

Planning Commission
Staff Report
May 23, 2019



Case No:	18ZONE1004
Project Name:	Mill Creek Condos
Location:	9801 Watterson Trail and 9710-9712 Locust Lane
Owner(s):	614 Development Group
Applicant:	614 Development Group
Representative(s):	Dinsmore & Shohl, LLP
Project Area/Size:	3.1 acres
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to R-6, Multi-Family Residential
- **Waivers**
 1. Waiver of Land Development Code, section 10.2 to omit the 15' VUA LBA adjacent to proposed private access easement
 2. Waiver of Land Development Code, section 10.2 to omit the 15' LBA for proposed access lane from Watterson Trail
 3. Waiver of Land Development Code, section 5.9.2 to not extend existing stub streets to serve the development
- **Variiances**
 1. Variance from Land Development Code, section 5.3.1 to eliminate the 25' rear yard adjacent to the proposed private access easement
 2. Variance from Land Development Code, section 5.3.1 to exceed the maximum height of 35' and be 43', a variance of 9'.
- **Detailed District Development Plan**

CASE SUMMARY

Eight multi-unit structures containing four units each are being proposed on three acres of land in the City of Jeffersontown. The subject site is more approximately located three-quarters of one mile Southwest of Taylorsville Road via Watterson Trail and one-quarter mile East of Jeffersontown Elementary School. Access to the site is proposed from Watterson Trail, a collector roadway until reaching Ruckreigel Parkway where it becomes an arterial. Spruce Grove Drive, a local roadway terminates along the Northern property boundary and will not be continued into the subject property. Multi-family development abuts the property along the western line and single-family to the east. The immediately surrounding area is predominately single-family residential.

Sidewalks are provided throughout the development with connections to Spruce Grove Drive and Watterson Trail. A gate is proposed to restrict access to the development at its entrance along Watterson Trail. Each unit will be multi-story with private garage, balcony and rooftop deck.

STAFF FINDING

The proposal conforms to applicable policies of Plan 2040. The district allows for increased flexibility in provisioning for housing options and environments that support aging in place and supports inter-

generational, mixed-income and mixed-use options that are connected to the neighborhood and nearby centers, while also allowing for a greater variety of housing styles and living arrangement than is currently present in the underlying zoning district. The proposed higher density use is located along a primary collector containing a shared use path that will provide direct access to the center of the City of Jeffersontown and to TARC route #40.

Each waiver, variance, and the development plan have been adequately justified based on the staff analysis contained in the standard of review. Pedestrian connectivity to the shared use path through the subject site is being maintained. The additional height requested is the result of partition walls separating rooftop amenities, while the remainder of the living space of each structure is within the height permitted.

TECHNICAL REVIEW

- The existing gravel drive associated with Locust Lane has been placed in an access easement similarly to the abutting multi-family development to the east. Permanent unimpeded access to Waterson Trail has been provided for the single-family residence at 9600 Locust Lane as the entry to the multi-family development will also provide an access easement to the residence. The placement of the defined easement necessitates that buffers and setbacks be measured from the boundary of the easement similarly to a public street.
- While the R-5A district would accommodate the proposed density, the floor area ratio (FAR) does not allow for the proposed bulk; thus, the R-6 district has been requested. The maximum density resulting from the R-6 district is 53 dwelling units. The maximum FAR of the proposed district is 0.75. The proposed FAR is 0.73 having a total gross floor area not including garages of 98,132 sq.ft.
- The proposed rendering depicts a wall separating each private rooftop deck. This wall is subject to the maximum building height. The maximum height of these walls results in a total height of 43'.
- The adopted Land Development Code of the City of Jeffersontown does not contain a prohibition on requesting a waiver from section 5.9.2 for extension of stub streets.
- The zoning map amendment, detailed plan and waivers will be recommendations to the City of Jeffersontown. The variance requests are under the final authority of the Louisville Metro Planning Commission in conjunction with a zoning map amendment.

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 policies of Plan 2040;
OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the land use and development policies of Plan 2040:

The site is located in the Neighborhood Form District

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

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

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

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

The proposal is located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as being within close proximity to amenities providing neighborhood goods and services. The site is connected to the City center of Jeffersontown by shared use path. The district is accessible by multi-modal transportation as the shared use path provides connectivity to TARC route #40. The district allows for increased flexibility in provisioning for housing options and environments that support aging in place and supports inter-generational, mixed-income and mixed-use options that are connected to the neighborhood and nearby centers. It also allows for a greater variety of housing styles and living arrangement than is currently present in the underlying zoning district.

Development within the proposed district will follow all applicable regulations as set forth by the Louisville Metropolitan Sewer District. The site is not located within the 100-yr floodplain and does not appear to contain hydric soils or wetlands. The subject property contains and/or adjoins portions of an undefined stream that flows north/south across Waterson Trail. The stream does not appear to be impacted by the proposed district. Demolition of the existing structure on site appears to require review by the historic preservation officer prior to construction plan approval due to its age.

The proposed higher density use is located 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 as the subject site is located along a primary collector containing a shared use path that will provide direct access to the center of the City of Jeffersontown and to TARC route #40.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

LDC, section 10.2 to omit the 15' VUA LBA for proposed private access easement

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

STAFF: The waiver will not adversely affect adjacent property owners as the existing gravel drive that is not correctly located in the current easement is being placed within an easement on the subject property to maintain rights of access which necessitates the requested relief. The encroachment maintains the developers vision while providing rights of access.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 calls for a mixture of densities as long as their designs are compatible. When incompatible developments unavoidably occur adjacent to one another impacts are to be mitigated. Appropriate transitions are to be provided between uses that are substantially different in scale and intensity or density of development. Examples include vegetative buffers of variable designs, 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. Buffers should address issues such as out-door 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. The encroachment impacts a single user who is being granted continued rights of access through the subject site for a narrow gravel driveway. The relief does not impact public roadways or residential properties.

- (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 as rights of access have been granted for a single user which created the need to apply a VUA LBA.

- (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 regulation would deprive the applicant of the reasonable use of the land as the developers vision for the property and adjacent users rights of access to their property form Waterson Trail are being accommodated.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

LDC, section 10.2 to omit the 15' LBA for proposed access lane from Waterson Trail

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

STAFF: The waiver will not adversely affect adjacent property owners as current facilities encroach upon an adjacent property owner and these will be removed to install a new paved access lane, detention facilities, and pedestrian ways.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 calls for a mixture of densities as long as their designs are compatible. When incompatible developments unavoidably occur adjacent to one another impacts are to be mitigated. Appropriate transitions are to be provided between uses that are substantially different in scale and intensity or density of development. Examples include vegetative buffers of variable designs, 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. Buffers should address issues such as out-door 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. The request complies with aforementioned policy as the overall site design is an improvement from current facilities which impact adjacent owners.

- (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 as current encroachments of a driveway will be removed and replaced with a new paved access drive with an amenity/detention on its eastern side.

- (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 regulation would deprive the applicant of the reasonable use of the land as detention facilities having amenities are proposed on the eastern side of the driveway which also serves a residential property to the west for the development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)

LDC, section 5.9.2 to not extend existing stub streets to serve the development

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

STAFF: The waiver will not adversely affect adjacent property owners as vehicular connectivity to lower density residential areas is provided from multiple routes having access from Watterson Trail via Stony Brook Drive and San Marcos Road to the west and Walnutwood Way to the east. The subject site provides form pedestrian connectivity from Spruce Grove to Waterson Trail to facilitate the use of the share use path and connectivity to the City center.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 calls for developments to be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. The proposal has a limited impact on the transportation network as Spruce Grove Drive dead ends where there is multi-family development. This existing development provides adequate means for maneuvering back out of the dead end. Pedestrian connectivity will be maintained through the site for the public from Spruce Grove to Waterson Trail. The connection of Spruce Grove to Waterson Trail would limit the multi-family capabilities of the property.

- (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 as a fully constructed public roadway would limit the multi-family capabilities of the property.

- (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 regulation would deprive the applicant of the reasonable use of the land as a fully constructed public roadway would limit the multi-family capabilities of the property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (1)

LDC, section 5.3.1 to eliminate the 25' rear yard adjacent to the proposed private access easement

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the use to the site does not contain a true rear yard and the relief is not being requested in areas that abut residentially used property.

- (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 as the site is being developed with greater orientation to Waterson Trail or internally and the area of encroachment is the result of granting rights of access to a residential property to the west.

- (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 as it does not obstruct the safe movement of pedestrians or vehicles. .

- (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 as the site does not contain a true front yard and the relief is not being requested in areas that abut residentially used property.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the rear yard setback was requested by the City of Jeffersontown after a determination that the front yard should be provided as measured from Spruce Grove Drive.

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 as the site does not contain a true front yard and the relief is not being requested in areas that abut residentially used property.

3. The circumstances are not 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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (2)

LDC, section 5.3.1 to exceed the maximum height of 35' and be 43', a variance of 9'

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the additional height requested does not impact the safe movement of vehicles or pedestrians and it is located at the edge of a neighborhood adjacent to a collector roadway.

- (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 as the maximum height allowed within the district is being exceeded only by a partition wall that separates rooftop amenity areas.

- (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 as the additional height requested does not impact the safe movement of vehicles or pedestrians

- (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 as the maximum height allowed within the district is being exceeded only by a partition wall that separates rooftop amenity areas.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the height within the district is applied to all properties within the district.

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 as the variance request allows only a partition wall to exceed the standards and separate rooftop amenities.

3. The circumstances are not 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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposed development will conserve natural resources as tree canopy will be provided and an undefined stream along the eastern boundary does not appear to be impacted.

- 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 are provided as a single entrance is being provided for multiple units to a collector level roadway. This roadway also provided for access to the City center via shared use path and the development site provides for pedestrian connectivity form adjacent residential areas through the site and to this shared use path.

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

STAFF: Open space has been provided as an amenity area is being provided around the detention facilities and rooftop amenities for each unit are 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 provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

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

STAFF: The site design is compatible with future development along Watterson Trail which is capable of handling higher densities and is well connected to the City center of J'town via shared use path.

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

STAFF: The development plan complies with the policies of Plan 2040. Development will follow all applicable regulations as set forth by the Louisville Metropolitan Sewer District. The site is not located within the 100-yr floodplain and does not appear to contain hydric soils or wetlands. The subject property contains and/or adjoins portions of an undefined stream that flows north/south across Waterson Trail. The stream does not appear to be impacted by the proposed district. Demolition of the existing structure on site appears to require review by the historic preservation officer prior to construction plan approval due to its age.

The proposed higher density use is located 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 as the subject site is located along a primary collector containing a shared use path that will provide direct access to the center of the City of Jeffersontown and to TARC route #40.

The proposal provides for design elements that increase the variety of housing available within proximity to services, amenities, and employment.

REQUIRED ACTIONS

- **RECOMMEND** to the City of Jeffersontown that the **Change-in-Zoning** from R-4, Single-family Residential to R-6, Multi-Family Residential on property described in the attached legal description be **APPROVED** or **DENIED**
- **RECOMMEND** to the City of Jeffersontown that the following Waivers be **APPROVED** or **DENIED**:
 1. Waiver of Land Development Code, section 10.2 to allow encroachments into the 15' VUA LBA adjacent to proposed private access easement
 2. Waiver of Land Development Code, section 10.2 to allow encroachments into the 15' LBA for proposed access lane from Waterson Trail
 3. Waiver of Land Development Code, section 5.9.2 to not extend existing stub streets to serve the development
- **APPROVE** or **DENY** the following **Variances**:

1. Variance from Land Development Code, section 5.3.1 to eliminate the 25' rear yard adjacent to the proposed private access easement
 2. Variance from Land Development Code, section 5.3.1 to exceed the maximum height of 35' and be 43', a variance of 9'.
- **RECOMMEND** to the City of Jeffersontown that the **Detailed District Development Plan** subject to the proposed binding elements be **APPROVED** or **DENIED**

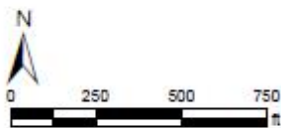
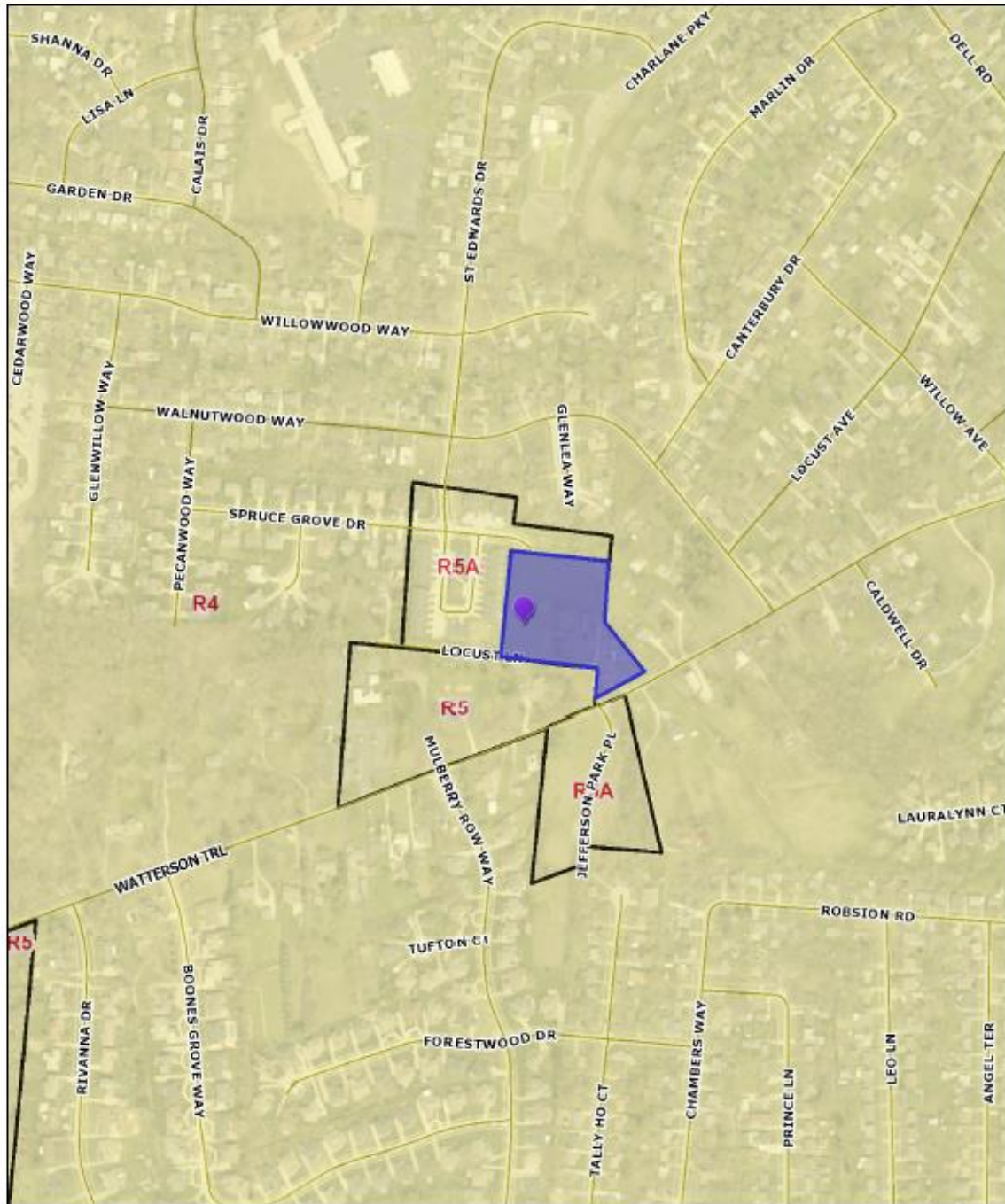
NOTIFICATION

Date	Purpose of Notice	Recipients
3/27/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 11 Notification of Development Proposals
4/24/19	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 11 Notification of Development Proposals
5/1/2019	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



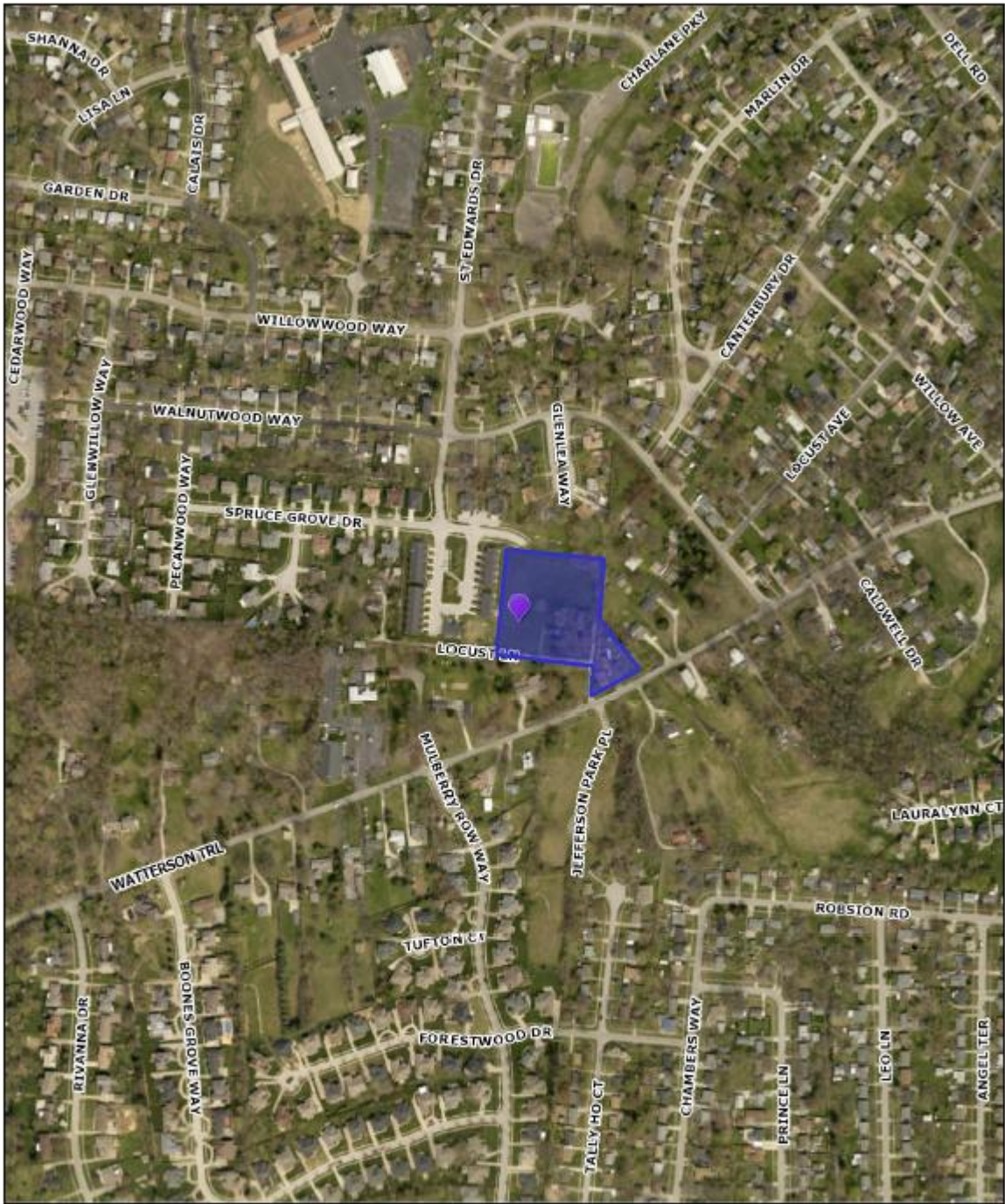
Tuesday, February 13, 2018 | 9:16:23 AM



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2. Aerial Photograph



Tuesday, February 13, 2018 | 9:17:04 AM



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3. Plan 2040 Staff Analysis

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

Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Community Form: Goal 1	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 proposed higher density use is located 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 as the subject site is located along a primary collector containing a shared use path that will provide direct access to the center of the City of Jeffersontown and to TARC route #40.
2	Community Form: Goal 1	9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	The proposed district ensures appropriate transitions between uses of different scales and densities as the site is appropriately located to transition from a lower density single family and multi-family district. The subject property abuts a limited number of low density residential properties and provides access directly from a primary collector roadway. Landscape transitions have been provided as required to adjacent residential uses.
3	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	A single residence will be removed to accommodate a greater diversity of housing in the area.
4	Community Form: Goal 3	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.	✓	Development within the proposed district will follow all applicable regulations as set forth by the Louisville Metropolitan Sewer District. The site is not located within the 100-yr floodplain and does not appear to contain hydric soils or wetlands.
5	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The subject property contains and/or adjoins portions of an undefined stream that flows north/south across Waterson Trail. The stream does not appear to be impacted by the proposed district.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
6	Community Form: Goal 4	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	✓	Demolition of the existing structure on site appears to require review by the historic preservation officer prior to construction plan approval due to its age.
7	Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed higher density district is located near activity and employment centers as well as public transportation as a shared use path along Watterson Trail provides direct access to the City center within 0.5 miles of the subject property.
8	Mobility: Goal 2	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access to the subject site is obtained directly from a primary collector and no access is provided from local roads serving lower density residential.
9	Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district encourages a mixture of land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities as the site is within close proximity to TARC routes, employment, services, and amenities. Each being served by the subject site via shared use path. The district supports housing near employment centers.
10	Mobility: Goal 3	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 proposal has a limited impact on the transportation network as Spruce Grove Drive dead ends where there is multi-family development. This existing development provides adequate means for maneuvering back out of the dead end. Pedestrian connectivity will be maintained through the site for the public from Spruce Grove to Watterson Trail. The connection of Spruce Grove to Waterson Trail would limit the multi-family capabilities of the property.
11	Mobility: Goal 3	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 will bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
12	Mobility: Goal 3	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 will provide necessary transportation or infrastructure improvements.
13	Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	The proposal will provide necessary transportation or infrastructure improvements in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.
14	Mobility: Goal 3	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	Access will be provided for multiple units to a collector level roadway and no individual units will have direct access.
15	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The subject site will be served by existing utilities or public or private utility extensions.
16	Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The subject site will have an adequate supply of potable water and water for fire-fighting purposes
17	Community Facilities: Goal 2	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).	✓	The subject site will have adequate means of sewage treatment and disposal to protect public health and to protect water quality
18	Livability: Goal 1	5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	Tree canopy and landscaping will be provided in accordance with Ch. 10 of the Land Development code. There do not appear to be any significant landscape characteristic associated with the site as it is primarily cleared of tree masses.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
19	Livability: Goal 1	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.	✓	All development on the subject site will occur in accordance with applicable building, health, and MSD regulations
20	Livability: Goal 1	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.	✓	The subject property is not located within the regulatory floodplain.
21	Housing: Goal 1	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposed district encourages a variety of housing types in the area which are supported by adjacent centers and transportation options.
22	Housing: Goal 1	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 district allows for increased flexibility in provisioning for housing options and environments that support aging in place.
23	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed districts supports inter-generational, mixed-income and mixed-use options that are connected to the neighborhood and nearby centers.
24	Housing: Goal 2	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 located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as being within close proximity to amenities providing neighborhood goods and services. The site is connected to the City center of Jeffersontown by shared use path. The district is accessible by multi-modal transportation as the shared use path provides connectivity to TARC route #40.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
25	Housing: Goal 3	<p>1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.</p>	✓	<p>The proposed district allows for flexibility in provisioning fair and affordable housing. The district provides options for variably priced housing in an area within proximity to services and amenities.</p>
26	Housing: Goal 3	<p>2. As neighborhoods evolve, discourage displacement of existing residents from their community.</p>	✓	<p>A single residential structure will be replaced by multiple units resulting in a net increase in housing units.</p>
27	Housing: Goal 3	<p>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.</p>	✓	<p>The proposed district allows for a greater variety of housing styles and living arrangement than is currently present in the underlying zoning district.</p>

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, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded to create the lot lines and access easements as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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. ADA compliant pedestrian access through the subject site shall be provided from Spruce Grove Drive to Watterson Trail to connect with the Jeffersontown shared use path. This access shall be maintained in perpetuity. Wayfinding signage shall be provided at Spruce Grove Drive and Watterson Trail to indicate that the walks are open to the public. Additional wayfinding signage shall be provided to direct traffic through designated walks.
8. Gated vehicular access shall be in accordance with applicable ordinances, unless otherwise approved by the Jeffersontown Fire District. No gates shall be provided which restrict pedestrian access.