

Planning Commission

Staff Report

December 19, 2013



Case No:	13ZONE1015
Project Name:	Spring Villa
Location:	Multiple addresses along S Watterson Trail, Villa Spring Dr, Parker Grant Ct, and Brett Frazier Dr. (Tax Block 0637, Lot 0004)
Owner:	Citizens Union Bank
Applicant:	Citizens Union Bank
Representative:	Bill Bardenwerper; Mindel, Scott and Assoc.
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Joseph Reverman, AICP, Planning Supervisor

REQUEST

- Change in Zoning from R-5A, Multi-Family Residential, to PRD, Planned Residential Development District on multiple addresses along S Watterson Trail, Villa Spring Dr, Parker Grant Ct, and Brett Frazier Dr. (Tax Block 0637, Lot 0004) containing 36.90 acres
- Revised Detailed District Development Plan
- Major Preliminary Subdivision Plan
 - Sidewalk Waiver of Chapter 5.8.1. of the Land Development Code to waive the requirement for sidewalks to be constructed along S Watterson Trl adjacent to the subject site

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located on the west side of Watterson Trail, south of Ferndale Rd.

Existing Zoning District: R-5A, Single Family Residential

Proposed Zoning District: PRD, Planned Residential Development District

Existing Form District: N, Neighborhood

Existing Use: Multi-Family

Proposed Use: Single Family Residential

The site was originally rezoned in 2001 to R-5A, Multi-Family Residential, under docket number 9-38-01. This rezoning was heard by the Planning Commission at a night hearing. The development plan approved in 2001 permitted 172 single family, detached condominiums. A Revised Development Plan was approved in 2005 concerning decks on the backs of some units. Some decks were apparently constructed within a 50 ft property perimeter LBA. The plan that was ultimately approved in 2005 had no encroachments into this 50 ft LBA.

The current proposal is to change the zoning from R-5A, Multi-Family Residential, To PRD, Planned Residential Development District, and construct 172 single family, detached houses and 6 non-buildable lots.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Multi-Family Residential	R-5A	Neighborhood
Proposed	Single Family Residential	PRD	Neighborhood
Surrounding Properties			
North	Single Family Residential	R-4	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential	R-4	Neighborhood
West	Single Family Residential	R-4	Neighborhood

INTERESTED PARTY COMMENTS

Staff has received concerns from nearby property owners regarding:

- Encroachments into the 50 ft LBA that was agreed to with the previous rezoning, docket # 9-38-01.
- Traffic along S Watterson Trail
- Maintaining the existing Woodland Protection Area (WPA)
- Connections to adjacent properties

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR PREZONINGS

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

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

Planned residential developments shall meet at least two of the following criteria. Applicants shall include a justification statement as part of the application. The justification statement shall explain how the proposed development fulfills the five criteria listed below. Cornerstone 2020 strongly supports provision of affordable and appropriate housing throughout the community. If applicants for developments creating 50 or more dwelling units do not reserve 10% of proposed dwellings for this purpose (at least 5% of dwellings are Diversity Level Units 1 or 2, remainder of the 10% are Diversity Level Units 3 or 4, as defined in Chapter 4 Part 5), the justification statement shall address how the proposal complies with the housing elements in relationship to other guidelines and policies of the Comprehensive Plan.

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The site is located on the west side of Watterson Trail, south of Ferndale Rd. The site is entirely surrounded by R-4 zoned residential properties. The site was previously rezoned from R-4 to R-5A in 2001-2002 for a similar style development. The proposal to rezone the site to PRD, Planned Residential Development, would constitute a decrease in the allowable density from 12.01 to 7.26 dwellings per acre. It appears that many of the streets previously proposed have been constructed on the site, and approximately 20% of the units have also been constructed.

The proposal complies with **Guideline 1, Community Form** of the Comprehensive Plan. The proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses. Building design and materials will be similar to existing houses in the development to be compatible with the neighborhood.

While the proposal is not significantly different from the current approved plan on the site. And while the proposed PRD zoning district would decrease the allowable density on the site, there are still some changes that could compromise compliance with **Guideline 3, Compatibility**. There was an expectation with the previous rezoning that a 50 ft landscape buffer area (LBA) would be provided around portions of the perimeter of the site. Subsequent to that rezoning, decks were constructed on the back of a few of the units that

encroached into this 50 ft LBA. Now, the current proposal would add property lines around each of the existing and proposed units on the site. The property lines adjacent to the perimeter of the site where the 50 ft LBA was previously proposed would now be reduced to 30 feet. And while it is likely that many of these units will be constructed 50 feet from the perimeter property line, there is no guarantee. It is worth noting that the 50 ft LBA that was provided on the 2001 plan was in excess of the 6 ft requirement of the Development Code at that time. It is also worth noting that the change to the PRD zoning district would eliminate the LBA requirements adjacent to R-4 zoned properties.

The proposal complies with **Guideline 7, Circulation** and **Guideline 8, Transportation Facility Design**. Metro Transportation Planning and the Metropolitan Sewer District have stamped the preliminary development plan, indicating that all necessary improvements to public facilities have been made and will be provided with development of the property. The primary access is proposed from S Watterson Trail where it will not create a nuisance to other residential uses in the neighborhood. Connections or stubs to adjacent properties have been provided where possible to encourage cross access and support the development of adjacent lands.

The proposal complies with **Guideline 9, Bicycle, Pedestrian and Transit**. Sidewalks are provided throughout the development to enhance pedestrian connectivity.

The proposal appears to comply with all other applicable Guidelines and Policy of Cornerstone 2020.

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

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

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

STAFF: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Transportation Planning has approved the preliminary development plan.

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

STAFF: Open space has been provided to meet requirements of the Land Development Code, and the needs 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 proposed reduction of the 50 ft LBA, as described in the staff analysis for the zoning change, could affect compatibility of the proposal with existing development in the area. It appears this 50 ft LBA could be provided, at least on portions of the site, to respect the agreement with the previous rezoning proposal.

- 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 proposed reduction of the 50 ft LBA, as described in the staff analysis for the zoning change, could affect compatibility of the proposal with existing development in the area. It appears this 50 ft LBA could be provided, at least on portions of the site, to respect the agreement with the previous rezoning proposal.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIDEWALK WAIVER
of Chapter 5.8.1. of the Land Development Code to waive the requirement
for sidewalks to be constructed along S Watterson Trl adjacent to the
subject site**

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

STAFF: The waiver will adversely affect adjacent property owners since it will reduce the amount of pedestrian facilities available in the area, which would either prevent pedestrian travel, or force pedestrians to walk in the street or grass.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver will violate specific guidelines of Cornerstone 2020 since this development was required to provide sidewalks with the previous plan, and since sidewalks along S Watterson Trail would provide appropriate facilities for the movement of pedestrians and bicyclists.

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

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since sidewalk construction along this portion of S Watterson Trail is feasible.

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

STAFF: The applicant has not incorporated other design measures that would compensate for pedestrian movement along S Watterson Trail, and strict application of the provisions would not deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant since the development could still be provided on the site.

TECHNICAL REVIEW

All agency comments have been addressed. The development plan has received preliminary approvals from Metro Transportation Planning and the Metropolitan Sewer District.

R-5A: Maximum Density = 12.01 dwellings per acre

PRD: Maximum Density = 7.26 dwellings per acre

Land Development Code

Chapter 6.2.6.B.1 Requirements for Specific Types of Streets and Alleys

Fee in Lieu Option - The Director of Works and the Director of Planning or designees may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following applicability requirements:

- Sidewalks construction is impracticable due to topographical conditions or site constraints; or
- A determination by the Director of Works and the Director of Planning or designees that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.

Chapter 10.2.4 Property Perimeter Landscape Buffer Areas

The R-4 and PRD zoning districts are both in intensity class 1, and therefore do not require to be buffered.

STAFF CONCLUSIONS

Rezoning

Staff analysis shows that the Planning Commission should consider whether the reduction in the 50 ft LBA along portions of the perimeter property lines would compromise compliance with Guideline 3, Compatibility of the Comprehensive Plan, and that the proposal appears to comply with all other Guidelines and Policies of the Comprehensive Plan.

There is no evidence that the existing zoning classification is inappropriate and the proposed classification is appropriate; OR that 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.

Detailed District Development Plan

Staff analysis shows that the proposed reduction of the 50 ft LBA, as described in the staff analysis for the zoning change, could affect compatibility of the proposal with existing development in the area. It appears this 50 ft LBA could be provided, at least on portions of the site, to respect the agreement with the previous rezoning proposal.

Sidewalk Waiver

Staff analysis shows that the sidewalk waiver does not meet the standards for granting a sidewalk waiver established in the Land Development Code.

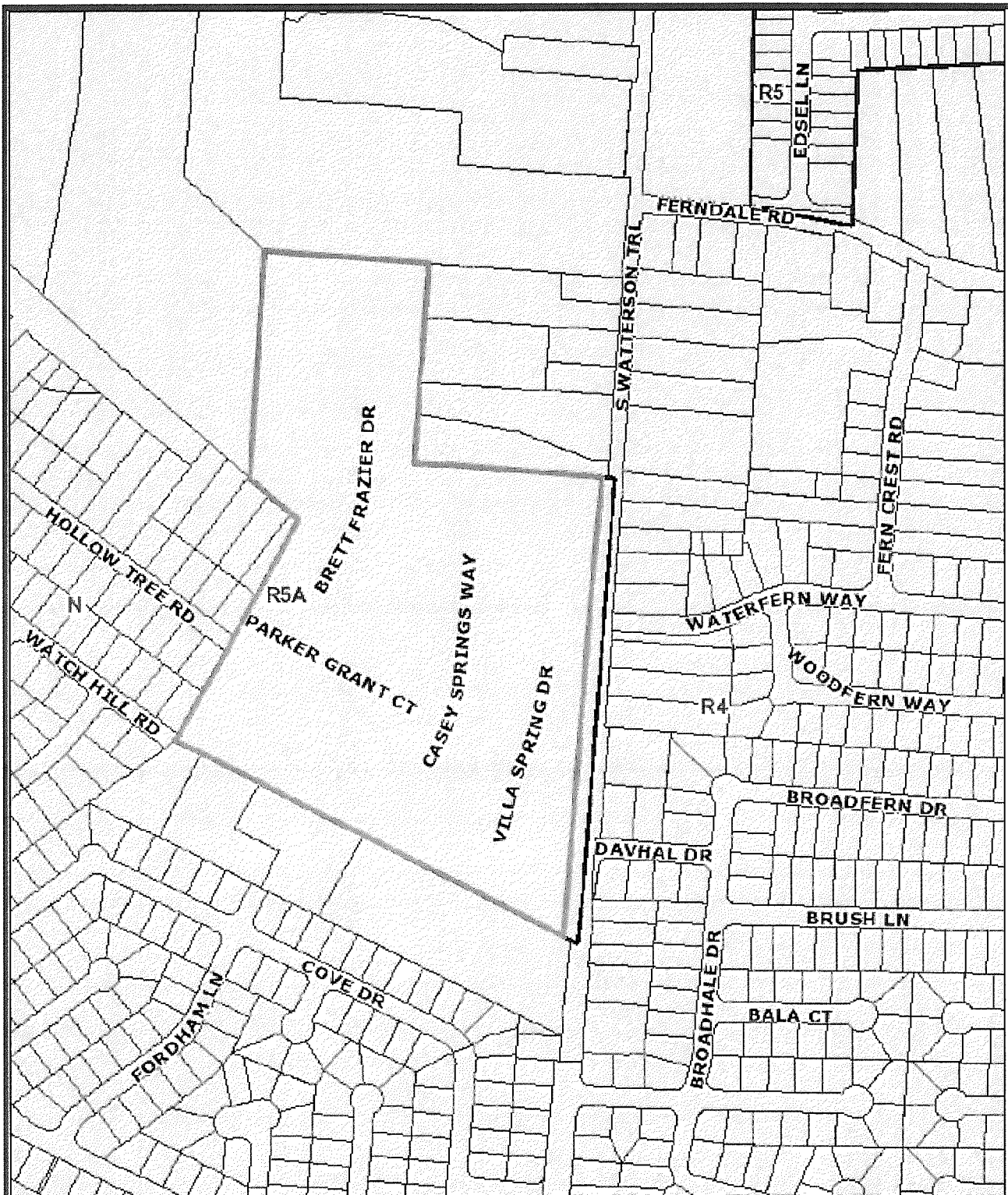
Required actions

- **RECOMMEND** to the legislative council of Louisville Metro government that the change in zoning from R-5A, Multi-Family Residential, to PRD, Planned Residential Development, on property described in the attached legal description, be **APPROVED** or **DENIED**
- **GRANT** or **DENY** the **Sidewalk Waiver** of Chapter 5.8.1. of the Land Development Code to waive the requirement for sidewalks to be constructed along S Watterson Trl adjacent to the subject site
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** and **Major Preliminary Subdivision Plan** and adopt the changes to binding elements listed in the staff report.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements, 9-38-01
4. Proposed Changes to Binding Elements
5. Cornerstone 2020 Staff Checklist

1. Zoning Map



Spring Villa



LOUISVILLE OFFICE OF INFRASTRUCTURE AND COMMUNITY DEVELOPMENT
100 BRYANT STREET, SUITE 200
LOUISVILLE, KY 40202
502.574.1100
WWW.LOUISSVILLEKY.GOV



Plot Date: 6/21/2013

2. Aerial Photograph



Spring Villa



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Plot Date: 8/21/2013

3. Existing Binding Elements, 9-38-01

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 density of the development shall not exceed 4.68 dwelling units per acre (172 units on 36.78 acres).
3. A signature entrance may be provided at the main entrance(s) in accordance with Section 9.1.A of the Louisville and Jefferson County Development Code. Any freestanding signs in accordance with the parkway designation standards and Article 11 of the Louisville and Jefferson County Development Code may be approved by Planning Commission staff.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. The existing access point to the site is to be closed and access to the site be made from the new curb-cuts as shown on the development plan.
6. 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.
7. 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.
8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
9. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection areas beyond what is outlined under Binding Element No. 10 below shall require notification of adjoining property owners and LD&T action.
10. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:

- A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation within them. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, except for work required in utility easements by the appropriate public utility.
 - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 - C. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
 - D. No parking, material storage or construction activities are permitted within the WPAs.
11. 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 the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat shall be recorded consolidating the property into one lot and dedicating 40 feet of right-of-way to Watterson Trail. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 12. 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.
 13. 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.
 14. 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.

15. 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.
16. The development shall be constructed as a condominium regime under authority of the Kentucky Horizontal Property Statute.
17. All improvements along Watterson Trail as required by Jefferson County Public Works and Transportation shall be completed prior to the applicant requesting a certificate of occupancy.
18. Street lights shall be of the typical kind supplied by LG&E for residential subdivisions. All other types of lighting shall be directed down and away from surrounding single-family residential properties.
19. A mixture of evergreen and deciduous trees shall be provided along the perimeter of the site to supplement the existing vegetation to be preserved. Evergreen trees spaced 15 feet on center shall be planted along the perimeter where the proposed development is in close proximity to existing residences and as shown on the rendered concept plan presented at the March 21, 2002 public hearing.
20. The subject property frontage along Watterson Trail shall include landscaping treatments, including variable berm, four-board horse fence and trees, as depicted on the colored site plan and rendering presented at the public hearing on March 21, 2002.
21. Street trees shall be planted throughout the condominium community in accordance with the colored site plan presented at the public hearing on March, 21, 2002.
22. The property owner/developer shall construct buildings that are substantially all brick, except for minor accent treatments of other building materials. Buildings shall look substantially similar to renderings and floor plans introduced at the public hearing on March 21, 2002
23. No building that contains a walkout basement shall exceed one-story in height.

4. Proposed Changes to Binding Elements

2. The density of the development shall not exceed ~~4.68~~ **5.80** dwelling units per acre (172 units on ~~36.78~~ **29.66** acres).
3. A signature entrance may be provided at the main entrance(s) in accordance with ~~Section 9.1.A of the Louisville and Jefferson County Land Development Code~~. Any freestanding signs in accordance with the parkway designation standards and ~~Article 14 of the Louisville and Jefferson County Land Development Code~~ may be approved by Planning Commission staff.
11. 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 the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~
The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

- b. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~

The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- c. ~~A minor plat shall be recorded consolidating the property into one lot and dedicating 40 feet of right of way to Watterson Trail. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~

24. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded within one year of approval of this rezoning case number 13ZONE1015.

5. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	√	The proposed PRD zoning district supports a mix of housing choices and densities in the neighborhood.
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 proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
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.	√	Building design and materials will be similar to existing houses in the development to be compatible with the neighborhood.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	√	The majority of the streets on this site appear to have been constructed and sidewalks are provided throughout the development to enhance pedestrian connectivity.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	√	The proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is not for mixed use or non-residential uses.
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 proposed PRD zoning district encourages a compact development pattern and efficient land use pattern.
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 proposal for residential uses is compatible with the surrounding residential uses in the neighborhood.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not in a center and only permits residential uses.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	The proposal is not for mixed use.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The site is not located in an activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal would not have non-residential outlots.
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is not for a large development.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	√	Connections or stubs to adjacent properties are provided where possible to encourage cross access and support the development of adjacent lands.
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 are provided and would allow for extensions to adjacent developments.
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.	√	Parking is designed to balance safety, traffic and pedestrian considerations, and Metro Transportation Planning has approved the preliminary development plan.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	√	Sidewalks are provided throughout the development to enhance pedestrian connectivity.
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 proposed PRD zoning district constitutes a reduction in density, which will generally be compatible with the scale and site design of nearby existing residential developments.
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.)	√	Building design and materials will be similar to existing houses in the development to be compatible with the neighborhood.
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.	+/-	Building design and materials will be similar to existing houses in the development to be compatible with the neighborhood. Landscape buffering and screening above and beyond requirements of the Land Development Code were required with the previous rezoning on the site. These buffers and screening should be maintained or demonstrate a similar protection is being provided.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposed change in zoning constitutes a reduction in density which will have a net reduction in its effect on traffic in the 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.	√	Light trespass requirements of the Land Development Code will adequately mitigate adverse impacts of lighting.
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 PRD zoning district encourages affordable and inclusive housing. The proposal meets at least two of the five criteria required by the PRD zoning district.
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 proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	√	The proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	√	The proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
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.	+/-	Landscape buffering and screening above and beyond requirements of the Land Development Code were required with the previous rezoning on the site. These buffers and screening should be maintained or demonstrate a similar protection is being provided.
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.	+/-	Landscape buffering and screening above and beyond requirements of the Land Development Code were required with the previous rezoning on the site. These buffers and screening should be maintained or demonstrate a similar protection is being provided.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks, lot dimensions and building heights of will be compatible with nearby developments.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 requirements of the Land Development Code are provided on the site to meet the needs of the community.
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.	√	Open space requirements of the Land Development Code are provided on the site to meet the needs of the community.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.
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.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.
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.	√	Staff of Historic Preservation has reviewed the preliminary development plan and found that the proposed zoning change will not affect any known cultural or historic resources.
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.	√	The Metropolitan Sewer District has approved the preliminary development plan, indicating that the development will avoid unstable soils with the potential for severe erosion.
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.	√	Metro Transportation Planning and the Metropolitan Sewer District have stamped the preliminary development plan, indicating that all necessary improvements to public facilities have been made and will be provided with development of the property.
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.	√	Connections or stubs to adjacent properties have been provided where possible to encourage cross access and support the development of adjacent lands.
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.	√	Metro Transportation Planning and the Metropolitan Sewer District have stamped the preliminary development plan, indicating that all necessary improvements to public facilities have been made and will be provided with development of the property.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	√	Connections or stubs to adjacent properties have been provided where possible to encourage cross access and support the development of adjacent lands.
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 primary access is proposed from S Watterson Trail where it will not create a nuisance to other residential uses in the neighborhood.
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.	√	Connections or stubs to adjacent properties have been provided where possible to encourage cross access and support the development of adjacent lands.
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 throughout the development to enhance pedestrian connectivity.
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.	√	The Metropolitan Sewer District has approved the preliminary development plan, indicating that development of the site will not negatively impact the floodplain.
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.	√	There do not appear to be any natural corridors for habitat or migration on the site.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	There are existing utilities in the area.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The site has existing access to an adequate supply of potable water and water for fire-fighting purposes.
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.	√	The Metropolitan Sewer District has approved the preliminary development plan, indicating that there is an adequate means of sewage treatment and disposal to protect public health and to protect water quality.

Land Development & Transportation Committee Staff Report

November 14, 2013



Case No:	13ZONE1015
Project Name:	Spring Villa
Location:	Multiple addresses on S Watterson Trl, Villa Spring Dr, Parker Grant Ct, and Brett Frazier Dr.
Parcel ID:	0637-0004-0000
Owner(s):	Citizens Union Bank
Applicant:	Citizens Union Bank
Representative(s):	Bill Bardenwerper Mindel, Scott & Associates, Inc.
Project Area/Size:	36.9 Acres
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Joseph Reverman, AICP, Planning Supervisor

REQUEST

- Change in Zoning from R-5A, Multi-Family Residential, to PRD, Planned Residential Development District
- Revised Detailed District Development Plan
- Major Preliminary Subdivision Plan
 - Sidewalk Waiver of Chapter 5.8.1. of the Land Development Code to waive the requirement for sidewalks to be constructed along S Watterson Trl adjacent to the subject site

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located on the west side of Watterson Trail, south of Ferndale Rd.

Existing Zoning District: R-5A, Single Family Residential

Proposed Zoning District: PRD, Planned Residential Development District

Existing Form District: N, Neighborhood

Existing Use: Multi-Family

Proposed Use: Single Family Residential

Minimum Parking Spaces Required:

Maximum Parking Spaces Allowed:

Parking Spaces Proposed:

The proposal is to change the zoning from R-5A, Multi-Family Residential, To PRD, Planned Residential Development District, and construct single family, detached houses with 172 buildable lots and 8 non-buildable lots.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Multi-Family Residential	R-5A	Neighborhood
Proposed	Single Family Residential	PRD	Neighborhood
Surrounding Properties			
North	Commercial	C-1	Suburban Marketplace Corridor
South	E.P Tom Sawyer Park	R-4	Campus
East	Church	R-4	Neighborhood
West	Single Family Residential	R-5	Neighborhood

PREVIOUS CASES ON SITE

9-38-01

Rezoning from R-4 to R-5A for 172 detached dwelling units. This rezoning was heard by the Planning Commission at a night hearing. An RDDDP was approved in 2005 concerning decks on the backs of some units. Some decks were apparently constructed within a 50 ft property perimeter LBA. The plan that was ultimately approved had no encroachments into this 50 ft LBA.

INTERESTED PARTY COMMENTS

Staff has received concerns from nearby property owners regarding:

- Encroachments into the 50 ft LBA that was agreed to with the previous rezoning, docket # 9-38-01.
- Traffic along S Watterson Trail
- Maintaining the existing Woodland Protection Area (WPA)
- Connections to adjacent properties

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

The Revised Detailed District Development Plan and Preliminary Subdivision Plan has received preliminary approvals from the Metropolitan Sewer District (MSD) and Metro Public Works.

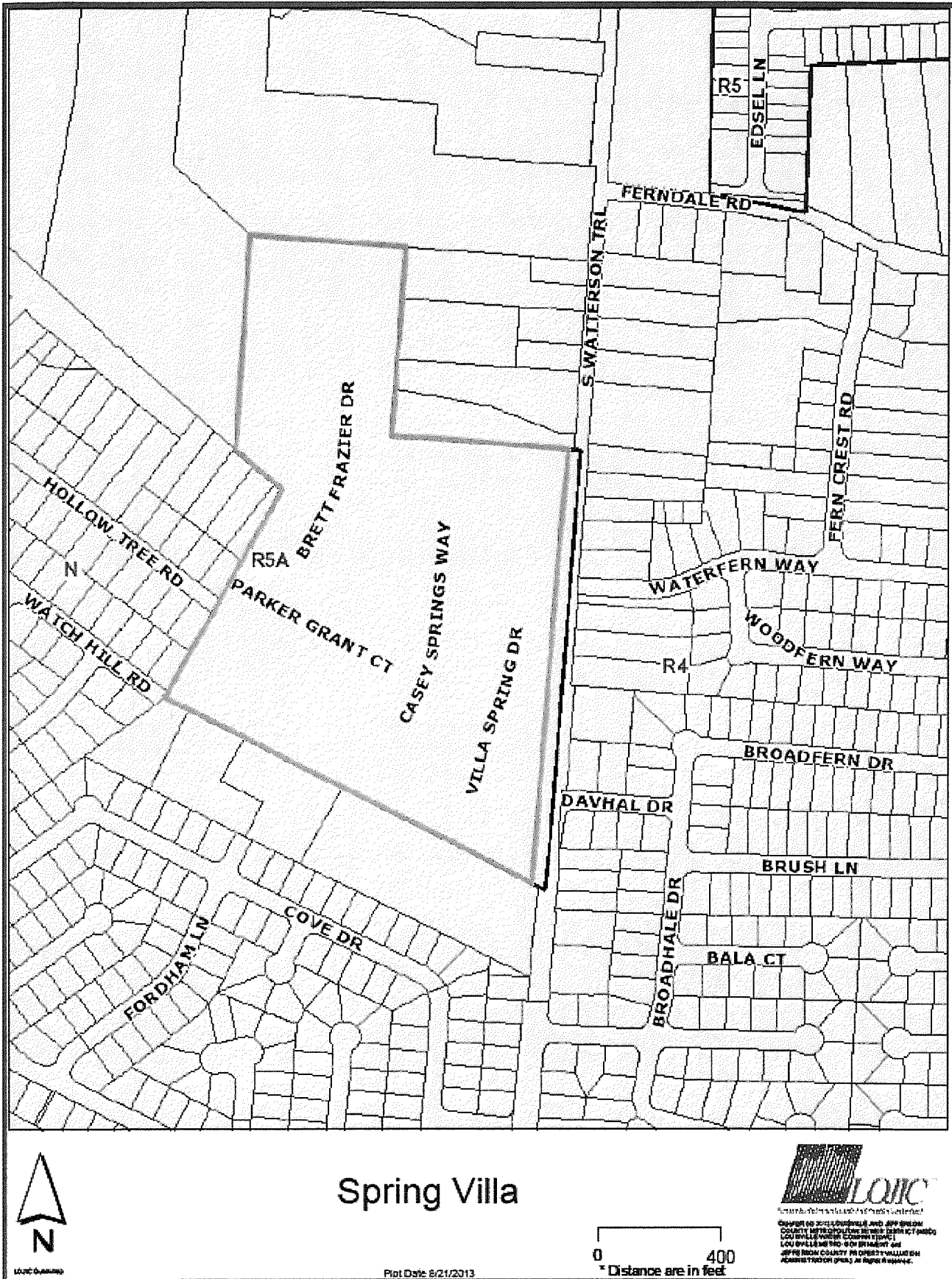
The proposal shows the same number of unites approved with the rezoning under docket number 9-38-01.

The applicant is requesting to reduce the 50 ft LBA shown on the previous approved development plan along a portion of the perimeter of the site to 30 feet.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements, 9-38-01

1. Zoning Map



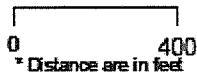
2. Aerial Photograph



Spring Villa



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Plot Date: 8/21/2013

3. **Existing Binding Elements, 9-38-01**

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 density of the development shall not exceed 4.68 dwelling units per acre (172 units on 36.78 acres).
3. A signature entrance may be provided at the main entrance(s) in accordance with Section 9.1.A of the Louisville and Jefferson County Development Code. Any freestanding signs in accordance with the parkway designation standards and Article 11 of the Louisville and Jefferson County Development Code may be approved by Planning Commission staff.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. The existing access point to the site is to be closed and access to the site be made from the new curb-cuts as shown on the development plan.
6. 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.
7. 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.
8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
9. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection areas beyond what is outlined under Binding Element No. 10 below shall require notification of adjoining property owners and LD&T action.
10. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:

- A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation within them. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, except for work required in utility easements by the appropriate public utility.
 - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 - C. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
 - D. No parking, material storage or construction activities are permitted within the WPAs.
11. 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 the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat shall be recorded consolidating the property into one lot and dedicating 40 feet of right-of-way to Watterson Trail. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 12. 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.
 13. 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.
 14. 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.

15. 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.
16. The development shall be constructed as a condominium regime under authority of the Kentucky Horizontal Property Statute.
17. All improvements along Watterson Trail as required by Jefferson County Public Works and Transportation shall be completed prior to the applicant requesting a certificate of occupancy.
18. Street lights shall be of the typical kind supplied by LG&E for residential subdivisions. All other types of lighting shall be directed down and away from surrounding single-family residential properties.
19. A mixture of evergreen and deciduous trees shall be provided along the perimeter of the site to supplement the existing vegetation to be preserved. Evergreen trees spaced 15 feet on center shall be planted along the perimeter where the proposed development is in close proximity to existing residences and as shown on the rendered concept plan presented at the March 21, 2002 public hearing.
20. The subject property frontage along Watterson Trail shall include landscaping treatments, including variable berm, four-board horse fence and trees, as depicted on the colored site plan and rendering presented at the public hearing on March 21, 2002.
21. Street trees shall be planted throughout the condominium community in accordance with the colored site plan presented at the public hearing on March, 21, 2002.
22. The property owner/developer shall construct buildings that are substantially all brick, except for minor accent treatments of other building materials. Buildings shall look substantially similar to renderings and floor plans introduced at the public hearing on March 21, 2002
23. No building that contains a walkout basement shall exceed one-story in height.

Change in Zoning Pre-Application Staff Report

August 22, 2013



Case No:	13ZONE1015
Project Name:	Spring Villa
Location:	Multiple addresses on S Watterson Trl, Villa Spring Dr, Parker Grant Ct, and Brett Frazier Dr.
Parcel ID:	0637-0004-0000
Owner(s):	Citizens Union Bank
Applicant:	Citizens Union Bank
Representative(s):	Bill Bardenwerper Mindel, Scott & Associates, Inc.
Project Area/Size:	36.9 Acres
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Joseph Reverman, AICP, Planning Supervisor

REQUEST

- Change in Zoning from R-5A, Multi-Family Residential, to PRD, Planned Residential Development District
- Revised Detailed District Development Plan
- Major Preliminary Subdivision Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located on the west side of Watterson Trail, south of Ferndale Rd.

Existing Zoning District: R-5A, Single Family Residential
 Proposed Zoning District: PRD, Planned Residential Development District
 Existing Form District: N, Neighborhood
 Existing Use: Multi-Family
 Proposed Use: Single Family Residential
 Minimum Parking Spaces Required:
 Maximum Parking Spaces Allowed:
 Parking Spaces Proposed:

The proposal is to change the zoning from R-5A, Multi-Family Residential, To PRD, Planned Residential Development District, and construct single family, detached houses with 173 buildable lots and 6 non-buildable lots.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Multi-Family Residential	R-5A	Neighborhood
Proposed	Single Family Residential	PRD	Neighborhood
Surrounding Properties			
North	Commercial	C-1	Suburban Marketplace Corridor
South	E.P Tom Sawyer Park	R-4	Campus
East	Church	R-4	Neighborhood
West	Single Family Residential	R-5	Neighborhood

PREVIOUS CASES ON SITE

9-38-01

Rezoning from R-4 to R-5A for 172 detached dwelling units. This rezoning was heard by the Planning Commission at a night hearing after a petition was received. An RDDDP was approved in 2005 concerning decks on the backs of some units. Some decks were apparently constructed within a 50 ft property perimeter LBA. The plan that was ultimately approved had no encroachments into this 50 ft LBA.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR PREZONINGS

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

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

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The site is located on the west side of Watterson Trail, south of Ferndale Rd. The site is entirely surrounded by R-4 zoned residential properties. The site was previously rezoned from R-4 to R-5A in 2001-2002 for a similar style development. The proposal to rezone the site to PRD, Planned Residential Development, would constitute a decrease in the allowable density from 12.01 to 7.26 dwellings per acre. It appears that many of the streets previously proposed have been constructed on the site, and approximately 20% of the units have also been constructed. While the site has been partially constructed, the new proposal should demonstrate how it will comply with **Guideline 3, Compatibility**. Building design and materials should be compatible with existing residential uses in the neighborhood. Landscape buffering and screening above and beyond requirements of the Land Development Code were required with the previous rezoning on the site. These buffers and screening should be maintained or demonstrate a similar protection is being provided. The PRD zoning district encourages affordable and inclusive housing. The justification for the zoning change should address how the proposal complies with housing elements of the Comprehensive Plan.

There appear to be some minor changes to the proposed street network from the previous approved development plan. **Guideline 7, Circulation**, and **Guideline 8, Transportation Facility Design** encourage connections to adjacent properties where appropriate to reduce traffic on the main thoroughfare. Connections or stubs to adjacent properties should be provided where possible to encourage cross access and support the development of adjacent lands. Also, sidewalks should be provided throughout the development to enhance pedestrian connectivity.

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

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

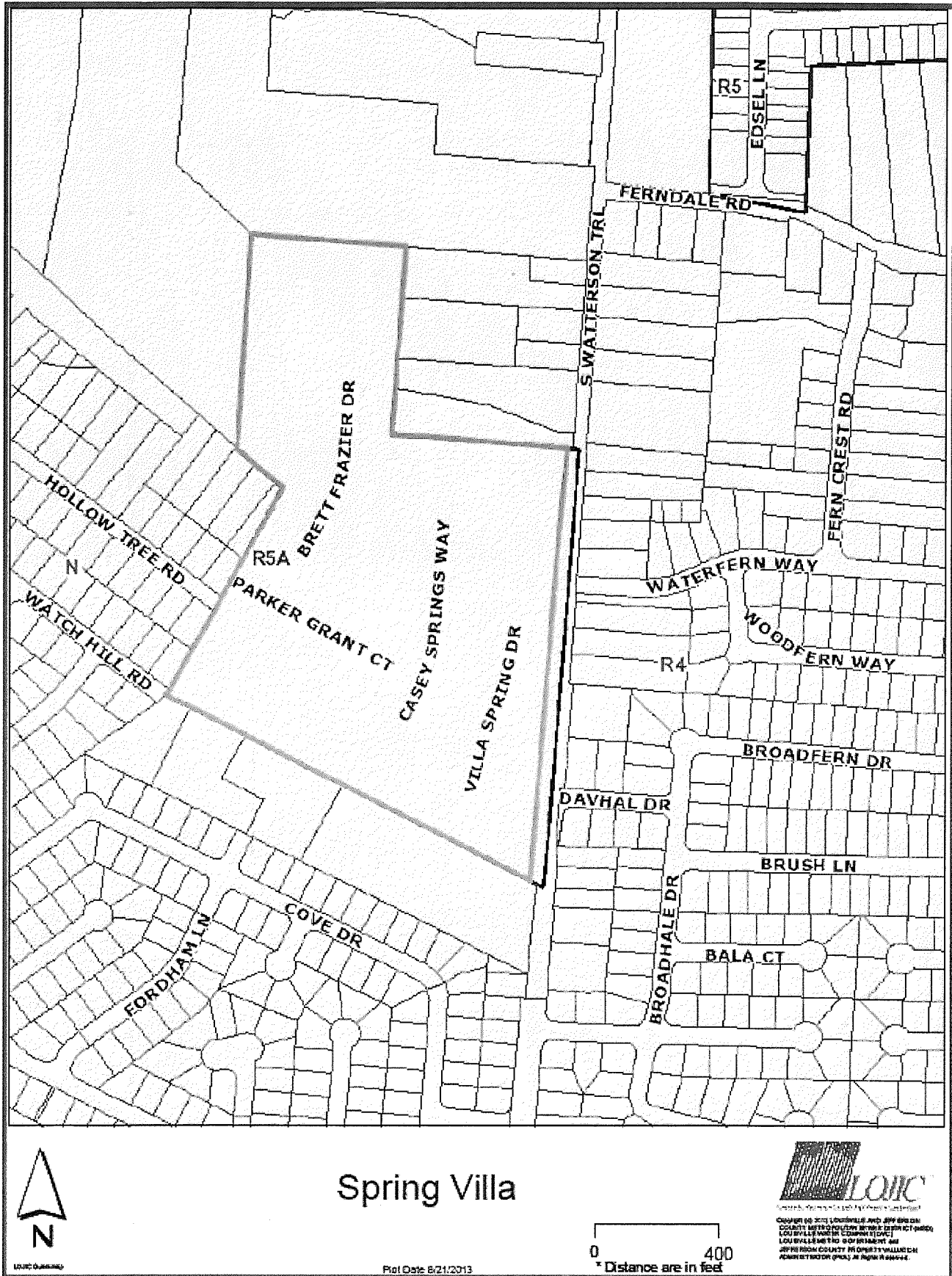
TECHNICAL REVIEW

Please refer to agency comments for development plan review comments and requirements of the Land Development Code specific to the Detailed District Development Plan proposed with this change in zoning.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements, 9-38-01

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	√	The proposed PRD zoning district supports a mix of housing choices and densities in the neighborhood.
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 proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
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.	+/-	Building design and materials should be compatible with existing residential uses in the neighborhood.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	+/-	The majority of the streets on this site appear to have been constructed. Sidewalks should be provided throughout the development to enhance pedestrian connectivity.
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.	√	The proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is not for mixed use or non-residential uses.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposed PRD zoning district encourages a compact development pattern and efficient land use pattern.
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 proposal for residential uses is compatible with the surrounding residential uses in the neighborhood.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not in a center and only permits residential uses.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	The proposal is not for mixed use.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The site is not located in an activity center.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal would not have non-residential outlots.
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is not for a large development.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	+/-	Connections or stubs to adjacent properties should be provided where possible to encourage cross access and support the development of adjacent lands.
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.	+/-	Existing and proposed utility easement should be shown on the 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.	+/-	Comments from Metro Transportation Planning should be addressed to demonstrate that parking is designed to balance safety, traffic and pedestrian considerations.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	+/-	Sidewalks should be provided throughout the development to enhance pedestrian connectivity.
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 proposed PRD zoning district constitutes a reduction in density, which will generally be compatible with the scale and site design of nearby existing residential developments.

#	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.)	+/-	Building design and materials should be compatible with existing residential uses in the neighborhood
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.	+/-	Building design and materials should be compatible with existing residential uses in the neighborhood. Landscape buffering and screening above and beyond requirements of the Land Development Code were required with the previous rezoning on the site. These buffers and screening should be maintained or demonstrate a similar protection is being provided.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposed change in zoning constitutes a reduction in density which will have a net reduction in its effect on traffic in the 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.	√	Light trespass requirements of the Land Development Code will adequately mitigate adverse impacts of lighting.
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 PRD zoning district encourages affordable and inclusive housing. The justification for the zoning change should address how the proposal complies with housing elements of the Comprehensive Plan.
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 proposed change in zoning constitutes a reduction in density which will have limited impact on adjacent residential uses.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	+/-	The PRD zoning district encourages affordable and inclusive housing. The justification for the zoning change should address how the proposal complies with housing elements of the Comprehensive Plan.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	+/-	The PRD zoning district encourages affordable and inclusive housing. The justification for the zoning change should address how the proposal complies with housing elements of the Comprehensive Plan.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	+/-	Landscape buffering and screening above and beyond requirements of the Land Development Code were required with the previous rezoning on the site. These buffers and screening should be maintained or demonstrate a similar protection is being provided.
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.	+/-	Landscape buffering and screening above and beyond requirements of the Land Development Code were required with the previous rezoning on the site. These buffers and screening should be maintained or demonstrate a similar protection is being provided.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks, lot dimensions and building heights of will be compatible with nearby developments.
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.	+/-	The PRD requires permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.
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.	+/-	The PRD requires permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.
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.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.
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.	√	Staff of Historic Preservation has reviewed the preliminary development plan and found that the proposed zoning change will not affect any known cultural or historic resources.
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.	+/-	Comments from the Metropolitan Sewer District need to be addressed to demonstrate that development will avoid unstable soils with the potential for severe erosion.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	+/-	Comments from Metro Transportation Planning and the Metropolitan Sewer District need to be addressed to demonstrate that all necessary improvements to public facilities have been made and will be provided with development of the property.
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.	+/-	Connections or stubs to adjacent properties should be provided where possible to encourage cross access and support the development of adjacent lands.
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.	+/-	Comments from Metro Transportation Planning and the Metropolitan Sewer District need to be addressed to demonstrate that all necessary improvements to public facilities have been made and will be provided with development of the property.
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.	+/-	Connections or stubs to adjacent properties should be provided where possible to encourage cross access and support the development of adjacent lands.
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 primary access is proposed from S Watterson Trail where it will not create a nuisance to other residential uses in the neighborhood.
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.	+/-	Connections or stubs to adjacent properties should be provided where possible to encourage cross access and support the development of adjacent lands.
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 should be provided throughout the development to enhance pedestrian connectivity.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	Comments from the Metropolitan Sewer need to be addressed to demonstrate that development of the site will not negatively impact the floodplain.
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.	√	There do not appear to be any natural corridors for habitat or migration on the site.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	+/-	Existing and proposed utility easement should be shown on the plan that allow for appropriate connections to adjacent properties.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The site has existing access to an adequate supply of potable water and water for fire-fighting purposes.
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.	+/-	Comments from the Metropolitan Sewer need to be addressed to demonstrate that there is an adequate means of sewage treatment and disposal to protect public health and to protect water quality.

4. Existing Binding Elements, 9-38-01

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 density of the development shall not exceed 4.68 dwelling units per acre (172 units on 36.78 acres).
3. A signature entrance may be provided at the main entrance(s) in accordance with Section 9.1.A of the Louisville and Jefferson County Development Code. Any freestanding signs in accordance with the parkway designation standards and Article 11 of the Louisville and Jefferson County Development Code may be approved by Planning Commission staff.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. The existing access point to the site is to be closed and access to the site be made from the new curb-cuts as shown on the development plan.

6. 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.
7. 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.
8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
9. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection areas beyond what is outlined under Binding Element No. 10 below shall require notification of adjoining property owners and LD&T action.
10. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
 - A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation within them. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, except for work required in utility easements by the appropriate public utility.
 - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 - C. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
 - D. No parking, material storage or construction activities are permitted within the WPAs.
11. 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 the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat shall be recorded consolidating the property into one lot and dedicating 40 feet of right-of-way to Watterson Trail. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. The development shall be constructed as a condominium regime under authority of the Kentucky Horizontal Property Statute.
 17. All improvements along Watterson Trail as required by Jefferson County Public Works and Transportation shall be completed prior to the applicant requesting a certificate of occupancy.
 18. Street lights shall be of the typical kind supplied by LG&E for residential subdivisions. All other types of lighting shall be directed down and away from surrounding single-family residential properties.
 19. A mixture of evergreen and deciduous trees shall be provided along the perimeter of the site to supplement the existing vegetation to be preserved. Evergreen trees spaced 15 feet on center shall be planted along the perimeter where the proposed development is in close proximity to existing residences and as shown on the rendered concept plan presented at the March 21, 2002 public hearing.
 20. The subject property frontage along Watterson Trail shall include landscaping treatments, including variable berm, four-board horse fence and trees, as depicted on the colored site plan and rendering presented at the public hearing on March 21, 2002.

21. Street trees shall be planted throughout the condominium community in accordance with the colored site plan presented at the public hearing on March, 21, 2002.
22. The property owner/developer shall construct buildings that are substantially all brick, except for minor accent treatments of other building materials. Buildings shall look substantially similar to renderings and floor plans introduced at the public hearing on March 21, 2002
23. No building that contains a walkout basement shall exceed one-story in height.