that the proposed material and design is consistent with the surrounding area

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan as the number of units proposed is similar to what would have been permitted under the existing R-4 zoning district, but the type of housing proposed necessitates a zoning change; attached side and/or rear wall without individual lots for units. Renderings provided demonstrate consistency with the surrounding area and no adverse impact on abutting properties would be generated as appropriate transitions are provided. The impact of this site on the single-family development in the PRD zoning district to the east is minimal as the subject site is being developed at a low-density.

**REQUIRED ACTIONS**

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4, Single-Family Residential to R-5A, Multi-Family Residential
- **APPROVE** or **DENY** the **Detailed District Development Plan**
- **APPROVE** or **DENY** the **Major Preliminary Subdivision Plan** for creation of public right-of-way

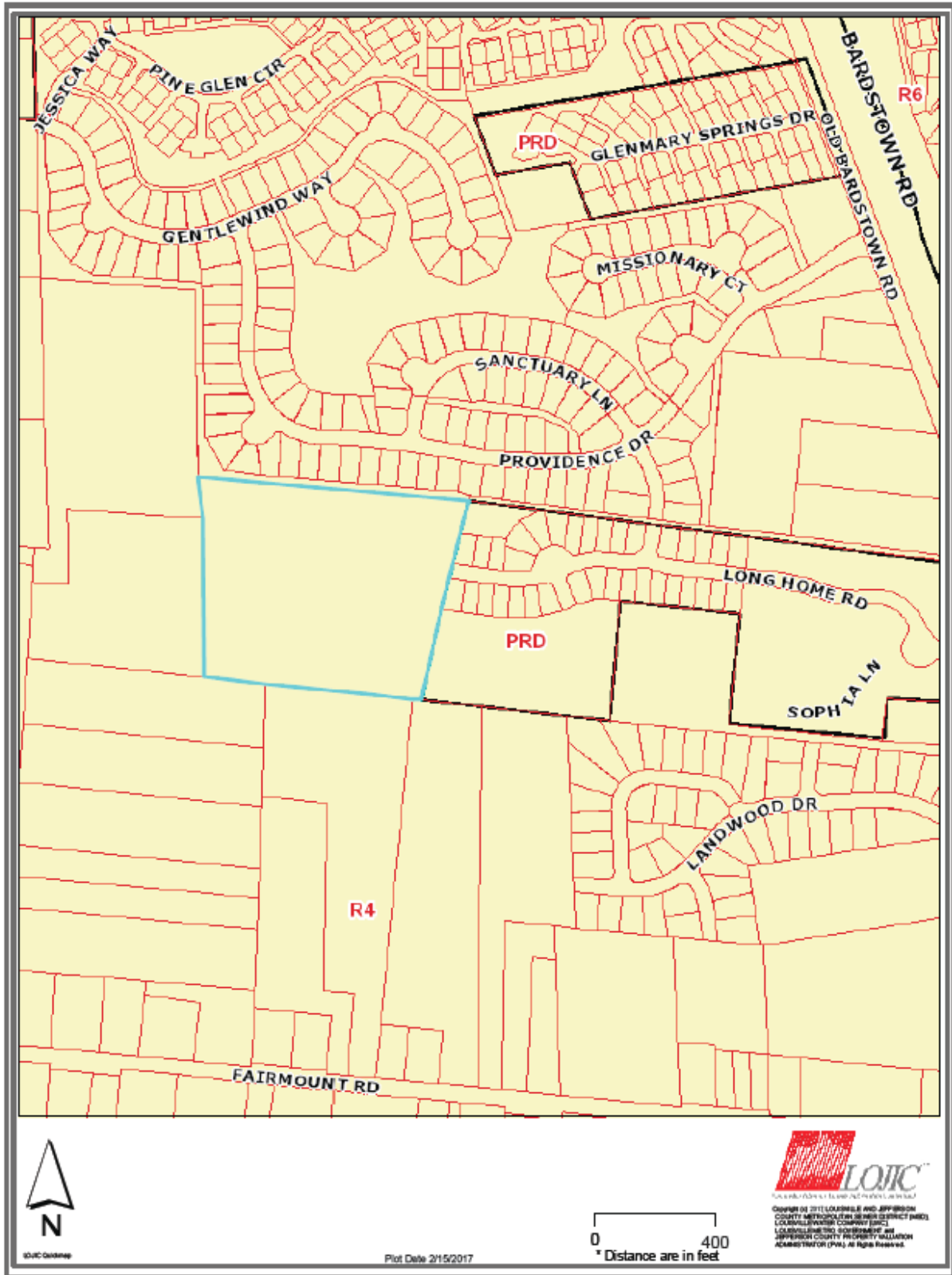
**NOTIFICATION**

Date	Purpose of Notice	Recipients
6/8/17	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
7/5/17	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
7/5/17	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Neighborhood: Residential

#	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.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	While the development plan does not provide a mix of housing types on-site, the zoning district proposed would allow for increased density and a mix of styles if the proposed project does not come to fruition.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	✓	While the density proposed allows up to 12.01 du/ac, the proposal is fairly low density at 4.7 du/ac. Additionally, the senior living facility is located where primary access would be gained.
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	✓	The proposal is of a similar type to surrounding housing.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	✓	Internal to the residential neighborhoods connections and walks are provided and appear to present no danger to pedestrians.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	Residential only



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	Residential only
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	✓	Number of units proposed is similar to what would have been permitted under the existing zoning district, but the type requires rezoning
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	-	The nearby center is only accessible by vehicle trips. The area appears to be developing rapidly but due to the piecemeal rate of development a sense of place is in transition from formerly rural, agricultural land to residential community within proximity to activity center
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	✓	The proposed residential units are not located in a center. The type of housing, however, would be incompatible within an activity center
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	A nearby center will serve the development
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	✓	A nearby center will serve the development. Mobility options are a concern, but only as it relates to the transition of the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	Residential development only
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	Residential development only
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	Existing roadway is being extended and no new connections are made to allow for this development.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	✓	Easements have been provided as requested
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Spill-over parking has been provided throughout the development. Primary parking for units is provided in individual driveways.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	The proposed development provides necessary pedestrian facilities on-site.  The area appears to be developing rapidly but due to the piecemeal rate of development accessibility is not readily available to the activity center
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The condominium or patio home style is a common style in the surrounding area
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	✓	Renderings provided demonstrate that the proposed material and design is consistent with the surrounding area

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The condominium or patio home style is a common style in the surrounding area and fits well within the community
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	There do not appear to be any adverse impacts as access roads are public and exit immediately onto Old Bardstown and Bardstown Road. Transportation approval has been received.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will be the minimum necessary to provide safety for residents and passersby
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	While the development plan does not provide a mix of housing types on-site, the zoning district proposed would allow for increased density and a mix of styles if the proposed project does not come to fruition.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is located near an activity center with a variety of 1 <sup>st</sup> and 2 <sup>nd</sup> order goods and services.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	+/-	The applicant did not indicate whether housing will be provided specifically to the elderly or disabled individuals
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	-	The proposal is homogeneous within the context of the immediately surrounding area. The location of the proposal would preclude a diversity of family-types due to the burden of travel cost and transit options.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Appropriate transitions are being made to abutting development
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The development is compatible in type and scale to surrounding uses.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Dimensional standards are similar and compatible to the surrounding area and meet form district standards.
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Due to the density of the development no open space is required beyond what is required for tree canopy protection. TCPA is being provided as required. Additionally, a pond on site is being preserved.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	The TCPA provided and open areas provided are consistent with surrounding development and the Neighborhood form district.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	A pond is being preserved on the subject site
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	A pond is being preserved on the subject site

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	There do not appear to be any of these features on site
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	Environmental feature review on LOJIC did not reveal any environmentally sensitive features.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	A public street will be granted at the applicant's cost.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Stub is being extended through the subject site to the west boundary line. An additional stub is provided to a large residentially zoned property to the South due to the location of the pond.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	R/W is being created to allow for stub extension and continuation of local streets to abutting property. Sidewalks are provided along the right-of-way created
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Stub is being extended through the subject site to the west boundary line. An additional stub is provided to a large residentially zoned property to the South due to the location of the pond.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	The abutting site to the east is being developed for single-family residential use. However, the site to the East of that site is a senior living complex. The impact on the small amount of residential properties along Long Home/Sanctuary lane is minimal as it is proposed for a density that is less than the maximum for an R-4 development.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Hierarchy of streets is being maintained through the local road to the arterial roadways before reaching the interstate
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Internal to the residential neighborhoods connections and walks are provided
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	All MSD comments have been addressed
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The preservation of the pond allows for a natural habitat to be preserved
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities will be provided.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC has no objections to the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
47	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.	✓	Adequate means of sewage treatment will be coordinated prior to construction approval and will be provided to protect public health and water quality

#### 4. Proposed Binding Elements

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. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. A major subdivision plat creating the lots, easements, and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits
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 site shall be developed in accordance with the tree preservation areas delineated on the tree preservation/landscaping plan. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan
7. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat:
  - a. Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified on the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of preliminary plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved preliminary subdivision plan.
8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TCPAs and other issues required by these binding elements / conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.