

**Planning Commission  
Staff Report  
August 20, 2015**



Case No:	15ZONE1015
Request:	Change in Zoning from RR (Rural Residential) to R-5A (Multi-Family Residential), Detailed District Development Plan, Binding Elements, Floyds Fork Overlay, and Waivers
Project Name:	Brentwood Commons
Location:	10509 Bardstown Bluff Rd.
Owner:	Gina and Darrel Nice
Applicant:	Redwood Acquisitions, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC Mindel, Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	David B. Wagner – Planner II

**REQUEST**

- Rezoning from RR to R-5A for Multi-Family Residential
- Detailed District Development Plan
- Binding Elements
- Floyds Fork Overlay Review
- Waiver #1 from LDC 5.9.2.A.1.a.v to not provide a pedestrian path connection to the adjacent 21<sup>st</sup> Century Parks lot to the south

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The subject site is a single parcel of 33.97 acres. It is surrounded by vacant parcels zoned for large single family residential parcels on all sides except for the parcel to the north which has a single residence. Although it is accessed by Bardstown Bluff Road, the site fronts on Bardstown Road which is a major arterial level roadway and a designated parkway. Floyds Fork runs through the eastern side of the site and forms the eastern boundary of the site. Adjoining parcels on the east and south sides of the site are part of the Parklands of Floyds Fork and the site lies entirely within the Floyds Fork Overlay District.

The applicant is proposing to develop 135 multi-family residential dwellings. The dwellings will be one story apartments with individual attached parking garages. A densely planted 60' Floyds Fork Scenic Corridor Buffer and a 75' Parkway Buffer Setback will be provided along Bardstown Road. The required 100' Stream Corridor Buffer and 200' Floyds Fork Setback will be provided along the stream. Required landscape buffers and screens will also be provided elsewhere as required. A Waiver has been requested to not provide a pedestrian connection to the 21<sup>st</sup> Century Parks lot to the south which is a required connection for residential developments adjacent to non-residential developments.

Existing Zoning District: RR, Single Family Residential  
Proposed Zoning District: R-5A, Multi-Family Residential  
Form District: Neighborhood  
Existing Use: Single Family Residential  
Proposed Use: Multi-Family Residential

Minimum Parking Spaces Required: 203  
 Maximum Parking Spaces Allowed: 405  
 Parking Spaces Proposed: 291

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

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

### PREVIOUS CASES ON SITE

- 11702: Minor Subdivision Plat, which created the current parcel.
- 14MINORPLAT1063: Minor Subdivision Plat, which has not been recorded.

### INTERESTED PARTY COMMENTS

- Staff received comments from Billy and Jan Seabolt (10503 Bardstown Bluff Rd.) and Denis and Grace Bryan (10505 Bardstown Bluff Rd.) with concerns regarding the following topics: additional traffic on Bardstown Bluff Road, dangerous turn onto Bardstown Road, safety of horse riders and wildlife along Bardstown Bluff Road, future maintenance concerns of the streets with added traffic, construction within the flood plain, the buildings will ruin the park like atmosphere in the area, rezoning this site will encourage other rezoning in the area, the development should have direct access to Bardstown Road, increased flooding potential for surrounding properties and the new dwellings, lack of protection for the stream on Bryan property, using earth to fill in the floodplain, non-brick homes being built, and the floodplain being located closer to a sanitary pump station.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
 Land Development Code

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has mostly been found for this proposal. This form district allows for multiple residential densities and styles of housing to provide for a wide spectrum of people. The proposal creates multi-family residential dwellings in an area dominated by large lot, single family residences. However, the Neighborhood Form District allows for high density residential development to be located along a major arterial level roadway (Bardstown Road) and this site is being developed at a density much less than is allowed in the R-5A zoning district. The density is even less than the maximum allowed in an R-4 zoning district. The apartments seem to fit in with the surrounding development and will be buffered from surrounding areas by existing tree canopy and new densely planted buffers and long setbacks along Bardstown Road due to the Floyds Fork Scenic Corridor Buffer and Parkway Setback. The dwellings are clustered in the center of the site away from the Floyds Fork stream and wide buffers and setbacks are also provided in this area. Full landscape buffers and screening will be provided along the other property lines as well. The applicant has provided an internal sidewalk along the drive aisles to allow better pedestrian access for the future residents and renderings of the proposed buildings to show how the building materials will be compatible with similar types of dwellings.

Compliance with **Guideline 4 (Open Space)** has been found as open space is not required for this development. The density is low enough that the threshold for an open space requirement was not met.

The proposal partially complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**. The key natural and scenic area on the site is Floyds Fork. The proposal provides extensive buffers and setbacks in excess of what is required per the Land Development Code. Tree canopy is also being preserved along the stream bank to help mitigate any adverse impacts of the development on the protected stream. However, the development will be altering the topography of the site by filling in portions of the existing flood plain. Adding earthen fill on the site in the flood plain is discouraged within the Floyds Fork Overlay District and the applicant should discuss why it should be permitted on this parcel.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been partially found for this proposal. An internal roadway has been provided throughout the site and vehicular traffic is being directed onto the local level roadway that accesses the site, preventing traffic from being deposited directly onto a major arterial level roadway. An internal walkway has also been provided for the future residents of the development. However, it would be appropriate for a connection to the parklands located south of the site. The applicant should justify why this connection should not be provided.

Staff has found compliance with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as MSD and APCD have approved the plan as presented.

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 Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1  
from LDC 5.9.2.A.1.a.v to not provide a pedestrian path  
connection to the adjacent 21<sup>st</sup> Century Parks lot to the south**

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

STAFF: The waiver will adversely affect adjacent property owners because the adjacent property will not be able to provide residents of the proposed development a direct way to return home, forcing them to drive or walk up to Bardstown Bluff Road before being able to access their property.

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

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 since Guideline 4, Policy 9 states that developments should provide access to greenways whenever possible.

- (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 they do not desire to provide the required access.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land and would not create an unnecessary hardship on the applicant because

the main reason this site is being developed is due to its proximity to the Louisville Loop trail. Since the future residents on this parcel will likely use the park frequently, it is reasonable that a direct connection be provided to the park.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP 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: The key natural and scenic area on the site is Floyds Fork. The proposal provides extensive buffers and setbacks in excess of what is required per the Land Development Code. Tree canopy is also being preserved along the stream bank to help mitigate any adverse impacts of the development on the protected stream. However, the development will be altering the topography of the site by filling in portions of the existing flood plain. Adding earthen fill on the site in the flood plain is discouraged within the Floyds Fork Overlay District and the applicant should discuss why it should be permitted on this parcel.

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

STAFF: An internal roadway has been provided throughout the site and vehicular traffic is being directed onto the local level roadway that accesses the site, preventing traffic from being deposited directly onto a major arterial level roadway. An internal walkway has also been provided for the future residents of the development. However, it would be appropriate for a connection to the parklands located south of the site. The applicant should justify why this connection should not be provided.

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

STAFF: Since open space is not required for this proposal, appropriate open space has been provided for this development as required by LDC regulations.

- 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. Surrounding lots are used for residential dwellings and although the site introduces another housing style to the area, the buildings are clustered at the center of the site away from nearby residences. Adequate screening and landscaping already exists or will be provided.

- 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 proposal complies with the guidelines of the Comprehensive Plan as explained in the review for the rezoning request.

## TECHNICAL REVIEW

- MSD and Transportation Review have given preliminary approval for the proposal.
- Per LDC 3.1.1.f, it is not recommended to fill or excavate the floodplain within the Floyds Fork Overlay District. The development will require substantial filling of the floodplain in order to be constructed.
- Waiver #1 was required by staff as the applicant has not provided the required pedestrian connection to the 21<sup>st</sup> Century Parks lot to the south. Cornerstone 2020 also encourages connections to community green spaces and staff has recommended a pedestrian path running between Building 11 and 12 or Building 12 and 13 which would appear to be close to a future pedestrian path to be created on the 21<sup>st</sup> Century parks tract. It should also be known that Metro Parks and 21<sup>st</sup> Century Parks do not desire this required connection. However, staff believes this connection to be appropriate for a development adjacent to an important community asset like the Louisville Loop. The applicant will need to justify the appropriateness of the Waiver request.
- Per the request of the LD&T Committee, Binding Element #8 was changed from 5:30 PM to 7 PM.
- With the exception of the required Waiver, the plan meets the requirements of the LDC.

## STAFF CONCLUSIONS

### Rezoning

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning mostly complies with the Guidelines of the Comprehensive Plan.

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

### Waiver, Floyds Fork DRO, Detailed District Development Plan, and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver #1 is NOT justified.

Staff analysis in the standard of review section of the staff report indicates the proposed Floyds Fork DRO, DDDP, and Binding Elements are justified.

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 meets the standards for granting a Waiver, Floyds Fork DRO, DDDP, and Binding Elements as established in the Land Development Code.

### Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from RR (Rural Residential) to R-5A (Multi-Family Residential), on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waiver #1 listed in the staff report

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Floyds Fork DRO listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report

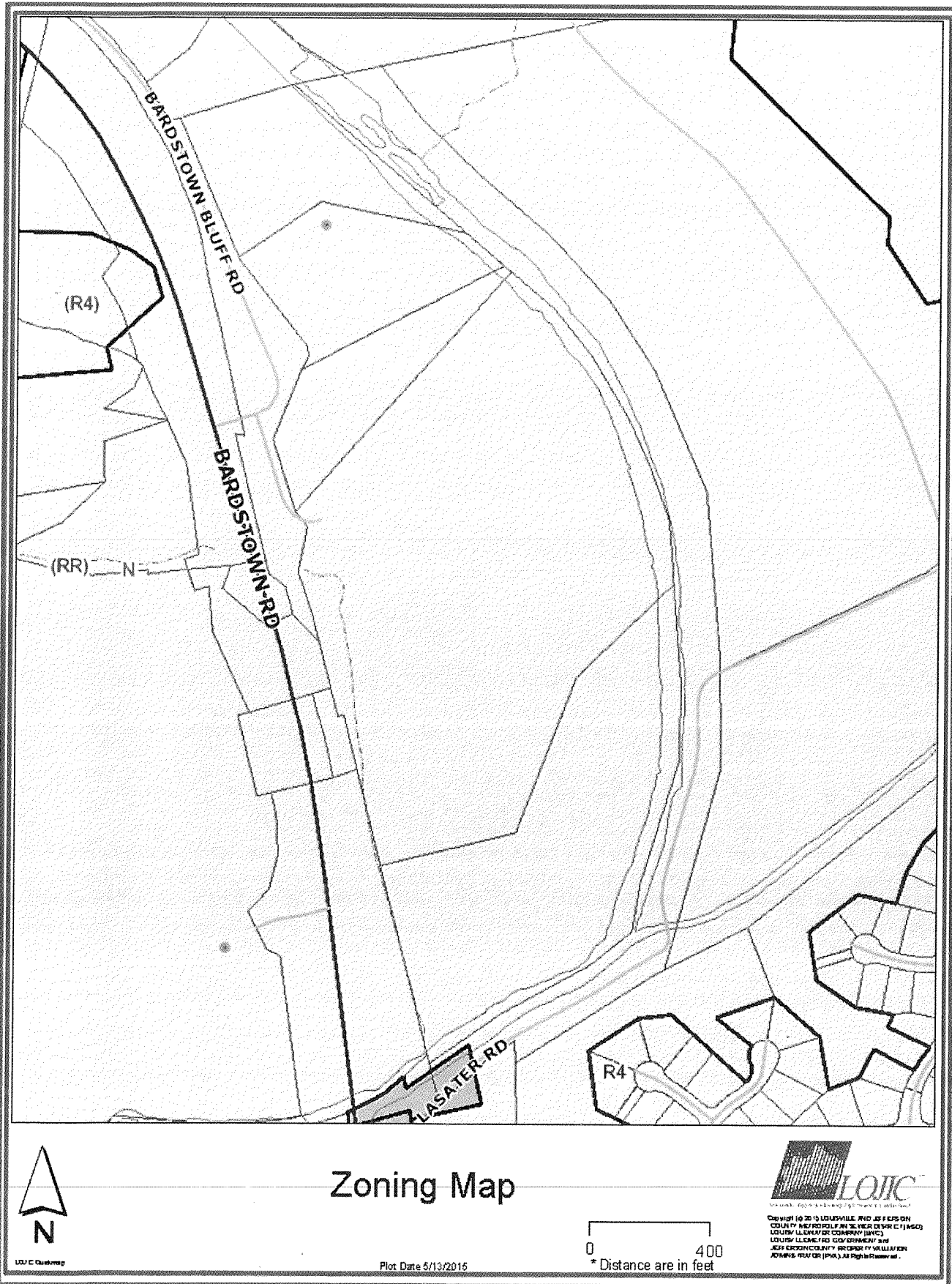
### NOTIFICATION

Date	Purpose of Notice	Recipients
7/10/15	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 20 Notification of Development Proposals
8/5/15	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 20 Notification of Development Proposals
8/5/15	Hearing before PC	Sign Posting on property
8/8/15	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

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

1. Zoning Map





2. Aerial Photograph



Aerial Photo



Created in 2015 LOUISVILLE AND JOE ESKIN  
COUNTY METROPOLITAN SENIOR CENTER (MASC)  
LOUISVILLE AREA BOARD OF HEALTH (LABH)  
LOUISVILLE BOARD OF ZONING AND  
JOE ESKIN COUNTY BOARD OF VILLAGE  
ADMINISTRATORS (BVA) All Rights Reserved.

0 400  
\* Distance are in feet

Plot Date 5/13/2015

### **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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2015 Planning Commission meeting.
8. Construction activities on the site shall be limited to weekdays between the hours from 7 AM to 7 PM.

### **4. Cornerstone 2020 Staff Checklist**

- + Exceeds Guideline
- ✓ Meets Guideline

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	Since the surrounding area is single family residential, the proposal provides a mix of residential housing choices and densities by proposing multi-family residential on the site.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	NA	The proposal is not classified as high density and is to be developed at a single family density level.
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	✓	The proposal introduces a new housing type to the area and the dwelling design is compatible with the surrounding land uses since the land is used for residences.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	✓	The neighborhood streets are designed to invite human interaction as sidewalks have been provided throughout the development.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	The proposal is not an activity center.
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
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	NA	The proposal is not an activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		with retail and office uses.		
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposal is not an activity center.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not an activity center.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
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.)	NA	The site is not an infill development and the LDC does not require certain building materials.
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 utilizes the existing access point which is not directly accessing Bardstown Road. Vehicles can queue on the local level road and not cause a safety issue entering onto a major arterial level roadway.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal will conform to all lighting regulations.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	Since the surrounding area is single family residential, the proposal provides a mix of residential housing choices and densities by proposing multi-family residential on the site.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	+/-	The proposal is a higher density and is located along a transit corridor. However, it is not located near an activity center.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	+/-	The proposal potentially provides housing for the elderly or persons with a disability. However, the site is not located on a transit route or close to shopping or medical facilities.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposal creates appropriate housing that is compatible with surrounding land uses and that is in character with residential dwellings of this type.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
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.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.
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.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
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	+/-	The proposal provides substantial buffers and setbacks to Floyds Fork in excess of what is required per the LDC. Tree canopy is being preserved along the stream as well. However, the development will require earth to be filled within the flood plain which would not avoid substantial

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		degradation resulting from disturbance of natural systems.		changes to the topography of the 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.	NA	The site does not contain buildings that have historic or architectural value.
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to integrate into the pattern of development.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development as required.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal utilizes the existing access point which is not directly accessing Bardstown Road. Vehicles can queue on the local level road and not cause a safety issue entering onto a major arterial level roadway. One continuous roadway is provided through the development.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development as required.
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.	-	A stub street connection to the adjacent Louisville Loop to the south should be provided for this development. Therefore, adequate stub streets have not been provided since the applicant has requested a Waiver of the requirement.
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 development avoids access to development through areas of significantly lower intensity or density
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.	-	A stub street connection to the adjacent Louisville Loop to the south should be provided for this development. Therefore, adequate stub streets have not been provided since the applicant has requested a Waiver of the requirement.
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 neighborhood streets are designed to invite human interaction as sidewalks have been provided throughout the development. The proposal is appropriately located for its density since it is along a major arterial level roadway
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 blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff	✓	MSD has given preliminary approval for the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.		
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The proposal provides substantial buffers and setbacks to Floyds Fork in excess of what is required per the LDC. Tree canopy is being preserved along the stream as well. This should allow any potential migration patterns to continue.
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 is located in an area served by existing utilities.
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 given preliminary approval for the proposal.

# Land Development and Transportation Committee

## Staff Report

July 23, 2015



Case No:	15ZONE1015
Request:	Change in Zoning from RR (Rural Residential) to R-5A (Multi-Family Residential), Detailed District Development Plan, Binding Elements, Floyds Fork Overlay, and Waivers
Project Name:	Brentwood Commons
Location:	10509 Bardstown Bluff Rd.
Owner:	Gina and Darrel Nice
Applicant:	Redwood Acquisitions, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC Mindel, Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	David B. Wagner – Planner II

### REQUEST

- Rezoning from RR to R-5A for Multi-Family Residential
- Detailed District Development Plan
- Binding Elements
- Floyds Fork Overlay Review
- Waiver #1 from LDC 5.9.2.A.1.a.v to not provide a pedestrian path connection to the adjacent 21<sup>st</sup> Century Parks lot to the south

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is a single parcel of 33.97 acres. It is surrounded by vacant parcels zoned for large single family residential parcels on all sides except for the parcel to the north which has a single residence. Although it is accessed by Bardstown Bluff Road, the site fronts on Bardstown Road which is a major arterial level roadway and a designated parkway. Floyds Fork runs through the eastern side of the site and forms the eastern boundary of the site. Adjoining parcels on the east and south sides of the site are part of the Parklands of Floyds Fork and the site lies entirely within the Floyds Fork Overlay District.

The applicant is proposing to develop 135 multi-family residential dwellings. The dwellings will be one story apartments with individual attached parking garages. A densely planted 60' Floyds Fork Scenic Corridor Buffer and a 75' Parkway Buffer Setback will be provided along Bardstown Road. The required 100' Stream Corridor Buffer and 200' Floyds Fork Setback will be provided along the stream. Required landscape buffers and screens will also be provided elsewhere as required. A Waiver has been requested to not provide a pedestrian connection to the 21<sup>st</sup> Century Parks lot to the south which is a required connection for residential developments adjacent to non-residential developments.

Existing Zoning District: RR, Single Family Residential  
Proposed Zoning District: R-5A, Multi-Family Residential  
Form District: Neighborhood  
Existing Use: Single Family Residential  
Proposed Use: Multi-Family Residential



Minimum Parking Spaces Required: 203  
 Maximum Parking Spaces Allowed: 405  
 Parking Spaces Proposed: 291

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

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

**PREVIOUS CASES ON SITE**

- 11702: Minor Subdivision Plat, which created the current parcel.
- 14MINORPLAT1063: Minor Subdivision Plat, which has not been recorded.

**INTERESTED PARTY COMMENTS**

- Staff received comments from Billy and Jan Seabolt (10503 Bardstown Bluff Rd.) and Denis and grace Bryan (10505 Bardstown Bluff Rd.) with concerns regarding the following topics: additional traffic on Bardstown Bluff Road, dangerous turn onto Bardstown Road, safety of horse riders and wildlife along Bardstown Bluff Road, future maintenance concerns of the streets with added traffic, construction within the flood plain, the buildings will ruin the park like atmosphere in the area, rezoning this site will encourage other rezoning in the area, the development should have direct access to Bardstown Road, increased flooding potential for surrounding properties and the new dwellings, lack of protection for the stream on Bryan property, using earth to fill in the floodplain, non-brick homes being built, and the floodplain being located closer to a sanitary pump station.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
 Land Development Code

**STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

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 AND FORM DISTRICT CHANGES**

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.

A final analysis of the proposal against the Comprehensive Plan will be done prior to the public hearing.

### **TECHNICAL REVIEW**

- MSD and Transportation Review have given preliminary approval for the proposal.
- Per LDC 3.1.1.f, it is not recommended to fill or excavate the floodplain within the Floyds Fork Overlay District. The development will require substantial filling of the floodplain in order to be constructed.
- Waiver #1 was required by staff as the applicant has not provided the required pedestrian connection to the 21<sup>st</sup> Century Parks lot to the south. Cornerstone 2020 also encourages connections to community green spaces and staff has recommended a pedestrian path running between Building 11 and 12 or Building 12 and 13 which would appear to be close to a future pedestrian path to be created on the 21<sup>st</sup> Century parks tract. It should also be known that Metro Parks and 21<sup>st</sup> Century Parks do not desire this required connection. However, staff believes this connection to be appropriate for a development adjacent to an important community asset like the Louisville Loop. The applicant will need to justify the appropriateness of the Waiver request.
- With the exception of the required Waiver, the plan meets the requirements of the LDC.

## STAFF CONCLUSIONS

- A public hearing date is ready to be set.

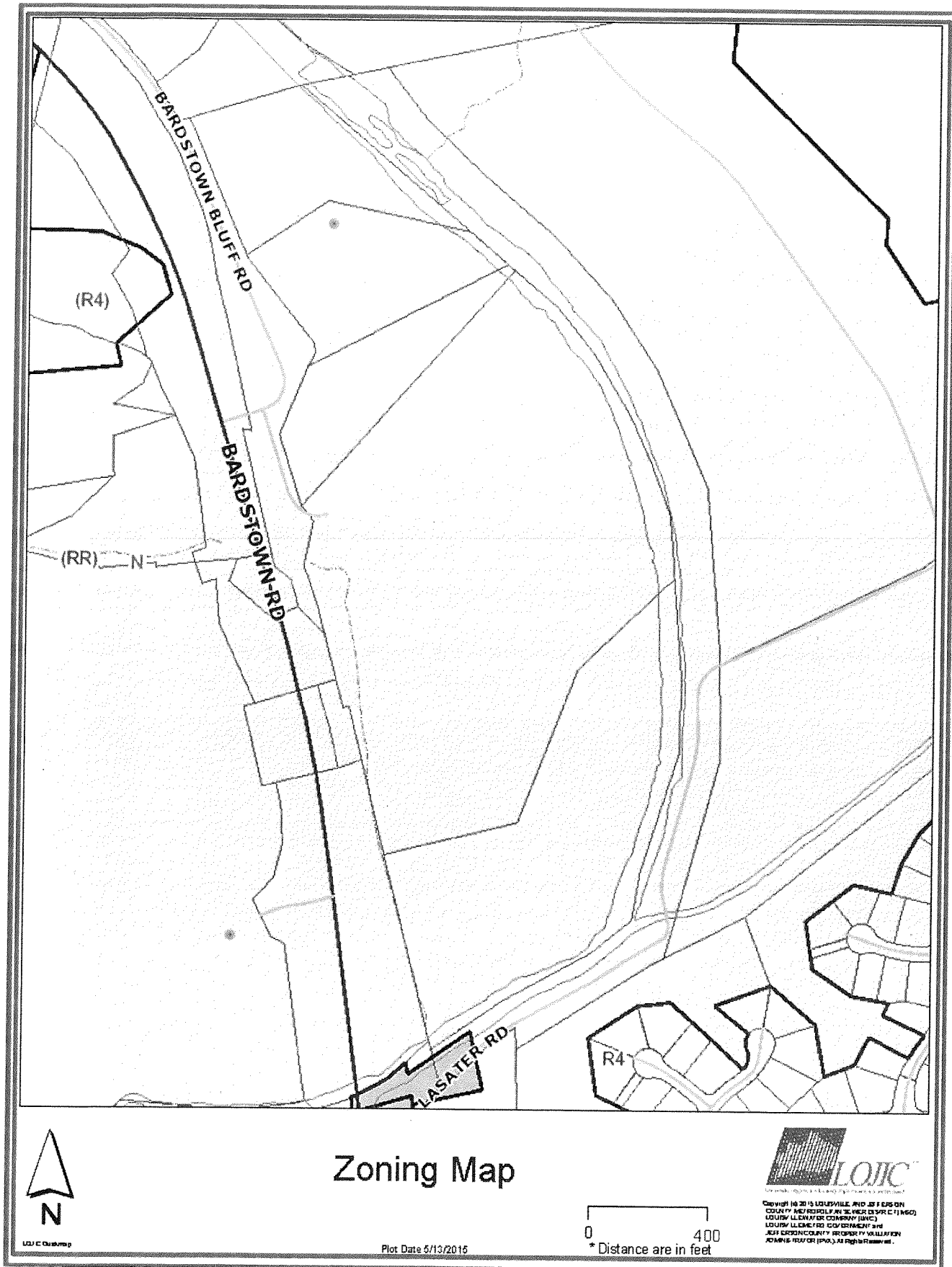
## NOTIFICATION

Date	Purpose of Notice	Recipients
7/10/15	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 20 Notification of Development Proposals

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



### **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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.
8. Construction activities on the site shall be limited to weekdays between the hours from 7 AM to 5:30 PM.

**Pre-Application  
Staff Report**  
May 13, 2015



<b>Case No:</b>	15ZONE1015
<b>Request:</b>	Re-Zoning from RR to R-5A for Multi-Family Residential, Floyds Fork Overlay Review, Detailed District Development Plan, and Binding Elements
<b>Project Name:</b>	Brentwood Commons
<b>Location:</b>	10509 Bardstown Bluff Rd.
<b>Owner:</b>	Gina & Darrel Nice
<b>Applicant:</b>	Redwood Acquisitions, Inc.
<b>Representative:</b>	Bardenwerper, Talbott & Roberts, PLLC Mindel, Scott & Associates, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	David B. Wagner – Planner II

**REQUEST**

- Re-Zoning from RR to R-5A for Multi-Family Residential
- Floyds Fork Overlay Review
- Detailed District Development Plan
- Binding Elements

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The subject site is a single parcel of 34.16 acres. It is surrounded by vacant parcels zoned for large single family residential parcels on all sides except for the parcel to the north which has a single residence. Although it is accessed by Bardstown Bluff Road, the site fronts on Bardstown Road which is a major arterial level roadway and a designated parkway. Floyds Fork runs through the eastern side of the site and actually forms the eastern boundary of the site. Adjoining parcels on the east and south sides of the site are part of the Parklands of Floyds Fork and the site lies entirely within the Floyds Fork Overlay District.

The applicant is proposing to develop 129 multi-family residential dwellings. The dwellings will be one story apartments with individual attached parking garages. A densely planted 60' Floyds Fork Scenic Corridor Buffer and a 75' Parkway Buffer Setback will be provided along Bardstown Road. The required 100' Stream Corridor Buffer and 200' Floyds Fork Setback will be provided along the stream. Required landscape buffers and screens will also be provided elsewhere as required.

Existing Zoning District: RR, Single Family Residential  
Proposed Zoning District: R-5A, Multi-Family Residential  
Form District: Neighborhood  
Existing Use: Single Family Residential  
Proposed Use: Multi-Family Residential  
Minimum Parking Spaces Required: 194  
Maximum Parking Spaces Allowed: 387  
Parking Spaces Proposed: 282

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

### PREVIOUS CASES ON SITE

- 11702: Minor Subdivision Plat, which created the current parcel.
- 14MINORPLAT1063: Minor Subdivision Plat, which has not been recorded.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has mostly been found for this proposal. This form district allows for multiple residential densities and styles of housing to provide for a wide spectrum of people. The proposal creates multi-family residential dwellings in an area dominated by large lot, single family residences. However, the Neighborhood Form District allows for high density residential development to be located along a major arterial level roadway (Bardstown Road) and this site is being developed at a density much less than is allowed in the R-5A zoning district. The density is even less than the maximum allowed in an R-4 zoning district. The one-story apartments seem to fit in with the surrounding development and will be buffered from surrounding areas by existing tree canopy and new densely planted buffers and long setbacks along Bardstown Road due to the Floyds Fork Scenic Corridor Buffer and Parkway Setback. The dwellings are clustered in the center of the site away from the Floyds Fork stream and wide buffers and setbacks are also provided in this area. Full landscape buffers and screening will be provided along the other property lines as well. The applicant should consider adding an internal sidewalk along the drive aisles to allow better pedestrian access for the future residents and also provide renderings of the proposed buildings to show how the building materials will be compatible with surrounding houses.

Compliance with **Guideline 4 (Open Space)** has been found as open space is not required for this development. The density is low enough that the threshold for an open space requirement was not met.

The proposal partially complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**. The key natural and scenic area on the site is Floyds Fork. The proposal provides extensive buffers and setbacks in excess of what is required per the Land Development Code. Tree canopy is also being preserved along the stream bank to help mitigate any adverse impacts of the development on the protected stream. However, the development will be altering the topography of the site by filling in portions of the existing flood plain. Adding earthen fill on the site in the flood plain is discouraged within the Floyds Fork Overlay District and the applicant should discuss why it should be permitted on this parcel.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been partially found for this proposal. An internal roadway has been provided throughout the site and vehicular traffic is being directed onto the local level roadway that accesses the site, preventing traffic from being deposited directly onto a major arterial level roadway. However, an internal walkway has not been provided for the future residents and it would be appropriate for a connection to the parklands located south of the site. Staff recommends the applicant work with Metro Parks to determine the best location for such a connection to the parklands.

More information is needed to determine compliance with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as MSD has comments that need to be addressed. The APCD has approved the plan as it was presented.

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 Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

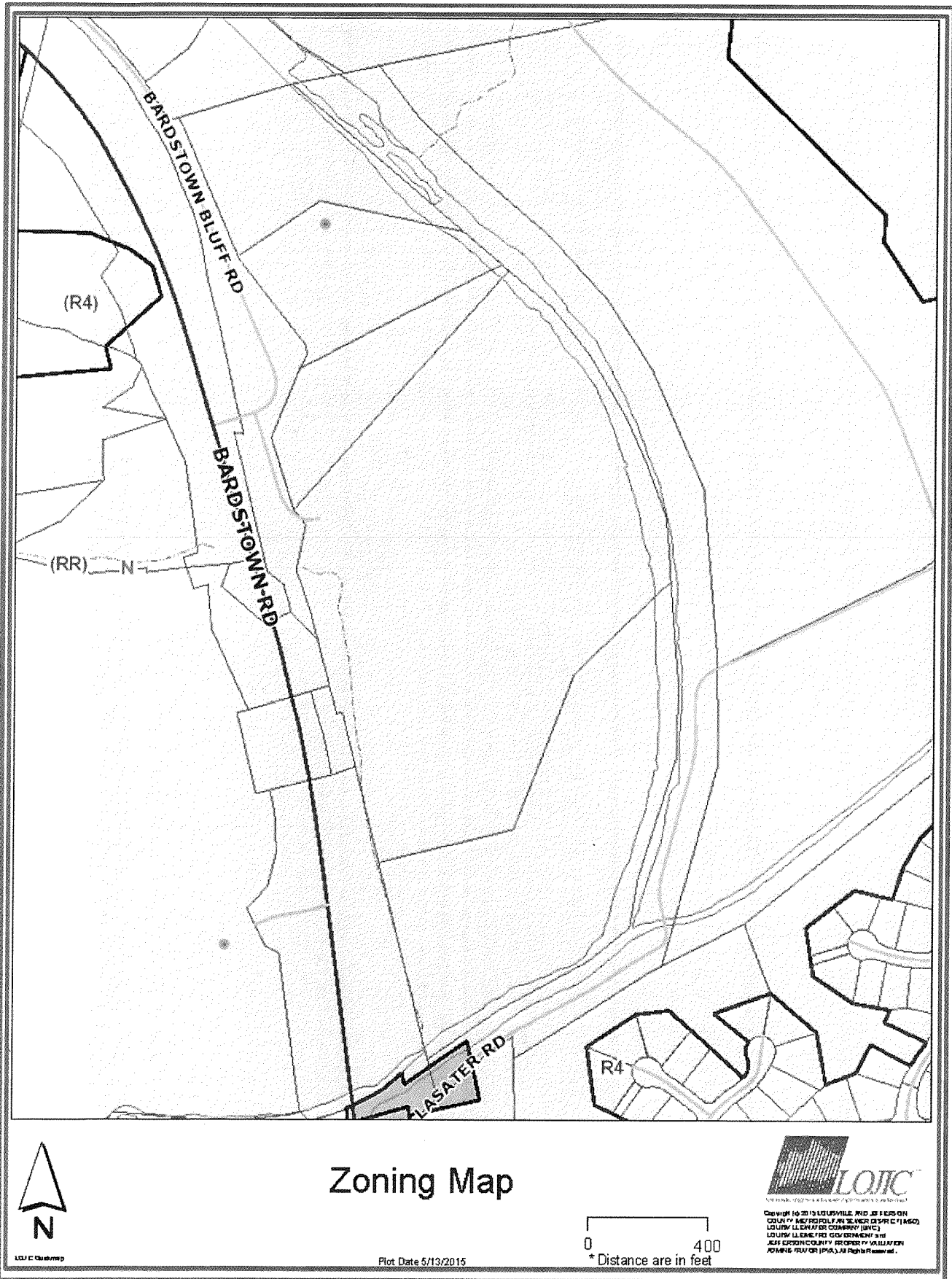
### **TECHNICAL REVIEW**

- Comments provided by the agencies should be addressed and the plan revised accordingly in order to obtain each agency's approval.

### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. **Zoning Map**



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	√	Since the surrounding area is single family residential, the proposal provides a mix of residential housing choices and densities by proposing multi-family residential on the site.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	NA	The proposal is not classified as high density and is to be developed at a single family density level.
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	+/-	More information is required to determine compliance with this guideline.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	-	The neighborhood streets are not designed to invite human interaction as there are no sidewalks throughout the development.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	The proposal is not an activity center.
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposal is not an activity center.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
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.	NA	The proposal is not an activity center.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not an activity center.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	√	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
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.)	+/-	More information is required to determine compliance with this guideline.
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,	√	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		building design, materials and orientation that is compatible with those of nearby residences.		
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 utilizes the existing access point which is not directly accessing Bardstown Road. Vehicles can queue on the local level road and not cause a safety issue entering onto a major arterial level roadway.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposal will conform to all lighting regulations.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	√	Since the surrounding area is single family residential, the proposal provides a mix of residential housing choices and densities by proposing multi-family residential on the site.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	+/-	The proposal is a higher density and is located along a transit corridor. However, it is not located near an activity center.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	+/-	The proposal potentially provides housing for the elderly or persons with a disability. However, the site is not located on a transit route or close to shopping or medical facilities.
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.	+/-	More information is required to determine compliance with this guideline.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal is generally compatible with existing nearby development as the buildings will be one-story and developed at a density level equivalent to a single family subdivision. The dwellings are clustered in one area of the site, helping to protect the sensitive areas of Floyds Fork through buffers in excess of the recommended widths. Scenic corridor buffers and parkway setbacks are provided along Bardstown Road which will be densely planted as recommended. The full LBA is being provided along the remaining property lines and existing tree canopy is being preserved along the stream.
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.	√	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.
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.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	Open space is not required for this site as it does not meet the density threshold for requiring open space.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	+/-	The proposal provides substantial buffers and setbacks to Floyds Fork in excess of what is required per the LDC. Tree canopy is being preserved along the stream as well. However, the development will require earth to be filled within the flood plain which would not avoid substantial changes to the topography of the 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.	NA	The site does not contain buildings that have historic or architectural value.
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to integrate into the pattern of development.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development as required.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal utilizes the existing access point which is not directly accessing Bardstown Road. Vehicles can queue on the local level road and not cause a safety issue entering onto a major arterial level roadway. One continuous roadway is provided through the development.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development as required.
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.	+/-	More information is required to determine compliance with this guideline.
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 development avoids access to development through areas of significantly lower intensity or density
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.	+/-	More information is required to determine compliance with this guideline.
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 neighborhood streets are not designed to invite human interaction as there are no sidewalks throughout the development. The proposal is appropriately located for its density since it is along a major arterial level roadway
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	+/-	More information is required to determine compliance with this guideline.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		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.		
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	√	The proposal provides substantial buffers and setbacks to Floyds Fork in excess of what is required per the LDC. Tree canopy is being preserved along the stream as well. This should allow any potential migration patterns to continue.
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 is located in an area served by existing utilities.
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.	+/-	More information is required to determine compliance with this guideline.