

# Planning Commission

## Staff Report

June 4th, 2015



|                          |  |
|--------------------------|--|
| <b>Case No:</b>          | <b>14ZONE1053</b>  |
| <b>Request:</b>          | <b>Change in zoning from R-5A to PRD; Setback Variance</b> |
| <b>Project Name:</b>     | <b>The Villas of Pavilion Park</b>                         |
| <b>Location:</b>         | <b>7500 Crestline Road</b>                                 |
| <b>Owner:</b>            | <b>Pavilion Park Development LLC</b>                       |
| <b>Applicant:</b>        | <b>Thomas A. Mussleman Sr.</b>                             |
| <b>Representative:</b>   | <b>Cliff Ashburner</b>                                     |
| <b>Jurisdiction:</b>     | <b>Louisville Metro</b>                                    |
| <b>Council District:</b> | <b>25 – David Yates</b>                                    |
| <b>Case Manager:</b>     | <b>Christopher Brown, Planner II</b>                       |

### REQUEST

- Change in zoning from R-5A to PRD
- Variance from Chapter 5.3.1.D.1.A of the Land Development Code to reduce the required front yard from 15' to 8'
- Revised Detailed District Development plan/Preliminary Subdivision plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-5A  
 Proposed Zoning District: PRD  
 Existing Form District: N  
 Existing Use: Multi-Family Residential  
 Proposed Use: Single Family Residential  
 Plan Certain Docket #:9-35-04/10-17-04

The subject site is located on 1.68 acres in Louisville Metro. The property is currently zoned R-5A Multi-Family Residential and is within the Neighborhood Form District. The property's frontage is along Parkridge Parkway, which is a local level road that connects to Manslick Road to the west. Surrounding the subject site to the north, east and west is vacant property that was rezoned to R-5A in 2004 under Docket 9-35-04 for the Pavilion Park subdivision. To the south is a portion of the Pavilion Park Subdivision that has been built under the same rezoning to R-5. The general vicinity is a mix of R-4 and R-5 subdivisions which all connect back to Manslick Road from their local level roads.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

|                               | Land Use                         | Zoning | Form District |
|-------------------------------|----------------------------------|--------|---------------|
| <b>Subject Property</b>       |                                  |        |               |
| <b>Existing</b>               | Multi-Family Residential         | R-5A   | N             |
| <b>Proposed</b>               | Single Family Attached Dwellings | PRD    | N             |
| <b>Surrounding Properties</b> |                                  |        |               |
| <b>North</b>                  | Multi-Family Residential         | R-5A   | N             |
| <b>South</b>                  | Single Family Residential        | R-5    | N             |
| <b>East</b>                   | Multi-Family Residential         | R-5A   | N             |
| <b>West</b>                   | Multi-Family Residential         | R-5A   | N             |

## PREVIOUS CASES ON SITE

- 9-35-04: A change in zoning from R-4, Single Family Residential, to R-5, Single Family, and R-5A, Multi-Family Residential was approved with a variance to reduce required front yards along Street "B" from 20 to 10 feet and a waiver to not provide connection to the existing street network.
- 10-17-04: Preliminary Subdivision Plan approved related to 9-35-04 known as Pavilion Park.
- B-126-04: A variance was approved to allow a detached garage to exceed the maximum square footage.

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

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

## STAFF ANALYSIS FOR REZONING

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

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.

With the exception of the front yard setback variance due to the change in lot lines, the proposal meets the guidelines of the Comprehensive Plan and the requirements of the Land Development Code.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

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

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS**

- 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 does 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 and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: The open space requirements for the site are being met on Lot 5 and scattered throughout the properties.

- 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 land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will follow appropriate setbacks.

- 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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

- (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 since the buildings have already been constructed along the access drive.

- (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 since it follows the setbacks from the originally approved plan prior to the separation of the lots.

- (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 since the buildings have already been constructed along the access drive.

- (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 since it followed the regulations prior to the current plan when the patio home units were located on a single lot.

#### **ADDITIONAL CONSIDERATIONS:**

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the existing buildings are being located now on newly created lots.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring moving the existing buildings to meet the 15' front yard requirement.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the previous approval and plan were based upon setbacks for the single large lot for the patio homes.

### TECHNICAL REVIEW

- No outstanding technical review issues that need to be addressed.

### STAFF CONCLUSIONS

With the exception of the front yard setback variance due to the change in lot lines, the proposal meets the guidelines of the Comprehensive Plan and the requirements of the Land Development Code.

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

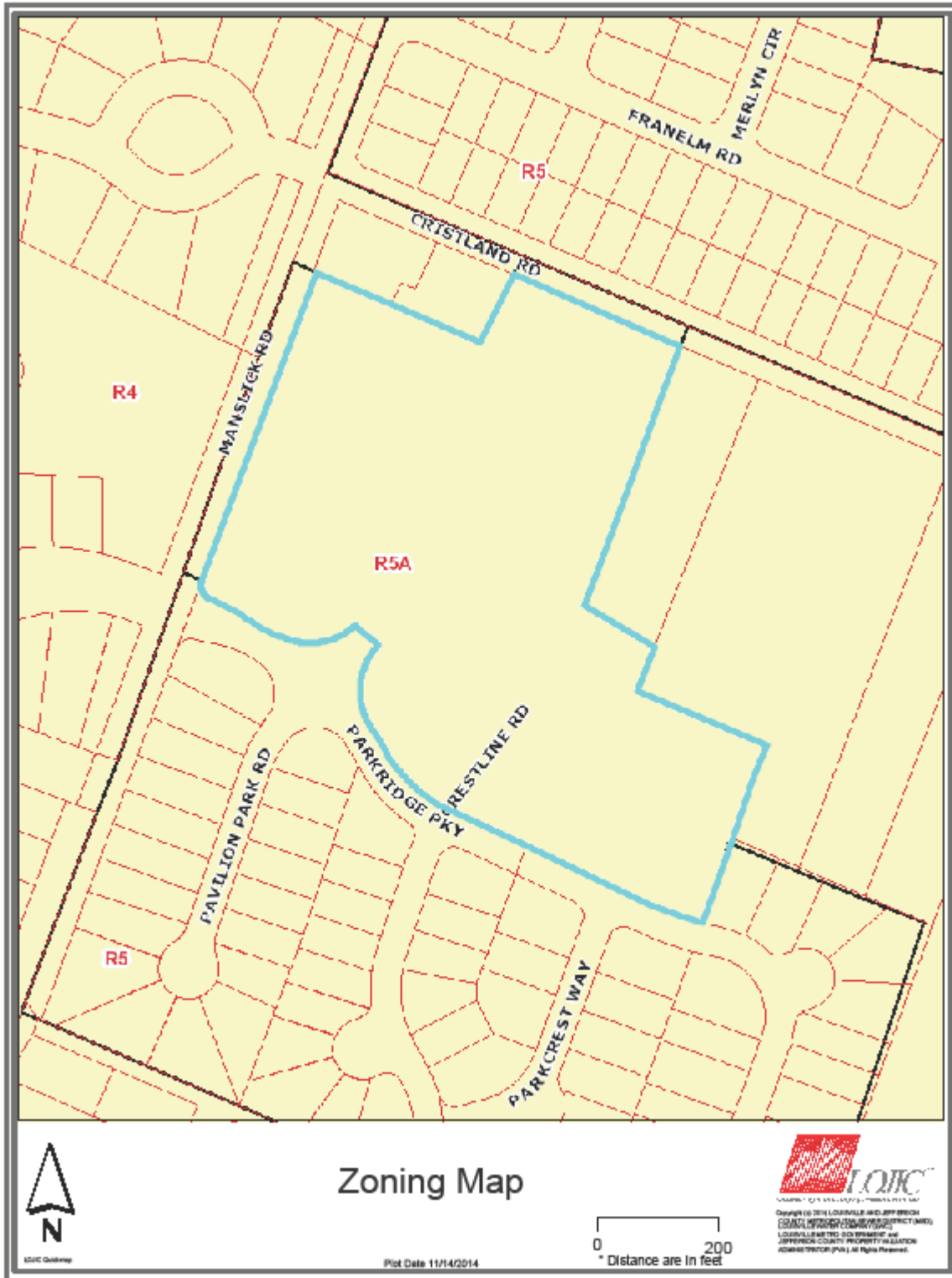
### NOTIFICATION

| Date    | Purpose of Notice   | Recipients   |
|---------|---------------------|--|
| 4/29/15 | Hearing before LD&T | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Speakers at Planning Commission public hearing<br>Subscribers of Council District 25 Notification of Development Proposals |
| 5/21/15 | Hearing before PC   | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Speakers at Planning Commission public hearing<br>Subscribers of Council District 25 Notification of Development Proposals |
| 5/21/15 | Hearing before PC   | Sign Posting on property   |
| 5/28/15 | Hearing before PC   | Legal Advertisement in the Courier-Journal   |

### ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

| # | Cornerstone 2020 Guidelines & Policies  | Cornerstone 2020 Plan Element                          | Plan Element or Portion of Plan Element   | Final Finding | Final Comments  |
|---|---|--|---|---------------|---|
| 1 | Form Districts<br>Goals C1-C4,<br>Objectives C1.1-1.2, C2.1-2.7,<br>C3.1-3.7, C4.1.-4.7 | Community Form/Land Use<br>Guideline 1: Community Form | B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.   | √             | The proposal is for PRD which includes smaller lots and higher densities than what is found in the area.  |
| 2 | Form Districts<br>Goals C1-C4,<br>Objectives C1.1-1.2, C2.1-2.7,<br>C3.1-3.7, C4.1.-4.7 | Community Form/Land Use<br>Guideline 1: Community Form | B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.                 | √             | The proposal is not for a high density development and it is located along a local road with nearby access to a major arterial.   |
| 3 | Form Districts<br>Goals C1-C4,<br>Objectives C1.1-1.2, C2.1-2.7,<br>C3.1-3.7, C4.1.-4.7 | Community Form/Land Use<br>Guideline 1: Community Form | B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.  | √             | The proposal introduces an attached single family use in an area of mixed single and multi-family lots. The single family lots proposed will be smaller than the nearby lots. It is compatible with the mix of residential zones and uses surrounding it. |
| 4 | Form Districts<br>Goals C1-C4,<br>Objectives C1.1-1.2, C2.1-2.7,<br>C3.1-3.7, C4.1.-4.7 | Community Form/Land Use<br>Guideline 1: Community Form | B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.           | √             | There are existing sidewalks along Parkridge Parkway allowing human interaction and connections to the area at large.   |
| 5 | Form Districts<br>Goals C2-C4,<br>Objectives C2.2, C2.4, C3.1, C4.1.-4.7                | Community Form/Land Use<br>Guideline 2: Centers        | A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use. | NA            | The proposal is for residential.  |



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| 6  | Form Districts<br>Goals C2-C4,<br>Objectives C2.2,<br>C2.4, C3.1, C4.1-<br>4.7 | Community Form/Land Use<br>Guideline 2: Centers | A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance. | NA            | The proposal is not for non-residential or mixed use.   |
| 7  | Form Districts<br>Goals C2-C4,<br>Objectives C2.2,<br>C2.4, C3.1, C4.1-<br>4.7 | Community Form/Land Use<br>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 includes attached single family homes which make the development compact and efficient.  |
| 8  | Form Districts<br>Goals C2-C4,<br>Objectives C2.2,<br>C2.4, C3.1, C4.1-<br>4.7 | Community Form/Land Use<br>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 residential on single family lots which are similar in use to the surrounding areas.  |
| 9  | Form Districts<br>Goals C2-C4,<br>Objectives C2.2,<br>C2.4, C3.1, C4.1-<br>4.7 | Community Form/Land Use<br>Guideline 2: Centers | A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.  | NA            | The proposal is for single family residential on individual lots, not for mixed use.  |
| 10 | Form Districts<br>Goals C2-C4,<br>Objectives C2.2,<br>C2.4, C3.1, C4.1-<br>4.7 | Community Form/Land Use<br>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 existing structures will remain for attached single family use.   |
| 11 | Form Districts<br>Goals C2-C4,<br>Objectives C2.2,<br>C2.4, C3.1, C4.1-<br>4.7 | Community Form/Land Use<br>Guideline 2: Centers | A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.   | √             | The proposal is located in an area of other residential uses which will meet the needs of different types of new residents in the area with the vacant land to the north, east and west permitted for additional types of residential uses. |
| 12 | Form Districts<br>Goals C2-C4,<br>Objectives C2.2,<br>C2.4, C3.1, C4.1-<br>4.7 | Community Form/Land Use<br>Guideline 2: Centers | A.10: Encourage out lot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such out lot development should provide street-level retail with residential units above.  | NA            | The proposal is not for non-residential or mixed use.   |

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| 13 | Form Districts Goals C2-C4, Objectives C2.2, C2.4, C3.1, C4.1-4.7                   | Community Form/Land Use Guideline 2: Centers       | A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.   | NA            | The proposal is not a large development.   |
| 14 | Form Districts Goals C2-C4, Objectives C2.2, C2.4, C3.1, C4.1-4.7                   | Community Form/Land Use Guideline 2: Centers       | A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.  | √             | Parking will be provided within the individual driveways as well as shared spaces on Lot 5. The entrance of the subdivision will be shared with all the residents within the subdivision along the private access easement.                |
| 15 | Form Districts Goals C2-C4, Objectives C2.2, C2.4, C3.1, C4.1-4.7                   | Community Form/Land Use Guideline 2: Centers       | A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.   | √             | Utilities will be located in a common trench or within the public right of way.  |
| 16 | Form Districts Goals C2-C4, Objectives C2.2, C2.4, C3.1, C4.1-4.7                   | Community Form/Land Use Guideline 2: Centers       | A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.   | √             | Parking spaces are proposed on Lot 5 adjacent to the private access road.  |
| 17 | Form Districts Goals C2-C4, Objectives C2.2, C2.4, C3.1, C4.1-4.7                   | Community Form/Land Use Guideline 2: Centers       | A.16: Encourage centers to be designed for easy access by alternative forms of transportation.   | √             | The site is designed to accommodate all types of vehicles on the proposed roadways. Pedestrian access is available along the main frontage of Parkridge Parkway.   |
| 18 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.   | √             | The proposal is consistent with the form districts pattern of development.   |
| 19 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | 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.)   | NA            | Information on building materials is not required for the proposed zoning.   |
| 20 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. | √             | The proposal is for single family residential on individual lots which are consistent with the adjacent single family lots. The proposed lots are generally smaller and include attached dwelling units that are not typical for the area. |

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| 21 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | 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 mitigates any adverse impacts of its associated traffic on nearby existing communities.   |
| 22 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.   | √             | Lighting will meet LDC requirements.   |
| 23 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.  | √             | The proposal includes attached single family homes on single family lots which reflect the form district pattern.  |
| 24 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.   | √             | The proposal is medium density.  |
| 25 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | 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).  | NA            | The proposal did not indicate it was for a specific elderly or disabled demographic. The housing is already owner occupied.  |
| 26 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.   | √             | The proposal is compatible with the site and building design of nearby housing.  |
| 27 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.   | √             | The proposal is compatible with the surrounding zoned multi-family residential property as well as the single family lots within the Pavilion Park development to the south. |
| 28 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 3: Compatibility | A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. | √             | The proposal is compatible with the surrounding zoned multi-family residential property as well as the single family lots within the Pavilion Park development to the south. |
| 29 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7 | 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 setbacks of the existing units are compatible with the surrounding areas and form district. They follow the setback requirements of the property                         |

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|----|--|--|--|---------------|--|
|    |  |  |  |               | when it was a single lot.  |
| 30 | Livability Goals H3 and H5, all related objectives                                     | Community Form/Land Use Guideline 4: Open Space                                      | A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.  | √             | The proposal provides 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. |
| 31 | Livability Goals H3 and H5, all related objectives                                     | Community Form/Land Use Guideline 4: Open Space                                      | A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.  | √             | Open space design is consistent with the pattern of development within the form district.  |
| 32 | Livability Goals H3 and H5, all related objectives                                     | Community Form/Land Use Guideline 4: Open Space                                      | A.5: The proposal integrates natural features into the pattern of development.   | √             | The proposal incorporates the wetlands and TCPA to the north.  |
| 33 | Livability Goals E1-E4, all related Objectives   | Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.   | √             | The proposal incorporates the wetlands and TCPA to the north.  |
| 34 | Livability Goals E1-E4, G1, all related Objectives                                     | Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement. | √             | The proposal is not located in an area with historical value and existing buildings will remain.   |
| 35 | Livability Goals E1-E4, all related Objectives   | 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.   | √             | The proposal incorporates the wetlands and TCPA to the north.  |
| 36 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | 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.  | √             | Public works has preliminarily approved the plan.  |

| #  | Cornerstone 2020 Guidelines & Policies   | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element   | Final Finding | Final Comments  |
|----|--|--|---|---------------|---|
| 37 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | 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.                            | √             | Public works has preliminarily approved the plan.   |
| 38 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | 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.  | √             | Public works has preliminarily approved the plan.   |
| 39 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | Mobility/Transportation Guideline 8: Transportation Facility Design  | A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.   | NA            | There is a wetlands and buffer area to the north that will be preserved and a stub street through it is not reasonable.   |
| 40 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | 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.  | √             | Access to the site will be made from an existing local level roadway.   |
| 41 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | 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.  | √             | A private access easement is proposed that goes through the middle of the development providing access to each lot.   |
| 42 | Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives | 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.   | √             | Bicyclists and other vehicles will use the proposed roadway for access to the site. Pedestrians have safe access to the lots from the existing sidewalks along the public right of way. |
| 43 | Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3    | 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 preliminarily approved the proposal.  |

| #  | Cornerstone 2020 Guidelines & Policies              | Cornerstone 2020 Plan Element                            | Plan Element or Portion of Plan Element   | Final Finding | Final Comments   |
|----|---|--|---|---------------|--|
| 44 | Livability, Goals F1 and F2, all related objectives | 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.     | √             | There are known natural corridors in the area shown and incorporated into the development. |
| 45 | Quality of Life Goal J1, Objectives J1.1-1.2        | Community Facilities Guideline 14: Infrastructure        | A.2: The proposal is located in an area served by existing utilities or planned for utilities.  | √             | Planned utilities will serve the site.   |
| 46 | Quality of Life Goal J1, Objectives J1.1-1.2        | Community Facilities Guideline 14: Infrastructure        | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.   | √             | Adequate water is available to the site.   |
| 47 | Quality of Life Goal J1, Objectives J1.1-1.2        | 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 preliminarily approved the proposal.   |

#### 4. Existing 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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved (64 SF lots) shall occur without approval of the Planning Commission.
3. Use of the subject site shall be limited to single family residential and patio homes. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
4. The density of the development shall not exceed 4.08 dwelling units per acre on SF tract (64 units on 15.68 acres), 5.24 dwelling units per acre on the west MF tract (23 units on 4.39+/- acres) and 4.13 on the east MF tract (31 units on 7.5+/- acres).
5. Signature entrance wall and signs shall be in accordance with Chapter 8 and Section 4.4.3.B. of the LDC, or as presented at the public hearing.

6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. The existing access points to Manslick Road and Cristland Road are to be closed and access to the site be made from the new curb cuts as shown on the development plan. There shall be no direct vehicular access from individual lots to Manslick Road or Cristland Road
8. 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.
9. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - d. A road closure approval for Cartledge Court shall be approved prior to requesting record plat recording.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved **prior to obtaining approval for site disturbance.**
  - f. The 30-foot tree preservation easement along the east property line shall be recorded on the subdivision record plat prior any permit, including clearing and grading, is requested for the site. The 30-foot tree preservation easement shall be identified as TCPA on the on the Tree Preservation Plan.
10. If a building permit is not issued within **one year** of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
11. 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.
12. 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.
13. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b) A **deed of restriction** in a form approved by Counsel to the Planning Commission addressing **responsibilities for the maintenance of common areas and open space, maintenance of TCPA-s** and other issues required by these binding elements / conditions of approval.

- c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
- 14. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than **\$3,000** cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
- 15. The materials and design of proposed structures shall be substantially the same as depicted in the PowerPoint presentation, presented by the applicant at the September 29, 2004, Planning Commission meeting. The façade of the homes facing Manslick Road shall be constructed of brick.
- 16. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

**For Tree Preservation Areas (TCPA-s)**

- 17. The site shall be developed in accordance with the tree canopy preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree canopy preservation areas must contain the following notes:

- 1. Tree preservation areas (TCPAs) identified on this plan represents individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code and are to be permanently preserved. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPA-s are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
- 2. Dimension lines have been used on this plan to establish the general location of TCPA-s and represent minimum distances. The final boundary for each TCPA shall be established in the field to include canopy area of all trees at or within the dimension line.
- 3. Tree protection fencing shall be erected around all TCPA-s prior to site disturbance approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
- 4. No parking, material storage, or construction activities are permitted within the TCPA-s.
- 5. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.
- 18. The developer shall make improvements to Manslick Road per the Concept Roadway Improvement Plan submitted and as required by Metro Public Works.
- 19. The Developer shall design the proposed extension of Crestline Road (Street "C" on the development plan) with a "speed table" or other traffic calming devise at or near its intersection with Street "D". The location and design of the devise shall be reviewed and approved by LMPW&T prior to the commencement of construction as part of the construction plans.
- 20. The Developer shall provide a sidewalk that shall extend to and turn the corner at the intersection of Manslick Road and Cristland Road.



21. The Developer is committed to construct homes in this development that are substantially similar to those presented in the PowerPoint presentation at the September 29, 2004 public hearing. The single family units shall have a minimum floor area, excluding the garage, of 1600 s.f. for a single story home, 1800 s.f. for multi-level homes and 2000 s.f. for a two story home. All of the homes shall be constructed using 80% brick or stone and therefore accent materials shall not exceed 20% of the total façade.
22. This development shall provide a 30 foot landscape easement with a minimum height 4 foot berm adjacent to Manslick Road at the rear of lots 1-9. This berm shall be landscaped in accordance with the concept landscape plan presented at the October 14, 2004 Land, Development and Transportation meeting. Construction of this berm shall be completed and the plant materials installed as a part of the Phase I construction and prior to a certificate of occupancy for the adjacent homes on lots 1-9.
23. A 30 foot tree preservation easement shall be maintained along the east property line where the site is adjacent to lot 395, the First United Baptist Church. Neither the Developer nor the land owner shall remove trees in this area beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. Neither location of utilities, nor any activity that will result in the loss of the existing trees is allowed in this area. Tree protection fencing shall be installed prior to construction to protect the trees in this easement.
24. The Developer has agreed to the requests of the Neighborhood Committee as identified in the document submitted at the October 14, 2004, LD&T Meeting and titled Pavilion Park Outline for the Deed of Restrictions. These shall be included in the Deed of Restrictions for Pavilion Park.

#### **5. 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. The development shall be in accordance with the approved Revised Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved (10) shall occur without approval of the Planning Commission.
3. Use of the subject site shall be limited to single family residential and patio homes (condominiums). There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Development Louisville Divisions of Transportation Planning and Construction Permit Review 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
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. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
8. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 4<sup>th</sup>, 2015 Planning Commission meeting.
10. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
11. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.