

Planning Commission

Staff Report

October 3, 2019



Case No:	18zone1008
Project Name:	10616 Watterson Trail Rezone
Location:	10616 Watterson Trail
Owner(s):	Thomas Kruse and Rick Allison
Applicant:	Kruse Allison Construction, LLC
Jurisdiction:	City of Jeffersontown
Council District:	11- Kevin Kramer
Case Manager:	Julia Williams, AICP, Planning Supervisor

REQUEST(S)

- Change in Zoning from R-4 to CTC-1
- Waivers:
 - Waivers from Chapter 10.2.4 to permit encroachments into the 15' LBA along the south property line and to eliminate the 8' screening requirement
- District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is requesting a change in zoning in order to allow a change in use from single family residential to an office in an existing 917 square foot home. The site is located at the corner of Watterson Trail and Bruners Way, just east of downtown Jeffersontown. There are two existing access points, one on each frontage with the one off of Watterson Trail proposed to be removed. 3 parking spaces are proposed off of Bruners Way. No changes are proposed to the existing structures.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

An adjacent property owner, Terry Rambo, called and expressed that she is against the zoning change on the property.

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 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

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Town Center Form District

The Town Center is a traditional and preferred form, larger in scale than the neighborhood center, which forms a focal point of activity. The Town Center has an identifiable core and is often located at a historic crossroads or the intersection of a major thoroughfare(s) and a collector roadway with connections to surrounding neighborhoods through walkways, local streets and residential collector streets. The amount of floor space in town centers is usually between 100,000 and 400,000 square feet reflecting a market area designed to serve a population of between 25,000 to 75,000.

The Town Center form typically has a compact mixture of moderately intense uses including shopping, restaurants, offices and residences. In its most traditional form, the Town Center ordinarily includes civic uses, such as libraries, government offices, police or fire stations and religious facilities. The presence of small-scale civic open space is a common but not essential feature. Buildings are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point.

The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. More intense uses in the Town Center are located in close proximity to the major thoroughfare, and the intensity of use gradually declines toward the adjacent neighborhoods.

Town Centers are easily disrupted by new forms of development. Therefore, the harmony and compatibility of infill and redevelopment in Town Centers should receive special attention. The establishment of new Town Centers requires a high level of planning and design. The Comprehensive Plan envisions the preservation and enhancement of those town centers that already exist and encourages creation of new Town Centers that are in keeping with the goals, objectives and Policies.

The site is only accessible by vehicle as there are no sidewalks located on or adjacent to the site.

The proposal is not a non-residential expansion into a residential area as there are non-residential uses located adjacent to the site. The buffer waiver is on the non-residential use side. The proposal is for commercial zoning located in the vicinity of an activity center. There is high density zoning also in the vicinity. The proposal is in the vicinity of an activity center that has been created at Taylorsville Road and Watterson Trail. CTC-1 zoning on this site results in an efficient land use because it is located in the existing Town Center Form where CTC-1 zoning is promoted.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 2040.

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 City of Jeffersontown regarding the appropriateness of this zoning map amendment. The City of Jeffersontown has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the full buffer and screening requirements will be met where the site is adjacent to the single family used property.

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

STAFF: Community Form Goal 1, Land Use and Development Policy 6 of Plan 2040 discourages non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. 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. Since the screening is being provided adjacent to the residentially used site, the intent of the requirement is being met.

- (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 since the buffering requirements will be met where the site is adjacent to the single family use.

- (d) Either:

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

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the buffer requirements are still being met adjacent to the single family residence.

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. 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 transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Pedestrians are not provided for with the development.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- 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 residentially zoned properties. Buildings and parking lots will 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 City of Jeffersontown **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to CTC-1
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Waiver**
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Detailed District Development Plan**

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 Plan 2040 which have substantially altered the basic character of the area.

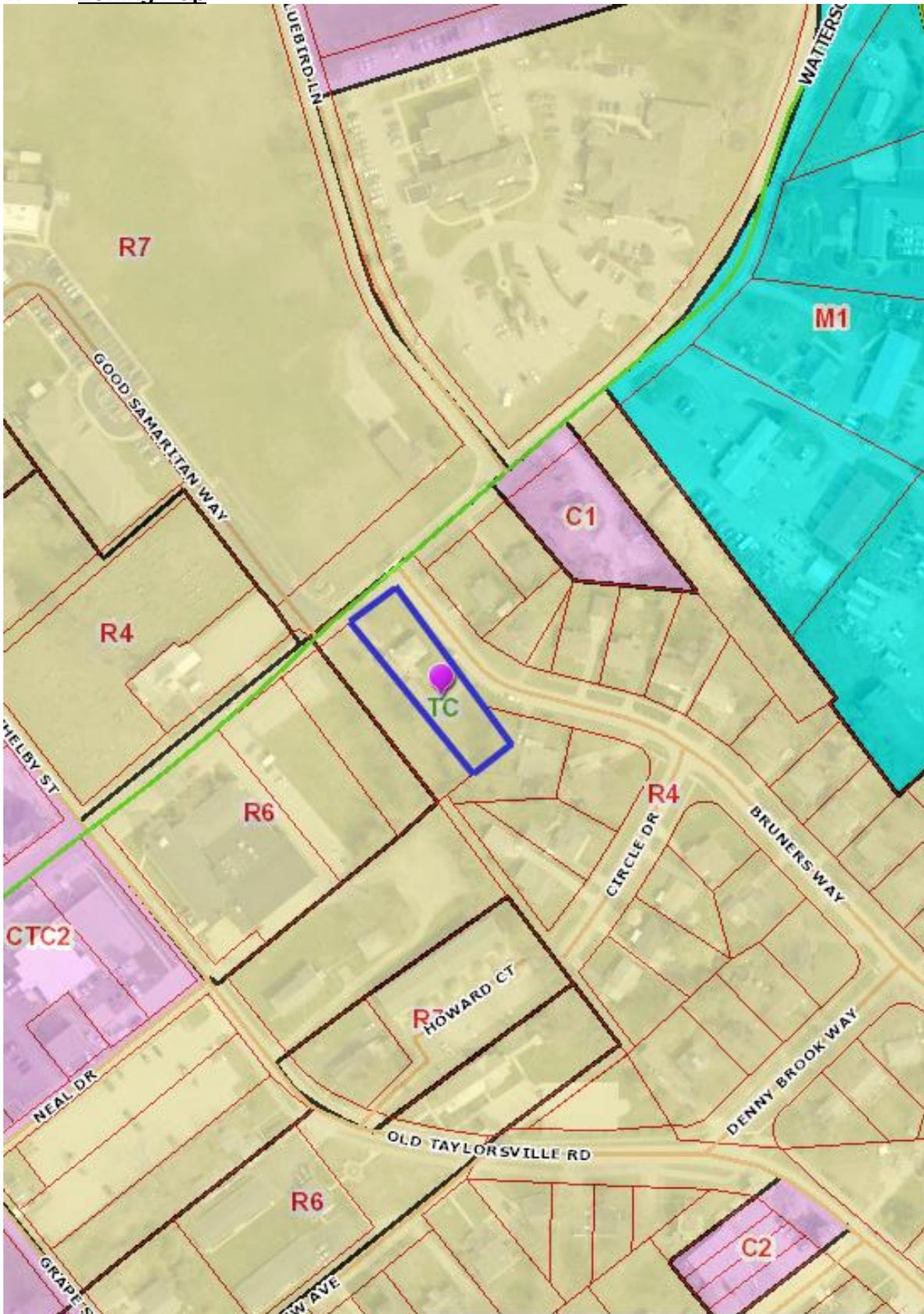
NOTIFICATION

Date	Purpose of Notice	Recipients
2/28/19	Hearing before LD&T on 3/14/19	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
4/3/19	Hearing before PC on 4/18/19	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
3/29/19	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal
8/28/19	Hearing before LD&T on 9/12/19	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
9/19/19	Hearing before PC on 10/3/19	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
9/19/19	Hearing before PC	Sign Posting on property
9/25/19	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Staff Plan 2040 Checklist

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

Town Center: Non-Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposal is not a non-residential expansion into a residential area as there are non-residential uses located adjacent to the site. The buffer waiver is on the non-residential use side.
2	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.	-	The proposal is for high intensity commercial zoning that is not located near a transportation facility. It is also not located along a transit corridor, not located within an employment center. It is located in the vicinity of an activity center located to the southwest of the site at the intersection of Watterson Trail and Taylorsville Road. The proposal is located at the entrance of a single family subdivision where pedestrian infrastructure cannot be found along Watterson Trail or Bruners Way.
3	Land Use & Development Goal 1: Community Form	8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	NA	The proposal is not for industrial zoning.
4	Land Use & Development Goal 1: Community Form	15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	✓	The proposal does not permit hazardous uses and is not a zoning district that has air, noise, or light emissions that would not be controlled by the LDC or existing ordinances.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Land Use & Development Goal 1: Community Form	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	APCD did not indicate any issues with the proposal.
6	Land Use & Development Goal 1: Community Form	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Transportation Planning did not indicate any adverse issues with traffic.
7	Land Use & Development Goal 1: Community Form	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The proposal will comply with existing noise ordinances.
8	Land Use & Development Goal 1: Community Form	21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	NA	The proposal is not for industrial zoning.
9	Land Use & Development Goal 2: Community Form	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposal is in the vicinity of an activity center that has been created at Taylorsville Road and Watterson Trail. The buffer waiver is on the side of the development where a non-residential use exists.
10	Land Use & Development Goal 2: Community Form	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	The proposal is for commercial zoning located in the vicinity of an activity center. There is high density zoning also in the vicinity.
11	Land Use & Development Goal 2: Community Form	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposal is in the vicinity of an activity center that has been created at Taylorsville Road and Watterson Trail. CTC-1 zoning on this site results in an efficient land use because it is located in the existing Town Center Form where CTC-1 zoning is promoted.
12	Land Use & Development Goal 2: Community Form	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	-	The proposal is in the vicinity of an activity center that has been created at Taylorsville Road and Watterson Trail. The proposal does not support alternate modes of travel as the proposal does not include a sidewalk.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Land Use & Development Goal 2: Community Form	8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not for mixed use.
14	Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal is for the re-use of a residential structure for commercial use.
15	Land Use & Development Goal 2: Community Form	10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.	NA	The proposal is not associated with outlot development.
16	Land Use & Development Goal 3: Community Form	9. Encourage development that 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.	✓	There are no natural features evident on the site.
17	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.	✓	Soils are not an issue with the proposal.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
18	Land Use & Development Goal 3: Community Form	11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.	NA	The proposal is not located within the Ohio River corridor.
19	Land Use & Development Goal 3: Community Form	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	NA	The proposal is not located in a flood prone area.
20	Land Use & Development Goal 4: Community Form	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	NA	The proposal site does not have any historical value.
21	Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	The proposal does not have any cultural value, natural elements, or distinctive built features.
22	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 high intensity zoning is not located within or near a marketplace corridor. The site is not on a transit route nor are there sidewalks existing or proposed to support transit and mobility.
23	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.	✓	Access to the development is from Bruners Way. Bruners Way is a local level road that currently only serves single family residential.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
24	Land Use & Development Goal 3: Mobility	1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.	NA	The site is not located in the Neighborhood or Village Center form.
25	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 site is only accessible by vehicle as there are no sidewalks located on or adjacent to the site.
26	Land Use & Development Goal 3: Mobility	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	-	The site is only accessible by vehicle as there are no sidewalks located on or adjacent to the site.
27	Land Use & Development Goal 3: Mobility	4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.	-	The site does not promote mobility by any other means than a vehicle due to sidewalks not being existing or proposed around the site.
28	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.	-	The proposed commercial zoning is inaccessible to pedestrians and only accessible to vehicles.
29	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.	-	The proposal does not support pedestrian facilities to or from the site.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
30	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.	-	The proposal does not support pedestrian facilities to or from the site. Pedestrian facilities are appropriate for the proposal because it is for commercial which allows for uses the adjacent neighborhood could utilize.
31	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.	✓	Roadway improvements and additional ROW may be requested by the City of Jeffersontown. Transportation Planning did not request additional roadway improvements.
32	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 site is served by existing utilities.
33	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.	✓	Water is available to the site.
34	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 no issues with the proposal.
35	Land Use & Development Goal 1: Economic Development	2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for industrial zoning.
36	Land Use & Development Goal 1: Economic Development	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	✓	The proposals site is not large enough to generate large amounts of traffic.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
37	Land Use & Development Goal 1: Economic Development	4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.	NA	The proposal is not for industrial zoning.
38	Land Use & Development Goal 1: Economic Development	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	NA	The proposal is not for industrial zoning.
39	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 proposal will not have an impact on erosion and groundwater.
40	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.	NA	The proposal is not located within a floodplain.
41	Land Use & Development Goal 1: Livability	24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.	NA	The proposal is not located within a floodplain.
42	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.	✓	The proposed zoning allows for mixed use and high density and is located generally in the vicinity of an activity center.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
43	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 proposed zoning allows for mixed use but is not connected to the neighborhood or surrounding area due to the lack of sidewalks.
44	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.	-	The proposal is not located on a multi-modal corridor and has no pedestrian access to the surrounding area or adjacent neighborhood.
45	Land Use & Development Goal 3: Housing	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposal will not displace existing residents from the community.
46	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 proposal permits residential on the site which could encourage the production of housing.

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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Jeffersontown Public Works and the Metropolitan Sewer District.

- b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Watterson Trail to provide a total of 40 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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.