

## Planning Commission

### Staff Report

August 3, 2017



<b>Case No:</b>	<b>16ZONE1085</b>
<b>Project Name:</b>	<b>535 Camden Ave</b>
<b>Location:</b>	<b>535 Camden Ave</b>
<b>Owner:</b>	<b>Zhong Liu</b>
<b>Applicant:</b>	<b>Zhong Liu</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>15-Butler</b>
<b>Case Manager:</b>	<b>Brian Mabry, AICP, Planning &amp; Design Supervisor</b>

### REQUEST

- Change in zoning from R-5 to R-5B on .1757 acres (7,653 square feet)
- Detailed District Development Plan with binding elements
  - Waiver from Section 10.2.10 to not provide a five-foot Vehicle Use Area Landscape Buffer Area

### CASE SUMMARY

The applicant requests this rezoning in the Traditional Neighborhood form district to allow the existing single-family residence to be converted to a two-family residence. Only interior modifications are proposed on the property if the rezoning is granted, with the new second unit taking place in a finished basement.

The subject property consists of two platted lots that are a total of 60 feet wide. The building has a total floor area of 936 square feet and is located on a 7,653 square-foot combined parcel (floor area ratio of .12). The property has a detached one-car garage abutting the alley that is proposed to be used as one off-street parking space and the property is wide enough for three on-street parking credits. In addition, the property owner proposes to provide a new 18-foot by 25-foot gravel off-street parking area at the rear of the property that can accommodate two vehicles, for a total of six on- and off-street spaces.

The existing R-5 zoning district and the requested R-5B district are in the same intensity class in terms of landscaping, so perimeter LBAs are not required. Tree canopy requirements are in effect, however, for this proposed change in use and will result in the need to plant one additional Type A tree on the property.

### STAFF FINDING

Staff finds that the proposal for a change in zoning from R-5 to R-5B generally meets the guidelines of the Comprehensive Plan, that aside from the requested waiver, the detailed district development plan meets the requirements of the Land Development Code, and that the requested waiver is adequately justified. However, the newly adopted Oakdale Neighborhood Plan does not support the proposed change.

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.

## **BACKGROUND**

Surrounding properties are zoned R-5, are in the Traditional Neighborhood zoning district, and are used as single-family residential. The nearest property not zoned single-family residential is approximately 370 feet away to the southeast. The proposed gravel parking area requires a five-foot Vehicle Use Area Landscape Buffer Area (VUA LBA) along the common boundary with the adjacent property to the west. The applicant seeks a waiver from the VUA LBA requirement.

Cornerstone 2020, Land Development Code and the Oakdale Neighborhood Plan (adopted December 2016) apply to this property.

## **TECHNICAL REVIEW**

As requested at the LD&T meeting on this case, the applicant has provided a building cross-section drawing to Construction Review for preliminary review and has received preliminary approval of the conversion. No technical issues remain.

## **INTERESTED PARTY COMMENTS**

Staff has not received any interested party comments at the time of publication of this Staff Report. A resident across Camden Avenue from the subject property spoke in opposition to the change in zoning at the LD&T meeting for this case, requesting that the property owner provide an off-street parking area adjacent to the alley.

## **STANDARD OF REVIEW FOR CHANGE IN ZONING**

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 of Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

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

The site is proposed to be located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying

capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

The proposal is for a conversion of a single-family residence to a two-family residence on an interior lot surrounded by single-family residential uses. The grid pattern of the area is not proposed to change. The exterior and site are consistent with the predominant neighborhood building and site design and is not proposed to change. The proposed two-family residence is not in and of itself consistent with the surroundings of the subject property. However, the residence sits on two platted lots, which could potentially accommodate two separate single-family dwellings. Therefore, the proposal does not increase the potential density of the area. The proposal does not include access through areas of significantly lower density.

The Oakdale Neighborhood Plan does not support the requested change in zoning. Map 8 of the Plan shows areas that should be considered for changes in zoning in the future and the subject property is not within one of those areas.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

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

- 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: LOJIC has not identified any natural resources on site. The applicant will be adding a gravel parking surface at the rear of the site for off-street parking. All other green space will remain and the applicant will plant an additional Type A tree.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the provision of off-street parking off the alley. Transportation has provided preliminary approval.

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

STAFF: This development does not meet the threshold for open space requirements.

- 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 overall site design and building exterior are compatible with the surroundings and with the existing and proposed development of the area as the site and building exterior are not proposed to significantly change. The proposed use is mostly compatible with the existing use of the surroundings. Although a two-family conversion is proposed and is surrounded by single-family residences, the subject residence sits on two platted lots which could potentially accommodate two separate single-family dwellings. So, the proposal does not increase the potential density of the area. In addition, the two platted lots of the subject property combined together are larger than other lots in the vicinity, thus enabling the property to accommodate an additional dwelling unit.

- 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 detailed district development plan generally conforms to the Comprehensive Plan. The Oakdale Neighborhood Plan does not support the requested change in zoning. Map 8 of the Plan shows areas that should be considered for changes in zoning in the future and the subject property is not within one of those areas. With the exception of the waiver, the detailed development plan conforms to the requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER** of Section 10.2.10 to not provide a five-foot Vehicle Use Area Landscape Buffer Area.

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

STAFF: The waiver will not adversely affect adjacent property owners as no other VUA LBAs exist for parking off of the alley in the vicinity of the subject property with no known problems.

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

STAFF: The waiver will not violate Guideline 3, Policy 24, which states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Although granting of the waiver would allow the proposed gravel parking area to not have screening between it and the adjacent property to the west, the VUA is proposed to be setback 10 feet, rather than the five-foot required width of the VUA LBA.

- (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 the applicant only wishes to not erect a required six-foot opaque continuous screening device, such as a wood fence, between the VUA and the adjacent property to the west. The applicant proposes to double the setback of the VUA from the side property line from five feet to 10 feet.

- (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 applicant has incorporated a design measure that exceeds the minimums of the district and compensates for non-compliance with the requirements to be waived as the proposal doubles the required separation between the VUA and the adjacent property to the west from five feet to 10 feet.

### **REQUIRED ACTIONS**

- **RECOMMEND APPROVAL or DENIAL** of the change in zoning from R-5 to R-5B
- **APPROVE or DENY** the Detailed District Development Plan
- **APPROVE or DENY** Landscape Waiver of Section 10.2.10.A to not provide the required 5' Vehicle Use Area Landscape Buffer along the west property line shared with a residential use.

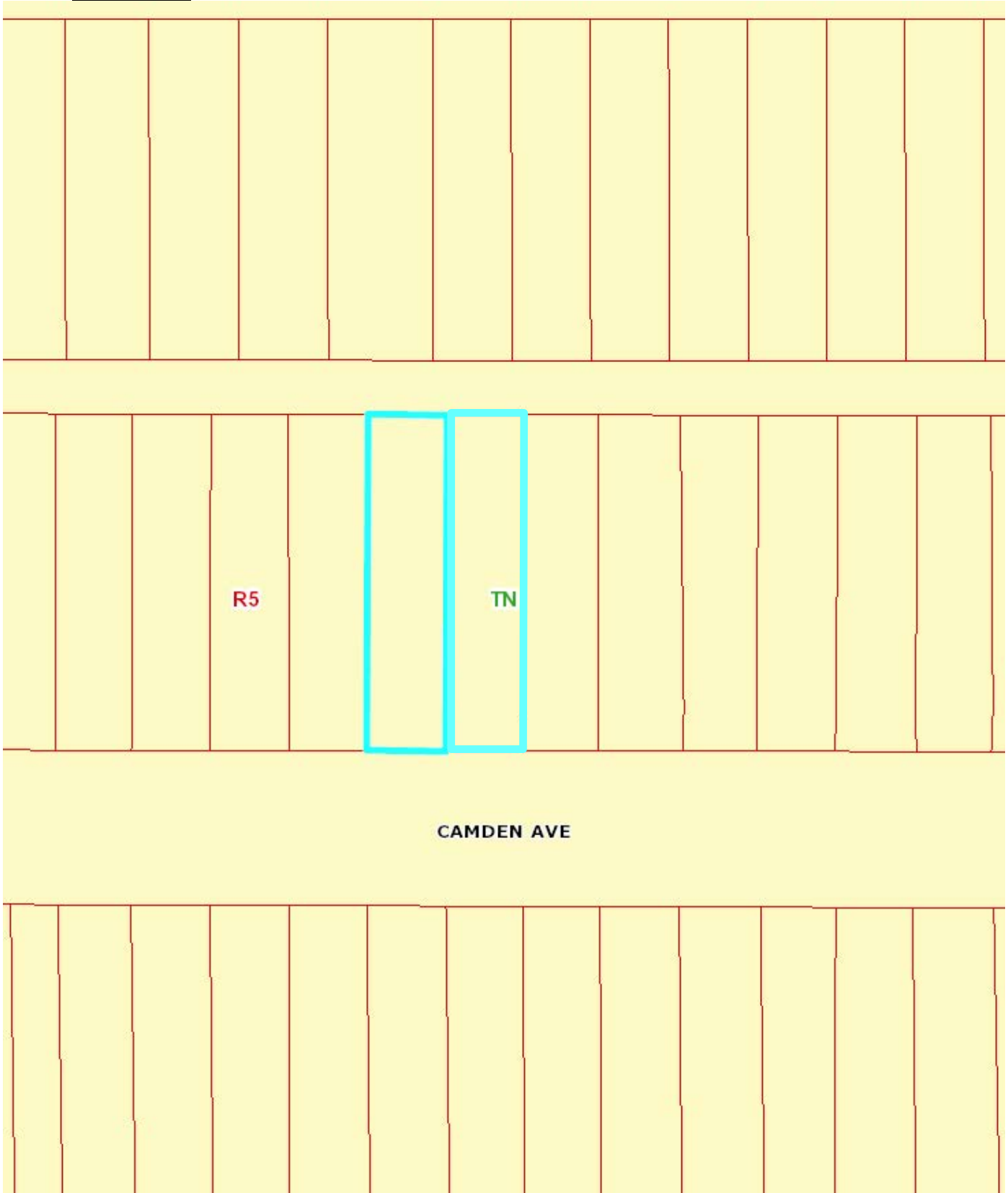
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
6/12/17	Meeting before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 15 Notification of Development Proposals
7/19/17	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 15 Notification of Development Proposals
7/19/17	Hearing before PC	Sign Posting on property
7/26/17	Hearing before PC	Legal Advertisement in the Courier-Journal

### **ATTACHMENTS**

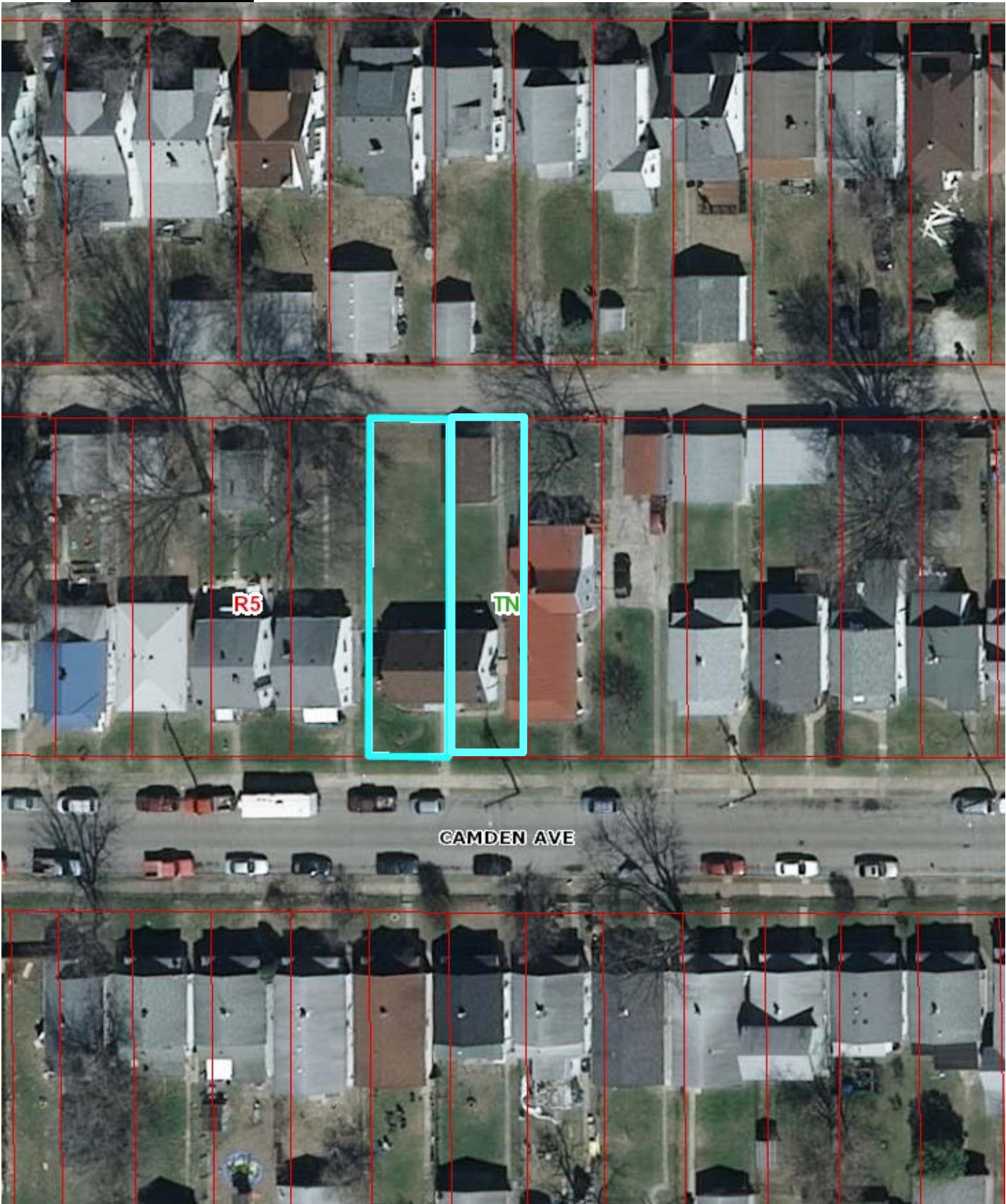
1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. **Zoning Map**





2. Aerial Photograph



**3. Cornerstone 2020 Staff Checklist**

The following analysis is based on the low level of detail provided in the applicant’s submittal. The applicant will need to supply a more thorough detailed district development plan upon formal filing.

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

Traditional 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.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The grid pattern is not proposed to change.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses.	-	The way the residence sits on two platted lots is not typical of the area.
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	✓	The site is approximately ½ mile from Wyandotte Park.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	✓	The exterior is consistent with the predominate neighborhood building design and is not proposed to change.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Traditional 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.	N/A	The proposal is for residential and is surrounded by residential.



#	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.	N/A	The proposal is for a residential 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 compact and uses existing infrastructure.
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 proposal is for a residential use on an interior lot surrounded by residential uses for several tiers of lots.
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.	N/A	The proposal is not for mixed use.
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 provides a stand-alone residential use.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Traditional 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.	N/A	The proposal is not for 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.	N/A	The proposal is not for an outlot.
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.	N/A	The proposal is not a large development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	The proposal is to continue to take access from the alley.
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.	✓	Utility easements will apparently remain unchanged.
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 shows off-street parking adjacent to the alley.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	N/A	The proposal is not for a 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.	✓	A two-family residence is not in and of itself consistent with the surroundings of the subject property. However, the residence sits on two platted lots, which, if combined, are larger than other lots in the vicinity.
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 exterior is not proposed to change.
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.	✓	Although a two-family conversion is proposed, the residence sits on two platted lots which could potentially accommodate two separate single-family dwellings. The proposal does not increase the potential density of the area.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal shows off-street parking adjacent to the alley.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting must comply with Metro Code regulations.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	The proposal is for a single property.
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.	✓	Although a two-family conversion is proposed, the residence sits on two platted lots which could potentially accommodate two separate single-family dwellings. The proposal does not increase the potential density of the area.
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 specific user of the property has not been identified.
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 exterior is not proposed to change.
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.	N/A	The proposal is not substantially different in density from its surroundings. The LDC does not require buffering between the requesting zoning district and the adjacent zoning district.
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.	N/A	The proposal is not substantially different in density from its surroundings.
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 exterior is not proposed to change.
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.	N/A	Open space is not required.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	N/A	Open space is not required.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	N/A	LOJIC shows no natural features on site.
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.	N/A	LOJIC shows no natural features on site.
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.	N/A	The site does not have a recognized historic structure.
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.	N/A	LOJIC does not show any of these environmental constraints.
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 development plan addresses Transportation Planning issues.
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.	N/A	The proposal does not include transportation facilities or through streets.
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.	✓	The development plan addresses Transportation Planning issues.
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.	N/A	The proposal does not include transportation facilities or through streets.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	The proposal does not include access through areas of significantly lower density.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	N/A	The development does not contain a functional hierarchy of streets.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal is not large enough to provide pedestrians, bicyclists, and transit users with ways around and through it. The proposal is adjacent to a public right of way that leads to transit stops. Although a two-family conversion is proposed, the residence sits on two platted lots which could potentially accommodate two separate single-family dwellings. The proposal does not increase the potential density of the area.
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has no issues with the proposal.
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	N/A	LOJIC shows no natural corridors in the area.
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 located in an area served by existing utilities.
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.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
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.	✓	MSD has no issues with the proposal.

### **3. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, 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 consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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.