

Planning Commission Staff Report

July 19, 2018



Case No:	17ZONE1035
Project Name:	6305 Camp Ground Road
Location:	6305 Camp Ground Road
Owner(s):	David Mattingly
Applicant:	David Mattingly
Representative(s):	Milestone Design Group, Inc.
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to R-5A, Multi-family Residential and OR-1, Office-Residential
- **Waivers:**
 1. **Waivers** of Land Development Code (LDC), section 10.2.13 to omit interior landscaping requirement
 2. **Waiver** of LDC, section 10.2.4 to encroach upon the 50' LBA along the northeast boundary
 3. **Waiver** of LDC, section 5.8.1.B to eliminate the required sidewalk along Lees lane
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning request is being made to facilitate the development of thirty-eight multi-family one-story, attached side-wall duplex units served by private roads and individual driveways, along with a single parcel intended to provide office space for the owner/developer of this project. The subject site is located on eight acres of land at the intersection of Lees Lane and Camp Ground Road; one mile West via Lees Lane from Cane Run Road, three miles South of Interstate-264, and two linear miles from the Jefferson Riverport International industrial park. TARC service is available (routes 19 & 63) at Cane Run Road providing transportation from Riverport through Downtown as far East as Lyndon without transfer. Immediately adjacent to the South and West of the site is a low-density single-family neighborhood. Industrial zoning districts abut the site to the North/Northwest. Riverside Gardens Park abuts the site along the Eastern boundary. An easement for the future Louisville Loop project has been provided in coordination with the Louisville Loop project management team. A sidewalk waiver has been requested along Lees Lane. The Loop project is planned along this corridor. Pedestrian access from Campground Road through the development site to the Riverside Gardens Park has also been provided.

STAFF FINDING

The proposal complies with applicable guidelines and policies of the Comprehensive Plan. The proposed office use is low-intensity and located at the intersection of primary collector roadways. The residential component will have a limited impact of single-family residential neighborhoods as it is at the edge of the low-density single-family community.

The sidewalk waiver appears to be adequately justified based on the standard of review and staff analysis. Further, the developer will help facilitate the construction of the Louisville Loop. The landscape waivers and detailed district development plan also appear to be justified.

TECHNICAL REVIEW

The developer has agreed to make several contributions to facilitate the construction of the Louisville Loop along the frontage of the property and through the subject site to Riverside Gardens Park. These contributions include:

- The developer will grade the areas of the future Loop, both within the subject site and along the frontage
- A monetary contribution of \$4,600
- An easement will be provided through the development site to connect the Loop path along Lees Lane to the Riverside Gardens Park as shown on the development plan.

Binding elements have been added to the detailed district development plan to enforce these contributions.

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 CHANGE IN ZONING

The Following is a summary of 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.

The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as 38 dwellings are being provided in combination with drainage detention, vehicle use areas, and walks. The proposed office use is classified as low-intensity use and is intended to serve the owner/developer of the project. The residential component will have limited impact as it is at the edge of the low-density single-family community. Camp Ground Rd and Lees Lane are primary collectors serving Cane Run Road. The proposal incorporates a new housing type into an existing single-family area and does so in a compatible and low-intensity manner. Appropriate transitions have been made. Buffers have been provided where appropriate. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.

The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as sidewalks are provided and contributions to the Louisville Loop are being made. It also provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as the Loop will eventually be connected through the property and walks are provided to preserve pedestrian access.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed vehicle use areas function similarly to neighborhood streets which do not contain interior landscape areas.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate these specific guidelines as vehicle use areas function similarly to neighborhood streets which do not contain interior landscape areas. The minimum tree canopy requirements and perimeter buffering will be provided.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the proposed vehicle use areas function similarly to neighborhood streets which do not contain interior landscape areas.

- (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 would create an unnecessary hardship on the applicant as the proposed vehicle use areas function similarly to neighborhood streets which do not contain interior landscape areas and the provision of interior landscape areas would be inconsistent with the design of the project and typical residential street design.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

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

STAFF: The waiver will not adversely affect adjacent property owners as the adjacent use would typically require the LBA but as the site is already developed the provision of the LBA must be provided on the subject site. All landscaping material and screening will be provided as required.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The adjacent use contains a residential use and vacant space prior to reaching a lumber yard. All landscaping material will be provided as required and the majority of the buffer is preserved.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the majority of the buffer and planting material will be provided.

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the adjacent use would typically require the LBA but as the site is already developed the provision of the LBA must be provided on the subject site. All landscaping material and screening will be provided as required.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)

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

STAFF: The waiver will not adversely affect adjacent property owners as the area is not currently connected with sidewalks and the developer will be helping to improve the conditions of the adjacent property owners through contributions to the Louisville Loop in the area.

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

STAFF: Guideline 9, Policy 1 of Cornerstone 2020 calls for new development and redevelopment to provide, where appropriate, for the movement of pedestrians, bicyclists and transit users. The Louisville Loop is planned in the area requested for the sidewalk to be waived. The Louisville Loop provides for a greater variety of users and accessibility than a standard sidewalk. The developer has agreed to help facilitate the future Louisville Loop project in the area by grading the areas of the future Loop, both within the subject site and along the frontage, and provide a monetary contribution of \$4,600 and an easement through the development site to connect the Loop path along Lees Lane to the Riverside Gardens Park as shown on the development plan.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as any standard sidewalk constructed would be removed for the eventual construction of the Louisville Loop and the developer has agreed to certain conditions through the change in zoning process.

STANDARD OF REVIEW FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: Minimum tree canopy requirements will be met and the subject site connects through tree canopy areas to an adjacent public park.

- 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 as a sidewalk will provided along Camp Ground Road, contributions will be made for the Louisville Loop, internal street are consistent with common street design, and walks have been provided through the development to the public park.

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

STAFF: The subject property is located and connects to an immediately adjacent park. Any open space provided on the subject site would be above and beyond what is necessary to ensure the well-being of future residents.

- 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 surrounding area as appropriate transitions have been made. Buffers have been provided where appropriate. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.

- 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 as demonstrated in the *Cornerstone 2020 Staff Analysis* for the change in zoning request contained in *Attachment 3* of the staff report.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to R-5A, Multi-family Residential and OR-1, Office-Residential on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE** or **DENY** the **Waiver** of LDC, section 10.2.13 to omit interior landscaping requirement
- **APPROVED** or **DENY** the **Waiver** of LDC, section 10.2.4 to encroach upon the 50' LBA along the northeast boundary
- **APPROVED** or **DENY** the **Waiver** of LDC, section 5.8.1.B to eliminate the required sidewalk along Lees lane
- **APPROVED** or **DENY** the **Detailed District Development Plan**

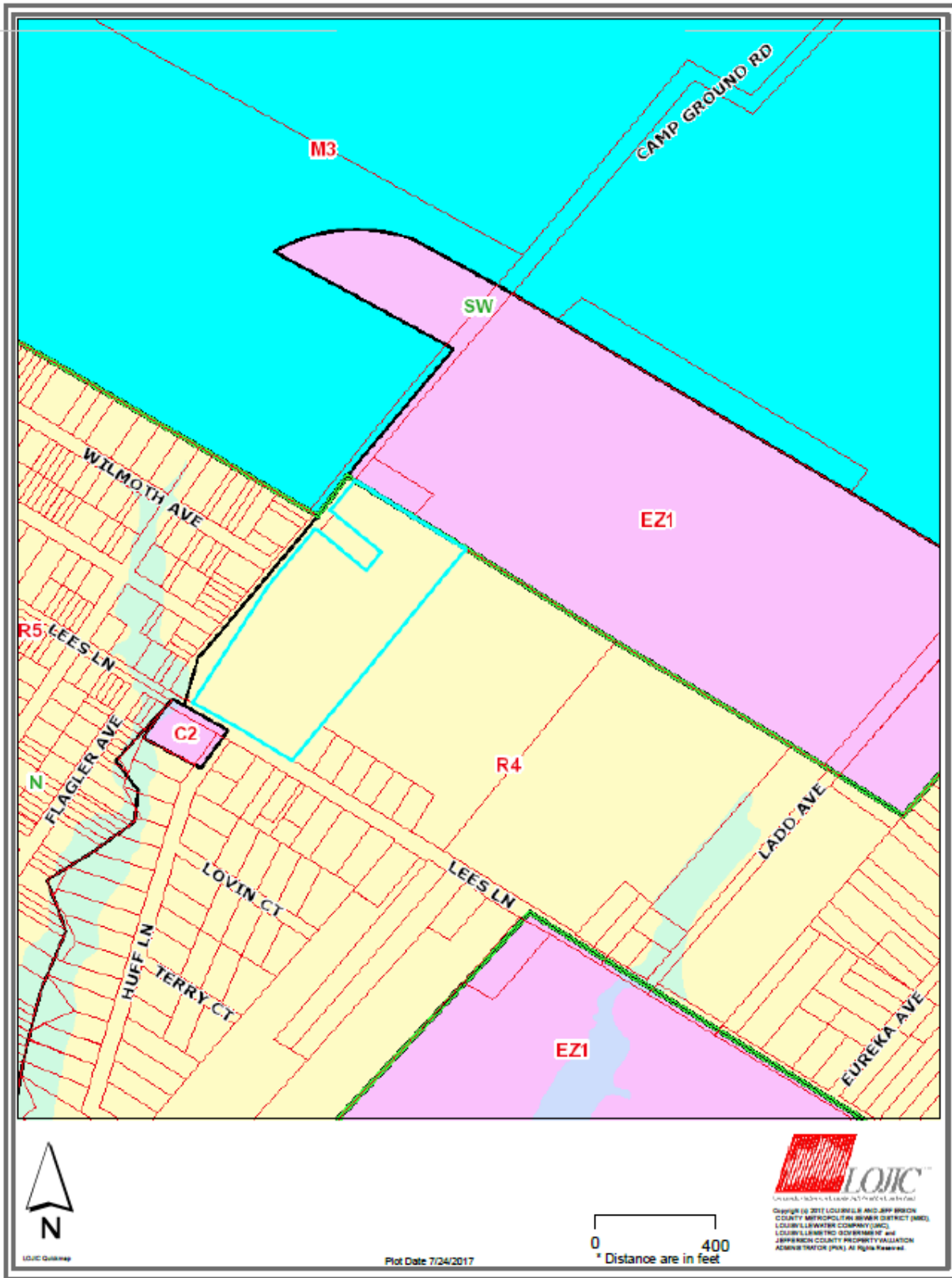
NOTIFICATION

Date	Purpose of Notice	Recipients
06/15/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 1
07/05/18	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 1
07/05/18	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

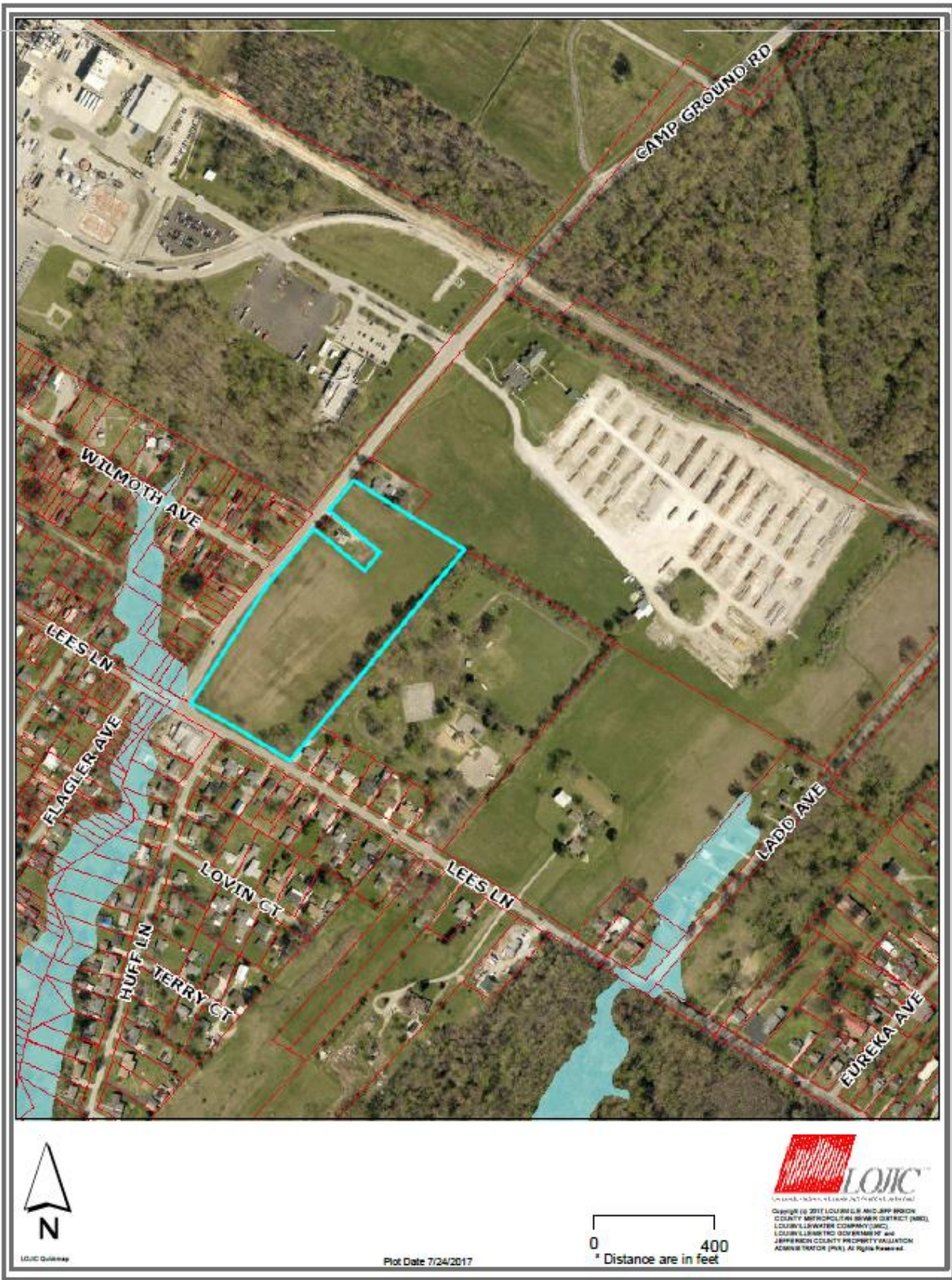
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Analysis
4. 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

Neighborhood: Non-Residential/Mixed-Use

#	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 is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	✓	The subject site is not located within a neighborhood center; however, the scale would appear to be appropriate and service areas are located on Cane Run Road which is accessible by bike, foot, or car. Cane Run provides TARC service to Downtown, Riverport, and Lyndon.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	The proposed office use is classified as low-intensity use and is intended to serve the owner/developer of the project. The residential component will have limited impact as it is at the edge of the low-density single-family community. Camp Ground Rd and Lees Lane are primary collectors serving Cane Run Road
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	A new center is not being created as it is a solitary parcel for office use and multi-family development
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal does not include retail commercial component
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as 38 dwellings are being provided in combination with drainage detention, vehicle use areas, and walks.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal incorporates a new housing type into an existing single-family area and does so while also incorporating an office use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal includes a combination of multi-family with an office use.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The development utilizes the land in an effective manner.
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	36 of the 38 units utilize a single access point from Camp Ground Road which balances safety, traffic, transit, pedestrian, environmental and aesthetic concerns.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities will be provided as necessary
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as walks and trails have been provided on-site. Parking for each units is located upon private driveways.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Building materials are consistent with common materials and design found throughout the community.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	Because an office use is low-intensity and immediately abutting this small office proposal are industrial zoning districts the impact of the office use on the residential zoning districts would be minimal as traffic would be limited and scale would not be out of character.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	There would not appear to be any odor or emissions associated with the development

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic produced would be minimal and would not result in a significantly greater demand on the roadway network than exists for the industrial uses and districts to the North. Further, roadways are primary collectors fronting the subject site and traffic for increased housing units would not be directed through residential community to the Southwest.
16	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 be in compliance with LDC 4.1.3.
17	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.	✓	Camp Ground and Lees Lane are Primary collector roadways providing access to cane Run Road where expressways and public transportation is accessible.
18	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 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. Buffers have been provided where appropriate.
19	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 not incompatible with the surrounding area as the attached sidewall concept is substantially the same as single-family living.
20	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.
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking located adjacent to residences have been mitigated by appropriate landscaping.

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22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. No surface lots are provided on the residential component and the parking for the office use is minimal.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structure proposed
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will be in compliance with Ch.8 of the LDC
25	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 subject property is located and connects to an immediately adjacent park. Any open space provided on the subject site would be above and beyond what is necessary to ensure the well-being of future residents.
26	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.	✓	The subject property is located and connects to an immediately adjacent park. Any open space provided on the subject site would be above and beyond what is necessary to ensure the well-being of future residents.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal integrates natural features into the pattern of development through tree preservation along the adjacent park.
28	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 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 system.
29	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.	✓	There are no historic resources on site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
30	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.	✓	MSD construction approval will be required, which may include ACOE approval.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Located outside Interstate-264
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Not for industrial use
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	Low traffic creator located at the intersection of collector level roadways.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	Not for industrial use
35	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 through physical improvements to these facilities, contribution of money, or other means as sidewalks are provided and contributions to the Louisville Loop are being made.
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as sidewalks are provided and contributions to the Louisville Loop are being made.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as the developer is helping to facilitate the construction of the Louisville Loop.
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 includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as the developer is helping to facilitate the construction of the Louisville Loop.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is provided.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Cross access is being provided to the adjacent park through the development site.
41	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.	✓	Stub streets aren't necessary for the proposal as it is surrounded by industrial use and public park
42	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 development site is from a collector level road though areas of similar intensity.
43	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.	✓	Hierarchy of streets is not impacted as a private road is being provided to serve dwellings and no connection to abutting property is required.

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44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as the Loop will eventually be connected through the property and walks are provided to preserve pedestrian access.
45	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.	✓	The proposal's drainage plans will be approved by MSD
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.
47	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 includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration as park connection is being made
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities appear to be available
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
50	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.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan and dedicating the right-of-way as shown on the approved district development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - d. 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.
 - 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.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. A general cross access agreement or other legal instrument in a form acceptable to Planning Commission's Legal Counsel shall be recorded allowing for pedestrian access from Campground Road through the development site along designated pathways to Riverside Gardens Park.
8. **Louisville Loop:**
 - a) Developer shall grade for a multiuse path within the limits shown on the approved development plan for the construction of the Louisville Loop. Grading shall occur no sooner than construction plan approval but be completed prior to the issuance of the first certificate of occupancy. For the grading plan, the developer will provide their site grading plan and Public Works will update that plan to include grading for the Loop. The final grading plan that includes the Loop and site development will be returned to the developer for construction.
 - b) Developer shall contribute \$4,600 for the construction of the Louisville Loop across the Lees Ln frontage. Contribution is required to be paid to Public Works prior to construction plan approval.
 - c) Developer shall grant an easement for a multiuse path within the limits shown on the approved development plan to accommodate the construction of the Louisville Loop. Easement shall be granted at developer's expense within 60-day of written request from Public Works but no sooner than construction plan approval.
9. Covenants, Conditions, and Restrictions ("CCRs") shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision's Record Plat, for consistency with any binding elements that mandate inclusion in the CCRs, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA"); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and (d) where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.