

Planning Commission

Staff Report

February 2, 2017



Case No:	16ZONE1048
Request:	R-4 to R-5A with Waiver
Project Name:	Avalon Springs, Phase II
Location:	7506 Beulah Church Rd
Owner:	St. James Crossing, LLC
Applicant:	St. James Crossing, LLC
Representative:	Land Design and Development; Bardenwerper Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	23-Peden
Case Manager:	Brian Mabry, AICP, Planning Supervisor

REQUEST

- Change in zoning from R-4 to R-5A
- Revised Detailed District Development Plan
 - Waiver of LDC Sec. 10.2.4. to reduce to 10 feet the 25-foot Landscape Buffer Area required along the north property line.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes six multifamily structures with a total of 44 units on approximately 8.0 acres for a density of 5.5 units per acre. The site proposes an extension of Avalon Garden Drive, as a private street, which currently serves 104 units on 10 acres for a density of 10.4 units per acre. The total project put together, if approved as submitted, would have a density of 8.2 units per acre. The proposed R-5A zoning district permits a maximum density of 12.01 units per acre.

The property subject to the zoning change request was originally proposed to consist of 28 single-family lots, served by a public street, as part of a larger development that included proposed apartments to the east. Six months after approval of the zoning change request, 14ZONE1057, the applicants submitted a Revised Detailed District Development Plan (RDDDP) as 15DEVPLAN1102 in which they received approval to utilize private streets for the approved apartment complex with the streets stopping short of the area originally proposed for the 28 single-family lots. The applicants at the time of the RDDDP approval believed that the subject property had too many environmental constraints, in the form of wetlands, to be developed. The applicants now propose to rezone this property originally proposed for single-family, later considered undevelopable, to multifamily.

The subject property is located west of Beulah Church Road, south of The Fountains Condominiums and north of E. Manslick Road. The previous phase of the project included an extension of Zelma Fields Avenue, as a private road, off of Beulah Church Road, with Zelma Fields turning into Avalon Garden Drive. The phase subject to this request proposes to continue the extension of Avalon Garden Drive as a private street with a termination of the street occurring in the northern portion of the subject property, rather than connecting with Appletree Way and/or Applevue Lane, as required by the Land Development Code (LDC). As an "alternative plan for connectivity" allowed in the LDC, this request proposes to connect Appletree Way with Applevue Lane with a short new L-shaped segment of public right-of-way at the northwest corner of the subject property. This connection is proposed in order to partially achieve the connectivity requirements of the LDC.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	N
Proposed	Multifamily	R-5A	N
Surrounding Properties			
North	Single-family and Multifamily	R-6, C-1, C-2	N
South	Single-family	R-4	N
East	Multifamily (under construction)	R-5A	N
West	Single-family	R-4	N

PREVIOUS CASES ON SITE

14ZONE1057: On April 16, 2015, the Planning Commission approved a Detailed District Development Plan for the subject property. The approvals included changing 8.36 acres (the parcel to the east of the property subject the current zoning change request) from R-4 to R-5A, a development plan for 99 dwelling units on the R-5A portion, and a preliminary subdivision plan for 28 single-family lots on the property subject the current zoning change request, which, at the time was proposed to remain R-4.

15DEVPLAN1102: On October 14, 2015, the Development Review Committee approved a Revised Detailed District Development Plan (RDDP) to redesign Zelma Fields Avenue, amend the building configuration, include a clubhouse and pool, and increase the number of multifamily dwelling units to 104. In addition, the RDDP eliminated the connection to what had been the single-family portion of the development to the rear, which was originally approved for 28 lots. This rear portion of the overall project is the subject property for the current case, 16ZONE1048.

INTERESTED PARTY COMMENTS

Staff has received phone calls and had in-person conversations with Mr. David Steff of the Apple Valley homeowners association. He has expressed concern about drainage and how it will be handled on-site. Staff also received the attached email from Mr. Steff regarding the possibility of visitors to the apartment complex parking on the proposed connector between Appletree Lane and Applevue Way.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

Highview Neighborhood Plan (adopted June 2015)
Land Use Recommendation 7 (LU7) of the Highview Neighborhood Plan states:

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

Community Form Recommendation 3 (CF3) of the Highview Neighborhood Plan states:

“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."

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 REZONING

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

The site is proposed to be 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.

In the Highview Neighborhood Plan, the designated Town Center is at Fegenbush Lane and Outer Loop. In addition, the Plan has a map that designates six areas as Neighborhood Activity Centers. The subject property is located neither within the Town Center nor within one of the six designated activity centers, as recommended by Policy LU7, quoted in the Applicable Plans and Policies section above. This means that the Highview Neighborhood Plan does not recommend multifamily zoning for the subject property. The plan was adopted in June 2015, after approval of the R-5A rezoning on the adjacent property to the east, which Metro Council approved in May 2015.

The Highview Neighborhood Plan also contains a recommendation for the creation and adoption of future design guidelines for multifamily developments. These recommendations may be considered when the Planning Commission is reviewing and making a recommendation on a change in zoning.

The proposal is an efficient use of land as existing infrastructure will be maintained or provided. The general vicinity of the subject property consists of a mix of residential and nonresidential uses and zoning districts. The multifamily development to the north appears to have roughly 11 units per acre. The proposal is 5.5 units per acre in and of itself and 8.2 units per acre when combined with the adjacent property to the east. Abutting single-family is approximately 5 units per acre. The proposal is compatible in this regard with nearby multifamily. The proposed building materials are compatible with existing and proposed development in the area. The proposal contains recreational areas at the northwest corner and more than the required amount of open space in the form of approximately 6 uninterrupted acres.

The proposal is not located in a center nor is mixed use being sought. Only one housing type, multifamily, is being sought. Only Appleview Lane and Appletree Way are proposed to be connected to one another but not to the proposed streets on the plan. A central feature is not proposed. The proposal is a higher density use but it is not located along a transit corridor or near an activity center. LOJIC shows much of the site to be impacted by hydric soils. The proposal does not show connection with surrounding land uses and does not have a continuous roadway through the development.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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 proposal generally avoids the delineated wetlands on-site. The proposal will not preserve tree canopy by proposing to remove the existing four percent tree canopy, but it will add a substantial amount of new tree canopy by replacing it with the required 20 percent canopy.

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

STAFF: Provisions for safe vehicular and pedestrian transportation within and around the development and the community has been provided. Efficiency of the overall street network is compromised by not completely connecting to adjacent stub streets.

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

STAFF: The open space requirements are being exceeded on-site. In addition, required recreational space is provided.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties.

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

STAFF: The development plan conforms to the Comprehensive Plan to the extent described in the Staff Analysis for Rezoning above and to applicable requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4.

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

STAFF: The waiver will not adversely affect adjacent property owners because the development is adjacent to a 15' LBA already provided by The Fountains condominiums and an existing detention basin which creates a substantial distance from the actual buildings in the two developments. The reduced width is consistent with the reduced LBA width approved for the adjacent property to the east.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design

standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The proposed LBA design does not violate any of these policies.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because it accommodates a significant shared (25') LBA between the subject property and The Fountains condominiums, keeping the proposed new development as far away as possible from single family properties to the north and west and out of areas protected as open space.

(d) Either:

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

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

STAFF: The strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the total combined landscaping would be 15' wider than what is normally required and the uses being buffered from one another are similar uses.

TECHNICAL REVIEW

- Agency review comments have been addressed.

STAFF CONCLUSIONS

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning complies with a majority of the Guidelines of the Comprehensive Plan and falls short of a number of such Guidelines.

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.

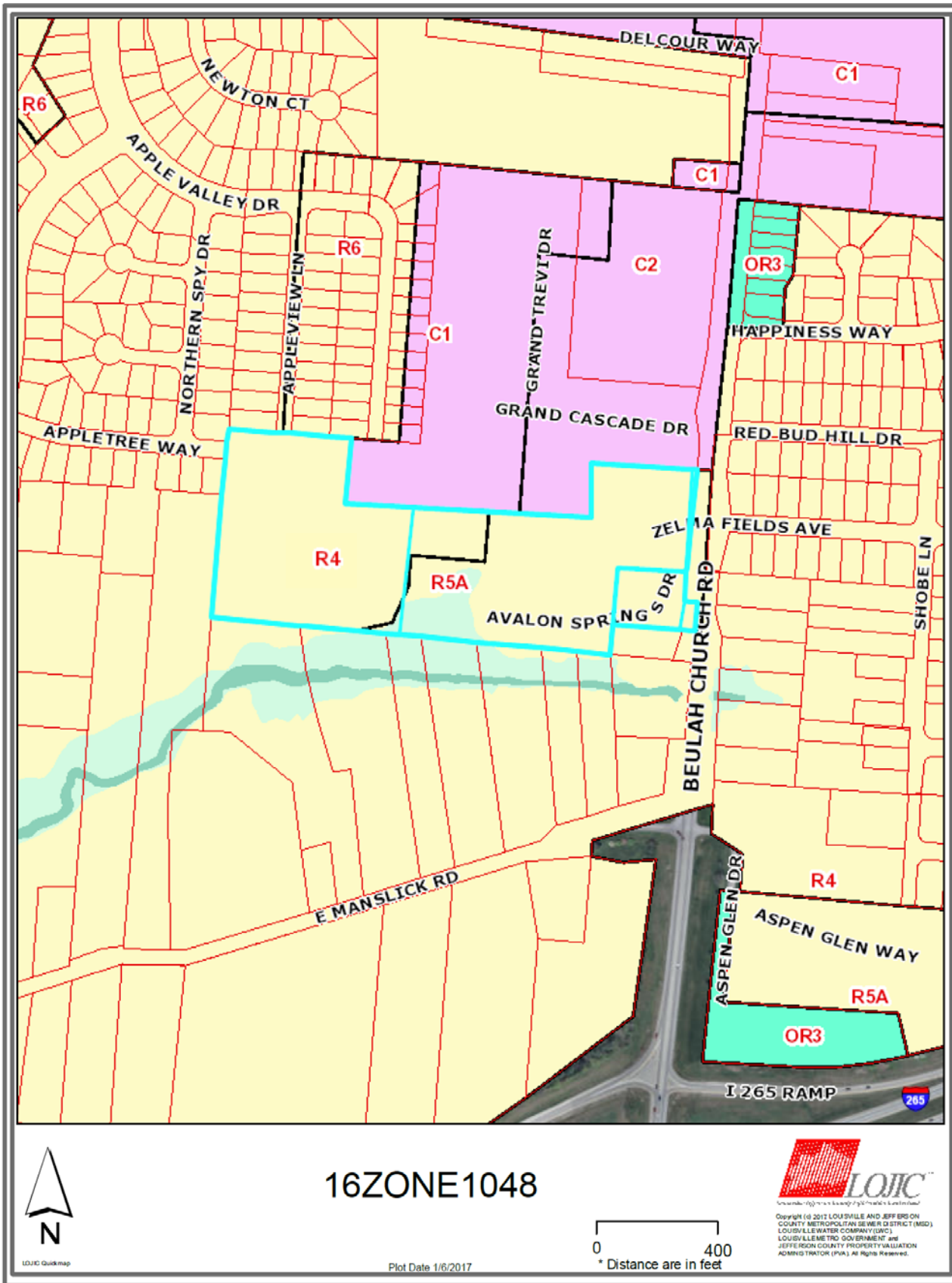
NOTIFICATION

Date	Purpose of Notice	Recipients
12/29/16	Hearing before LD&T on 1/12/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 23 Notification of Development Proposals
1/19/17 1/26/17	Hearing before PC on 2/2/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 23 Notification of Development Proposals
1/18/17	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. Interested Party Comments
5. Existing Binding Elements
6. 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.	-	The original proposal, 14ZONE1057, had proposed a mix of housing types with multifamily toward Beulah Church Road and single-family toward the rear. The current proposal replaces the proposed single-family with multifamily.
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.	✓	Although the proposed density is less than the classification for high density, the site is located with direct access to a major arterial level road and close to an intersecting primary collector level road and interstate.
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 not introducing a new housing type to the neighborhood, as there is multifamily to the north.
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.	-	The proposal partially meets this guideline by providing interior walkways that connect to existing walkways on the adjacent property to the east. The proposal also partially complies with this guideline in that Applevue Ln and Appletree Way are proposed to be connected to one another but not to the proposed streets on the plan.
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	The proposal is not an activity center.

#	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	The proposal is not nonresidential or mixed use.
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 proposal is an efficient use of land as existing infrastructure will be maintained or provided.
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 general vicinity of the subject property consists of a mix of residential and nonresidential uses and zoning districts.
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 mixed use being sought.
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 creates a new development and provides solely residential uses.
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 an outlot development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	-	A central feature is not proposed.
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 development of Tract 2 shows a continuation of the existing Avalon Garden Drive.
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.	✓	The proposal is an efficient use of land as existing infrastructure will be maintained.
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.	✓	The proposal uses existing entrance and parking facilities and requires no new curb cuts.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not an 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 multifamily to the north appears to roughly have 11 units per acre. The proposal is 5.5 units per acre in and of itself and 8.2 units per acre when combined with the adjacent property to the east. Abutting single-family is approximately 5 units per acre.
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 proposed materials are compatible with existing and proposed development in the area. Also Note the policies in the Highview Neighborhood Plan.
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 proposed materials are compatible with existing and proposed development in the area. The proposal does not introduce a new type of density. The proposal requests a waiver in required LBA width along the north property line. The reduced width is consistent with the reduced LBA width approved for the adjacent property to the east. The proposal contains open space and recreational areas at the northwest corner.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Although the proposal does not comply with some guidelines in this table by not connecting Applevue Ln and Appletree Way with the roads serving the apartments, it does comply with this guideline by avoiding such connection.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The proposal will conform to all lighting regulations.
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 does not contain a variety of housing types.
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 a higher density use but it is not located along a transit corridor or near an activity center.
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 proposal could potentially provide housing for the elderly or persons with disability and is located close to shopping areas. The site is not located on a transit route or close to a medical facility, however.
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 appears to be compatible with adjacent multifamily.
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.	✓	The proposal includes a waiver in required LBA width along the north property line. The reduced width is consistent with the reduced LBA width approved for the adjacent property to the east. The proposal contains open space and recreational areas at the northwest corner.
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 proposal includes a waiver in required LBA width along the north property line. The reduced width is consistent with the reduced LBA width approved for the adjacent property to the east. The proposal contains open space and recreational areas at the northwest corner.
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.	✓	The proposal is compatible in this regard with nearby multifamily.
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.	✓	The proposal provides more than the required amount of open space in the form of approximately 6 uninterrupted acres.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal provides more than the required amount of open space in the form of approximately 6 uninterrupted acres.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal provides more than the required amount of open space in the form of approximately 6 uninterrupted acres.
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 proposal provides more than the required amount of open space in the form of approximately 6 uninterrupted acres. The proposal provides the required 25' wetland buffer areas where needed.
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.	NA	The site does not contain buildings that have historic or architectural 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.	-	LOJIC shows much of the site to be impacted by hydric soils.
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.	✓	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 and the continuation of right-of-way.
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 proposal does not show connection with surrounding land uses and does not have a continuous roadway through the development.
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.	N/A	Right-of-way dedication is not part of the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	No significant vacant land abuts the subject property.
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.	✓	Although the proposal does not comply with some guidelines in this table by not connecting Applyview Ln and Appletree Way, it does comply with this guideline by avoiding such connection.
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 proposal links to Phase 1 of the overall project.
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.	NA	The proposal is a higher density but it is not located along a transit corridor or near an activity center.
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.	✓	The proposal has received preliminary approval from MSD.
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 set aside open space could contribute to a future preserved corridor running to the southwest.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is an efficient use of land as existing infrastructure will be maintained.
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 is available to 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. Interested Party Comment

From: David Steff
To: [Mabry, Brian K.](#)
Cc: [Peden, James](#); [Torsky, John N](#); [David Steff](#)
Subject: Re: Multifamily rezoning off Beulah Church Road
Date: Monday, January 02, 2017 8:07:17 PM

Brian

I do have some concerns over Apartment tenants or visitors parking on the new street and walking to the Apartments. I think this needs to be addressed.

David

David Steff President
Apple Valley POA
7812 Appleview Ln
Louisville, KY 40228
502-239-6974 H
502-592-5248 C

From: [Mabry, Brian K.](#)
Sent: Thursday, December 29, 2016 3:36 PM
To: drsteff@bellsouth.net
Subject: Multifamily rezoning off Beulah Church Road

Hello Mr. Steff,

We've talked before about the proposed rezoning from R-4 to R-5A off Beulah Church Road. The request is now ready to go to the Land Development & Transportation (LD&T) Committee meeting on January 12, 2017. I don't know if you are aware of the how the road connection issue has been proposed to be resolved. With the blessing of Public Works, the applicant proposes to only connect Apple Tree Way and Apple View Lane to one another, not to connect those two streets to the apartment complex. Also, as far as the drainage issue you were concerned about, the applicant has met the requirements of MSD. Tony Kelly at MSD, with whom I believe you've spoken before, would be able to explain how drainage has been addressed, if you need to know more.

Thanks for your concern about this request. After the LD&T meeting, the request will go to Planning Commission for a public hearing. That date is to be determined. Happy New Year to you and yours.

Brian Mabry, AICP
Planning & Design Supervisor

Develop Louisville
Division of Planning & Design Services
444 S. 5th St., Suite 300
Louisville, KY 40202
Phone: (502) 574-5256

<http://louisvilleky.gov/government/planning-design>

5. Existing Binding Elements

1. The development shall be in accordance with the approved revised district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The revised development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
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. 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.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 16, 2015 Planning Commission meeting.
8. A 6 ft. high solid wood shadow box fence shall be provided along the north property line between the multi-family portion of the Ashton Park 2 project adjoining the Fountains Condominiums. This new fence shall tie into the existing Fountains Condominiums fence and shall be stained the same color as the existing fence.
9. The applicant shall install landscaping as shown on the proposed landscape plan presented at the April 16, 2015 public hearing.
10. The proposed connections to existing Appletree Way and Appleview Lane shall remain closed until State road construction is complete on the intersection of Beulah Church Road, Fegenbush Lane and the Outer Loop. The closures shall be fixed structures that extend two feet on each side of the paved surfaces.

6. **Proposed Binding Elements**

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
- a. The revised development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. ~~A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.~~
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~April 16, 2015~~ _____ Planning Commission meeting.
9. The applicant shall install landscaping as shown on the proposed landscape plan presented at the ~~April 16, 2015~~ _____ public hearing.
- ~~10. The proposed connections to existing Appletree Way and Appleview Lane shall remain closed until State road construction is complete on the intersection of Beulah Church Road, Fegenbush Lane and the Outer Loop. The closures shall be fixed structures that extend two feet on each side of the paved surfaces.~~