

Planning Commission
Staff Report
February 1, 2018



Case No:	16ZONE1052
Project Name:	The Farms at Lovers Lane
Location:	6015 Lovers Lane
Owner(s):	Superior Builders, Inc.
Applicant:	Superior Builders, Inc.
Representative(s):	BlueStone Engineers, PLLC – Chris Crumpton
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change in zoning** from R-4, Single-family Residential to R-5, Single-family Residential
- **Major Preliminary Subdivision/District Development Plan**

CASE SUMMARY

The subject site is located on the East side of Lovers lane, roughly one mile East of Bardstown Road and one mile North of Interstate-265. The change-in-zoning is being requested in conjunction with a major preliminary subdivision plan for forty-four residential building lots and two open-space lots at the entrance along Lovers lane. The permitted density will increase from 4.84 dwelling units per acre to 7.26 dwelling units per acre. The proposed subdivision will extend Sycamore Bend Trace from the Jefferson Trace Subdivision (PB 48, PG 5) to the right-of-way of Lovers Lane. An additional roadway connection will be provided from the proposed Farms at Lovers Lane preliminary subdivision (docket 10-14-03) to the South of the subject site and intersect with Sycamore Bend Trace before ending at a stub to the North.

STAFF FINDING

The proposed rezoning complies with the applicable guidelines and policies of Cornerstone 2020 and complies with the Land Development Code. The district development plan also appears to be adequately justified based on the standard of review and staff analysis. All applicable regulations of the Land Development Code have been met. No waivers or variances have been requested.

While the density will be increased slightly by the proposed zoning change, all lots are limited to single family use. The subject site will provide primary access from Lovers Lane, a collector level roadway. The gross density proposed is 4.5 du/ac and the net density is 5.61 du/ac. The proposed density, as well as the maximum permitted by the district is relatively low density residential; similar to the maximum density of the existing zoning district which is 4.84 du/ac. The requested district would also allow for lot sizes to be a minimum of 6,000 square feet. The smaller lot sizes aid in creating a variety of housing options resulting in a potential decrease in the cost of living associated with the maintenance of larger plots of land.

TECHNICAL REVIEW

The subject site is located in Quadrant II: Northeastern Quadrant of the *Fern Creek Small Area Plan* which focuses on the continuation of the current pattern of residential subdivision growth and recommends that wooded areas shall be conserved to the fullest extent possible, while also restricting the area from commercial and other high intensity/density uses.

Guiding Principal 3.3.2 recommends a three-tiered approach to development where intensity and density of land uses decrease moving outward from the Bardstown Road and Interstate-265 interchange. The subject site is in the Tier 3 which should consist of “mostly low-density developments such as single-family residential, open-space, and agricultural land uses.”

Transportation Recommendation 7.4.5 notes the concerns of citizens in the area related to cut-through traffic on subdivisions streets. Traffic calming devices are recommended where necessary and may include, “easy-to-install and inexpensive measures as maximum speed limit signs or turn prohibitions. Examples of more expensive traffic calming measures include chokers, chicanes, partial diverters, and street closure.”

The proposed zoning district allows a slightly higher density than the surrounding properties, but overall the density requested is relatively low-density.

MSD and Transportation Planning have provided preliminary approvals for the project.

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 PROPOSED REZONING

The Following is a summary of 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.

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. Sidewalks and connections to abutting subdivisions both proposed and existing are being provided, as well as a stub connection to facilitate future growth. 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 from an adjacent subdivision to the collector roadway and adequate street stubs have been provided from a proposed subdivision to the South and to large residential tracts to the North. Although pedestrian access to activity centers is not friendly along Lovers Lane the subject is within 1-mile of a of this center which provides first and second order goods, as well as access to public transportation. The Development plan provides sidewalks along the subdivisions frontage.

Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable. Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC.

The site contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation.

STANDARD OF REVIEW FOR DISTRICT DEVELOPMENT PLAN

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

STAFF: The site contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation.

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

STAFF: The proposal includes at least one continuous roadway through the development from an adjacent subdivision to the collector roadway and adequate street stubs have been provided from a proposed subdivision to the South and to large residential tracts to the North. Sidewalks are provided along all proposed roadways and along the frontage of the subject site at Lovers Lane.

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

STAFF: Open space is not required for standard subdivision in the Neighborhood Form District.

- 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: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable. Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC.

- 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 is consistent with applicable policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Checklist and as provide for in the Staff Analysis of the rezoning.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to R-5, Single-family Residential on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **District Development Plan**

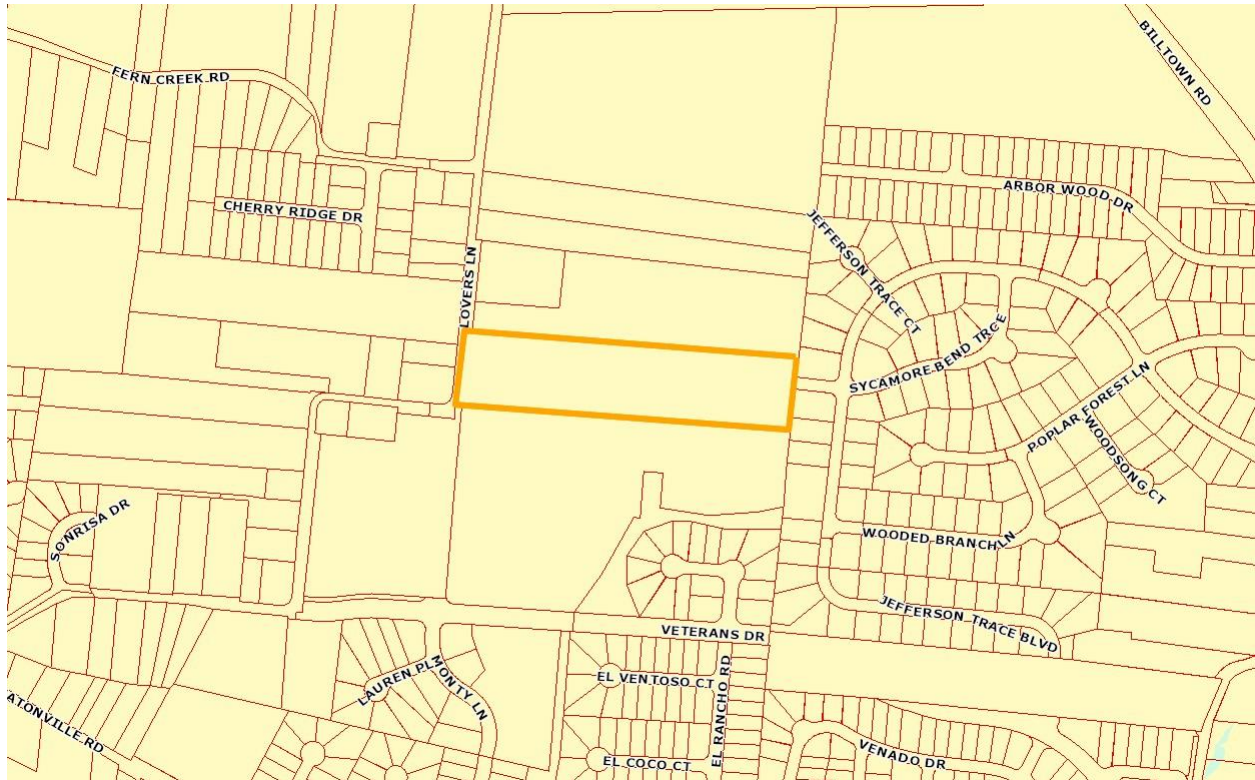
NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 25
12/29/17	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 25
1/3/18	Hearing before PC	Sign Posting on property
1/19/18	Hearing before PC	Legal Advertisement in the Courier-Journal

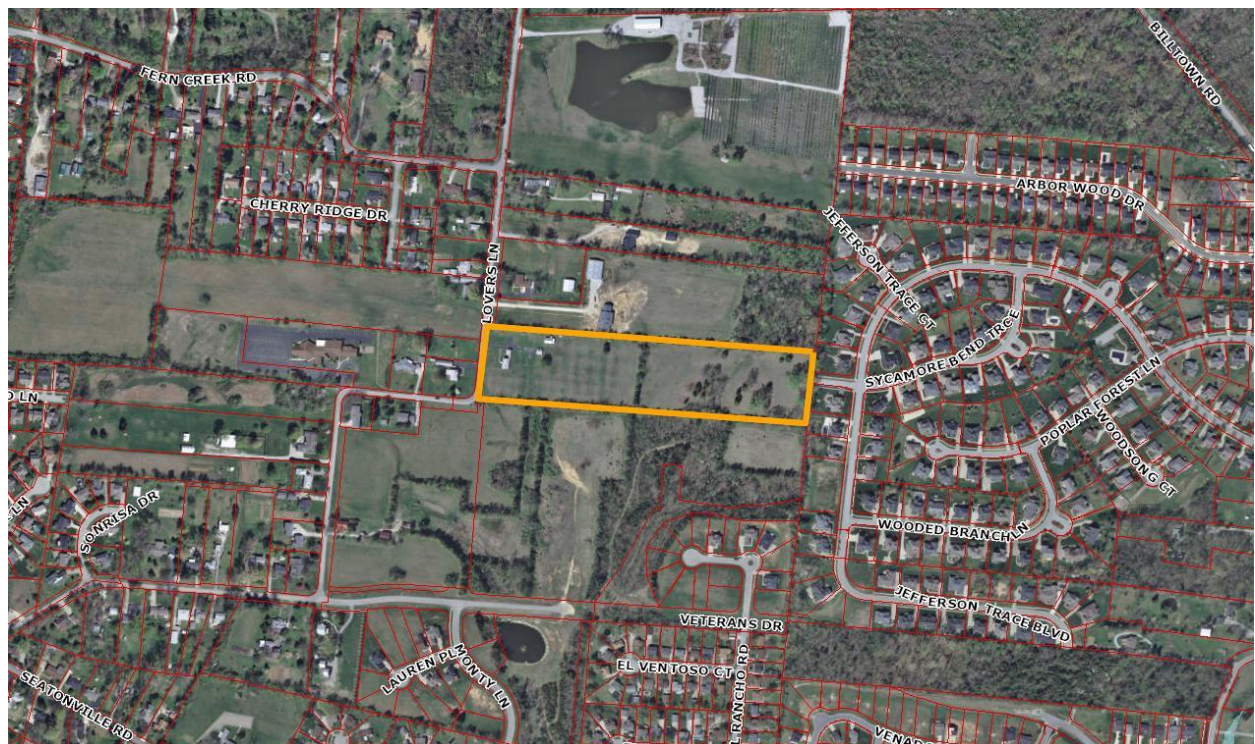
ATTACHMENTS

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 subject site is surrounded by lower density subdivisions and would create an inter-connected slightly higher density development
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 gross density proposed is 4.5 du/ac and the net density is 5.61 du/ac which is considered to be low density residential and similar to the maximum density of the existing zoning district which is 4.84 du/ac. The requested district would allow for lot sizes to be a minimum of 6,000 sq. ft.
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.	✓	Proposed lots are for single-family residential use only and will comply with LDC 5.4.2
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.	✓	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. Sidewalks and connections to abutting subdivision both proposed and exiting are being provided, as well as a stub connection to facilitate future growth.
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.	NA	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision

#	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	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision
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.	✓	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision. The proposed density is higher than that of surrounding developments and utilizes the land area in a manner that compatible with adjacent R-4 districts, while also continuing the hierarchy of the street grid and infrastructure
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 design of the subdivision does not hinder the mobility of users of multiple modes of transportation and promotes the future growth of transportation infrastructure through provision of sidewalks and connectivity.
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 is for low-density (7.26 du/ac) single-family subdivision
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 1-mile of a commercial corridor which provides 1st and 2nd order goods, 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	Proposed rezoning is for low-density (7.26 du/ac) single-family subdivision

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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 low-density (7.26 du/ac) single-family subdivision
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 low-density (7.26 du/ac) single-family subdivision
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	The sharing of entrance and parking facilities to reduce curb cuts and surface parking is provided as the Subdivision will connect to an existing subdivision and share access points to Lovers lane and Billtown Road
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	✓	Utility easements to provide access for maintenance and to provide services in common for adjacent developments has been provided
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.	✓	Single-family lots will be served by a local road and sidewalks will be provided.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	✓	Although pedestrian access to centers is not friendly the subject is within 1-mile of a commercial corridor which provides 1st and 2nd order goods, as well as access to public transportation. The Development plan provides sidewalks along the subdivisions frontage.
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 generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposed subdivision is for single-family residential use only and will promote vehicular and pedestrian connection to adjacent residential areas of the form district.
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.)	✓	Residential development will occur in accordance with the residential site design standards of LDC 5.4.2.

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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.	✓	While the density will be increased slightly by the proposed zoning change all lots will be restricted to single family use only. The subject site is at the edge of an existing R-4 subdivision and proposed R-4 preliminary subdivision with frontage and nearest access from Lovers Lane, a collector level roadway.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal will not create significant amounts of traffic as it is for single-family use and has appropriate connections to roadway and adjacent lands.
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 single-family residential use 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.	✓	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 introduces a smaller lot size pattern to surrounding low density residential subdivisions
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 subject site is located along a collector level roadway
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 subject site is located within proximity to a commercial corridor providing first and second order goods to meet the needs of persons with disabilities or the elderly. The smaller lot size also decreases the burden of maintenance on homeowners.
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.	✓	Smaller lot sizes are being proposed which aids in creating a variety of housing options to decreases the burdens of the cost of maintenance of land.

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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.	✓	Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC.
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.	✓	Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC.
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 are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable.
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 is not required in this form district for standard subdivisions.
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 is not required in this form district for standard subdivisions.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Tree canopy in excess of the existing coverage is being provided.
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 contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The site contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation.
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.	✓	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. Note 45 on the proposed development indicate the specific details of these roadway 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'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 from an adjacent subdivision to the collector roadway and adequate street stubs have been provided from a proposed subdivision to the South and to large residential tracts to the North.
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.	✓	Streets and sidewalks are in compliance with the LDC. The nearest transit stop is at Seatonville Road and Bardstown Road.
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.	✓	Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. Stubs are provided to the North and to the South.

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40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	The proposed development is accessed to through areas of significantly lower intensity or density. The density is only slightly higher and has frontage on a collector level roadway.
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.	✓	The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. Sycamore Bend Trace is a local road. Lovers Lane is a collector level roadway. Lovers Lane continues to Seatonville Road and connects to Bardstown Road which is a commercial corridor.
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.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. Sidewalks and streets are provided to encourage the safe movement of pedestrians and vehicles from adjacent developments, proposed developments, and to accommodate future growth.
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area.
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 does not abut any natural corridors that would need to be continued.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The precise location of utilities and service will be determined at the record plat stage in consultation with all utility providers.

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46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The Fern Creek fire department has expressed no concerns with the proposed development.
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.	✓	LWC has no objections to the proposal.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. A major subdivision plat creating the lots, easements, and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits
4. 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.
5. 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.

6. The site shall be developed in accordance with the tree preservation areas delineated on the tree preservation/landscaping plan. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan
7. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat:
 - a. Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified on the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of preliminary plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. 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 preliminary subdivision plan.
8. 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, TCPAs 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.
9. 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.