

# Planning Commission

## Staff Report

October 9, 2018



<b>Case No:</b>	16ZONE1027
<b>Project Name:</b>	Unity Place Apartments
<b>Location:</b>	8016 Shepherdsville Road
<b>Owner(s):</b>	University of Louisville Foundation
<b>Applicant:</b>	Barrister Commercial Group
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24- Madonna Flood
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

### REQUEST(S)

- Change in zoning from R-4 to R-6
- Variance from Chapter 5.4.2.A.4 to permit the multi-family structures to be located closer than 50' to abutting single family residences
- Alternate Plan for access from the existing stub streets (Cedar Brook Drive & Red Cedar Way)
- District Development Plan with Binding Elements

### CASE SUMMARY/BACKGROUND

The proposal is for 260 apartment units on 16.94 acres (15.34 du/ac). There are 26 proposed buildings, 13 buildings are 2 stories and 13 are 3 stories. The 3 story buildings accommodate 12 units while the 2 story buildings have 8 units each. The 2 story structures are located along Shepherdsville Road and along the rear of the lot. 478 parking spaces are proposed for the units. The site does not have any distinguishable natural features in or around the area proposed to be developed. The C-1 portion of the site is to remain. A "Park N' Ride" parking lot is proposed in the C-1 lot with access off of Robbs Lane.

### STAFF FINDING

Staff finds that the proposal generally meets the guidelines of the Comprehensive Plan, requirements of the Land Development Code, and recommendations within the Highview Neighborhood Plan. R-6 zoning is appropriate for the site as it brings a new density to the area. The proposal is located adjacent to an activity center. There are existing and proposed sidewalks that will extend to Outer Loop and Shepherdsville Road where transit is available. The variance is justified as indicated further in the staff report. The Planning Commission will need to decide whether or not the alternate plan for access from the existing stub streets meets the guidelines of the comprehensive plan.

### TECHNICAL REVIEW

Land Development Code

Cornerstone 2020

Highview Neighborhood Plan (June 2015)

The subject site is located at the far west portion of the Highview Neighborhood Plan. There are no specific land use recommendations indicated for the site. The Plan recommends:

- Limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes
- 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.

MSD and Transportation Planning has preliminarily approved the proposal although Transportation Planning has issues with the proposal not providing access to and from the existing stub streets Red Cedar Way and Cedar Brook Drive.

### **INTERESTED PARTY COMMENTS**

Please see attached citizen letters.

### **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**

Following is 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.

Neighborhood streets would invite interaction and easy access if the two adjacent stub roads were connected to the site. The pedestrian access to the adjacent stubs is appropriate but does not promote connectivity for vehicles and bicycles. The proposal is for one type of residential use.

The proposal is for high density residential which would create a mix of residential housing choices to the neighborhood but would also add high density to the current low density area. The proposal is for high density which is located along an arterial with limited impact on adjacent low density developments because all buffers and setbacks are generally being complied with. The proposal introduces a higher density zoning to the immediate area. It is designed to be compatible as it generally meets all the required setbacks and buffers. The proposal is located adjacent to an activity center that has been created at the intersection of Robbs/Applegate and Shepherdsville. The density of the proposal and its location surrounded by low density and adjacent to a commercial activity center results in an efficient use of land. High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes, the proposal is located adjacent to a commercial center at the corner of Robbs and Shepherdsville. The site is located adjacent to a commercial center but also has easy pedestrian access to Shepherdsville Road and Outer Loop via existing sidewalks along Shepherdsville. Transit is available along Outer Loop.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed 3 story structures (Buildings 1-3) are located no closer than 40' from the existing single family residential north of the site. The building height is the same height that is permitted in the single family zones.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity because the building heights permitted within the neighborhood form is 35' and the proposal complies with the maximum 35' building height which is the same height allowed in all other residential zones other than R-7 and above.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public because the building height is the same height that is permitted in the single family zones.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations because the building height is the same height that is permitted in the single family zones.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does arise from a special circumstance that doesn't generally apply to land in the vicinity. That special circumstance is that multi-family has an additional setback when the buildings are 3 stories when other residential buildings in the adjacent zones are permitted to have the same height.

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the other properties surrounding the site and the subject site are permitted to have a building height of 35' without additional setbacks, not allowing this site to have the 35' building height and 3 stories which is permitted for other properties is the hardship.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible for the Land Development Code not treating multi-family the same as single family in this

instance where the building height is permitted but multi-family is penalized for having 3 stories when other residential is permitted the 3 stories with no additional setbacks.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP**

- 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 being disturbed. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- 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 have not been provided as a vehicular connection to both of the stub roads is not being provided.

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

STAFF: The multi-family development proposed on the subject site is meeting the Land Development Code requirements for open space.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots generally meet all required setbacks.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**REQUIRED ACTIONS:**

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to R-6
- **APPROVE** or **DENY the Variance** from Chapter 5.4.2.A.4 to permit the multi-family structures to be located closer than 50’ to abutting single family residences
- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY the Alternate Plan** for access from the existing stub streets (Cedar Brook Drive & Red Cedar Way)
- **APPROVED** or **DENY** the **Detailed District Development Plan with Binding Elements**

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

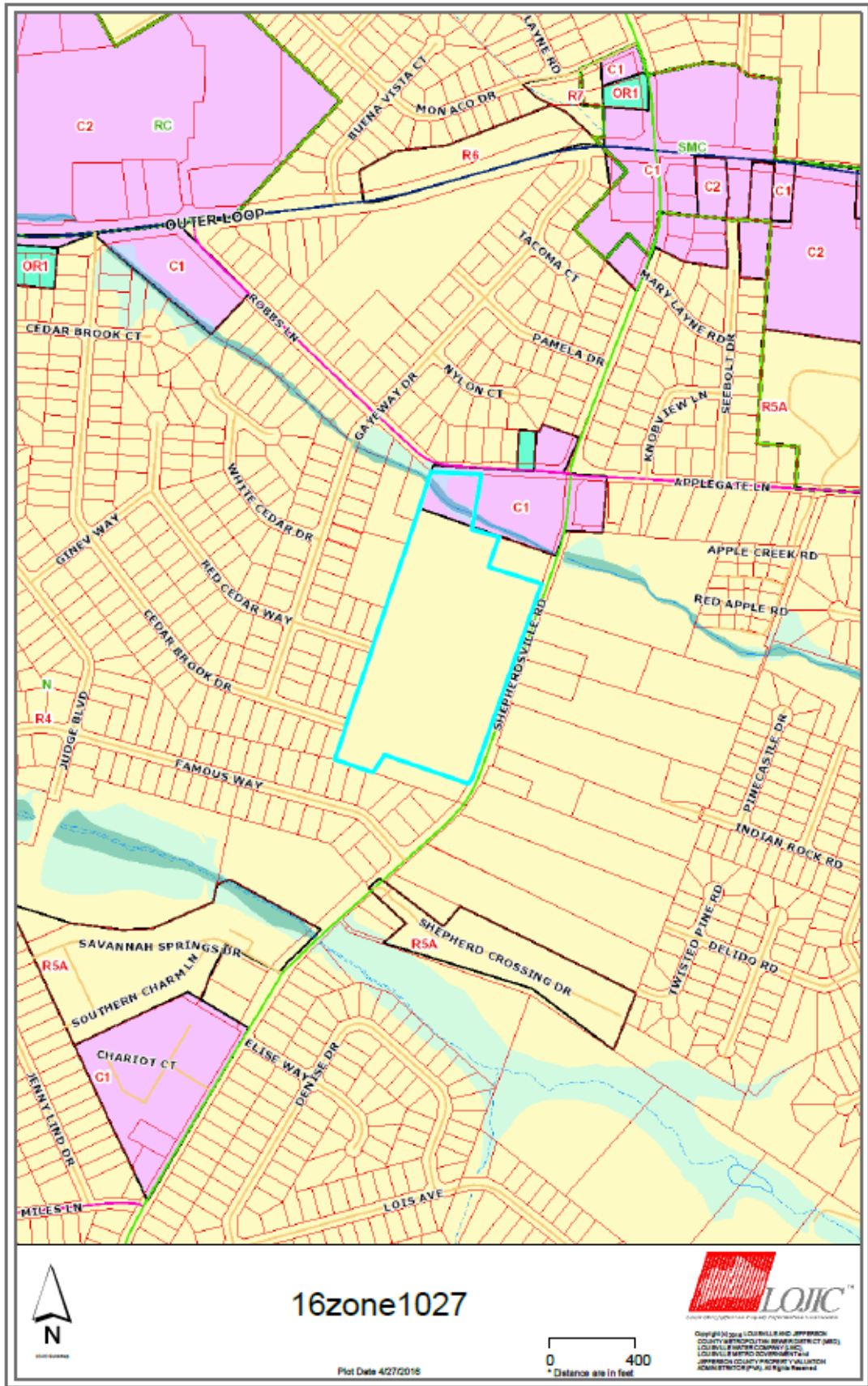
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
5/11/18	Hearing before LD&T on 5/31/18	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24 & 23
8/7/18	Hearing before PC on 8/22/18	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24 & 23
8/7/18	Hearing before PC on 8/22/18	Sign Posting on property
9/24/18	Hearing before PC on 10/9/18	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24 & 23
9/21/18	Hearing before PC on 10/9/18	Sign Posting on property
10/3/18	Hearing before PC	Legal Advertisement in the Courier-Journal

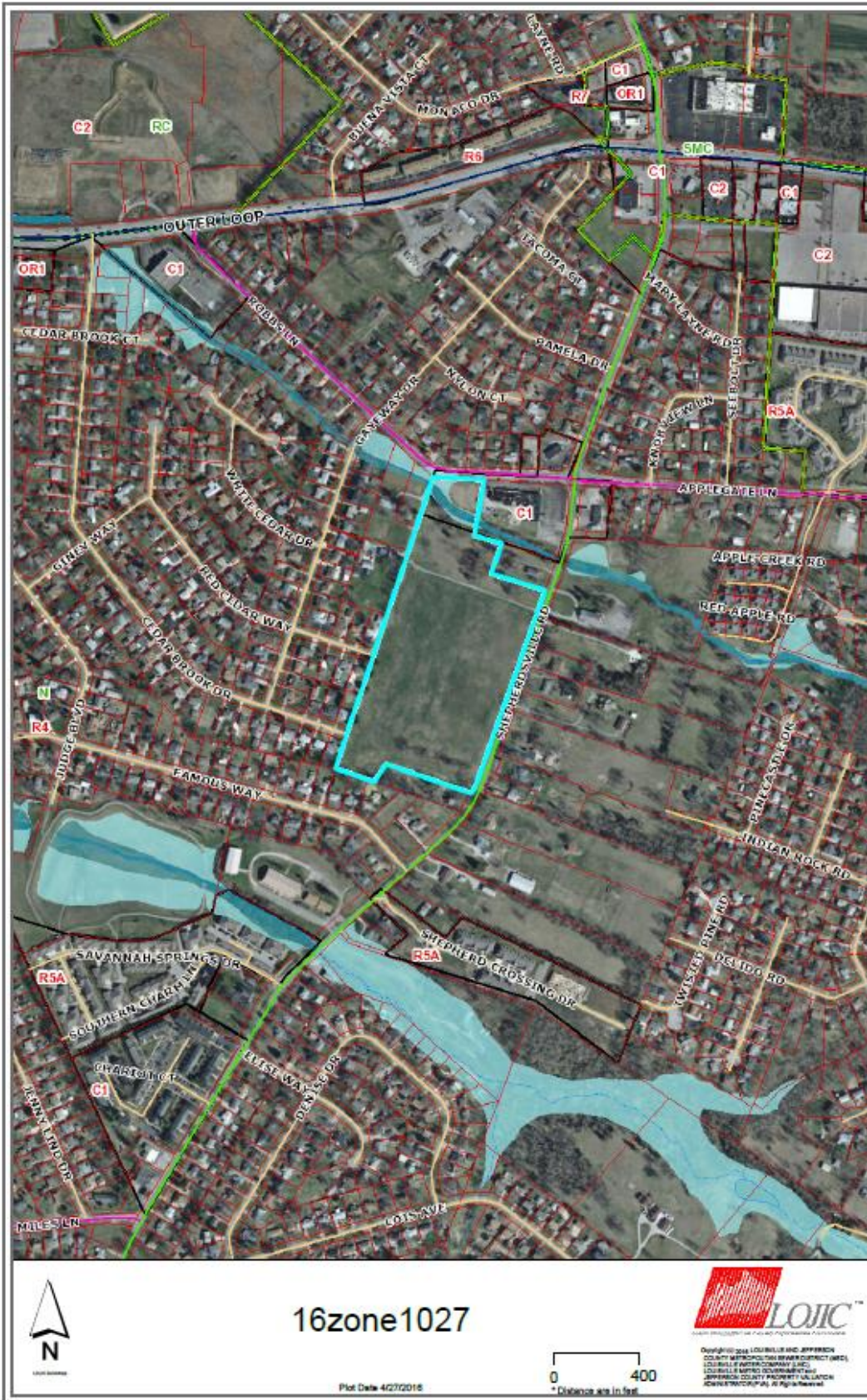
**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph





**3. Staff Cornerstone 2020 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.	✓	The proposal is for high density residential which would create a mix of residential housing choices to the neighborhood but would also add high density to the current low density area.
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.	✓	The proposal is for high density which is located along an arterial with limited impact on adjacent low density developments because all buffers and setbacks are generally being complied with. The Highview Neighborhood Plan recommends "Limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes". The proposal is located adjacent to an established neighborhood activity center that has been created at the intersection of Robbs Lane/Applegate Lane and Shepherdsville Road although this area is not specifically identified as a "Neighborhood Activity Center".
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 introduces a higher density zoning to the immediate area. It is designed to be compatible as it generally meets all the required setbacks and buffers. The Highview Neighborhood Plan recommends "Limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes". The proposal is located adjacent to an established neighborhood activity center that has been created at the intersection of Robbs Lane/Applegate Lane and Shepherdsville Road although this area is not specifically identified as a "Neighborhood Activity Center".

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	-	Neighborhood streets would invite interaction and easy access if the two adjacent stub roads were connected to the site. The pedestrian access to the adjacent stubs is appropriate but does not promote connectivity for vehicles and bicycles. The Highview Neighborhood Plan recommends, "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)."
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.	✓	The Highview Neighborhood Plan recommends "Limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes". The proposal is located adjacent to an established neighborhood activity center that has been created at the intersection of Robbs Lane/Applegate Lane and Shepherdsville Road although this area is not specifically identified as a "Neighborhood Activity Center".
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is for residential.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	✓	The density of the proposal and its location surrounded by low density and adjacent to a commercial activity center results in an efficient use of land. High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes, the proposal is located adjacent to a commercial center at the corner of Robbs and Shepherdsville.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 site is located adjacent to a commercial center but also has easy pedestrian access to Shepherdsville Road and Outer Loop via existing sidewalks along Shepherdsville. Transit is available along Outer Loop.
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 proposal is not located in a center nor is it involved in mixed use but it is located adjacent to a commercial center established at Robbs Lane and Shepherdsville.
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.	✓	The proposal is for a one residential type use and involves new construction.
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.	NA	The proposal is not a center.
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	The proposal is not for commercial.
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is not for commercial.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	-	The proposal has two entrances off of Shepherdsville Road but does not connect to the existing stub roads west of the site. Entrance sharing is not provided or encouraged on the site. The Highview Neighborhood Plan recommends, "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)."
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.	✓	Utilities are provided on the site in an efficient manner to meet the needs of the development and adjacent property.
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.	✓	Pedestrians are provided for on the site as well as have access to the adjacent commercial center and transit along Outer Loop at Shepherdsville Road.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	The proposal is not a center but the site has access to and from all forms of transportation.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal allows for a building height that is the same that is permitted in the adjacent single family zones. The proposal complies with the form districts pattern of development.
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	✓	The building materials are similar to what is found in the area.
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 proposal is compatible with the adjacent residential areas and introduces a new type a density. Buffers and setbacks generally comply with the LDC requirements which mitigates any nuisances with the two compatible uses.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation planning reviewed the proposal and determined that the traffic impacts have been mitigated through the addition of a center turn lane.
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 meet LDC requirements.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	-	The proposal is for one type of housing. The Highview Neighborhood Plan recommends that "medium-scaled sites should take advantage of opportunities for a variety of housing types and options".

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 for high density and is not located along a transit route but is adjacent to a small activity center. There is easy access to transit at the intersection of Shepherdsville and Outer Loop due to the existing sidewalk along Shepherdsville from the intersection of Robbs to Outer Loop.
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).	✓	A specific user of the property has not been identified, the site is located adjacent to an activity center and in the vicinity of transit at Shepherdsville and Outer Loop.
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 creates inclusive housing at a building height that is permitted in the existing zone, proposed zone, and permitted in the surrounding zones.
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.	✓	Buffers are in compliance with the LDC and setbacks generally comply with the LDC. All planting requirements will be met.
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.	✓	Buffers are in compliance with the LDC and setbacks generally comply with the LDC. All planting requirements will be met.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks are generally in compliance with the LDC. Building heights are the same that are permitted in the adjacent zones.
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.	✓	Open space is in compliance with the LDC.
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.	✓	Open space is in compliance with the LDC.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The stream area to the north west of the site is being preserved. There are otherwise no other natural features on the site. Tree canopy will be provided.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The stream area to the north west of the site is being preserved. There are otherwise no other natural features on the site. Tree canopy will be provided.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal does not have any historical or cultural value.
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.	✓	Soils are not an issue with the proposal.
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.	✓	Transportation planning indicated that a center turn lane is required along the most of the frontage.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	-	The two stub streets along the western property line will not be extended into the site to serve the development which does not support access to surrounding land uses. The Highview Neighborhood Plan recommends, "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)."
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.	✓	Additional ROW is required and is being dedicated.

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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.	-	The stub streets are not being extended or connected into the development. The Highview Neighborhood Plan recommends, "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)."
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 main access to the site is from Shepherdsville Road and not through a lower density 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.	-	The stub streets are not being extended or connected into the development not allowing for an appropriate linkage to a development area along Outer Loop. The Highview Neighborhood Plan recommends, "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)."
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	-	The proposal provides for the movement of pedestrians but by not connecting a roadway to the existing stubs the movement of vehicles and bicycles is hindered and inefficient. The Highview Neighborhood Plan recommends, "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)."
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.	✓	MSD has no issues with the proposal.
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 proposal provides green areas and open space.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing or proposed utilities will serve the site.
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.	✓	An adequate water supply exists for the site.
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.	✓	The health department has no issues with the proposal.

#### 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, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Shepherdsville Road to provide a total of 60 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.



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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 9, 2018 Planning Commission meeting.