

# Planning Commission

## Staff Report

February 19, 2015



<b>Case No:</b>	14zone1040
<b>Request:</b>	R-4 to R-5 and Preliminary Subdivision
<b>Project Name:</b>	Wesleyan Farms
<b>Location:</b>	7009 S. Watterson Trail and 7909 Glaser Lane
<b>Owner:</b>	Wesleyan Camp Meetings Assoc.
<b>Applicant:</b>	Pulte Homes
<b>Representative:</b>	Sabak Wilson and Lingo; Wyatt Tarrant and Combs LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23-James Peden
<b>Case Manager:</b>	Julia Williams, AICP, Planner II

### REQUEST

- Change in zoning from R-4 to R-5
- Variance from 5.3.1 to reduce the required setback from 40' to 30'
- District Development/Subdivision plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4  
Proposed Zoning District: R-5  
Existing Form District: Neighborhood  
Existing Use: Campground  
Proposed Use: Single Family Residential

The site was used previously as a religious campsite. The proposal is for 36 single family lots and 2 open space lots. All existing structures are to be removed. The applicant is proposing to change the zoning from R-4 to R-5.

The site is mainly flat. It is located in a karst area and there are hydric soils indicated along the north property line shared with the vacant Hendren property. The site is surrounded by single family residential uses to the north, east, and west of the site. To the south are a church, a commercial property and a single family residence.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant campsite	R-4	Neighborhood
<b>Proposed</b>	Single Family Residential	R-5	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-4	Neighborhood
<b>South</b>	Church, commercial, and Single Family Residential	R-4/ C-2	Neighborhood
<b>East</b>	Single Family Residential	R-5	Neighborhood
<b>West</b>	Single Family Residential	R-4	Neighborhood

## PREVIOUS CASES ON SITE

None found.

## INTERESTED PARTY COMMENTS

### Cedar Creek Neighborhood Association

Kathy Goff, President

Nevada Cox, Secretary/Treasurer

Julia Williams, Case Manager  
Planning Commission

Ref: Case #14ZONE1040  
7009 S.Watterson Trail, 7909 Glaser Lane

January 18, 2015

Ms. Julie Williams,

On Tuesday, September 10, 2014 I attended an information meeting regarding the development of the above mentioned property. My complaint is not against the development of the property, but to object to the developer and his reputation for problem ridden construction. The developer, Pulte/Cintex (formerly Dominion Homes)....same product. My research found they do not build a quality home or even one with a fair life expectancy. Homeowners are plagued with buckling vinyl siding, mold developing in the walls due to missing insulation, roofs leaking, furnace, air conditions and hot water tanks have to be replaced in 5 years or less.

Their plan is to develop the property under the Cintex name...entry level homes with small square footage and very small lots. Our area has its' fair share of low cost homes....we wish to improve and enhance...not add more low cost homes. Cedar Creek, Hollow Creek, Farmgate and Spring Villa are all fighting the impact low cost homes has on our community. Those in attendance at the September meeting pleaded with the representative for quality 3 sided brick homes or patio homes with garages.

Current road system is near inadequate for the amount of traffic caused by the opening of Hurstbourn Lane.....state lacking funds to improve. This will be the 6th neighborhood entry on the short end of S. Watterson Trail.

In closing, I do not expect our objection to Pulte/Cintex/Dominion's poor construction to make a difference to the Zoning Commission. But, respectfully we do feel the Commission should know the objections the community has with this project.

Regards,

Nevada Cox, Secretary/Treasurer  
Cedar Creek Neighborhood Association

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Fern Creek Small Area Plan (May 2001):

The site is located within Quadrant I with the study boundary of the Fern Creek Small Area Plan. This site or area was not included in any specific recommendations.

## 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 R-5 zoning continues a mix of lot sizes available in the area. The proposal is for single family residential which is prevalent in the area. The proposal is compatible with the adjacent developments because the proposal is for a residential zoning district. Buffers are going to be provided between the site and the adjacent nonresidential uses and zoning. The proposal does not introduce a new density as there is existing R-5 zoning within an existing subdivision to the east of the site. The proposal is meeting all applicable setbacks where adjacent to residential.

The streets are not designed to encourage human activity as the two proposed roadways do not connect. The proposal supports access to surrounding land uses and provides a stub to the vacant site to the north. The proposal also does not provide a continuous roadway. Cul-de-sacs are the primary roadways. This is an intact historic complex with cabins, meeting halls, tabernacle, and dormitories as well as the landscape. This site is a rare surviving example of the camp meeting property type in Jefferson County. The resource is historically significant in the area of Religion for its association as a camp meeting ground. This property is National Register-eligible and would likely be listed under Criterion A as a locally significant example of a camp meeting ground within the historic context, "Religion in Jefferson County, Kentucky, 1780- 1951".

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

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

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES**

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

STAFF: The variance will not affect the public as there is an additional 20' LBA which makes the total setback 50'.

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

STAFF: The variance will not alter the character of the area as the setbacks in the area are variable.

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

STAFF: The variance will not affect the public because the setbacks in the area are variable and the actual setback due to the LBA is 50'.

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

STAFF: The requested variance is not unreasonable as there are variable setbacks located within the area with many of the setbacks being less than what is being requested for the site.

#### **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 is a special circumstance as it only applies to land that is being subdivided into more than 5 lots. Many of the existing lots along S. Watterson Trail have driveways directly onto S. Watterson Trail. The proposed subdivision has a roadway off of S. Watterson and the rear of lots will back up to S. Watterson.

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: An increased buffer from 30' to 40' to accommodate the required additional setback is unnecessary when a 20' buffer is also being provided and the setback provided on the plans is already more than the adjacent properties setbacks.

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 applicant was aware of the setback requirements during the submittal of the application.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP**

- 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: This is an intact historic complex with cabins, meeting halls, tabernacle, and dormitories as well as the landscape. This site is a rare surviving example of the camp meeting property type in Jefferson County. The resource is historically significant in the area of Religion for its association as a camp meeting ground. This property is National Register-eligible and would likely be listed under Criterion A as a locally significant example of a camp meeting ground within the historic context, "Religion in Jefferson County, Kentucky, 1780- 1951".

Since this site is proposed to be developed, Historic Preservation Staff is asking that site be documented at the National-Register level which includes photographs and an historic context. Staff can provide a list of preservation professionals that would be qualified to do the type of documentation requested. All materials shall be submitted to Historic Preservation Staff prior to ground disturbance and demolition.

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

STAFF: Sidewalks are being provided along the rights of ways with the exception of the cul-de-sacs. Vehicular circulation is provided through public roads.

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

STAFF: 2 open space lots are proposed with one being mainly for detention.

- 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: MSD has preliminarily approved the proposal.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The site design is compatible with the adjacent single family residences. Buffers are being provided to buffer the site from higher intensity zoning and uses. A stub to the property to the north is being provided for future connection.

f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal complies with most of the guidelines of the Comprehensive Plan and requirements of the LDC.

### TECHNICAL REVIEW

- All agency review comments have been addressed.

### STAFF CONCLUSIONS

The proposal complies with most of the guidelines of the Comprehensive Plan and requirements of the LDC. The Planning Commission should discuss the loss of this culturally significant site and if there are any mitigation measures the applicant is will to make. The Planning Commission should also discuss Binding Element 16 which refers to the documentation of the historically significant site.

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.

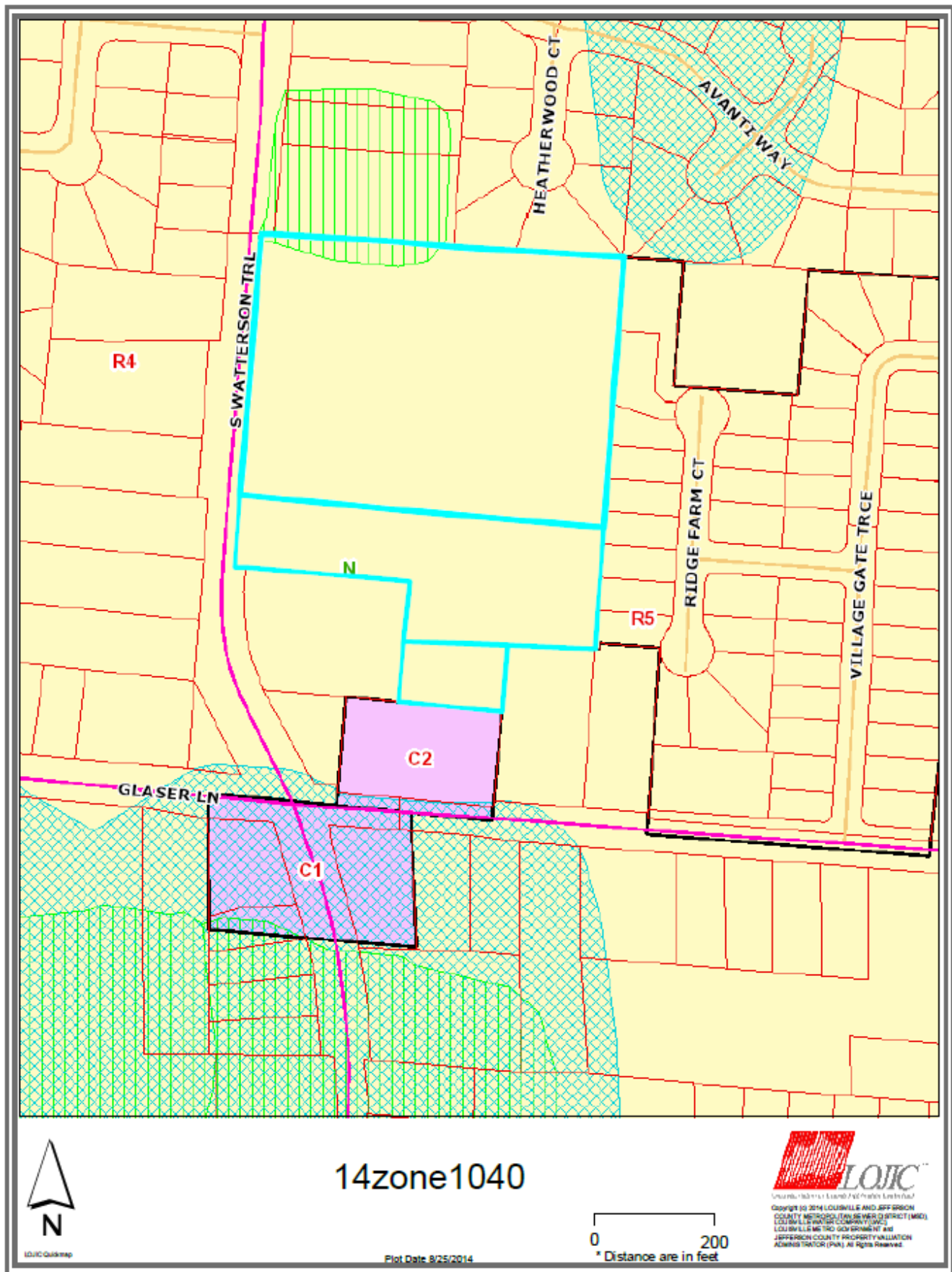
### NOTIFICATION

Date	Purpose of Notice	Recipients
1/8/15	Hearing before LD&T on 1/22/15	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 23 Notification of Development Proposals
2/4/15	Hearing before PC on 2/19/15	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 23 Notification of Development Proposals
2/5/15	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

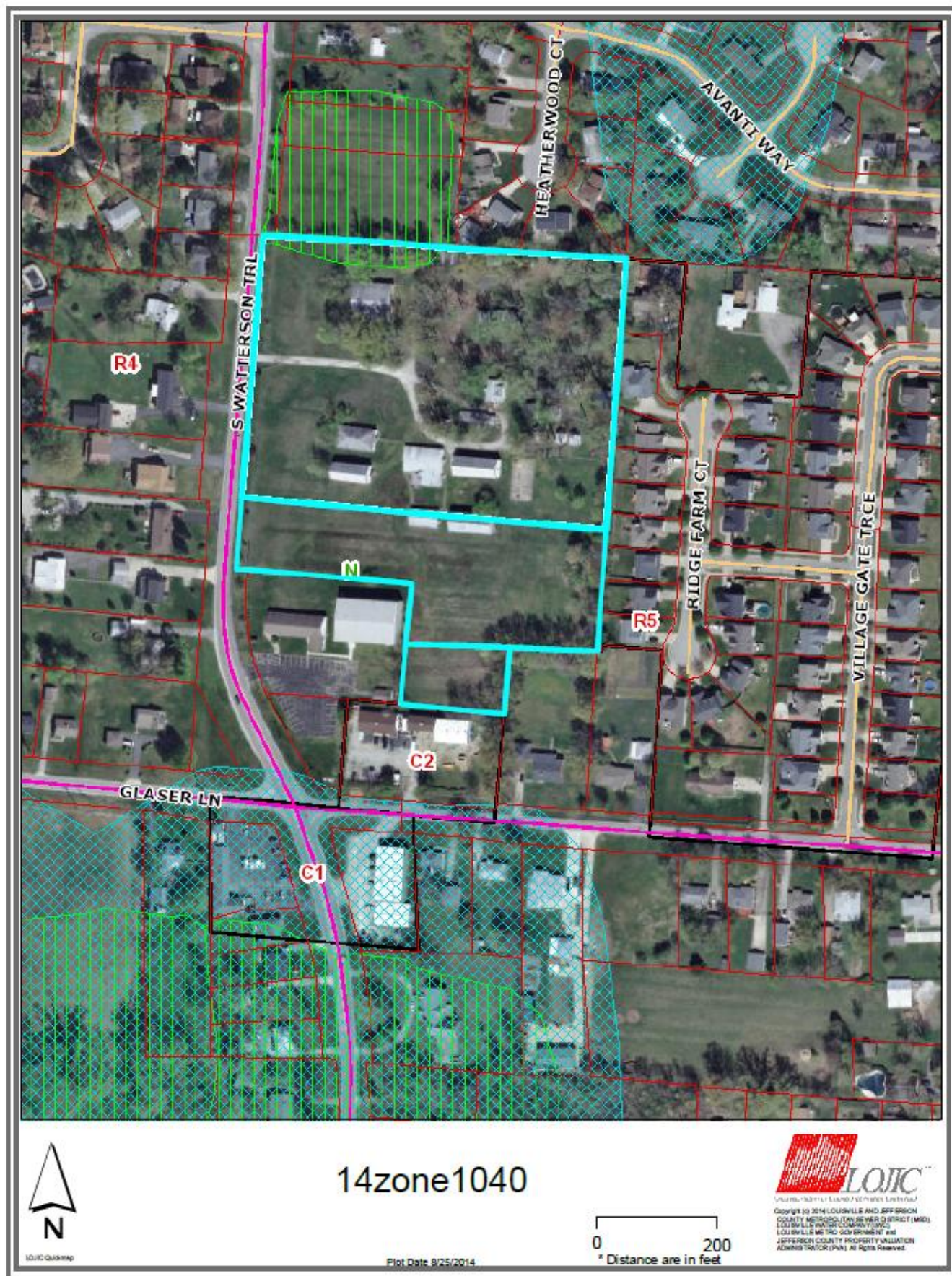
1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

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 proposed R-5 zoning continues a mix of lot sizes available in the area.
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 not high density.
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.	✓	The proposal is for single family residential which is prevalent in the area.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	-	The streets are not designed to encourage human activity as the two proposed roadways do not connect.
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.	✓	There are no non-residential uses proposed. The site is not located in an activity center.

#	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.	NA	The proposal is for residential.
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 smaller lot sizes proposed indicates a compact development.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	✓	The proposed use is single family and the site is mostly surrounded by single family uses.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not for a non-residential zoning district.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	The proposal is for residential alone.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposal is for residential.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is for residential.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is for residential.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	No surface parking is proposed and there is only one entrance to the subdivision.
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.	✓	Detention facilities are located off of two rights of way.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Parking, other than driveways, is not proposed.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not for a center.
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 is compatible with the adjacent developments because the proposal is for a residential zoning district. Buffers are going to be provided between the site and the adjacent nonresidential uses and zoning.
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.)	✓	This residential development is not considered infill.
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 does not introduce a new density as there is existing R-5 zoning within an existing subdivision to the east of the site. The proposal is meeting all applicable setbacks where adjacent to residential.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Planning did not indicate any adverse impacts on traffic.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 meet LDC requirements.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	The proposal is for single family detached dwellings.
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 proposal is not high density.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	✓	The housing being created does not specify a marketing group. The proposal is located adjacent C-2 zoning.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposed zoning is compatible with the surrounding housing as it is the same zoning as the subdivision to the east.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Landscape buffers are provided between the site and the adjacent non-residential uses and zoning.
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	Landscape buffers are provided between the site and the adjacent non-residential uses and zoning.
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.	✓	The setbacks, lots, and building heights fit the requirements of the Neighborhood Form District.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Three open space lots are proposed.
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.	✓	Three open space lots are proposed.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The site is located in a karst area and also an area with hydric soils. Karst features were not found on the site and hydric soils have not been identified.
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.	✓	The site is located in a karst area and also an area with hydric soils. Karst features were not found on the site and hydric soils have not been identified.
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.	—	<p>This is an intact historic complex with cabins, meeting halls, tabernacle, and dormitories as well as the landscape. This site is a rare surviving example of the camp meeting property type in Jefferson County. The resource is historically significant in the area of Religion for its association as a camp meeting ground. This property is National Register-eligible and would likely be listed under Criterion A as a locally significant example of a camp meeting ground within the historic context, "Religion in Jefferson County, Kentucky, 1780- 1951".</p> <p>Since this site is proposed to be developed, Historic Preservation Staff is asking that site be documented at the National-Register level which includes photographs and an historic context. Staff can provide a list of preservation professionals that would be qualified to do the type of documentation requested. All materials shall be submitted to Historic Preservation Staff prior to ground disturbance and demolition.</p>
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.	✓	Soils are not an issue with the proposal.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Transportation Planning has not indicated a need for road improvements.
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 supports access to surrounding land uses and provides a stub to the vacant site to the north. The proposal also does not provide a continuous roadway. Cul-de-sacs are the primary roadways.
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.	✓	Transportation Planning has not indicated a need for the dedication of right of way.
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.	✓	A stub street is being provided to the adjacent vacant property to the north.
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.	✓	No access is being provided through a lower intensity zoning district,
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.	✓	A stub street is being provided to the adjacent vacant property to the north.
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.	✓	Pedestrians are being provided for with sidewalks proposed within the development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid 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.	✓	MSD has preliminarily approved the proposal.
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 not located in an area where natural corridors are evident.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing utilities are available in the area, but new utilities to serve the site will also be planned.
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.	✓	An adequate water supply exists in the area.
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 issues 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit) 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. 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

8. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
- 16. The applicant will document the site at the National-Register level, which includes photographs and an historic context. Planning and Design Services staff can provide a list of preservation professionals that would be qualified to do the type of documentation requested. All materials shall be submitted to Historic Preservation Staff prior to ground disturbance and demolition.**