

Planning Commission Staff Report

December 20, 2018



Case No:	18ZONE1050
Project Name:	Stewart – Taylorsville Road
Location:	10620 Taylorsville Road
Owner(s):	Albert L. Gregg
Applicant:	Stewart Companies, LLC
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-family Residential to PRD, Planned Residential Development
- **Detailed District Development Plan**

CASE SUMMARY

This case was heard by the Planning Commission on November 15, 2018 and continued to allow time for the applicant to address concerns of the Commission related to pedestrian connectivity and safety. The applicant submitted revised plans showing pedestrian walks on both sides of the internal roadway, direct pedestrian connectivity to each end unit, and connectivity to the walking path and public ways.

Thirty-seven single-family, attached side-wall units are proposed on 5.3 acres. The site is roughly 1/2 mile southeast of Watterson Trail via Taylorsville Road. Primary access will be from Taylorsville Road and Willowview Boulevard. Sidewalks along the public right-of-way with connections from these sidewalks to serve the units have been proposed. The proposed units will be oriented with the garage facing the internal roadway and the living space to the rear. A walking path and dog park has been proposed within the open space.

STAFF FINDING

The proposed zoning district is appropriately located for its density and ability to provide a variety of housing options for the community. Open space design is consistent with the pattern of development in the Suburban Marketplace Corridor Form District as significant open space is provided adjacent to public streets. The proposed district allows for a transition from a major arterial roadway to a standard single-family development. The applicant's revised development plan appears to generally conform to the guidelines and policies of the Comprehensive Plan. Internal walks have been added to provide a means of separating pedestrian traffic from expected vehicular traffic on the internal drive lane. Connectivity has been provided to the walking path and each end unit has been provided with direct pedestrian entrances to the internal walkway and to connect externally to nearby centers.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR 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 Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The proposal integrates into the existing pattern of development, which includes a mixture of densities and intensities as the proposed zoning district is for a relatively low-density similar to the R-5 zoning district which abuts the property at the rear. It maximizes this density potential and provides a transition from the arterial roadway to the abutting R-5 neighborhood at the edge of the SMC form district. The proposed district allows for a variety of housing styles. Open space design is consistent with the pattern of development in the Suburban Marketplace Corridor Form District as significant open space is provided adjacent to public streets. The structural development is compact and allows for the provision of common open space. Traffic impacts are no greater than what is expected for single-family development in an R-5 zoning district.

The proposed zoning district allows for a variety of housing options to support alternative modes of transport that encourages vitality and sense of place. The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments. The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users

around and through the development. External and internal walks have been provided and means of separating pedestrian traffic from expected vehicular traffic has been provided on each site on the internal drive lane. Connectivity has been provided to the walking path and each end unit has been provided with direct pedestrian entrances to the internal walkway. Pedestrian ways have been provided internally and externally to connect to nearby centers.

While the scale of the proposed development is consistent with the surrounding area as each unit is two-stories and the footprint is comparable to standard single-family development, each unit and cluster of units is dominated by a wall of automobile garages and this style of design is inconsistent with the predominant design of residential development in the area. Development in the area features garages in combination with front façade design elements such as windows and doors facing the pedestrian and vehicular ways and front yards.

STANDARD OF REVIEW AND STAFF ANALYSIS 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: The proposed development site does not appear to contain any features of natural or historic significance. Open space is provided as required by the Land Development Code to meets the needs of the development.

- 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 are not provided as safe internal pedestrian connectivity from each unit to the public way and transit service within proximity to the development site are not provided. The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments. The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development. External and internal walks have been provided and means of separating pedestrian traffic from expected vehicular traffic has been provided on each site on the internal drive lane. Connectivity has been provided to the walking path and each end unit has been provided with direct pedestrian entrances to the internal walkway.

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

STAFF: Open space is provided as required by the Land Development Code to meets the needs of the development.

- 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 site design is inconsistent with the predominate design of the surrounding area as each unit and cluster of units is dominated by a wall of automobile garages and this style of design is inconsistent with the predominant design of residential development in the area. Development in the area features garages in combination with front façade design elements such as windows and doors facing the pedestrian and vehicular ways and front yards.

- 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 Cornerstone 2020 Staff Analysis for the change in zoning request and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **RECOMMEND** to the City of Jeffersontown that Change-in-Zoning from R-4, Single-family Residential to PRD, Planned Residential Development on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detailed District Development Plan**

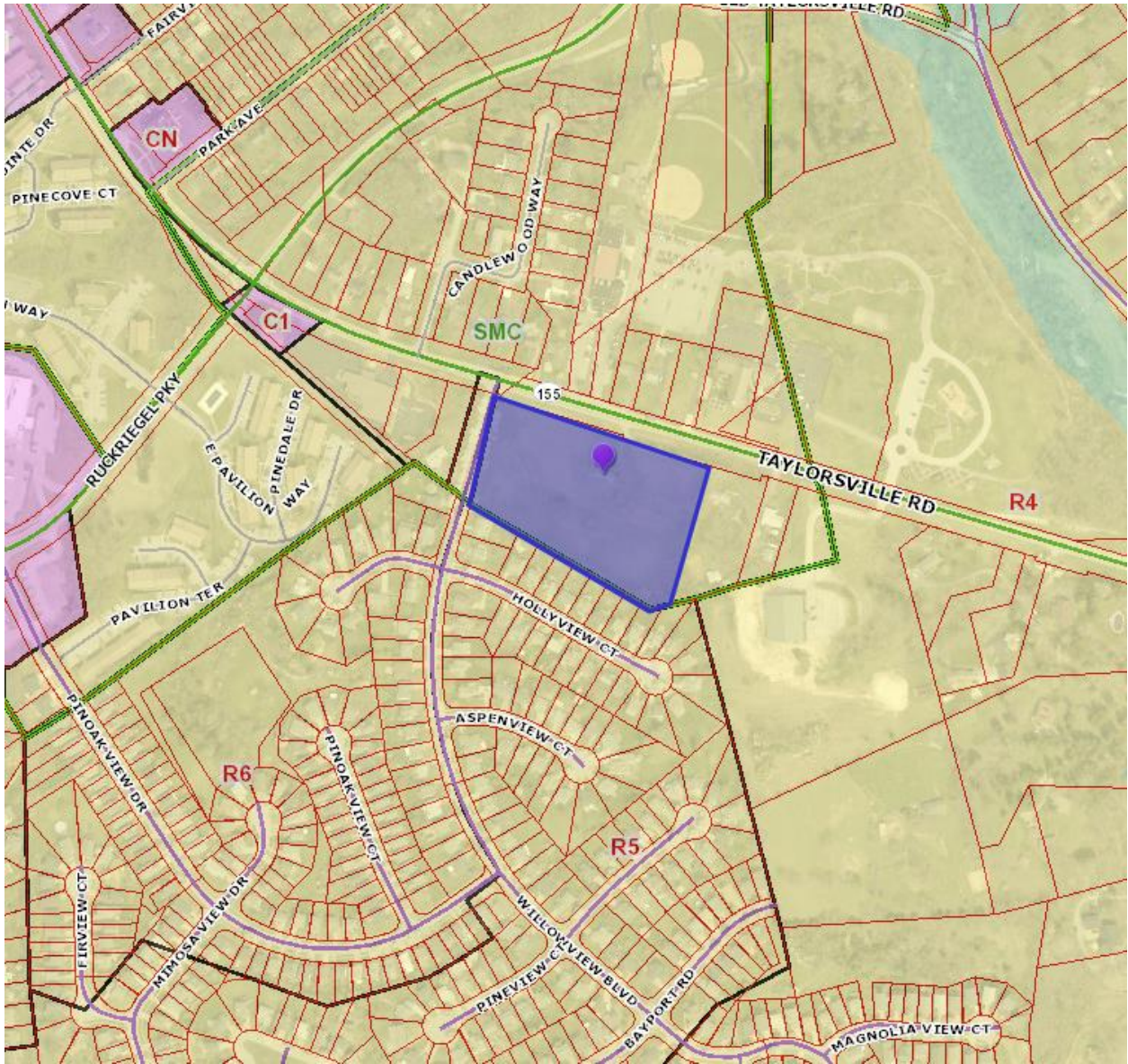
NOTIFICATION

Date	Purpose of Notice	Recipients
9/27/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Groups in Council District 20
11/1/18	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Groups in Council District 20
10/19/18	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

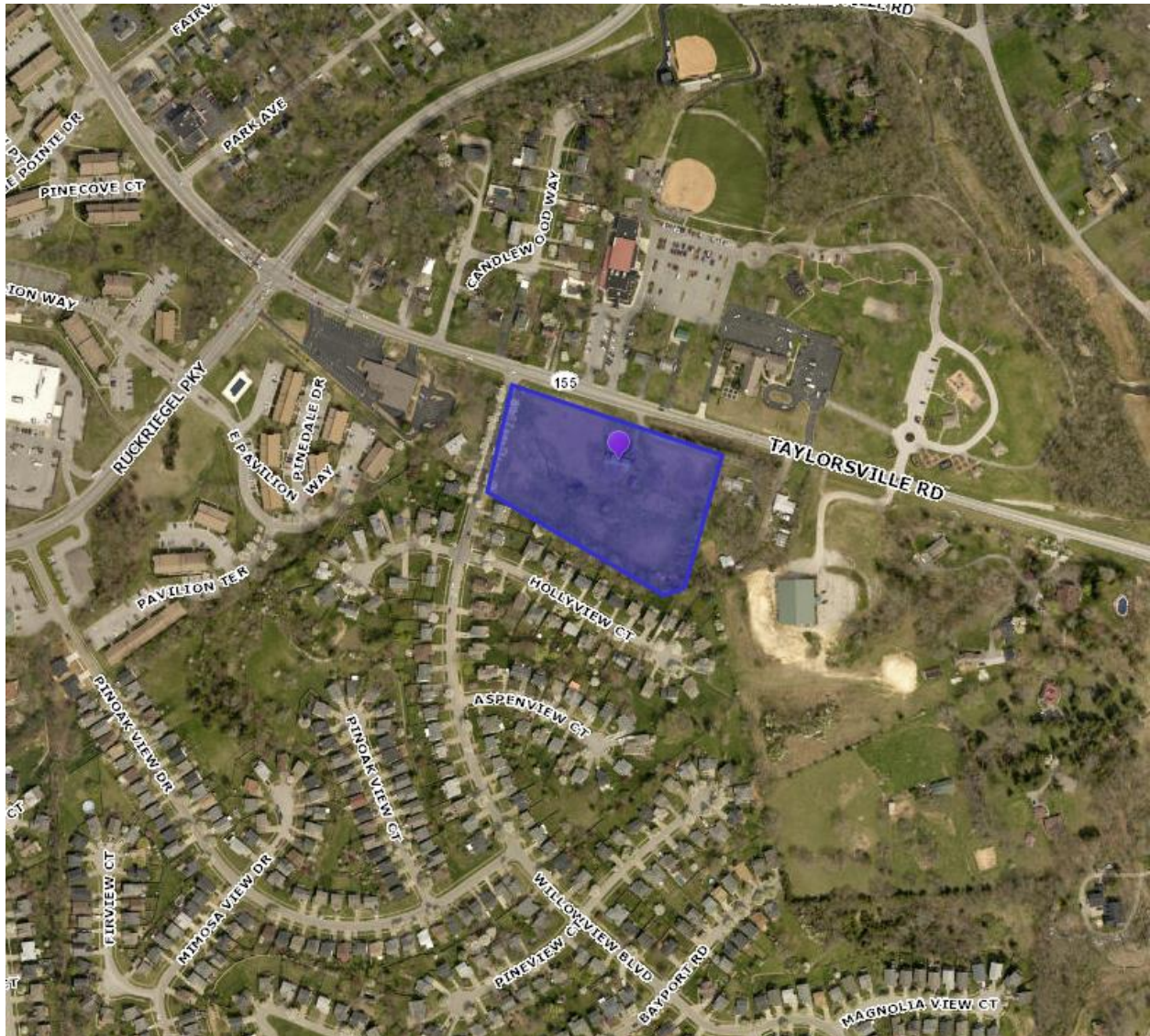
ATTACHMENTS

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 Analysis

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

Suburban Marketplace Corridor: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposal integrates into the existing pattern of development, which includes a mixture of densities and intensities as the proposed zoning district is for a relatively low-density similar to the R-5 zoning district which abuts the property at the rear.
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments. External and internal walks have been provided and means of separating pedestrian traffic from expected vehicular traffic has been provided on each site on the internal drive lane. Connectivity has been provided to the walking path and each end unit has been provided with direct pedestrian entrances to the internal walkway.
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	✓	The proposed development maximizes the density potential which is equivalent to an R-5 zoning district. This provides a compatible transition from the arterial roadway to the abutting R-5 neighborhood to the rear at the edge of the SMC form district.
4	Community Form/Land Use Guideline 1: Community Form	B.8: If the proposal is medium density, it serves as a transition between a lower density and a higher density area.	✓	The proposal provides a transition from the arterial roadway to the abutting R-5 neighborhood to the rear at the edge of the SMC form district.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Suburban Marketplace Corridor Form District.	✓	The proposed development is located within close proximity to activity centers.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposed district is restricted to residential only.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	✓	The structural development is compact and allows for the provision of common open space
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	✓	The proposed zoning district allows for a variety of housing options to support alternative modes of transport that encourages vitality and sense of place. External and internal walks have been provided and means of separating pedestrian traffic from expected vehicular traffic has been provided on each site on the internal drive lane. Connectivity has been provided to the walking path and each end unit has been provided with direct pedestrian entrances to the internal walkway
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.	✓	The proposed zoning district allows for a variety of housing styles which incorporate and provide transition to the adjacent neighborhoods at the edge of the SMC form district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	The site is currently contains a single-unit and the proposal will allow for the development of 37 units within proximity to an activity center.
11	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	Residential development not within an out-lot of an existing facility.
12	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.	✓	The proposed development is compact and provides community open space.
13	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	Two entrances to adjacent roadways are provided to serve 37 units.
14	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	✓	Utilities will be provided to serve each dwelling.
15	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	A dedicated pedestrian walkway has been provided on each side of the internal roadway which allows for the development to serve multi-modal needs in the future.
16	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	Pedestrian ways have been provided internally and externally to connect to nearby centers.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
17	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.	-	While the scale of the proposed development is consistent with the surrounding area as each unit is two-stories and the footprint is comparable to standard single-family development, each unit and cluster of units is dominated by a wall of automobile garages oriented towards the primary internal road and this style of design is inconsistent with the predominant design of residential development in the area. Development in the area features garages in combination with front façade design elements such as windows and doors facing the pedestrian and vehicular ways and front yards.
18	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	✓	The building materials which include brick and stone are compatible with the surrounding area.
19	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The density proposed is compatible with surrounding areas as the density is the same as permitted in an R-5, single-family residential district.
20	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic impacts are no greater than what is expected for single-family development in an R-5 zoning district.
21	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 complaint with LDC 4.1.3.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
22	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 proposed district allows for a variety of housing styles at an appropriate density for the surrounding area.
23	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 does not include a density that is uncommon in the area and is located along an arterial roadway.
24	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	✓	The PRD zoning district allows for a variety of housing styles which may include housing for the elderly.
25	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The PRD zoning district allows for a variety of housing styles that are inclusive and appropriate.
26	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.	✓	Abutting zoning districts and development are consistent with the scale of the proposed development.
27	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 development is compatible in scale and density with abutting uses and districts.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
28	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 as all required setbacks and height are being provided as required.
29	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.
30	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Marketplace Corridor Form District.	✓	Open space design is consistent with the pattern of development in the Suburban Marketplace Corridor Form District as significant open space is provided adjacent to public streets.
31	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The site does not appear to contain significant natural features and open space is being provided as required by the zoning district.
32	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 site does not appear to contain significant natural features and open space is being provided as required by the zoning district.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The development site does not appear to contain features of historic significance.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
34	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.
35	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.	✓	Vehicular access is appropriately located for the development site and access to an adjacent parcel is being maintained.
36	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.	✓	Right-of-way will be dedicated as required
37	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.	✓	Connectivity to an adjacent use is provided and no additional stub roadways are required.
38	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 is from areas of similar or higher intensity or density.
39	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.	✓	The development site is within close proximity to an activity center.

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40	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 external and internal walks have been provided and means of separating pedestrian traffic from expected vehicular traffic has been provided on each site on the internal drive lane. Connectivity has been provided to the walking path and each end unit has been provided with direct pedestrian entrances to the internal walkway.
41	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 have been approved by MSD
42	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.	✓	Open space is being provided and no natural corridors appear to be present on site.
43	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities
44	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.
45	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
 - 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 major subdivision plat creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits
 - f. A reciprocal access agreement or other legal instrument in a form acceptable to Planning Commission's Legal Counsel shall be recorded allowing for pedestrian and vehicular access as shown on the approved development
 - g. A cross access agreement or other legal instrument in a form acceptable to Planning Commission's Legal Counsel shall be recorded allowing for access to the property at 10630 Taylorsville Road as shown on the approved development plan
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.

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.
10. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.