

Land Development & Transportation
Staff Report
June 27, 2019

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MSD to
revise
sewer*



Case No:	18ZONE1071
Project Name:	6875 S. Hurstbourne Parkway
Location:	6875 S. Hurstbourne Parkway
Owner(s):	Cayman Investments, LLC
Applicant:	Cayman Investments, LLC
Representative(s):	QK4
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden 24 – Madonna Flood
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4 & ~~R-5~~ ^{R-6}, Single-family Residential to R-6, Multi-family Residential and CN, Commercial-Neighborhood
- **Detailed District Development Plan**

Multi-
** Add BE for 199 units cap until connection to Down is made*

CASE SUMMARY

A mixed-use development is proposed roughly 1 mile southwest of Bardstown Road along S. Hurstbourne Parkway. The subject property abuts R-4 and R-6 zoning districts. The proposed CN district will front S. Hurstbourne Parkway and share access with the multi-family district. The CN district is a low intensity, neighborhood serving district “intended as a specialized district for the location of convenience services near the neighborhoods they are intended to serve.” The R-6 district allows for a maximum of 17.42 dwelling units per acre or 360 dwellings across the development site.

STAFF FINDING

The proposal is in order and ready for the next available Public Hearing before the Planning Commission.

TECHNICAL REVIEW

- Renderings will be required prior to the issuance of any permit for site disturbance. A binding element has been added to accommodate this need.

The subject site is located in the Highview Neighborhood Plan area.

Applicable guidelines are listed below:

- **LU2: Establish a Network of Strategic Neighborhood Activity Centers/Nodes.**
Existing areas with a cluster of commercial uses have been identified as future Neighborhood Nodes as seen in Figure 3.4. These nodes are the preferred location for future medium to high density development. Other compatible uses that are also appropriate for the Neighborhood Nodes include office, civic, open space, and higher density residential. The scale and character of future development should fit within the existing character and be neighborhood serving. Neighborhood Nodes should be: centered around a defined intersection; have finite boundaries with appropriate transition to surrounding neighborhoods, and; be walkable in size—generally

defined as a ¼ mile from edge to edge (See CF2 for design guidelines for Neighborhood Nodes).

- **LU6: Limit Future Commercial Zoning within the Town Center and Neighborhood Activity Centers/Nodes.**

To preserve and protect the existing neighborhood character, future commercial development should be limited to the Town Center and limited within Neighborhood Activity Centers/Nodes as illustrated in red circles in Figure 3.7. Concentrating commercial development helps build a critical mass that is beneficial to both the commercial uses and preserving the character of the remainder of the neighborhood by limiting potential expansion of fragmented incompatible uses.

- **CF3: Incorporate Design Principles for New Development/**

Redevelopment of Multi-Family Residential to ensure a high-quality of multi-family development in Highview, design guidelines should be developed and adopted for all multi-family development. The design guidelines should incorporate the following design elements:

- New multi-family development should be designed to a scale (both height and mass) to be cohesively integrated into the surrounding existing development.
 - Small sites should act as infill development and focus on design over density
 - Medium-scaled sites should take advantage of opportunities for a variety of housing types and options
 - Larger sites should provide a range of housing types with a centralized common open space or focal point, interconnected system to streets, sidewalks and paths to create a neighborhood feel
 - New development should connect to surrounding neighborhoods through an integrated car, bike and pedestrian network with adequate and appropriately sited parking (i.e., not located between a building and public street).
 - Both public and private open spaces (scaled appropriately for the design of the development) should be incorporated into the design. The orientation of buildings around common spaces should also be designed to face the public space or streets.
 - Landscaping treatments, including trees, planting and other treatments, should be incorporated throughout the development with utilities and service structures screened from view.
 - The architectural design of new multi-family developments should vary to create interest rather than duplicating the same facade or building design in a continuous row or in multiple locations. The scale of buildings should be pedestrian-friendly and highlight the entry to individual units. The buildings should have proportions and massing that creates a higher-density residential neighborhood (compared to a large apartment building with large parking lot). High-quality and durable materials, such as brick, stone, etc., should be used in all multi-family developments and changes in colors and materials should be encouraged.
- **M6: Develop a network of neighborhood travelways that allow for residents to ride their bikes or go for walks, instead of simply driving through their neighborhoods.**

Figure 3.12 identifies areas where Neighborhood bikeways/walkways are recommended in the Highview area. If designed correctly, these Neighborhood Travelways can serve as important connections to destinations such as transit, schools, and parks, but they can also promote healthy lifestyles by providing facilities for residents to walk and bike for exercise and recreational purposes. The proposed routes are located on roads that have sidewalks, are low traffic volume streets, and help connect the residents to and from the north and south of the

proposed High Priority Regional Bikeway/Transit Corridor proposed by TARC and Move Louisville. There are several options for the design of these routes including the use of specialty pavement markings such as sharrows (include picture), signage, colored pavement, and other specialty treatments. The southern portion of the Highview planning area is located adjacent of the Louisville Loop project. The Louisville Loop is an estimated 100-mile trail system that is planned to encircle the city and link existing and new parks and neighborhoods. This plan recommends that a study be conducted to determine the best route and/or method for connecting the Highview planning area to the Louisville Loop project. Potential connections are shown in Figure 3.12. These routes are rural road cross-sections

- **Sustainability Principles:**

- S1 - The plan promotes distinct, livable communities with high quality of place.
- S2 - The plan promotes economic vitality of the community, stimulates quality development and job creation, business development.
- S3 - The plan supports compact development/growth in urban and neighborhood centers and where infrastructure is adequate or planned to be improved.
- S4 - The plan promotes a range of housing opportunities and choices, including affordable housing options.
- S5 -The plan promotes the preservation of open space, greenways, natural resources, and critical environmental areas.
- S6 - The plan provides for a variety of transportation/mobility choices that promote efficient use of infrastructure.
- S7 - The plan encourages connected, walkable neighborhoods that promote healthy lifestyles.
- S8 - The plan supports and encourages community collaboration in development decisions
- S9 - The plan encourages accessibility to natural features and resources
- S10 - The plan addresses consensus environmental challenges including but not limited to: air quality, tree canopy, stormwater and flooding issues and water quality.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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

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

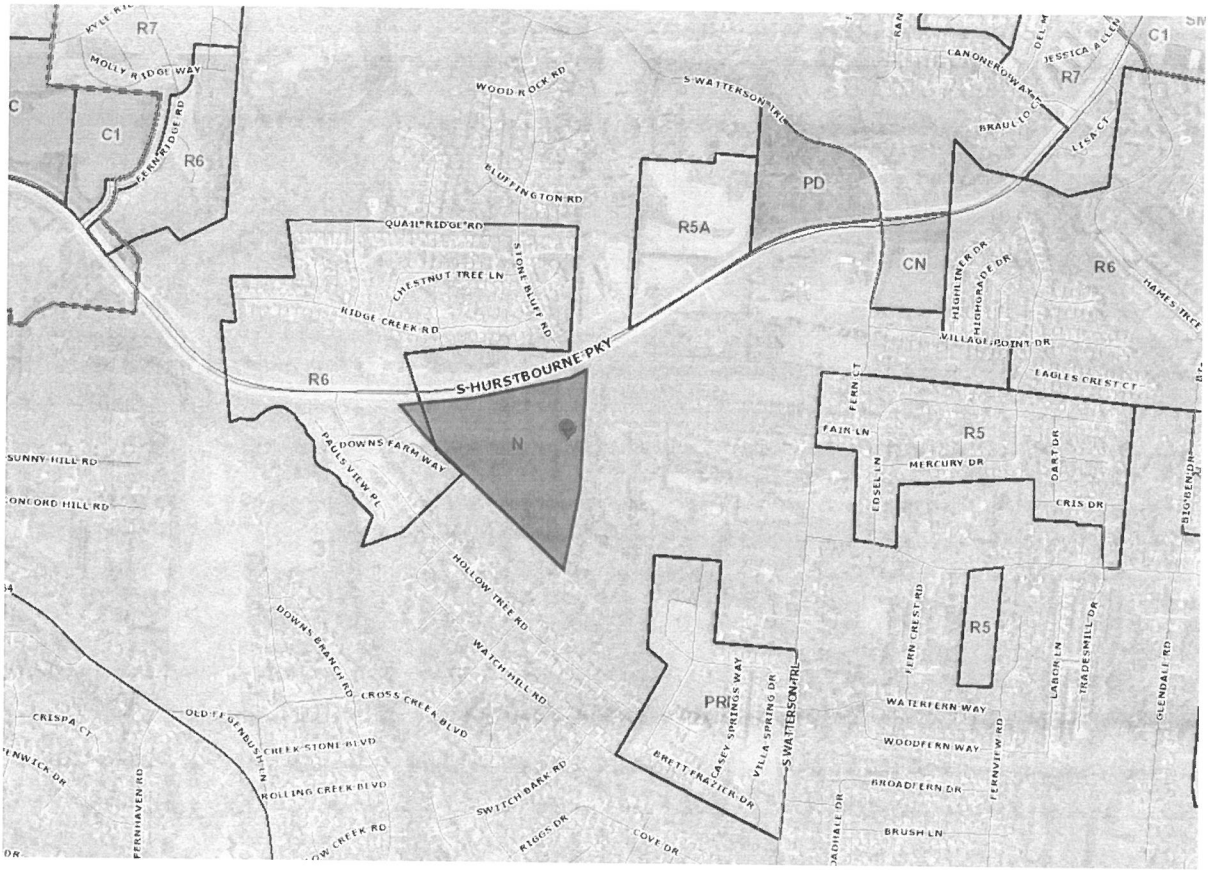
NOTIFICATION

Date	Purpose of Notice	Recipients
6/13/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 23/24
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 23/24
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

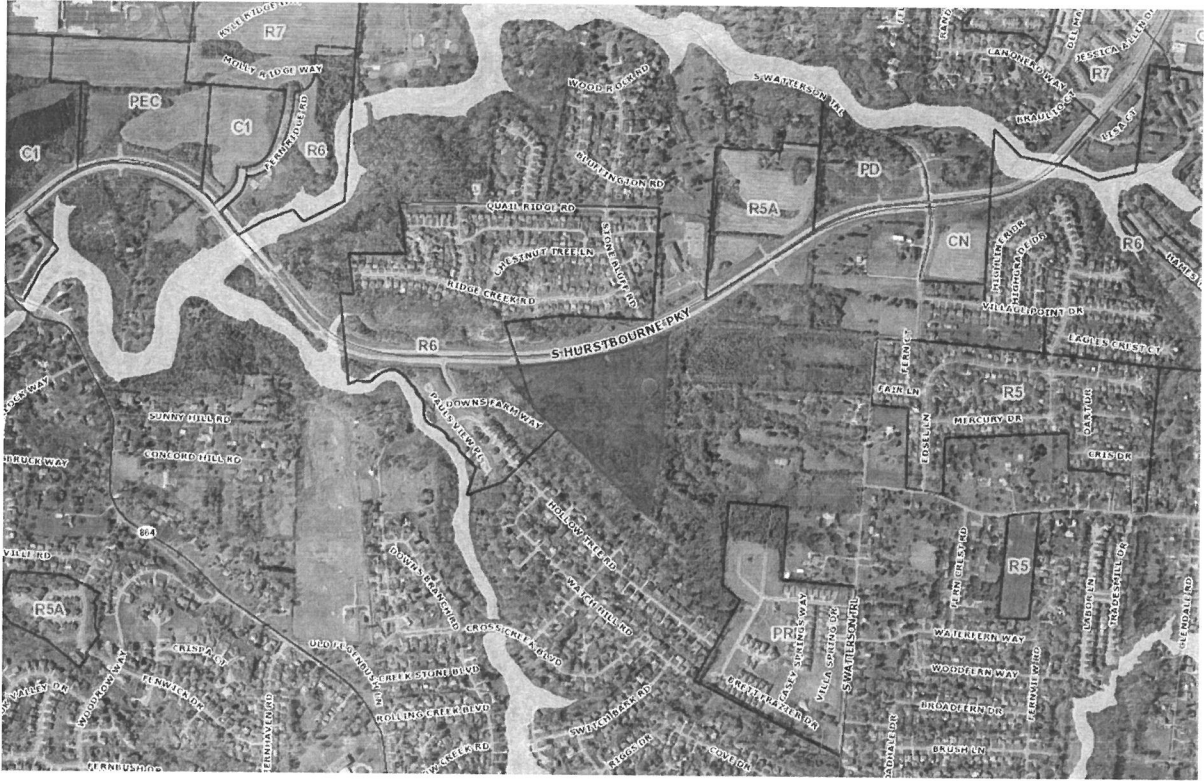
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, 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 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
 - h. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining development at 6410 Downs Farm Way/Downs Farm Place and the subject property. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
3. 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.
4. 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.
5. 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.
6. The property owner shall provide cross over access and/or private access easements upon development of those properties abutting stub roadways as shown on the approved plan

presented at the _____ meeting of the Planning Commission. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request

**Planning Commission
Staff Report
August 1, 2019**



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CASE SUMMARY

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STAFF FINDING

The proposed zoning districts conform to the land use and development policies of Plan 2040, as well as the Highview Neighborhood Plan. The proposal contains a mixture of compatible land uses that encourage vitality and a sense of place by providing a neighborhood center within close proximity to the residents it is intended to serve. It is appropriately located along an arterial roadway and transitions from commercial services to residential. The proposal supports the housing needs of Louisville Metro and allows for greater flexibility in the provisioning of housing.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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

1. The proposed form district/rezoning change complies with the applicable land use and development policies of Plan 2040; **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 Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the land use and development policies of Plan 2040:

The site is located in the Neighborhood Form District

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

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

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

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

The proposed district is appropriately located along an arterial level roadway which provides connectivity between major activity and employment centers nearby. The design and density required of the development within the neighborhood form district is compatible with adjacent uses and the classification of the roadway. The proposed activity centers includes a mixture of compatible land uses that will reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. Further, the proposal supports a mix of complementary neighborhood serving businesses and services which allows for walking between residences and commercial services. Sufficient population exists and is anticipated to support a variety of commercial uses as the second component of the development provides density to immediately serve the commercial development.

The proposed zoning districts support the creation of a variety of housing options that support aging in place as commercial uses will be provided in combination with medium- to high-density residential development. The two districts work to support each other and support those that chose to age in place which includes access to shopping and transit routes and, when possible, medical and other supportive facilities. The proposed district creates a mixed-use, connected center that encourages inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. The proposed residential district allows for medium- to high-density development to

be located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. The site lies within close proximity to GE Appliance Park and the Bardstown Road. The proposed district opens up the residential development of the site to a variety of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.

The subject site is located in the Highview Neighborhood Plan area.

Applicable guidelines are listed below:

- **LU2: Establish a Network of Strategic Neighborhood Activity Centers/Nodes.**
Existing areas with a cluster of commercial uses have been identified as future Neighborhood Nodes as seen in Figure 3.4. These nodes are the preferred location for future medium to high density development. Other compatible uses that are also appropriate for the Neighborhood Nodes include office, civic, open space, and higher density residential. The scale and character of future development should fit within the existing character and be neighborhood serving. Neighborhood Nodes should be: centered around a defined intersection; have finite boundaries with appropriate transition to surrounding neighborhoods, and; be walkable in size—generally defined as a ¼ mile from edge to edge (See CF2 for design guidelines for Neighborhood Nodes).
- **LU6: Limit Future Commercial Zoning within the Town Center and Neighborhood Activity Centers/Nodes.**
To preserve and protect the existing neighborhood character, future commercial development should be limited to the Town Center and limited within Neighborhood Activity Centers/Nodes as illustrated in red circles in Figure 3.7. Concentrating commercial development helps build a critical mass that is beneficial to both the commercial uses and preserving the character of the remainder of the neighborhood by limiting potential expansion of fragmented incompatible uses.
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Figure 3.12 identifies areas where Neighborhood bikeways/walkways are recommended in the Highview area. If designed correctly, these Neighborhood Travelways can serve as important connections to destinations such as transit, schools, and parks, but they can also promote healthy lifestyles by providing facilities for residents to walk and bike for exercise and recreational purposes. The proposed routes are located on roads that have sidewalks, are low traffic volume streets, and help connect the residents to and from the north and south of the proposed High Priority Regional Bikeway/Transit Corridor proposed by TARC and Move Louisville. There are several options for the design of these routes including the use of specialty pavement markings such as sharrows (include picture), signage, colored pavement, and other specialty treatments. The southern portion of the Highview planning area is located adjacent of the Louisville Loop project. The Louisville Loop is an estimated 100-mile trail system that is planned to encircle the city and link existing and new parks and neighborhoods. This plan recommends that a study be conducted to determine the best route and/or method for connecting the Highview planning area to the Louisville Loop project. Potential connections are shown in Figure 3.12. These routes are rural road cross-sections

- **Sustainability Principles:**

- S1 - The plan promotes distinct, livable communities with high quality of place.
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- S4 - The plan promotes a range of housing opportunities and choices, including affordable housing options.
- S5 -The plan promotes the preservation of open space, greenways, natural resources, and critical environmental areas.
- S6 - The plan provides for a variety of transportation/mobility choices that promote efficient use of infrastructure.
- S7 - The plan encourages connected, walkable neighborhoods that promote healthy lifestyles.
- S8 - The plan supports and encourages community collaboration in development decisions
- S9 - The plan encourages accessibility to natural features and resources
- S10 - The plan addresses consensus environmental challenges including but not limited to: air quality, tree canopy, stormwater and flooding issues and water quality.

The proposal complies with Guidelines LU2, LU6, CF3, and M6, as well as the sustainability principles of the Highview Neighborhood Plan. While the project is not located at a designated commercial node per the Plan, the proposed zoning district creates an appropriately located mixed-use center that fits within the scale and character of future development along major arterial roadways where the intensity transitions from high to low intensity/density moving away from the roadway or providing residential in combination with commercial. The proposal creates a commercial node within a walkable proximity where other commercial nodes may be out of an ordinary citizens walking threshold. Connections have been provided for multi-family development and no access is being created which results in multifamily users accessing the development directly from lower density residential areas as a primary means of access. The development is connected and provides for multi-modal transportation and future public service. The principles of sustainability encouraged in the Highview Plan are consistent with Plan 2040 in encouraging compact, walkable centers; limiting disturbance of sensitive environmental features; and providing open space.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: The 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 will be provided. Development within the subject site will respect 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 as the site contains steep slopes and streams that are to be minimally disturbed where necessary to facilitate development.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the proposed activity center includes a mixture of compatible land uses that will reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. Further, the proposal supports a mix of complementary neighborhood serving businesses and services which allows for safe and efficient vehicular and pedestrian transportation both within the development and the community.

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

STAFF: The proposal provides open space that helps meet the needs of the proposed development and community as tree canopy, an intermittent stream, and slopes are preserved.

- 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 development is compatible with existing and projected development of the area as the design and density required of the development within the neighborhood form district is compatible with adjacent uses and the classification of the roadway.

- 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 development plan conforms to the Comprehensive Plan as the proposed development is supported by each land use and development policy as contained in the Staff's Analysis of Plan 2040. The proposal further complies with the Highview Neighborhood Plan. Final renderings will be provided and will conform to all standards in effect for the Niehghorhood form district.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4 & R-5, Single-family Residential to R-6, Multi-family Residential and CN, Commercial-Neighborhood on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detailed District Development Plan** subject to proposed binding elements

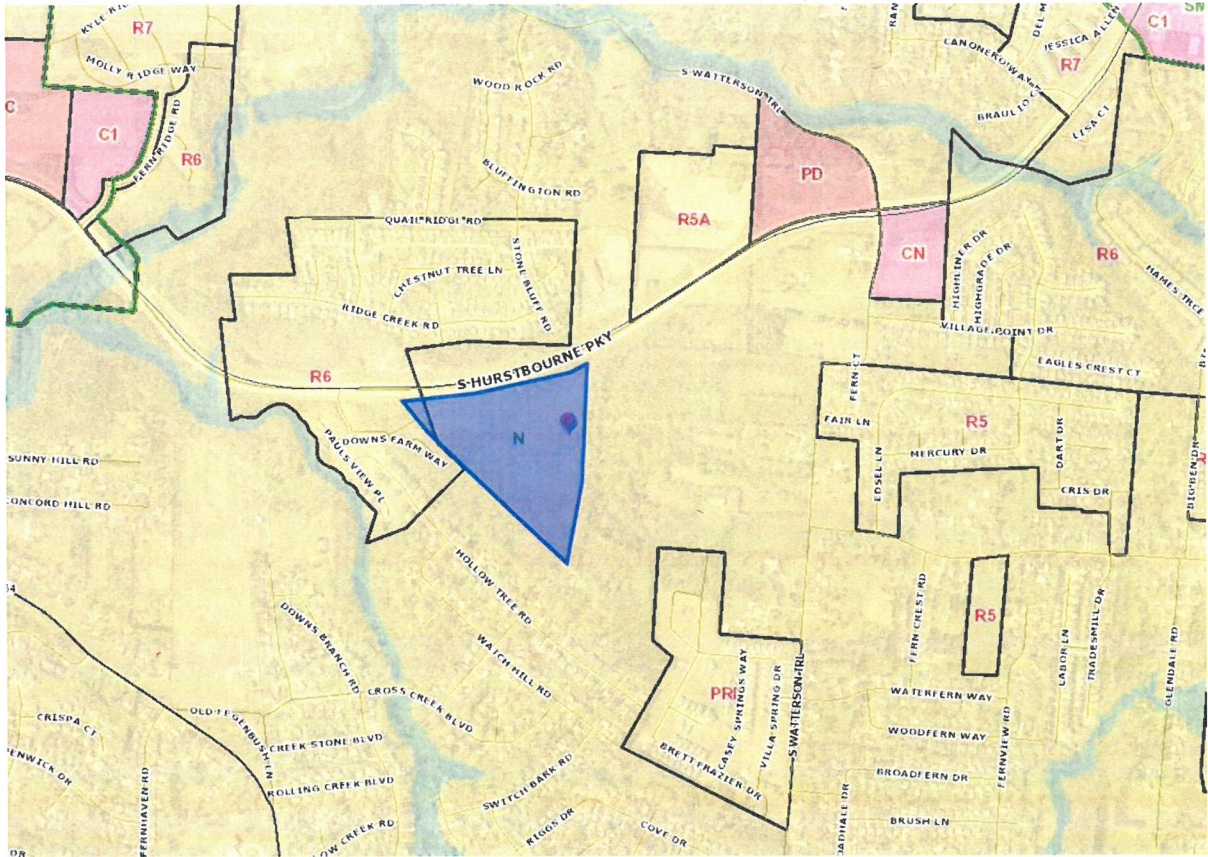
NOTIFICATION

Date	Purpose of Notice	Recipients
6/13/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 23/24
7/16/19	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 23/24
7/19/19	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

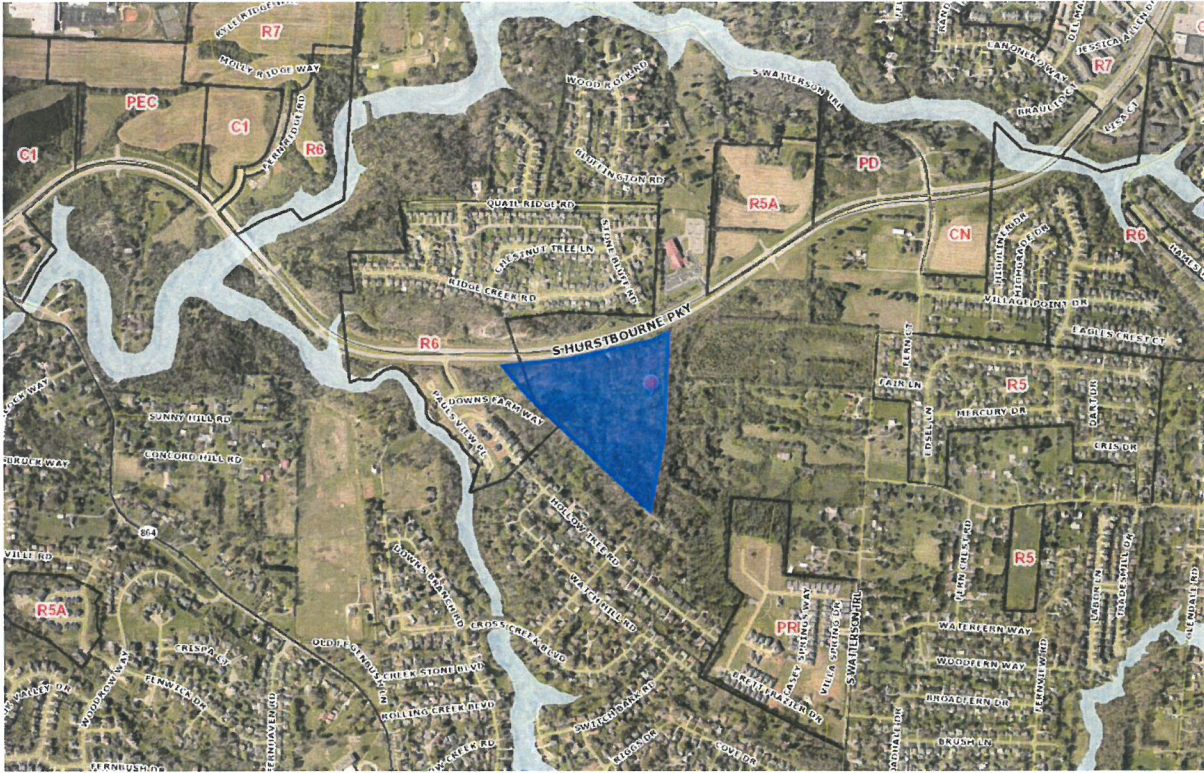
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

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

Neighborhood: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	<p>6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.</p>	✓	<p>The proposed zoning districts do not result in the encroachment of non-residential uses into a residential area as Hurstbourne Parkway is a major arterial roadway designed to handle large volumes of traffic which serve non-residential uses to support residential uses along adjoining collector and local roadways. The combination of the proposed districts allows for the integrations of commercial uses at appropriate locations to support medium- to high-density residential.</p>
Community Form: Goal 1	<p>7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</p>	✓	<p>The proposed districts will transition from higher intensity uses along the arterial roadway to lower intensity, medium- to high-density. The combination of the two creates a mixed-use activity center where demand and adequate infrastructure exists or is planned.</p>
Community Form: Goal 1	<p>17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p>	✓	<p>The proposed district is appropriately located along an arterial level roadway which provides connectivity between major activity and employment centers nearby. The arterial is intended to serve high volumes of traffic.</p>
Community Form: Goal 1	<p>18. Mitigate adverse impacts of noise from proposed development on existing communities.</p>	✓	<p>The proposed districts do not allow for uses that result in significant adverse impacts of noise on adjoining communities.</p>

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposed district is appropriately located along an arterial level roadway which provides connectivity between major activity and employment centers nearby. The design and density required of the development within the neighborhood form district is compatible with adjacent uses and the classification of the roadway.
Community Form: Goal 2	4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	✓	The proposed non-residential component is located with the NFD at a location which provide adequate access and connectivity for current adjoining properties and future development will be provided.
Community Form: Goal 2	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	Sufficient population exists and is anticipated to support a variety of commercial uses as the second component of the development provides density to immediately serve the commercial development.
Community Form: Goal 2	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The transition from commercial to residential moving away from the arterial roadway results in efficient land use and cost-effective infrastructure investment.
Community Form: Goal 2	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	The proposed activity centers includes a mixture of compatible land uses that will reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.
Community Form: Goal 2	8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	✓	The residential district is proposed to the rear of the commercial land use; thus, encouraging residential land uses in activity centers.
Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The new development will provide buildings that provide commercial, office and/or residential uses.
Community Form: Goal 2	10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.	✓	The proposed district utilizes a mixed-use scheme that provides for commercial out lot development within a medium- to high-density residential development.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 2	11. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.	✓	The proposed district results in the appropriate placement, design and scale of centers in Neighborhood Form Districts to ensure compatibility with nearby residences as the development results in the combination of both commercial and residential options along an arterial roadway between major activity centers.
Community Form: Goal 3	9. Encourage development that 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.	✓	Development within the subject site will respect 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 as the site contains steep slopes and streams that are to be minimally disturbed where necessary to facilitate development.
Community Form: Goal 3	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The subject site contains wet or highly permeable soils, severe, steep or unstable slopes. Disturbance of these features will be minimized and disturbed only as necessary and in accordance with all applicable regulations.
Community Form: Goal 3	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	The Louisville MSD has reviewed and approved preliminary development plans. MSD is responsible for floodplain mitigation and storm water best practices.
Community Form: Goal 4	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	There do not appear to be any remaining recognizable historic or architectural features of value on the subject site.
Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	There do not appear to be any remaining recognizable historic or architectural features of value on the subject site.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed higher intensity is proposed along the arterial level roadway in order to minimize impact on lower density residential to the rear. The development will support transit-oriented development and an efficient public transportation system by combined residential and commercial development having connectivity amongst the uses and adjacent uses.
Mobility: Goal 2	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access is through an arterial level roadway and not through lower intensity uses.
Mobility: Goal 3	1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.	✓	The proposal supports a mix of complementary neighborhood serving businesses and services which allows for walking between residences and commercial services.
Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposal supports compatible uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing has been provided in combination with commercial which may provide employment.
Mobility: Goal 3	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	The proposal will be set-up to serve and support public transit and multi-modal transportation options.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 3	<p>4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following:</p> <p>4.1. nodal connections identified by Move Louisville;</p> <p>4.2. impact on freight routes;</p> <p>4.3. time of operation of facilities;</p> <p>4.4. safety;</p> <p>4.5. appropriate linkages between neighborhoods and employment; and</p> <p>4.6. the potential for reducing travel times and vehicle miles traveled.</p>	✓	The proposal will be set-up to serve and support public transit and multi-modal transportation options.
Mobility: Goal 3	<p>5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p>	✓	The proposal will be set-up to serve and support public transit and multi-modal transportation options.
Mobility: Goal 3	<p>6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p>	✓	The developer will bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.
Mobility: Goal 3	<p>9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p>	✓	Existing transportation systems are sufficient and support the development.
Mobility: Goal 3	<p>10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p>	✓	All improvements will occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.
Community Facilities: Goal 2	<p>1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p>	✓	The subject site will be served by existing utilities or capable of being served by public or private utility extensions.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The subject site has an adequate supply of potable water and water for fire-fighting purposes
Community Facilities: Goal 2	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	The subject site has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).
Economic Development: Goal 1	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	✓	The proposed commercial use is located along an arterial level roadway. No nuisances are expected to be created by the intensity of the proposed development.
Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	A karst survey was conducted as noted on the proposed development and no features were observed.
Livability: Goal 1	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The Louisville MSD has reviewed and approved preliminary development plans. MSD is responsible for floodplain mitigation and storm water best practices.
Housing: Goal 1	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	The proposed zoning districts support the creation of a variety of housing options that support aging in place as commercial uses will be provided in combination with medium- to high-density residential development. The two districts work to support each other and support those that chose to age in place which includes access to shopping and transit routes and, when possible, medical and other supportive facilities.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed district creates a mixed-use, connected center that encourages inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
Housing: Goal 2	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	✓	The proposed residential district allows for medium- to high-density development to be located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. The site lies within close proximity to GE Appliance park and the bardstown
Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	No residents will be displaced as a result of the proposed zoning districts. Additional housing will be allowed to meet the needs of Louisville Metro and it's citizens.
Housing: Goal 3	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	✓	The proposed district opens up the residential development of the site to a variety of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.

4. **Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, 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 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
 - d. h. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining development at 6410 Downs Farm Way/Downs Farm Place and the subject property. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
 - e. d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - F. as proposed @ PH
3. 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.
4. 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.
5. 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.
6. The property owner shall provide cross over access and/or private access easements upon development of those properties abutting stub roadways as shown on the approved plan

presented at the 4/15 meeting of the Planning Commission. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request

8. No parking shall be permitted within the internal access drives as shown on the approved district development plan. Signs shall be installed along the roadways to enforce this requirement, and shall be in accordance w/ MUTCD guidelines.