

# Development Committee

## Staff Report

June 18, 2014



<b>Case No:</b>	14Devplan1064
<b>Project Name:</b>	Proposed Personal Care Facility
<b>Location:</b>	9107, 9109 & 9113 Taylorsville Rd.
<b>Owner(s):</b>	9107 Taylorsville Road, LLC.
<b>Applicant:</b>	Turtle Creek Management, Inc.
<b>Representative(s):</b>	Bill Bardenwerper, Bardenwper, Talbott & Roberts
<b>Jurisdiction:</b>	Forest Hills
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	<b>Latondra Yates, Planner II</b>

### REQUEST

- Revised Detailed District Development Plan and Binding Element Amendments for a proposed nursing home.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site was previously approved as Taylor Village to construct 35 condominium units within 4 buildings and two 4,032 square foot office buildings under dockets No. 9-32-06 and 10-25-06. Consolidation of three lots and construction of a 2-story, 144-unit nursing home is now proposed. The proposed 94 parking spaces is close to the 80-space minimum. The maximum allowed is 231 spaces.

A Conditional Use Permit for the nursing home, variances and waivers will be heard by BOZA Monday, June 16.

The site is zoned R-5A and OR-3 in the Neighborhood Form District (NFD). To the north are Regent Park and Forest Hills Estates Subdivisions, zoned R-4. The property transitions to the Suburban Marketplace Corridor (SMC) Form District to the south, across Taylorsville Rd., where there is Stonybook, zoned C-2. To the east is Devonshire Subdivision, Sec. 1, zoned R-3. To the west is Regent Park Subdivision. There are unplatted R-4 lots immediately adjacent to the east and west.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-5A / OR-3	NFD
<b>Proposed</b>	Nursing home	R-5A / OR-3	NFD
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	R-4	NFD
<b>South</b>	Commercial	C-2	SMC
<b>East</b>	Single-family residential	R-3	NFD
<b>West</b>	Single-family residential	R-4	NFD

## PREVIOUS CASES ON SITE

- **14CUP1010**, the following will be heard by BOZA Monday, June 16:
  - Conditional Use Permit (CUP) under Sec. 4.2.39 of the Land Development Code to allow a nursing home.
  - Variance of Sec. 5.3.1.C.5. of the LDC to allow the proposed structure to encroach into the required 50-ft. west side yard. The requested setback is 26 ft., at its closest point, a variance of 24 ft.
  - Variances of Sec. 5.3.1.C.5. of the LDC to allow parking to encroach into the required 50-ft. side yards. The requested setback is 26 ft. on the east side, a variance of 24 ft. The requested setback is 6 ft. on the west side, a variance of 44 ft.
  - Variance of Sec. 5.3.1.C.5. of the LDC to allow the proposed structure to encroach into the required 50-ft. rear yard. The requested setback is 48 ft., at its closest point, a variance of 2 ft.
  - Waiver of Sec. 10.2.4.A. of the LDC to allow pavement to encroach into the required LBA along the west property line.
- **Case No. 9108**, RDDDP for Taylor Village to construct 35 condominium units within 4 buildings and two 4,032 square foot office buildings. Reviewed by the Planning Commission October 18, 2007.
- **Dockets No. 9-32-06 and 10-25-06**, Taylor Village, previously approved as a change in zoning from R-4 to R-5A and OR-3 to create 3 buildable lots for offices on Tracts 1 and 2, and multi-family residential on Tract 3. Approved by the Planning Commission December 7, 2006.

## INTERESTED PARTY COMMENTS

No interested party comments received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020 – See checklist attached.  
Land Development Code

**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: Waiver of the required landscaping proposed. A significant encroachment of the structure, parking and maneuvering are proposed, particularly on the west side. MSD has given preliminary approval.

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

STAFF: The plan has been reviewed by KDOT and the Transportation Planning Review team and has preliminary approval.

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

STAFF: No open space requirement for this development.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The plan has MSD preliminary approval.

- 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 use appears to be compatible with the surrounding mix of uses. However, significant encroachment of structure, parking and maneuvering is proposed, particularly on the west side, into the required landscape buffer, is proposed.

- 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 plan violates some of the applicable guidelines of the Comprehensive Plan. See checklist attached.

## TECHNICAL REVIEW

1. TARC had requested that the applicant consolidate the stops to either side of the development nearside of the proposed driveway that lines up with the driveway of the retail center across the street. The applicant has stated that they are unable to accommodate this request.

## STAFF CONCLUSIONS

Staff's analysis of the standards of review support the granting of RDDDP, with recommendations that the site layout be revised to provide more of the required setback and LBA, particularly to the west. The RDDDP violates 6 guidelines of the Comprehensive Plan. Substantial encroachment of the building, parking and maneuvering, particularly on the west side, into both the required setback and LBA are proposed.

Based upon the information in the staff report, the testimony and evidence provided, Development Review Committee must determine if the proposal meets the standards for approval of a RDDDP as established in the Land Development Code.

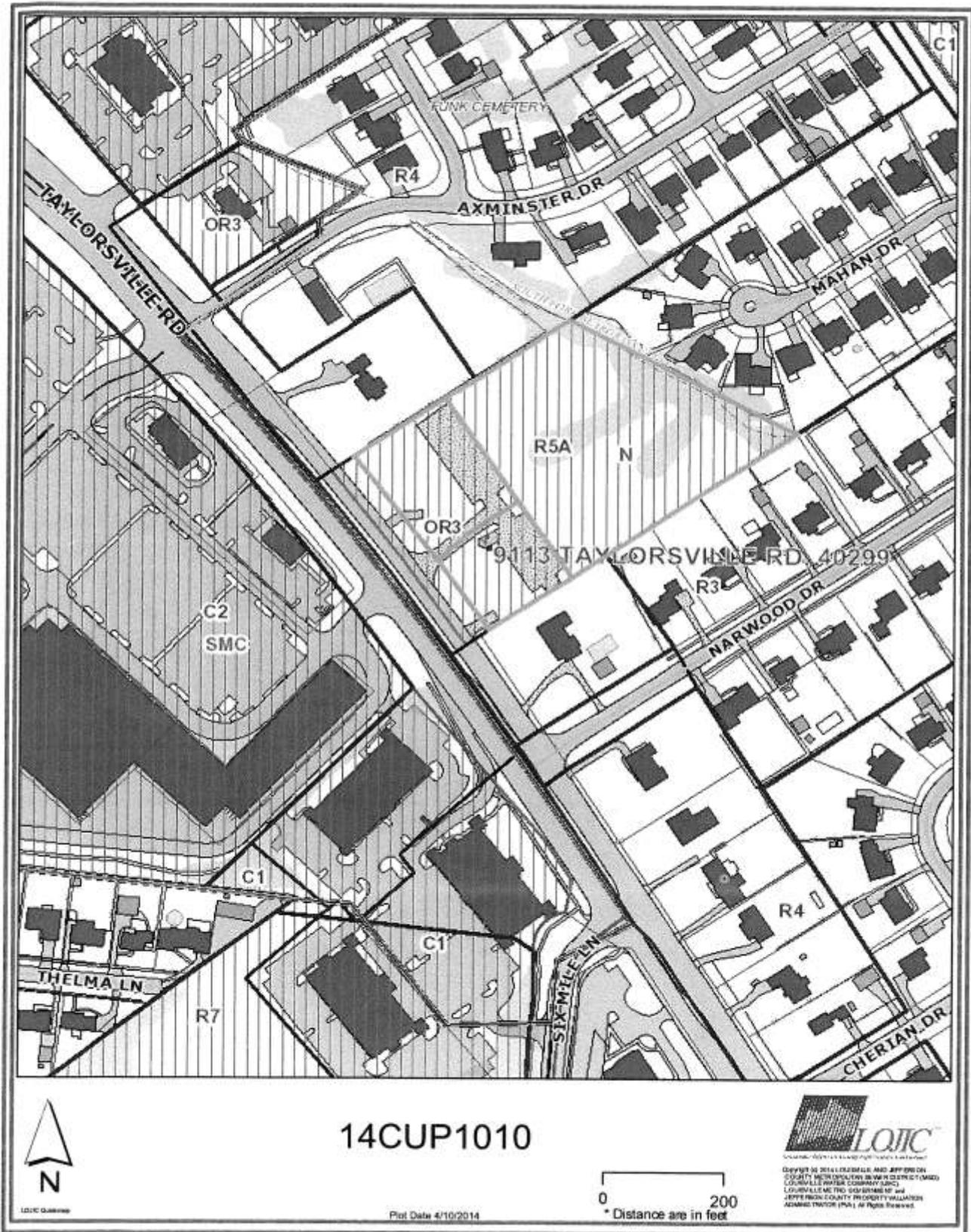
## NOTIFICATION

Date	Purpose of Notice	Recipients
6/2/2014	DRC Meeting	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners

## ATTACHMENTS

1. Zoning Pre-App. Tax Map
2. Aerial Map
3. Site Plan
4. Elevations / Photos
5. Cornerstone 2020 Comprehensive Plan Checklist
6. Existing binding elements
7. Proposed binding elements

1. Zoning Map

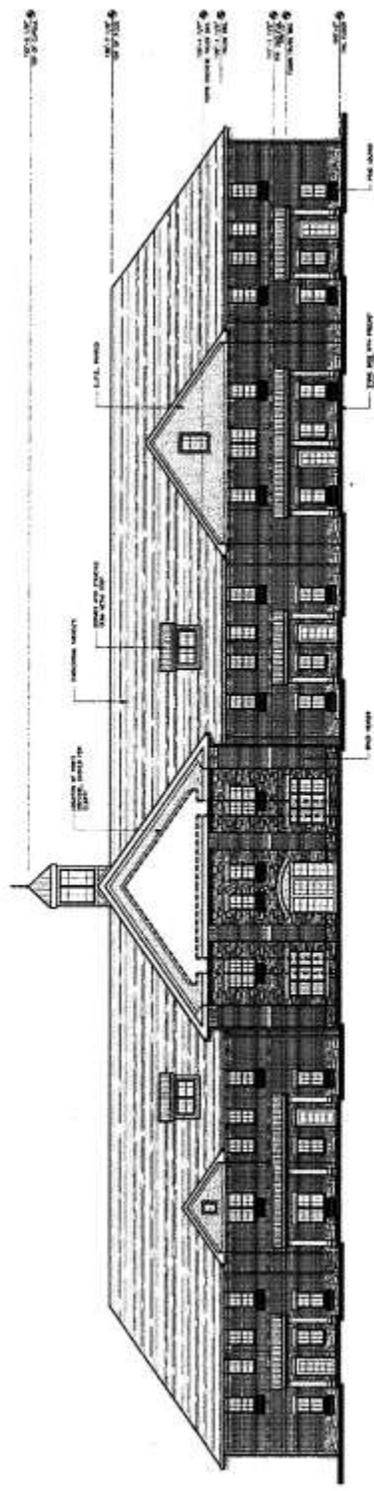


2. Aerial Photo





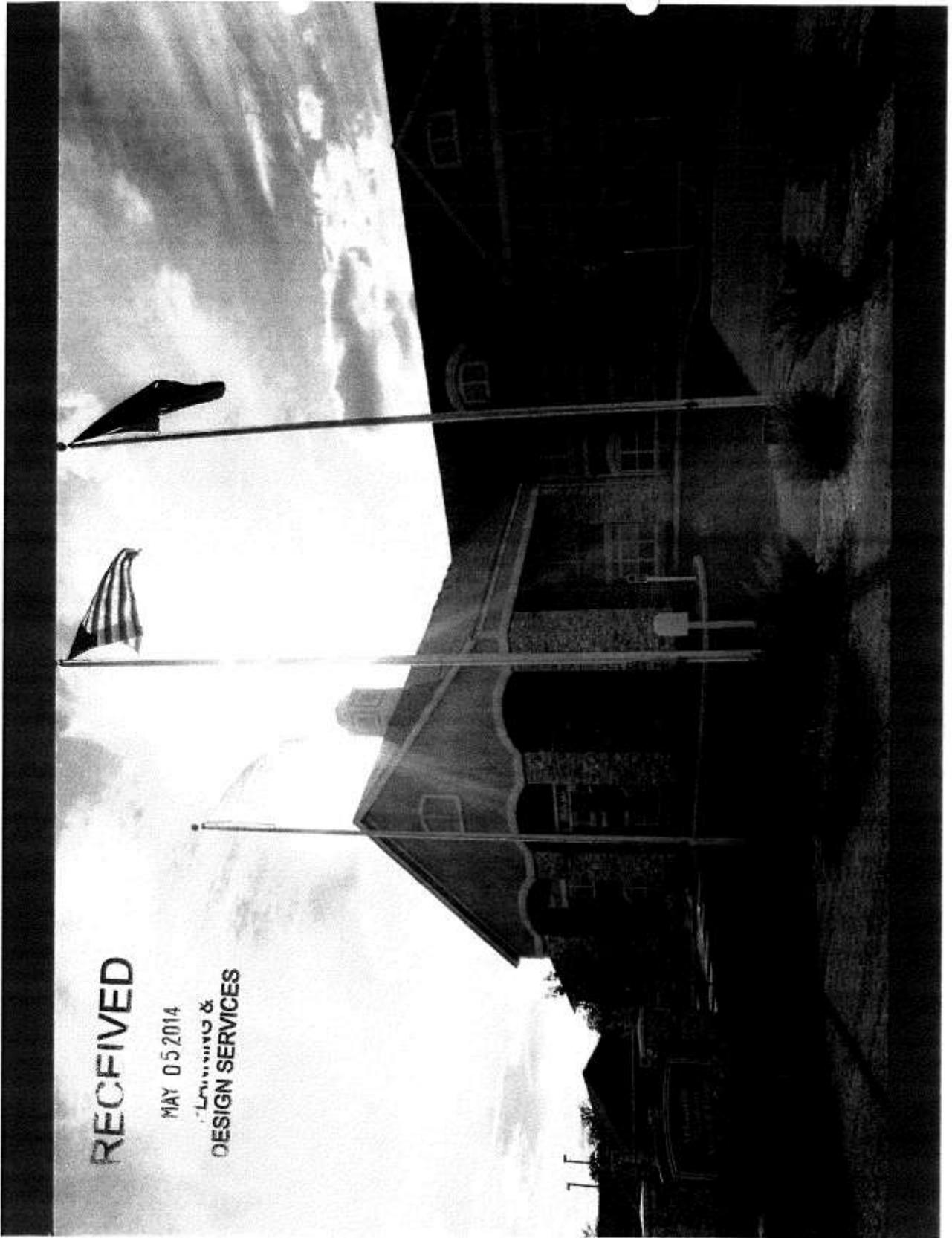
4. Elevations / Photos



**MEMORY CARE/ASSISTED LIVING LOUISVILLE**  
TURTLE CREEK MANAGEMENT  
ARCHITURA CORPORATION  
1/8" = 1'-0"  
APRIL 11, 2014

**RECEIVED**

MAY 05 2014  
PLANNING &  
DESIGN SERVICES

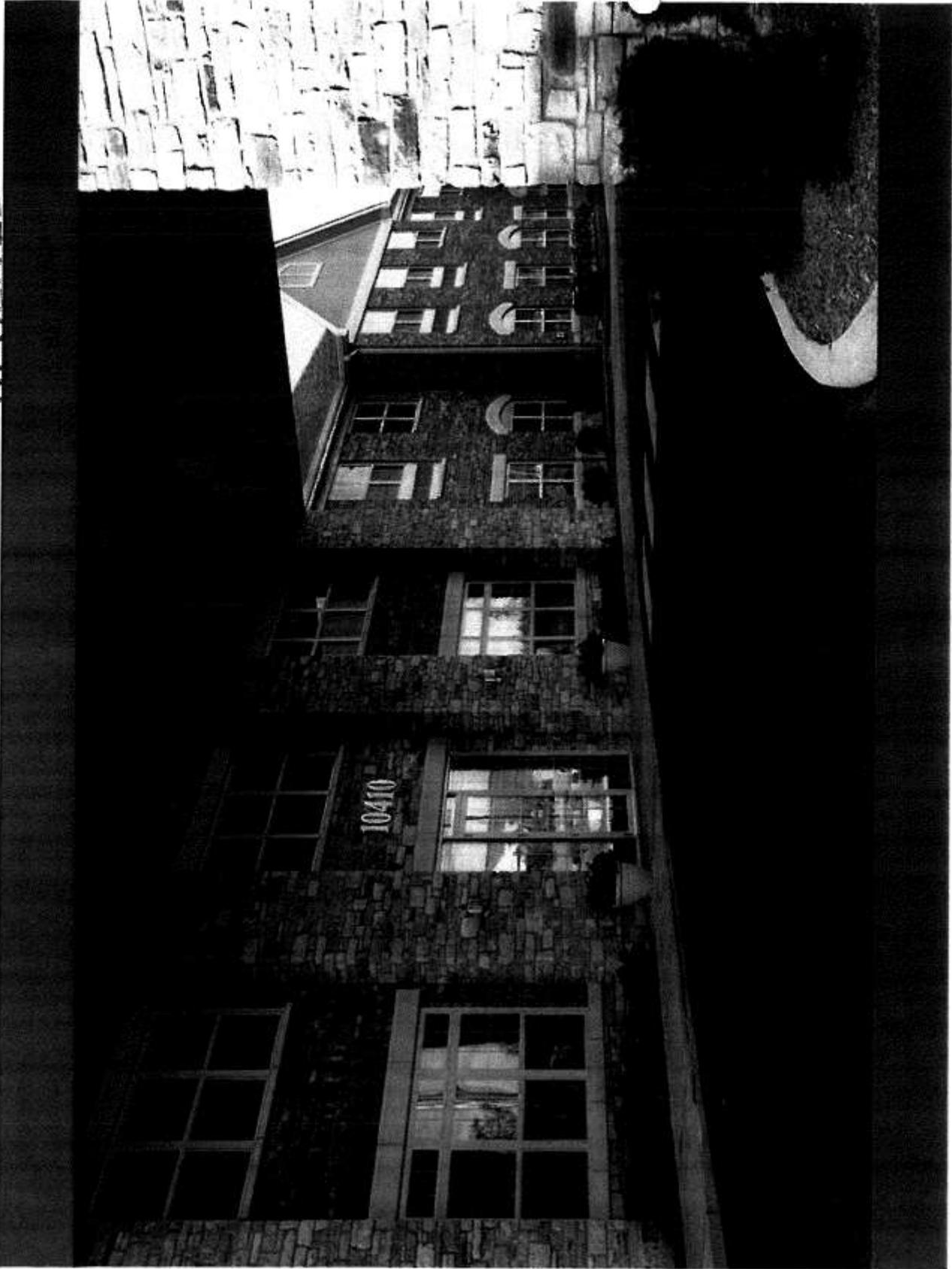


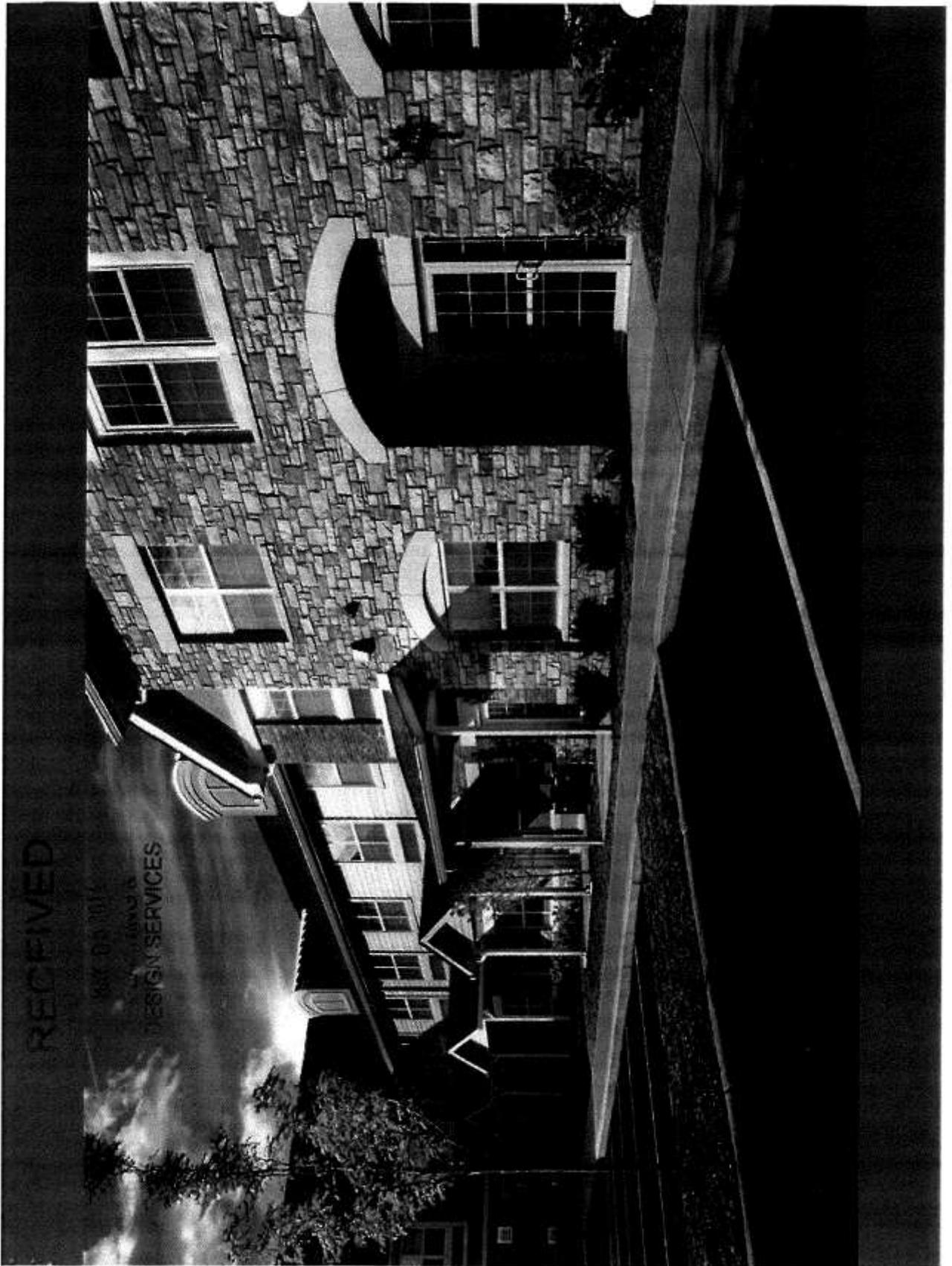
RECEIVED

MAY 05 2014

LANDSCAPING &  
DESIGN SERVICES

RECEIVED





5. Cornerstone 2020 Comprehensive Plan Checklist

Neighborhood  
Form District

Cornerstone 2020  
Checklist

Case No. 14CUP1010  
Staff Findings

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	NA		NA	
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	NA		NA	
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.17: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA		NA	
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA		NA	
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.		Variances may be needed to encroach into the non-residential-to-residential setbacks.		Variances requested to encroach into the non-residential-to-residential setbacks. The minimum 30-ft. setback that the CUP would allow in the absence of larger setbacks is also not being observed. Parking encroachments are proposed 15-ft. from adjacent residential along both side property lines.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA		NA	
7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA		NA	

+ exceeds guidelines  
✓ meets guidelines / 0  
+/- more information needed

6 - does not meet guidelines  
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
8	Form Districts Goals C1-04, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA		NA	
9	Form Districts Goals C1-04, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	NA		NA	
10	Form Districts Goals C1-04, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	+/-	Any utility lines proposed to be placed underground in common easements?	√	Utility lines underground in common easements.
11	Form Districts Goals C1-04, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	Site will be served by sidewalks. No transit amenities requested at this point.	+/-	TARC revised comments need to be addressed.
12	Form Districts Goals C1-04, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Provide building decisions to determine compliance with building and site design standards.	√	The decisions and photos provided appear to meet building and site design requirements.
13	Form Districts Goals C1-04, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.4/5/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	√	Through classified as non-residential, the facility will serve as housing for its residents.	√	Through classified as non-residential, the facility will serve as housing for its residents.

+ exceeds guidelines  
√ meets guidelines  
+/- more information needed

- does not meet guidelines  
NA not applicable

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14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD has no comments/issues	✓	Plan has APCD approval with dust mitigation note.
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Plan will likely be a low traffic generator. Subject to addressing Transportation Planning Review comments	✓	Plan will likely be a low traffic generator. Plan has Transportation Planning Review preliminary approval.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	+/-	Provide lighting details, when known.	+/-	Provide lighting details, when known.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	NA		NA	
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	-	Will the required screening be provided within the LBAs? The lesser width of LBA buffers (25-ft.) proposed with encroachment waivers requested adjacent to residential variances may be needed to encroach into required side and rear yards.	-	Substantial encroachments of parking into the required LBAs proposed.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	-	Will the required screening be provided within the LBAs? The lesser width of LBA buffers (25-ft.) proposed with encroachment waivers requested adjacent to residential variances may be needed to encroach into required side and rear yards.	-	Substantial encroachments of parking into the required LBAs proposed.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	-	Variances will need to be requested for setbacks.	-	Substantial encroachments of parking into the required LBAs proposed.

+ exceeds guidelines  
✓ meets guidelines  
+/- more information needed

- does not meet guidelines  
NA not applicable

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21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	-	Will the required screening be provided within the LBAs? The lesser width of LBA buffers (25-ft.) proposed with encroachment waivers requested adjacent to residential encroachments may be needed to encroach into required side and rear yards.	-	Landscape waivers requested to encroach into the non-residential-to-residential setbacks. The minimum 30-ft. setback that the CUP would allow in the absence of larger setbacks is also not being observed. Parking encroachments are proposed 15-ft. from adjacent residential along both side property lines.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	-	Will the required screening be provided within the LBAs? The lesser width of LBA buffers (25-ft.) proposed with encroachment waivers requested adjacent to residential encroachments may be needed to encroach into required side and rear yards.	-	Landscape waivers requested to encroach into the non-residential-to-residential setbacks. The minimum 30-ft. setback that the CUP would allow in the absence of larger setbacks is also not being observed. Parking encroachments are proposed 15-ft. from adjacent residential along both side property lines.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA		NA	
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form, distinct pattern and contribute to the visual quality of their surroundings.	+/-	Sign details should be provided, when known.	√	Sign detail on plan meets code. Details for any additional signage, if proposed, should be provided.
25	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.23/7: 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.	NA	Non-residential use not required to have open space.	NA	
26	Livability Goals H3 and H5, all related objectives	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.	NA		NA	
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA		NA	

+ exceeds guidelines  
√ meets guidelines  
+/- more information needed

- does not meet guidelines  
NA not applicable

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28	Livability Goals H3 and H5, all related objectives	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.	NA		NA	
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA		NA	
30	Livability Goals H3 and H5, all related objectives	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.	NA		NA	
31	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA		NA	
32	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA		NA	
33	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.5: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA		NA	

+ exceeds guidelines  
✓ meets guidelines  
+/- more information needed

- does not meet guidelines  
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
34	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA		NA	
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.12: 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.	NA		NA	
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle, and pedestrian use and provides amenities to support these modes of transportation.	✓	The required sidewalks will be provided. No transit amenities requested.	+/-	Revised TARC comments need to be addressed.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	N/A		NA	
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	NA		NA	

+ exceeds guidelines  
✓ meets guidelines  
+/- more information needed

- does not meet guidelines  
NA not applicable

#	Comerstone 2020 Guidelines & Policies	Comerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The required parking will be provided.	✓	The required parking will be provided.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13-16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA		NA	
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA		NA	
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	NA		NA	
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	NA		NA	
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.12: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The required 5-ft. sidewalks and internal pedestrian connections are proposed.	✓	The required 5-ft. sidewalks and internal pedestrian connections are proposed.

+ exceeds guidelines  
✓ meets guidelines  
+/- more information needed

- does not meet guidelines  
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
45	<p>Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.6, B2.1-2.7, B3.1-3.4, B4.1-4.3</p>	<p>Livability/Environment Guideline 10: Flooding and Stormwater</p>	<p>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.</p>	+/-	Subject to construction review.	+/-	Subject to construction review.
46	<p>Livability Goals C1, C2, C3, C4, all related Objectives.</p>	<p>Livability/Environment Guideline 12: Air Quality</p>	<p>The proposal has been reviewed by APCD and found to not have a negative impact on air quality.</p>	√	APCD has no comments/issues.	√	Plan has APCD approval with dust mitigation note.
47	<p>Livability, Goals F1 and F2, all related objectives</p>	<p>Livability/Environment Guideline 13: Landscape Character</p>	<p>A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.</p>	NA		NA	
48	<p>Quality of Life Goal J1, Objectives J1.1, 1.2</p>	<p>Community Facilities Guideline 14: Infrastructure</p>	<p>A.2: The proposal is located in an area served by existing utilities or planned for utilities.</p>	√	Site served by existing utilities.	√	Site served by existing utilities.
49	<p>Quality of Life Goal J1, Objectives J1.1, 1.2</p>	<p>Community Facilities Guideline 14: Infrastructure</p>	<p>A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.</p>	+/-	Subject to construction review.	+/-	Subject to construction review.
50	<p>Livability Goal B1, Objective B1.3</p>	<p>Community Facilities Guideline 14: Infrastructure</p>	<p>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.</p>	+/-	Subject to construction review.	+/-	Subject to construction review.

+ exceeds guidelines  
√ meets guidelines  
+/- more information needed

- does not meet guidelines  
NA not applicable

**6. Existing 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. The residential density of the condominium development shall not exceed 12 dwelling units per acre (35 units on 2.9 acres).
3. Office square footage in two buildings shall be limited to 16,128 sf.
4. Signs shall be in accordance with Chapter 8.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
  - a. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A minor plat or legal instrument shall be recorded dividing the residential condominium property from the office property and dedicating any required additional right of way. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
8. If a building permit is not issued within one year 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.

9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line).
11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
12. Multi-family development of the property shall be limited to development under a horizontal property regime.
13. The site shall be developed in accordance with the Tree Canopy Protection Areas (TCPAs) delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.
  - a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
  - b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field to include canopy area of all trees at or within the dimension line.
  - c. Tree protection fencing shall be erected adjacent to all TCPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside 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 TCPAs.
  - e. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.
14. The construction materials of all buildings shall be primarily of brick or stone, with accent areas of "hardy plank" or dryvit/stucco and other maintenance free materials. No vinyl siding shall be used. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 10, 2007 DRC meeting.
15. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

16. All exterior pole lighting will be directed down and away from properties, or shall be the typical LG&E residential style (acorn or coach lamp) low-wattage lighting. Attached building lights shall be low-wattage, coach lamp style or otherwise directed down and away from off site properties. Spotlights shall not be permitted.
17. All parking areas shall be screened from Taylorsville Road.
18. Contemporaneous with the Developer's required submittal of the landscape plan to Planning Commission staff, the Developer shall at the same time also submit such plan to the City of Forest Hills for comment.
19. Contemporaneous with the Developer's required submittal to the Planning Commission staff (and/or MSD) of any proposed improvements to the stream located at the rear of the subject property, the Developer shall at the same time also submit such plans and /or other description of the improvements to the City of Forest Hills for comment.
20. The landscaping shall be irrigated.

7. **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. The residential density of the condominium development shall not exceed 12 dwelling units per acre (35 units on 2.9 acres).~~
- ~~3. Office square footage in two buildings shall be limited to 16,128 sf.~~
4. Signs shall be in accordance with Chapter 8.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
  - a. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A minor plat or legal instrument shall be recorded dividing the residential condominium property from the office property and dedicating any required additional right of way. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
8. If a building permit is not issued within one year 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.
9. 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.

10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line).
11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
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  - b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field to include canopy area of all trees at or within the dimension line.
  - c. Tree protection fencing shall be erected adjacent to all TCPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside 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 TCPAs.
  - e. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.
- ~~14. The construction materials of all buildings shall be primarily of brick or stone, with accent areas of "hardy plank" or dryvit/stucco and other maintenance free materials. No vinyl siding shall be used. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~October 10, 2007~~ June 18, 2014 DRC meeting.~~
15. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

16. All exterior pole lighting will be directed down and away from properties, or shall be the typical LG&E residential style (acorn or coach lamp) low-wattage lighting. Attached building lights shall be low-wattage, coach lamp style or otherwise directed down and away from off site properties. Spotlights shall not be permitted.
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