

Planning Commission Staff Report

July 6, 2017



Case No:	16ZONE1073
Project Name:	Silver Creek Place Apartments
Location:	9607 Old Six Mile Lane
Owner(s):	Billy & James Kirchhofer
Applicant:	Billy Kirchhofer
Representative(s):	Cardinal Planning and Design, Inc
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Joel Dock, Planner II

REQUEST

- **Change in zoning** from R-4 to R-6
- **Variance** from Land Development Code (LDC), section 5.3.1.C to allow building and parking to be located within the infill established front setback
- **Detailed District Development Plan**

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is a 1.81 acre single-family residential lot with frontage on Old Six Mile Lane; a local road running East-West from Taylorsville Road to Six Mile Lane in the City of Jeffersontown. The subject parcel is opposite Jeffersontown High School across Old Six Mile Lane, adjacent to the West of a multi-family development, and adjacent to the East of a single-family residential lot. No structures are present on the property and it is partially vegetated. Taylorsville Road which is a major public transportation corridor containing a variety of first and second order goods is located roughly one-quarter mile to the West via Patti Lane and one-half mile to the East via Old Six Mile Lane. TARC route #40 has defined stops along Taylorsville Road at Patti Lane and Old Six Mile Lane/College Drive.

The applicant requests a rezoning from R-4 to R-6 for a 24-unit multi-family development resulting in a density of 13.29 dwelling units per acre. The R-6 zoning district permits 17.42 dwelling units per acre. The units will be split into three eight-unit buildings with forty-nine parking spaces. Each building will occupy a footprint of 4,032 square feet with a total gross floor area on the property of 24,192 square feet.

A variance is required to allow for a fifteen foot setback instead of the required infill setback of approximately forty-one feet; A variance of roughly twenty-six feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-4	N
Proposed	Multi-Family	R-6	N
<i>Surrounding Properties</i>			
North	Industrial/rail corridor	CM	SMC
South	Public School	R-4	N
East	Multi-family Residential	R-7	N
West	Single-family Residential	R-4	N

PREVIOUS CASES ON SITE

Staff found no associated cases on site.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (City of Jeffersontown)

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR REZONING

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

The site is located in the Neighborhood Form District

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

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

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

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks,

shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposed change in zoning complies with the applicable guidelines and policies Cornerstone 2020. The Proposal is for a multi-family residential development; adding to the availability of rental units in the community. Similar uses are nearby and adjacent to the subject site. The density proposed encourages the use of nearby centers and commercial corridors. Primary access is from a local road running East-West from Taylorsville Road, a major arterial roadway, to Six Mile Lane, a primary collector. The close proximity of goods, services, amenities, and transit routes on these roadways reduces the burdens of the cost of living. Sidewalk completion and curb work at the Southwest corner will be completed and extended to the property line to provide for safe pedestrian and vehicular movement.

Building materials are compatible with the surrounding area as demonstrated on the rendering provided by the applicant. There do not appear to be any historic or architectural features of significance on the as it is vacant and vegetated towards the rear. Required landscape buffers have been provided and impervious surfaces have been mitigated with tree planting and landscaping materials. Minimum tree canopy standards will be met and open space has been provided to meet the needs of residents and provide adequate transitions between incompatible uses. Rail corridor landscaping and supplemental setback will help mitigate the adverse impact of this potential nuisance.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)

Section 5.3.1.C to allow building and parking to be located within the infill established front setback

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the variance does not impact the safe movement of pedestrians or vehicular traffic.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as appropriate transitions are present between abutting residential development and the public way. Landscaping will be provided in the area between the front façade and the public sidewalk.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the variance does not impact the safe movement of pedestrians or vehicular traffic. The closeness of the structure to the public way is mitigated by the selected materials and design as presented on the renderings of the building. The location also aids in using pedestrian facilities to access the property.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance allows for the proposed density to be provided while mitigating nuisance created by the rail corridor towards the rear and providing parking spaces as requested by the applicant and the City of Jeffersontown.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as a rail corridor exists to the rear which pushes the structures forward and adequate detention is needed in the rear as well. Additionally, spacing for parking needed to be accommodated.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the requested variance does not adversely impact the public health, safety, or welfare and no nuisance appear to have been created by this request.

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

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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: There are no apparent natural systems or environmental degradation caused as a result of this development. The property does not appear to exhibit any historical significance.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Sidewalk and curbing will be repaired and improved to enhance safety and access to the site and the community.

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

STAFF: Open space has been provided as required by LDC, section 5.11.4 to meet the needs of residents. The open space area contains picnic areas and a bench swing. Landscaping and tree canopy will also be provided as required.

- 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 structure has been designed to be compatible with the surrounding area with respect to material and bulk. The public space between the primary façade and the public street will include landscaping elements that enhance the aesthetic quality along the public street

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Checklist* for the change in zoning request.

TECHNICAL REVIEW

Preliminary approval has been received from the Metropolitan Sewer District and Transportation Planning Staff.

Concerned raised at LD&T related to open space provisions and rail corridor setback have been addressed as demonstrated on the applicant's development plan.

STAFF CONCLUSIONS

The proposal is in conformance with the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* provided in *Attachment 3*. The proposal creates multi-family units within proximity, and adjacent, to single-family and multi-family residential uses. The density proposed encourages the use of nearby centers located along Taylorsville Road which serves as the areas primary means of public transportation, as well as the areas primary activity center. It contains a variety of first and second order goods and services within walking and biking distance. The proximity of these services and amenities aids in reducing the cost of living through decreased travel cost. The plan demonstrates provisions for safe access from the public street serving the rear building directly from Old Six Mile Lane, as well as a separate walk directly to the first building from the public way. The developer will make all necessary improvements to the public sidewalk.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in *Cornerstone 2020* which have substantially altered the basic character of the area.

The Detailed District Development Plan and Variance appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

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

REQUIRED ACTIONS

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Change-in-Zoning** from R-4, Single-family Residential to R-6, Multi-family Residential
- **RECOMMEND** that the City of Jeffersontown **APPROV** or **DENY** the **Variance** from Land Development Code (LDC), section 5.3.1.C to allow building and parking to be located within the infill established front setback. A variance of roughly 26 feet to allow a 15 foot setback.
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Detailed District Development Plan**

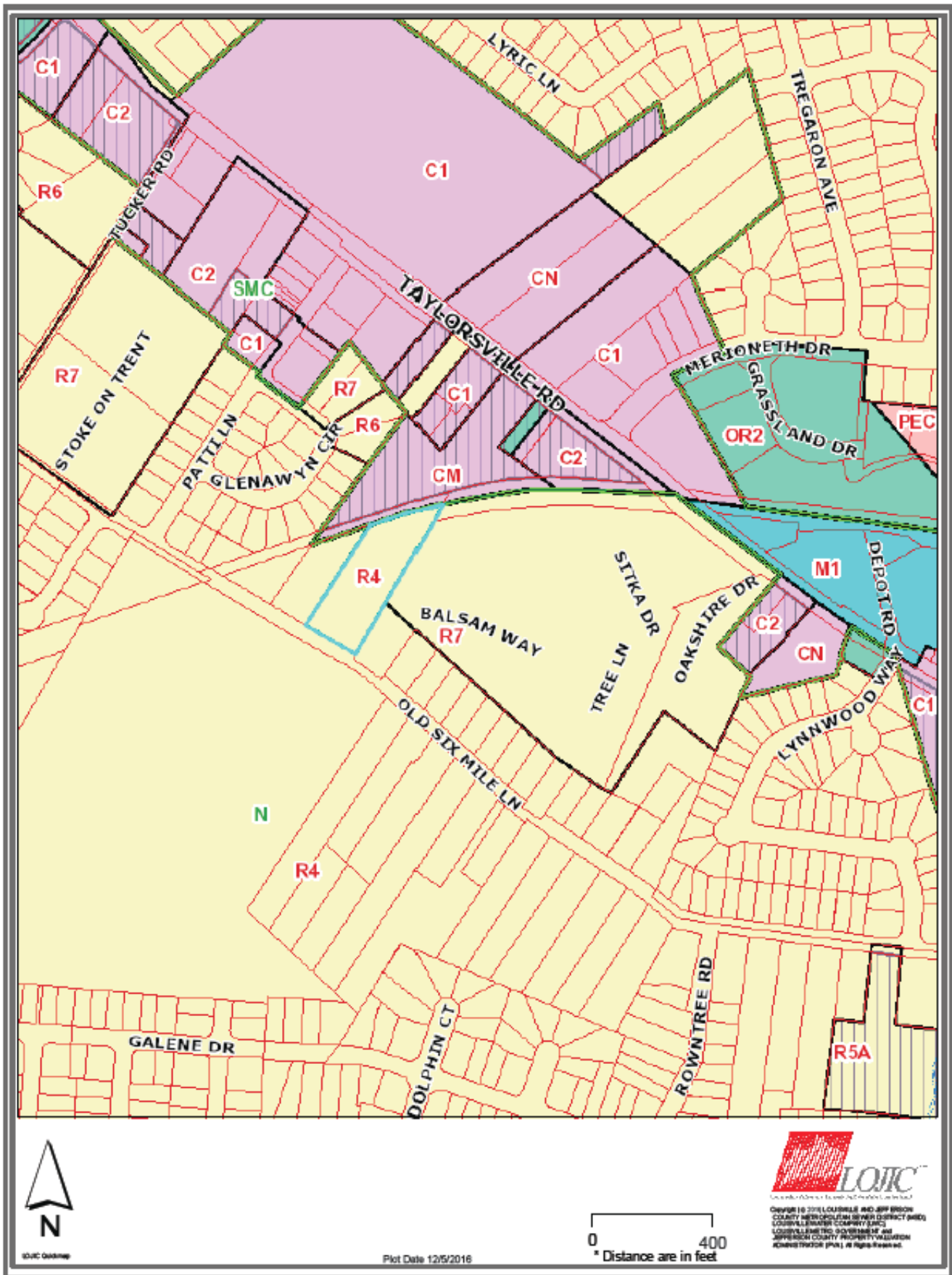
NOTIFICATION

Date	Purpose of Notice	Recipients
5/25/17	Hearing before LD&T on 6/8/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 11 Notification of Development Proposals
6/16/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 11 Notification of Development Proposals
6/14/17	Hearing before PC	Sign Posting on property
6/21/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Neighborhood: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	The proposal creates multi-family units within proximity, and adjacent, to single-family and multi-family residential uses
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	✓	The proposal is for 11.89 du/acres. It is located on a local road with accessibility to major roadway corridors. It does not appear that it would have an adverse impact on adjacent property.
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	✓	Proposal is for multi-family residential development. Similar uses are nearby and adjacent to the subject site. Building materials are compatible with the surrounding area as demonstrated on the rendering provided by the applicant.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	✓	Sidewalk completion and curb work at the Southwest corner will be completed and extended to the property line. Existing drive will be removed and filled. The applicant has provided safe access from the public street that serves the rear building directly from Old Six Mile Lane and a separate walk directly to the first building.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	✓	Proposed rezoning is for multi-family residential. Centers are located within close proximity to serve the needs of residents.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	✓	Proposed rezoning is for multi-family residential. Centers are located within close proximity to serve the needs of residents. These centers serve as primary means of public transportation and the location of first and second order goods and services.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	✓	The density proposed encourages the use of nearby centers located along Taylorsville Road which serves as the areas primary means of public transportation, as well as the location of first and second order goods and services within walking and biking distance.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	✓	The location of the proposal encourages the use of Taylorsville Road for public transportation, specifically TARC bus route 40 which runs from the area into Downtown Louisville. A Town Center with a variety of services is located less than one mile East on Taylorsville Road via Old Six Mile Lane. This Town Center is the "downtown"/civic area of Jeffersontown.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	Proposed rezoning request is not located in a center with existing mixed-use buildings that could be utilized. The site is not appropriate for commercial uses.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	✓	The subject site is within close proximity to a commercial corridor which provides first and second order goods and services, as well as access to public transportation.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	Taylorsville Road, a nearby commercial center, is located with the SMC and TC form districts, but its close proximity serves the needs of surrounding residents.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	Proposed rezoning is for multi-family residential on a vacant lot in the NFD, surrounded by residential uses.
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	Proposed rezoning is for multi-family residential on a vacant lot in the NFD, surrounded by residential uses.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	Sidewalk completion and curb work at the Southwest corner will be completed and extended to the property line. Existing drive will be removed and filled. The applicant has provided safe access from the public street that serves the rear building directly from Old Six Mile Lane and a separate walk directly to the first building.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	✓	Utility access is available. All easements have been provided as required by agencies.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Sidewalk completion and curb work at the Southwest corner will be completed and extended to the property line. Existing drive will be removed and filled. The applicant has provided safe access from the public street that serves the rear building directly from Old Six Mile Lane and a separate walk directly to the first building. The City of Jeffersontown has requested the number of parking spaces proposed.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	The subject site is within close proximity to a commercial corridor which provides first and second order goods and services, as well as access to public transportation.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal appears to be compatible with surrounding mixture of single-family and multi-family uses. Immediately south of the subject site is a public school, adjacent to the West are two single family residential uses and a rail corridor, and to the west is a large multi-family development extending from Taylorsville Road to Old Six Mile Lane.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	✓	Building materials are compatible with the surrounding area as demonstrated on the rendering provided by the applicant.
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The proposal appears to be compatible with surrounding mixture of single-family and multi-family uses. Immediately south of the subject site is a public school, adjacent to the West are two single family residential uses and a rail corridor, and to the west is a large multi-family development extending from Taylorsville Road to Old Six Mile Lane. The applicant has provided required landscape buffers and mitigated impervious surfaces with tree planting and landscaping materials. The primary façade of the structure has been designed to be compatible with the surrounding area with respect to material and bulk. The public space between the primary façade and the public street will include landscaping elements that enhance the aesthetic quality along the public street.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Existing roadway infrastructure will be utilized. All Transportation Planning review comments have been addressed on the development plan.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will not exceed what is necessary for multi-family residential uses and safety.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	While the proposal itself does not introduce a variety of housing styles on the subject parcel, it increases the number of available multi-family units in area within proximity to goods, services, and transportation.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The density proposed encourages the use of nearby centers located along Taylorsville Road which serves as the area's primary means of public transportation, as well as the location of first and second order goods and services within walking and biking distance. Taylorsville Road is within 0.25 miles to 0.5 miles depending on your direction of travel (East/West along Old Six Mile).

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	✓	Units specifically designed for the elderly or person with disabilities will be at the discretion of the developer. The site is, however, located within close proximity to good, services, and amenities.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The close proximity of goods, services, amenities, and transit routes reduces the burdens of the cost of living.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The applicant has provided all required landscape buffers and mitigated impervious surfaces with tree planting and landscaping materials. The structure has been designed to be compatible with the surrounding area with respect to material and bulk. The public space between the primary façade and the public street will include landscaping elements that enhance the aesthetic quality along the public street. Minimum Tree canopy will be provided as noted on the plan.
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The use is compatible with adjacent uses. Landscaping has been provided as required. Rail corridor landscaping will help mitigate the adverse impact of this substantial noise creator.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights meet the requirements of the neighborhood form district, with the exception of the variance requested for the front setback.
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space has been provided as required by LDC, section 5.11.4 to meet the needs of residents. The open space area contains picnic areas and a bench swing.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	Open space has been provided as required by LDC, section 5.11.4 to meet the needs of residents. The open space area contains picnic areas and a bench swing.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Minimum tree canopy standards have been met.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	Minimum tree canopy standards have been met.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The subject site does not appear to have any historic or architectural features of significance.
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	MSD will ensure proper drainage in coordination with the applicant of the proposed development.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Sidewalk completion and curb work at the Southwest corner will be completed and extended to the property line. Existing drive will be removed and filled. The applicant has provided safe access from the public street that serves the rear building directly from Old Six Mile Lane and a separate walk directly to the first building. Sidewalk steps in the Southeast corner will be repaired.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal will have primary access to a local road running East-West from Taylorsville Road, a major arterial roadway, to Six Mile Lane, a primary collector. Sidewalks shall be completed along the frontage.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	R/W will be dedicated and sidewalks will be completed along the frontage. The nearest transit stop is route 40 located 0.25 miles from subject site at Patti Lane and Taylorsville Road. Transit service is safely available by foot or bike from the subject site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No stub streets to adjacent development are required.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Subject site is accessed through public roads. Improvements will be made along the frontage to provide safe pedestrian and vehicular access through the subject site.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Public roads within the development are not being proposed, no additional connection to public roads is being proposed with this rezoning request, and stubs streets are not being provided to incompatible uses.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Sidewalk completion and curb work at the Southwest corner will be completed and extended to the property line. Existing drive will be removed and filled. The applicant has provided safe access from the public street that serves the rear building directly from Old Six Mile Lane and a separate walk directly to the first building. Sidewalk steps in the Southeast corner will be repaired.
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	Preliminary approval has been received by MSD.
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The proposal is in an area of existing development and no natural environmental corridors appear to exist on the subject site.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utility easements have been provided as required by agencies and shown on the development plan.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC has determined that there is an adequate supply of water available.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
47	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The health department has no concerns with the proposal.

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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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 minor plat or legal instrument shall be recorded dedicating the right-of-way as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 6, 2017 Planning Commission meeting.