

Planning Commission Staff Report

April 6, 2017



Case No:	16ZONE1077
Project Name:	Signature Point
Location:	1111 Rose Hill Lane
Owner(s):	PBI Bank, Inc.; Signature Point Development, LLC
Applicant:	Elite Homes, Inc.
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC – Bill Bardenwerper
Project Area/Size:	88.5 acres (Total); 1.6 acres (Tract 4)
Existing Zoning District:	R-5A, R-6, & PRD
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, Planner I

REQUESTS

- **Change-in-Zoning** from R-5A, Multi-Family Residential to R-6, Multi-Family Residential
- **Revised General District Development/Major Preliminary Subdivision Plan**
- **Revised Detailed District Development Plan**
- **Variance** from Land Development Code (LDC), section 5.3.1.C to encroach into the required 15' Front and Street Side yards
- **Variance** from LDC, section 4.4.3.A.1.a.i to allow a fence in the street side/front yards to exceed 48"

CASE SUMMARY

The applicant requests a rezoning from R-5A to R-6 for twenty existing multi-family condominium units located on Tract 4 of a mixed-residential community in Eastern Jefferson County along South English Station Road; more precisely located in the Northeastern quadrant at the intersection of Interstate-265 and Interstate-64. Christian Academy of Louisville abuts this mixed-residential community at its Northern border. Private roads/drive lanes currently border and provide access to the condominium units. These roads will be converted to public rights-of-way. The result of converting these private roads to public roads necessitates the need for a rezoning of the property to a zoning district with a slightly higher residential density per acre and greater floor area ratio (FAR) as the R-5A district permits only a maximum of 12.01 dwelling units per acre at an FAR 0.5. The R-6 zoning district allows 17.42 dwelling per acre at a maximum FAR of 0.75. The proposal complies with the density and FAR of the R-6 zoning district. Density will be 12.5 dwelling units per acre at a FAR of 0.7.

In conjunction with this request for rezoning, a revised general/major preliminary subdivision plan and revised detailed district development plan is being requested from the most recent approvals granted in cases 16DEVPLAN1182 & 16SUBDIV1002 by the Development Review committee on December 14, 2016. The approval was granted for 20 existing multi-family condominium units (subject of the current rezoning), 178 single-family lots, and 288 multi-family apartment units. The private roads and drive-lanes serving the condo units that were approved in this previous case are being revised to create public rights-of-way which further integrate the connectivity of this mixed-residential community. There are no other significant changes to these previously approved plans. The objective in making these revised plan requests in conjunction with the rezoning is to maintain consistency in binding elements across the Signature Point/Cool Springs development site and to maintain an organized record for the case moving forward towards construction and occupation.

A variance is required for the existing structures subject to the rezoning and located on Tract 4 to encroach upon the required front and street side yards as the result of right-of-way creation. A variance has also been requested to allow the height of a four-board fence along S. English Station Road to exceed the maximum height of four feet and be five feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Multi-Family	R-5A	N
Proposed	Multi-Family	R-6	N
<i>Surrounding Properties</i>			
North	Single-Family	PRD	N
South	Single-Family	R-6	N
East	Single-Family	R-5A	N
West	Single-Family	PRD	N

PREVIOUS CASES ON SITE

- 9-59-02: Change-in-zoning from R-4 to R-5A & R-6 (approved by Fiscal Court 12/10/02) RDDDP with waivers (approved by LD&T 6/9/05)
- B-96-05: Variance to allow multiple structures and VUA to encroach into required yards
- B-247-05: Variance to exceed maximum height
- 8524: Variance for Clubhouse to exceed maximum height
- 9208: RGDDP/RDDDP for development site with revisions to the proposed units along the Northern boundary and landscape waiver (approved by DRC 8/15/07)
- 11841: RDDDP for Southern portion/apartments lot of development site (approved by DRC 7/1/09)
- 15369: RDDDP for Southern portion/apartments lot of development site (approved by staff 3/17/11)
- 15739: Amendment to Binding Elements for building materials
- 13ZONE1010: Change-in-zoning from R-5A & R-6 to PRD with RDDDP, Major Preliminary Subdivision Plan, and variance (approved by Metro Council 12/23/13)
- 16DEVPLAN1182 & 16SUBDIV1002: RGDDP/Subdivision and RDDDP for 20 existing multi-family condominium units, 178 single-family lots and 288 multi-family apartment units (approved by DRC 12/14/16)

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONINGS

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

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

STAFF ANALYSIS FOR PROPOSED REZONING

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.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)
Section 5.3.1.C to encroach into the required 15' Front and Street Side yards

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the variance is the result of converting private streets to public streets within a mixed residential community.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as there is no proposed construction within the area of the variances and the structures had previously been constructed within this mixed residential community.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the sidewalks will be maintained as existing and no construction is proposed which will increase nonconformance beyond what is necessary for the conversion of private streets to public right-of-way.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance is the result of converting private streets to public streets within a mixed residential community.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the variance is the result of converting private streets to public streets within a mixed residential community.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the streets would be unable to be converted from private streets to public streets due to minimum width standards for public roadways.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)

Section 4.4.3.A.1.a.i to allow a fence in the street side/front yards to exceed 48”

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the proposed fence does not encroach upon the public right-of-way and would not appear to have any adverse impact on sight lines for pedestrian or vehicular traffic.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the style of fence chosen, four-board style, is common along the frontage of S. English Station Road in separating residential communities from the public right-of-way.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the proposed fence does not encroach upon the public right-of-way or restrict the movement of pedestrians and drainage, and would not appear to have any adverse impact on sight lines for pedestrian or vehicular traffic.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the four-board style is common in the area and the proposed height of the fence being five feet does not cause a hazard or nuisance to the public or adversely impact the public health, safety, or welfare of the community.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the height standards are applicable to all land in the area and similar styles of fences have been used to separate residential communities from the public right-of-way. It is unclear, however, if the height of surrounding four-board fences exceed the allotted forty-eight inch height maximum. Nonetheless, it does not appear that the public health, safety, or welfare would be adversely impacted and the height variance would not create a nuisance or hazard to the public.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the public health, safety, or welfare would not be adversely impacted by a variance of twelve inches in height and the style would be compatible with the surrounding community.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

**STANDARD OF REVIEW FOR REVISED GENERAL DISTRICT
DEVELOPMENT & REVISED 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: Soil erosion and sedimentation control plan will be implemented as recommended by MSD and USDA Soil Conservation Service. No additional natural resources appeared to be present on the subject site. Tree canopy will be provided as required by the Land Development Code.

- 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. An interconnected system of public walks and open space will allow for the safe movement of pedestrians throughout the development and provide outdoor recreation. The subject site contains both public and private roads. A perpetual easement of record in DB 10183, PG 535 allows for the movement of vehicles and pedestrians across all tracts shown on the development plan. Connection to the public walk will be provided and sidewalks will be completed across the frontage. Additionally, an easement for a TARC boarding area will be provided to accommodate future connection to public transit service.

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

STAFF: Open space is being provided in excess of the minimum requirements of the Land Development Code. The site offers internal walking paths, a combination of recreational amenities, open space, yards, dog parks, and common areas that benefit residents, guests, and the overall well-being of the community.

- 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 in both scale and design. The subject site abuts a school and is adjacent to a mixture of single-family and multi-family developments. The development provides a variety of housing types and options for potential residents within proximity to an activity center located at Shelbyville Road and the Parklands of Floyds Fork.

- 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 Guideline 3, Policies 1, 3, 10, & 11 encourage that all new residential development having a mixture of densities be compatible with the surrounding area, provide a variety of housing options, and

be appropriately located along transit corridors. The proposed development will provide a variety of housing types and options for both renters and potential home-owners within a connected community along a collector level roadway.

TECHNICAL REVIEW

The proposed application for change in zoning from R-5A to R-6, supporting documentation, revised general development/major preliminary subdivision plan, and revised detailed district development plan; and variances are in order. All agency comments appear to have been addressed.

STAFF CONCLUSIONS

The proposal is conformance with the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* provided in *Attachment 4*. It is also compliant with the Land Development Code, except for the two variances which have been justified in the *Standard of Review* and any variance or waivers previously granted and indicated on the proposed development plan. The proposal provides for multi-family units to be served by public roads within proximity, and adjacent, to existing single-family and multi-family residential uses within a larger mixed-residential community. The development as a whole is compatible with surrounding uses in both design and scale. A school abuts the site to the North, an activity center can be accessed at Shelbyville Road, and the Parklands of Floyds Fork are nearby. While the site is not currently served by public transit, upon future service expansion transit routes will become available to provide residents with connection to the nearby activity center on Shelbyville Road. An 8' x 16' easement has been provided for a TARC boarding area and stop. The site offers internal walking paths, a combination of recreational amenities, open space, yards, and common areas that benefit residents, guests, and the overall well-being of the community.

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.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for approving a Variance, General District Development/Major Preliminary Subdivision Plan, and Revised Detailed District Development Plan as established in the LDC.

REQUIRED ACTIONS

- **APPROVED** or **DENY** the **Change-in-Zoning** from R-5A, Multi-Family Residential to R-6, Multi-Family Residential on Tract 4
- **APPROVED** or **DENY** the **Variance** from LDC, section 5.3.1.C to allow existing structures on Tract 4 to encroach into the required 15' Front and Street Side yards as shown on the Variance exhibit
- **APPROVED** or **DENY** the **Variance** from LDC, section 4.4.3.A.1.a.i to allow a fence in the street side/front yards as shown on the development plan to exceed four feet and be a maximum of five feet
- **APPROVED** or **DENY** the **Revised General District Development/Major Preliminary Subdivision Plan & Revised Detailed District Development Plan** for Signature Point/Cool Springs

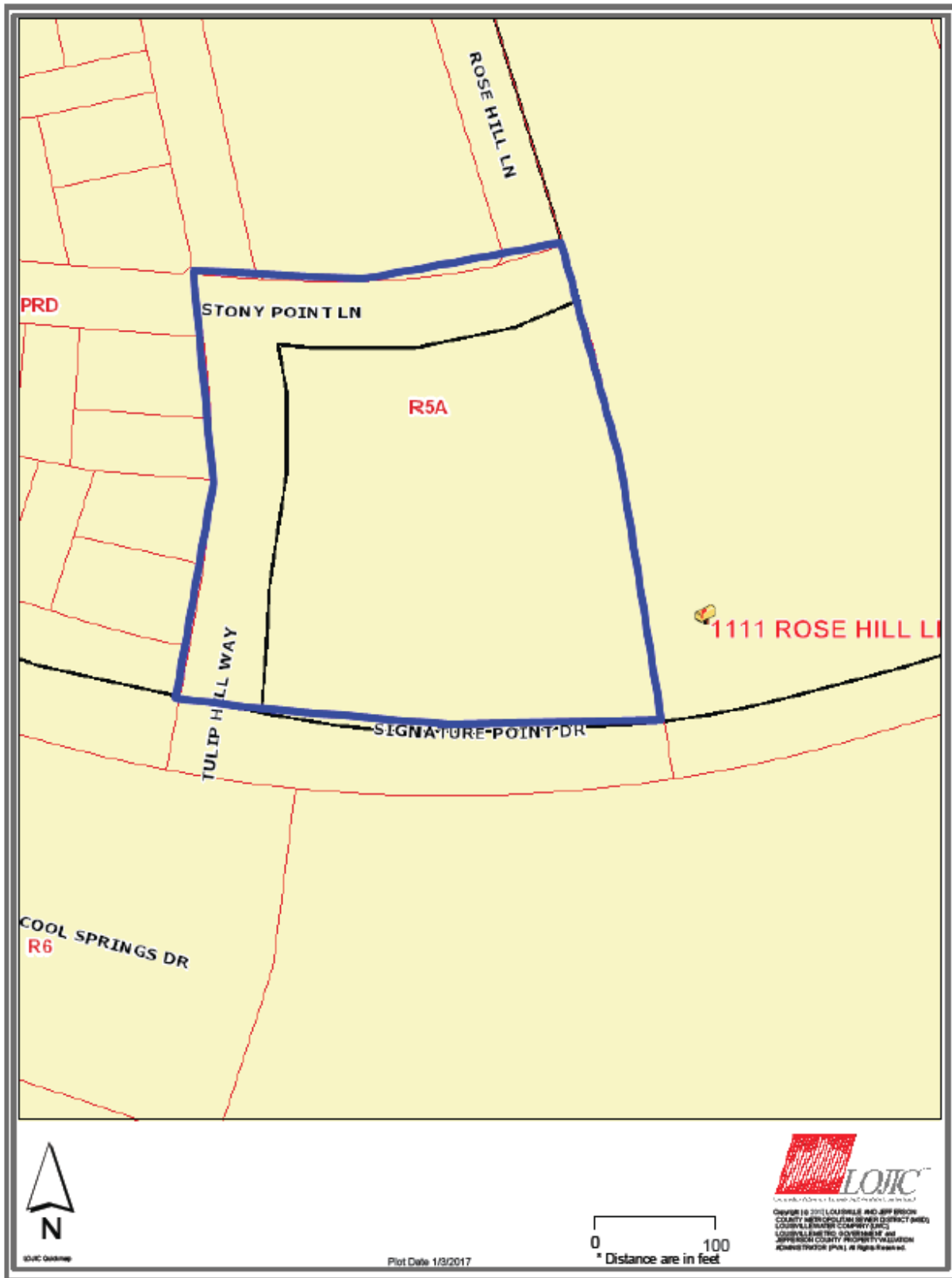
NOTIFICATION

Date	Purpose of Notice	Recipients
2/24/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
3/23/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
3/27/17	Hearing before PC	Sign Posting on property
3/25/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Aerial and Zoning Map of Signature Point/Cool Springs Development Site
4. Cornerstone 2020 Staff Review Checklist
5. Existing Binding Elements for case 16DEVPLAN1182/16SUBDIV1002 (9-59-02 & 13ZONE1010)
6. Proposed Binding Elements (16ZONE1077, 13ZONE1010, & 9-59-02)

1. **Zoning Map**



2. Aerial Photograph



3. Aerial and Zoning Map of Signature Point/Cool Springs Development Site



4. Cornerstone 2020 Staff Review

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

Neighborhood: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	The proposal provides for multi-family units within proximity, and adjacent, to existing single-family and multi-family residential uses within a mixed-residential community
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.	✓	The proposal is for 12.5 du/acres. It is part of a larger mixed-residential community with recreational amenities. The Signature Point/Cool Springs development site has frontage on S. English Station Road which is a collector level roadway. This roadway serves as a primary means of access to large single-family residential communities as well as multi-family developments.
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.	✓	Proposal is for existing multi-family residential development as a result of R/W creation. Similar uses immediately surround the development and the site is compatible within the context of the residential nature of the area; being that it is a within a mixed-residential community.
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.	✓	Sidewalks are present or proposed on each side of the R/W surrounding the development, within the community, and connections are being made to S. English Station Road.
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	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.
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	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.
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	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle. Public transit is not available from this location and is not also available at the nearby activity center located at the intersection of Shelbyville Road and S. English Station Road. TARC service discontinues at Shelbyville Road and Urton Lane/N English Station Road. An easement for TARC facilities shall be added as requested.
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	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.
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	Proposed rezoning is for existing multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.
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	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.
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	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.
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	Transportation infrastructure will be shared with the surrounding mixed-residential community.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	✓	Utility easements have been provided as required by utility agencies and labeled on the proposed plan
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	Sidewalks are being provided along all frontages with safe connection to public roads. Minimum tree canopy will be met and environmental impact has been evaluated previous cases. No new development is being proposed with this request.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	Proposed rezoning is for multi-family residential. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle. Public transit is not available from this location and is not also available at the nearby activity center located at the intersection of Shelbyville Road and S. English Station Road. TARC service discontinues at Shelbyville Road and Urton Lane/N English Station Road. An easement for TARC facilities has been added as requested.
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 appears to be compatible with surrounding mixture of single-family and multi-family uses. No new development is being proposed with this request. A school abuts the site to the North, services can be accessed along Shelbyville Road and the Parklands are nearby.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.)	✓	Existing buildings. Elevation and building material was approved prior to construction in previous public hearings. See existing binding elements of associated cases.
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.	✓	While the proposal introduces a higher density, it is not a higher density than existing within the mixed-residential community or the surrounding area. Additionally, there is no increase in the number of units (20 existing). As the site is not changing to a higher intensity classification per table 10.2.1 no landscaping beyond what is currently on the site is required. Tree canopy proposed for the larger development will be maintained and adequate buffering is provided to mitigate any impacts caused when incompatible uses share common property lines.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	This proposal will not increase demand of transportation infrastructure beyond what has previously been approved for the mixed-residential community.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will not exceed what is necessary for multi-family residential uses and safety.
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.	✓	The location of the subject site within a larger mixed-residential community fulfils the intent of the Plan Element.
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 for 12.5 du/acres. No additional units are being proposed. It is part of a larger mixed-residential community with recreational amenities. The larger development site has frontage on S. English Station Road which is a collector level roadway. This roadway serves as a primary means of access to large single-family residential communities as well as multi-family developments. An activity center is located to the North at the intersection of English Station and Shelbyville Road. Sidewalk connectivity is available to this location, but connectivity will mainly be achieved by vehicle.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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).	✓	While units are not specifically designated for the elderly or persons with disabilities the subject site and surrounding community will be Ada complaint, the site offers internal walking paths and connection to public sidewalks, and upon future TARC service expansion transit routes will become available to a nearby activity center on Shelbyville Road.
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.	✓	Within the context of the surrounding development it appears to be an inclusive development providing for multi-family apartments and condominiums, as well as single-family homes.
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 part of a larger mixed-residential community with a combination of recreational amenities, open space, yards, and common areas which benefit potential residents and passers-by.
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 use is compatible with surrounding development. Buffers have been provided to mitigate any impact the larger development may have on CAL property.
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.	✓	As the result of converting private roads to public roads a variance is being requested, the request will not create any nuisances or have any adverse impact on the public health, safety, or welfare of the surrounding properties or the community.
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.	✓	Open space within the larger mixed-residential community exceeds the minimum requirements of the LDC.
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.	✓	A combination of recreational amenities, open space, yards, and common areas is provided within the larger mixed-residential community.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Minimum tree canopy standards will be met. A plan to implement a tree canopy and preservation will be provided on the Chapter 10 landscaping plan.

#	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.	✓	No new development is proposed with the rezoning. Proposed development in the surrounding Signature Point/Cool Springs development is compatible and a detailed analysis of its compatibility can be found in the Staff analysis.
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 subject site does not appear to have any historic or architectural features of significance.
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.	✓	MSD will ensure proper drainage in coordination with the applicant of the proposed 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.	✓	Sidewalks are being provided along all frontages with safe connection to public roads. Minimum tree canopy will be met and environmental impact has been evaluated previous cases. No new development is being proposed with this request.
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.	✓	Transportation infrastructure will be shared with the surrounding mixed-residential community. The conversion of private streets to public roads facilitates greater connection.
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.	✓	An 8' x 16' easement has been provided for TARC on the proposed development plan.
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.	NA	No stub streets to adjacent development are required.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 subject site is accessed via the main public drive serving the development. No nuisance would be created as no new units are being proposed beyond what was previously approved for use of this main drive.
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.	✓	Private streets and drive lanes are being converted to public right-of-way
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.	✓	Sidewalks are provided within the development and connected to adjacent walkways which lead to an activity center, although primary means will be vehicular. The subject site and surrounding community will be ADA complaint, the site offers internal walking paths and connection to public sidewalks, and upon future TARC service expansion transit routes will become available to a nearby activity center on Shelbyville Road. An 8' x 16' easement has been provided for TARC on the proposed development plan.
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has approved the preliminary development plan and all comments have been addressed
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 is in an area of existing development and no natural environmental corridors appear to exist on the subject site.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities are available to meet the needs of the community
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.	✓	LWC did not express objections to the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Louisville Metro Department of Health and Wellness has approved the development plan

5. Existing Binding Elements for case 16DEVPLAN1182/16SUBDIV1002 (9-59-02 & 13ZONE1010)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Unless approved by the Planning Commission, the number of single-family lots shall not exceed 178 lots at a gross density of 4.1 dwelling units per acre; the total number of multi-family/apartment units on Tract 1 shall not exceed 288 units at a density of 17.25 dwelling units per acre; the number of multi-family/condominium units on Tract 4 shall not exceed 20 units at a density of 5.7 dwelling units per acre; and all areas labeled as open space shall remain undeveloped.
4. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
5. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
6. Outdoor lighting in driving areas and parking lot illumination shall be either standard residential coach style lighting or of a type that directs light down and away from surrounding residential properties, which later type lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible from residential areas off-site. Building mounted fixtures shall be similar coach lamp style or porch lights with no wattage in excess of 75 watts. Light levels due to lighting on the subject site shall not exceed 0.5-foot candles measures at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
7. 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.
8. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works 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 major subdivision record plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - 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.
10. 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.
11. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. The dumpster/compactor(s) shall not be emptied between the hours of 10 p.m. and 7 a.m.
15. The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the 12/14/17 Development Review Committee hearing.
16. A 75-foot building setback shall be provided along S. English Station Road. No structures, except for approved signature entrance shall be permitted.
17. The developer shall, at its expense, construct a 7-foot chain link fence with black vinyl coating with a variety of deciduous and evergreen trees planted along this fence line on 10-foot centers along the entire property line common to Christian Academy of Louisville property. The fence shall be constructed at the earliest of the following times: (A) before construction begins on the buildings along the north line of the subject property; or (B) one year after site work begins anywhere on the subject property. The fence shall be perpetually maintained by the developer or its successor (Condominium Council, Homeowner Association, etc.).
18. Construction fencing at least 6 feet tall shall be erected at the developer's expense along the entire common property line with Christian Academy of Louisville before any site work or construction work begins on the subject property. That fence shall be maintained thereafter by the developer until the fence described in the Binding Element No. 17 is constructed.
19. Developer shall reserve for Kentucky Department of Transportation acquisition up until December 31, 2007 the undeveloped land shown on the District Development Plan as presented at the October 17,

2002 Planning Commission meeting. Developer shall not file for any development plan approval, and KDOT shall have the right, but not the obligation, to acquire said land, Developer stating its intention in these signed binding elements to reach an agreed upon price with KDOT for the land, said land being further reserved in accordance with the District Development Plan by the developer for future KDOT improvements in the I-64/I-265 interchange.

20. Developer shall provide detention on site unless MSD decides that detention is not necessary or agrees to accept payment of the regional facility fee in lieu of detention or unless detention can be provided and reserved on future KDOT right-of-way as approved by MSD and KDOT.
21. Before this Developer seeks a certificate of occupancy for its first building, if the road improvements previously required in Docket 9-28-01 and 9-20-01LW have not been made along U.S. 60 and South English Station Road as required by those two projects, then this Developer shall be responsible for making those South English Station Road and U.S. 60 road improvements, if any yet to be made. Provided, however, that the Planning Commission shall use its best efforts (with the assistance of the Public Works Department) to assist this Developer in obtaining reimbursement from the developers of the referenced projects for the costs of the road improvements previously imposed upon the developers in the referenced cases, prior to Public Works approval of construction plans for either of those two projects. Such improvements shall be made prior to issuance of the first certificate of occupancy.
22. In addition to the third (center turn) lane across the frontage of the development which this Developer is obligated to construct by virtue of a note on the approved district development plan, Developer shall also be responsible for constructing the third (center turn) lane from its property line north (in front of Christian Academy) along South English Station Road to the point along South English Station Road where the two lanes become three lanes in front of the Landis Lakes subdivision. Said improvements shall be completed prior to requesting the first certificate of occupancy for the development.
23. A noise study and mitigation measures, if any, as identified by the study shall be required prior to building permits for any residential structure within 250 feet of driving lanes along I-64 or I-265.
24. All new street name signs shall comply with the manual on Uniform Traffic Control Devices (MUTCD). The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
25. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
26. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission:
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

3. Proposed Binding Elements (16ZONE1077, 13ZONE1010, & 9-59-02)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
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 11. 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.
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 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.