

Planning Commission Staff Report

January 21, 2021



Case No:	20-ZONE-0074
Project Name:	6106 S. Watterson Trail
Location:	6106 S. Watterson Trail
Owner(s):	Clarence & Lucille Schmitt
Applicant:	Highgates Development
Representative(s):	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden 24 – Madonna Flood
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, single-family to R-7, multi-family residential
- **Detailed District Development/Revised Major Preliminary Subdivision Plan** (Development Potential Transfer)

CASE SUMMARY

In case 19-MSUB-0018, The subject site was recently approved for the creation of 128 single-family residential lots. The current rezoning and detailed plan propose a combination of 240 multi-family units nearest Hurstbourne Parkway connecting to an adjacent mixed-use development to the north (19-ZONE-0096), along with 67 single-family residential lots in the southern portion connecting to an adjacent mixed-use proposal to the west (18ZONE1071). Roadway connections, public walks, and internal pedestrian connectivity is provided throughout the development area to integrate with adjacent land uses.

STAFF FINDING

The proposed rezoning is in conformance with land use and development policies of Plan 2040 and the Highview Neighborhood Plan. The proposed district provides for the appropriate location of housing types which transition from higher densities to lower densities moving from Hurstbourne Parkway. The proposal also expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling housing choices in dispersed locations throughout Louisville Metro.

The development plan and preliminary subdivision have also been adequately justified based on the standard of review contained in staff's analysis. Connectivity to proposed developments and the existing neighborhood will be provided. The proposal is compatible with development along the corridor.

TECHNICAL REVIEW

- Preliminary approval has been received from Louisville MSD and Transportation Planning
- Conditions of approval in docket 19-MSUB-0018 will be abandoned and binding elements adopted across the development site, see attachments 3 & 4.

STANDARD OF REVIEW FOR ZONING/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 Land use and Development policies of Plan 2040; 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 Plan 2040 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 Land Use and Development Policies of Plan 2040 and the Highview Neighborhood Plan:

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, incomes and abilities. 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, 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 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, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and 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 proposed higher intensity district is located between an arterial roadway and collector level roadway within proximity to major employment centers (Fern Valley Road/Poplar Level Road/GE Appliance Park), activity centers (Bardstown Road/Highview Town Center/Outer Loop), and transit corridors (Bardstown Road/Shepherdsville Road, Poplar Level Road). TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to

Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service.

The proposed district provides for the appropriate location of housing types which transition from higher densities to lower densities moving from Hurstbourne Parkway. Further, the proposal encourages fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling housing choices in dispersed locations throughout Louisville Metro. The proposed district follows existing patterns along the corridor and allows for a transition in intensities moving from S. Hurstbourne Parkway.

The subject site is in the Highview Neighborhood Plan area.

Applicable guidelines are listed below:

- **LU7 Limit multifamily residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes**

The Town Center and Commercial Nodes are designed to accommodate more dense land uses such as commercial and multifamily residential. To help protect the single family residential character, future multifamily development will be limited to the Town Center and Commercial Nodes as illustrated in Figure 3.7 (See CF3 below for design guidelines for Multifamily Residential).

- **CF3: Incorporate Design Principles for New Development**

Redevelopment of Multi-Family Residential to ensure a high-quality of multi-family development in Highview, design guidelines should be developed and adopted for all multi-family development. The design guidelines should incorporate the following design elements:

- New multi-family development should be designed to a scale (both height and mass) to be cohesively integrated into the surrounding existing development.
 - Small sites should act as infill development and focus on design over density
 - Medium-scaled sites should take advantage of opportunities for a variety of housing types and options
 - Larger sites should provide a range of housing types with a centralized common open space or focal point, interconnected system to streets, sidewalks and paths to create a neighborhood feel
- New development should connect to surrounding neighborhoods through an integrated car, bike and pedestrian network with adequate and appropriately sited parking (i.e., not located between a building and public street).
- Both public and private open spaces (scaled appropriately for the design of the development) should be incorporated into the design. The orientation of buildings around common spaces should also be designed to face the public space or streets.
- Landscaping treatments, including trees, planting and other treatments, should be incorporated throughout the development with utilities and service structures screened from view.
- The architectural design of new multi-family developments should vary to create interest rather than duplicating the same facade or building design in a continuous row or in multiple locations. The scale of buildings should be pedestrian-friendly and highlight the entry to individual units. The buildings should have proportions and massing that creates a higher-density residential neighborhood (compared to a large apartment building with large parking lot). High-quality and durable materials, such as brick, stone, etc., should

be used in all multi-family developments and changes in colors and materials should be encouraged.

- **M6: Develop a network of neighborhood travelways that allow for residents to ride their bikes or go for walks, instead of simply driving through their neighborhoods.**

Figure 3.12 identifies areas where Neighborhood bikeways/walkways are recommended in the Highview area. If designed correctly, these Neighborhood Travelways can serve as important connections to destinations such as transit, schools, and parks, but they can also promote healthy lifestyles by providing facilities for residents to walk and bike for exercise and recreational purposes. The proposed routes are located on roads that have sidewalks, are low traffic volume streets, and help connect the residents to and from the north and south of the proposed High Priority Regional Bikeway/Transit Corridor proposed by TARC and Move Louisville. There are several options for the design of these routes including the use of specialty pavement markings such as sharrows (include picture), signage, colored pavement, and other specialty treatments. The southern portion of the Highview planning area is located adjacent of the Louisville Loop project. The Louisville Loop is an estimated 100-mile trail system that is planned to encircle the city and link existing and new parks and neighborhoods. This plan recommends that a study be conducted to determine the best route and/or method for connecting the Highview planning area to the Louisville Loop project. Potential connections are shown in Figure 3.12. These routes are rural road cross-sections

- **Sustainability Principles:**

- S1 - The plan promotes distinct, livable communities with high quality of place.
- S2 - The plan promotes economic vitality of the community, stimulates quality development and job creation, business development.
- S3 - The plan supports compact development/growth in urban and neighborhood centers and where infrastructure is adequate or planned to be improved.
- S4 - The plan promotes a range of housing opportunities and choices, including affordable housing options.
- S5 -The plan promotes the preservation of open space, greenways, natural resources, and critical environmental areas.
- S6 - The plan provides for a variety of transportation/mobility choices that promote efficient use of infrastructure.
- S7 - The plan encourages connected, walkable neighborhoods that promote healthy lifestyles.
- S8 - The plan supports and encourages community collaboration in development decisions
- S9 - The plan encourages accessibility to natural features and resources
- S10 - The plan addresses consensus environmental challenges including but not limited to: air quality, tree canopy, stormwater and flooding issues and water quality.

The proposal generally complies with Guideline LU7. While the project is not located at a designated node per the Plan, the proposed zoning district creates an appropriately located residential development that fits within the scale and character of future development along major arterial roadways where the intensity transitions from high to low intensity/density moving away from the roadway or providing residential in combination with commercial. Activity centers and employment opportunities are located nearby or proposed nearby.

The proposal complies with Guideline CF3 as the proposal creates both single- and multi-family uses adjacent to similarly proposed and/or approved developments. The buildings shown on the renderings contain a variation of material and architectural design to break up flat wall surfaces. Pedestrian connectivity and open spaces integrate the proposal with adjacent development and land use changes along the Hurstbourne Corridor.

The proposal complies with Guideline M6. The proposal helps to provide connected roadway and walkway infrastructure to support multi-modal options and increase the need to expand TARC service to the area to connect major activity and employment centers at Outer Loop, GE Appliance Park, and Bardstown Road.

The proposal complies with Sustainability Principles. Tree canopy and protection of environmental features will be provided while also developing the property. For the reasons stated in staff's discussion on Guideline LU7, the proposal further complies with sustainability principles. Connectivity, amenities, open spaces, and housing choice promotes livable communities.

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: 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 will be conserved while also allowing for the site to be developed in compliance with the Land Development.

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

STAFF: Safe pedestrian and vehicular connectivity is being provided to connect to adjacent development that is proposed or approved, and the current neighborhood.

- 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 has been provided in accordance with the Land Development Code

- 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 provides for the appropriate location of housing types which transition from higher densities to lower densities moving from Hurstbourne Parkway. The proposal follows existing patterns along the corridor and allows for a transition in intensities moving from S. Hurstbourne Parkway.

- 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 proposed development plan conforms to Plan 2040 as it is located between an arterial roadway and collector level roadway within proximity to major employment centers (Fern Valley Road/Poplar Level Road/GE Appliance Park), activity centers (Bardstown Road/Highview Town Center/Outer Loop), and transit corridors (Bardstown Road/Shepherdsville Road, Poplar Level Road). TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service. The proposal expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling housing choices in dispersed locations throughout Louisville Metro.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4, single-family to R-7, multi-family residential on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Detailed District Development/Revised Major Preliminary Subdivision Plan** (Development Potential Transfer)

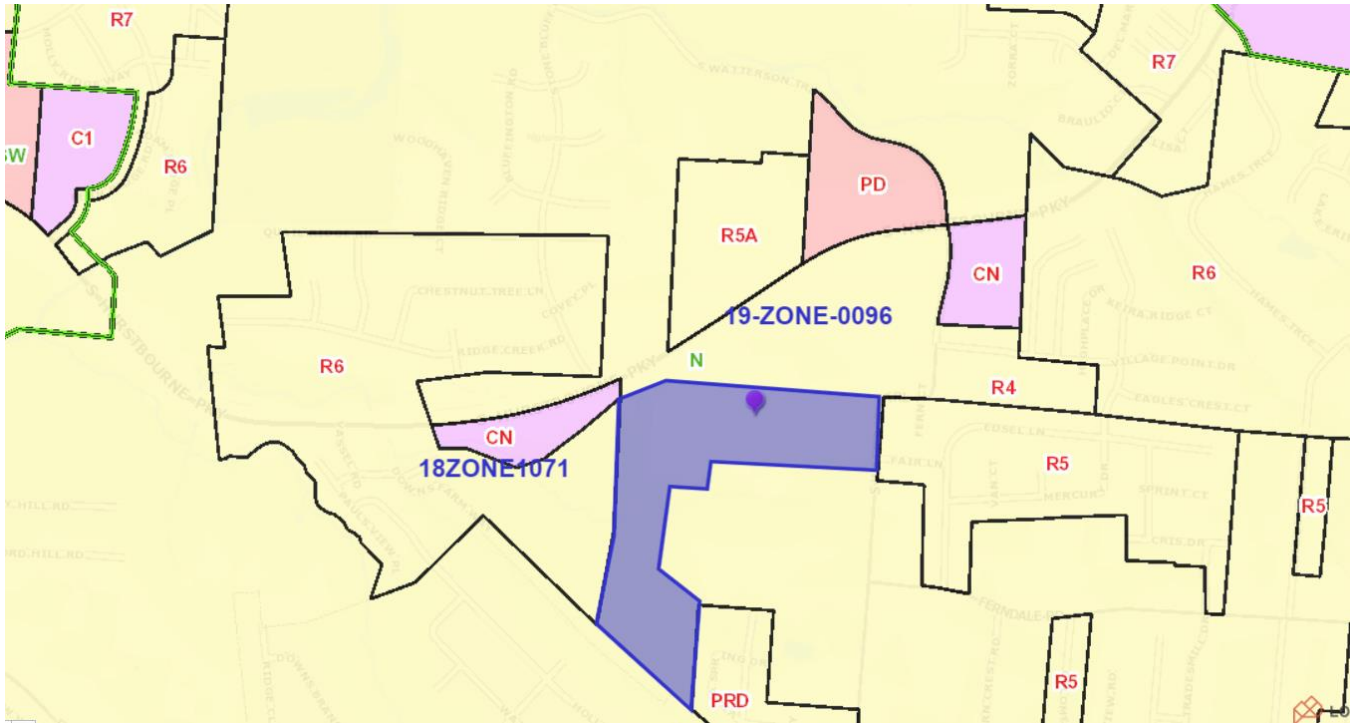
NOTIFICATION

Date	Purpose of Notice	Recipients
10/7/20	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 23/24
1/5/21	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 23/24
1/6/21	Hearing before PC	Sign Posting on property
1/8/21	Hearing before PC	Legal Advertisement in the Courier-Journal

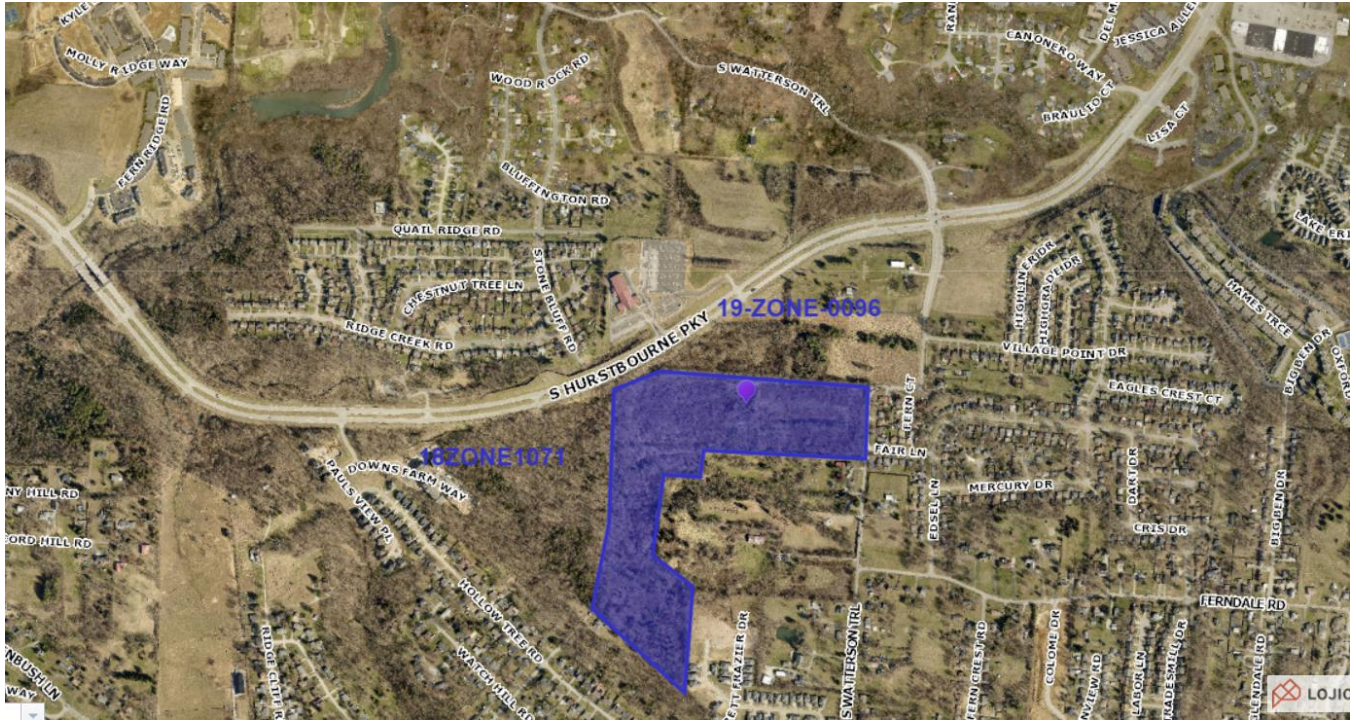
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval (19-msub-0018)
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

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

Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	<p>The proposed higher intensity district is located between an arterial roadway and collector level roadway within proximity to major employment centers (Fern Valley Road/Poplar Level Road/GE Appliance Park), activity centers (Bardstown Road/Highview Town Center/Outer Loop), and transit corridors (Bardstown Road/Shepherdsville Road, Poplar Level Road).</p> <p>TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service.</p>
2	Land Use & Development Goal 1: Community Form	9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	<p>The subject site is adjacent to similar levels of intensity and density (proposed and approved development). The proposal allows for a transition from higher density to lower density moving from the arterial roadway.</p>
3	Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	<p>The subject property does not contain any existing development.</p>

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
4	Land Use & Development Goal 3: Community Form	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The subject property contains areas of steep slopes which have been preserved under the development potential transfer regulations of the Land Development Code. MSD has reviewed the proposal and preliminary approval has been received.
5	Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	Tree canopy compliance with Chapter 10 of the LDC will be provided to preserve land scape features.
6	Land Use & Development Goal 4: Community Form	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	✓	Documentation of any historic resources on the property should be provided prior to demolition. If structures are over 50 years old and determined eligible for the National Register, as per Wrecking Ordinance Section 150.110, there will be a required 30-day hold on the issuance of the permit.
7	Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed higher intensity district is located between an arterial roadway and collector level roadway within proximity to major employment centers (Fern Valley Road/Poplar Level Road/GE Appliance Park), activity centers (Bardstown Road/Highview Town Center/Outer Loop), and transit corridors (Bardstown Road/Shepherdsville Road, Poplar Level Road). TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service.
8	Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	The proposed district is located between an arterial and collector level roadway. Lower intensity districts in the area of the subject site are opposite the collector level roadway from the subject site. No nuisances would be created by access.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
9	Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district is appropriately situated to allow a transition of higher intensity/density along Hurstbourne Parkway to lower density uses at Watterson Trail. The proposed district is near employment centers.
10	Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	<p>The proposed higher intensity district is located between an arterial roadway and collector level roadway within proximity to major employment centers (Fern Valley Road/Poplar Level Road/GE Appliance Park), activity centers (Bardstown Road/Highview Town Center/Outer Loop), and transit corridors (Bardstown Road/Shepherdsville Road, Poplar Level Road).</p> <p>TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service.</p>
11	Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	All improvements will be provided as required.
12	Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	All improvements and dedications will be provided as required.
13	Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	All improvements and dedications will be provided as required.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
14	Land Use & Development Goal 3: Mobility	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No direct access to high speed roadways is provided for individual units. Multiple access points serving the development will be provided.
15	Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The development is located in an area served by or capable of being served by utilities.
16	Land Use & Development Goal 2: Community Facilities	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The development will have an adequate supply of potable water and water for fire-fighting purposes.
17	Land Use & Development Goal 2: Community Facilities	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	MSD has reviewed the proposal and preliminary approval has been received.
18	Land Use & Development Goal 1: Livability	5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	Tree canopy compliance with Chapter 10 of the LDC will be provided to incorporate the unique characteristics of the landscape.
19	Land Use & Development Goal 1: Livability	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	The site contains steep slopes and potential karst terrain. Steep slopes have been identified and no karst features were identified upon inspection by the applicant.
20	Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	MSD review and approval has been received to minimize negative development impacts to the integrity of the regulatory floodplain

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
21	Land Use & Development Goal 1: Housing	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposed district provides for the appropriate location of housing types which transition from higher densities to lower densities moving from Hurstbourne Parkway.
22	Land Use & Development Goal 1: Housing	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	<p>The proposed district and location support aging in place as services and amenities are located within proximity of the subject site at Outer Loop and Bardstown Road. Each road also provides for transit connectivity.</p> <p>TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service.</p>
23	Land Use & Development Goal 2: Housing	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposal continues the existing pattern of mixed-intensity and density along the corridor that is connected to the neighborhood and nearby centers.
24	Land Use & Development Goal 2: Housing	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	✓	<p>The proposed district is located between an arterial roadway and collector level roadway within proximity to major employment centers (Fern Valley Road/Poplar Level Road/GE Appliance Park), activity centers (Bardstown Road/Highview Town Center/Outer Loop), and transit corridors (Bardstown Road/Shepherdsville Road, Poplar Level Road).</p> <p>TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service.</p>

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
25	Land Use & Development Goal 3: Housing	1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.	✓	The proposed district encourages fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling the provision of affordable housing in dispersed locations throughout Louisville Metro. The proposed district follows existing patterns along the corridor and allows for a transition in intensities moving from S. Hurstbourne Parkway.
26	Land Use & Development Goal 3: Housing	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposed district allows for an increase in residential occupancy where the site is primarily vacant..
27	Land Use & Development Goal 3: Housing	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	✓	The proposed zoning district allows for a variety of styles and methods of housing to provision fair and affordable housing.

4. Existing Conditions of Approval (19-MSUB-0018)

1. ~~The development shall be in accordance with the approved Major Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.~~
2. ~~The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by planning commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:~~
 - a. ~~Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).~~
 - b. ~~Preliminary drainage considerations (retention/detention, ditches large swales, etc.).~~
 - c. ~~Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.~~
 - d. ~~Location of construction fencing for each tree/tree mass designated to be preserved.~~
3. ~~An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.~~
4. ~~A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."~~
5. ~~All street signs shall be installed by the Developer, and shall conform to 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.~~
6. ~~The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.~~
7. ~~Open space/conservation lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.~~
8. ~~The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.~~
9. ~~After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide~~

~~approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.~~

- ~~10. Trees will be preserved and/or provided on-site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.~~
- ~~11. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.~~
- ~~12. 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, TPAs 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.~~~~
- ~~13. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.~~
- ~~14. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.~~
- ~~15. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."~~

5. Proposed Binding Elements (20-ZONE-0074 & 20-RSUB-0005)

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, 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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - 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. The property owner/developer must obtain approval of a detailed development 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 record plat creating the lots and roadways as shown on the approved district development plan shall be recorded
6. 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.
7. 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.
8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

10. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
11. An encroachment permit and bond may be required by Metro Public Works for roadway repairs on all surrounding access road to the subdivision site due to damages caused by construction traffic activities.
12. 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, TPAs 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.
13. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
14. Open space/conservation lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
15. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
16. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
17. Building envelopes shown on single-family residential lots shall be substantially similar to those shown on the preliminary plan and must be shown and recorded on the record subdivision plat. Limits of disturbance shall also be shown and recorded with the record subdivision plat.