

Planning Commission

Staff Report

October 22, 2024



Case No:	23-ZONE-0120
Project Name:	LDG Cooper Chapel
Location:	8300 Cooper Chapel Rd
Owner(s):	GVPT Cooper Chapel LLC
Applicant:	LDG Development, LLC
Jurisdiction:	Louisville Metro
Council District:	23-Jeff Hudson
Case Manager:	Jay Luckett, AICP, Planning Supervisor

REQUEST(S)

- **Change in zoning** from R-4 to R-4, R-6 and PRD
- **Variance** from Land Development Code section 5.3.1 to permit buildings on Tract 2 to be up to 40 feet tall, exceeding the maximum 35-foot height by up to 5 feet.
- **Waiver** of Land Development Code section 7.3.30.E to permit drainage easement to overlap rear yards by more than 15% for lots 1-24 and 41-60
- **Detailed District Development plan/Major Preliminary Subdivision Plan** (Steep Slope Development Potential Transfer) with review of land disturbing activity on slopes greater than 20% and binding elements

CASE SUMMARY

The applicant is proposing to construct a residential development with a variety of housing types, including 60 detached single-family lots, 40 semi-detached single-family townhomes and 408 multifamily units. The development includes new public streets, including two access points to Cedar Creek/Cooper Chapel Rd, extension of the Fantasy Trail stub street and providing a stub to accommodate future development to the north.

The site contains environmentally sensitive features including a protected waterway, steep slopes and karst features. The proposal includes utilizing the Steep Slope Development Potential Transfer option to reduce minimum lot sizes and minimize disturbance of sensitive areas.

The subject property contains approximately 74.2 acres located 1.25 miles south of I-265 and is located along Cooper Chapel Road, a primary collector, which provides access to the interstate via Beulah Church Road and access to McNeely Lake Park via Cedar Creek Road. The site shares its western boundary with a public golf course, with single-family residential around the site in a variety of lot patterns.

STAFF FINDING

The zoning change request conforms with the provisions of the Comprehensive Plan. The Variance and Waiver are adequately justified and meet the standards of review. The Major Preliminary Subdivision and Revised Detailed District Development Plan comply with the Land Development Code and the

Comprehensive Plan, with disturbance of environmentally sensitive features and steep slopes minimized in accordance with the provisions of Chapter 4 of the Land Development Code.

TECHNICAL REVIEW

The proposed development plan has been approved by MSD and Transportation Planning.

The proposed subdivision includes disturbance of slopes in excess of 20%. Land Development Code, section 4.7.5 provides that Land disturbing activities on slopes greater than 20% is permitted on lots created by major subdivision after the effective date of this regulation only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the provided standards of this part. A staff analysis has been included in this report for the Planning Commission's consideration.

The application of development potential transfer on this project allows for the following:

- Lot sizes to be reduced in accordance with the alternative development incentives of the Neighborhood form district.
- Setbacks to be applied as required for standard subdivision development in the R-4 zoning district.
- The transferrable potential is based on the theoretical maximum allowable density of the zoning district containing the preserved slopes; therefore, the development potential of preserved areas is incorporated through reductions in lot sizes across the total area of the subdivision.
- Areas of steep slopes may be present within single-family lots subject to the requirements of Chapter 4, Part 7.5 – Land Disturbing Activity on Slopes Greater than 20%. Areas within lots may not be used for development potential transfer.
- All areas being considered for development transfer potential must be preserved as open space or by other acceptable means.

INTERESTED PARTY COMMENTS

See attachments for interested party comments.

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 Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Neighborhood Form District

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

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. 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, 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 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, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and 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 zoning district would promote the production of affordable housing and allow for intergenerational and mixed-income development by allowing for additional housing types, lot patterns and ownership options. The proposed development is designed to be compatible with existing development in the area, with detached single-family homes around the edges, and more intensity internal to the site. 2-story multifamily buildings are proposed closest to the large single family lots along the site frontage, with 3-story buildings set farther back. Adequate screening and buffering will be provided adjacent to all adjacent public streets and residential uses.

The site is located along Cedar Creek Rd/Cooper Chapel Rd, which is a primary collector at this location. Approximately 1 mile to the north, a newly proposed activity center is expected to be developed with a grocery store and a variety of other commercial uses and services. The Gene Snyder Freeway is approximately 1.25 miles to the north and provides ready access to job opportunities and services. The site is immediately adjacent to McNeely Lake Park, a large public park with a variety of amenities. Additional amenities will be provided on site for residents of the development.

Adequate public utilities are available or can be extended to service the site. The proposed development would extend existing public roads and create additional public roads, with stub streets to serve expected future development in the area. The proposal includes site design and dedication of right-of-way to accommodate planned Kentucky Transportation Cabinet roadway projects in the area.

Site design includes preservation of environmentally sensitive features, utilizing clustered development to minimize disturbance of the most sensitive areas of the site.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the buildings will be constructed to all applicable building code requirements. The buildings will not obstruct the movement of the public around the site.

(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 because the buildings will be consistently constructed as part of a planned residential development. The size and scale of the buildings are similar to other multifamily developments in the Neighborhood form district throughout the community.

(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 because the structures will be internal to a larger planned development and will not encroach onto adjacent older single-family development. Adequate setbacks and buffering are provided from all roadways and adjacent residential properties.

(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 buildings meet all applicable setbacks. Adequate screening will be provided. The building height regulations of the Land Development Code are inconsistent with modern multifamily construction methods, as height variances of 5 feet or less are regularly requested and granted for 3-story development projects throughout the community within the Neighborhood form.

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 requested variance does not arise from any special circumstances.

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 create an unnecessary hardship on the applicant as the buildings would need to be engineered with lower ceilings, flatter roofs and altered plumbing, electrical and other systems to compact the height.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. They are proposing new development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners. The reduced yard will only affect the property owners of the new homes, who will be informed of the presence of any easements prior to purchasing a lot for development.

(b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address drainage easements and addresses yard requirements only as buffers between incompatible uses. The adjacent uses are not incompatible with the proposed use. The Planning Commission has recommended that the Louisville Metro Council eliminate the provision that is requested to be waived.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

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

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the overlap of easements and yards is a common situation, driven largely by topography, grading and location of existing utilities. The waiver would not impact any adjacent property owners.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

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

STAFF: The site contains areas of steep slopes and protected waterways with associated floodplain areas. Portions of the site are treed, while other areas contain former agricultural fields. The applicant is utilizing the steep slope development potential transfer option with a mix of residential development types to reduce the impact on the steepest areas of the site. The development proposes clustered development that allows for preservation of environmentally sensitive features.

(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, and Transportation Planning has approved the preliminary development plan.

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

STAFF: The development is providing open space in excess of the minimums required for both the PRD area and the R-6 zoned section. All required recreational open space is being provided, including a variety of amenities and preservation of natural areas.

(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 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.

(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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate screening will be provided to screen adjacent properties and roadways.

(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 and to requirements of the Land Development Code, except where relief has specifically been requested.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LAND DISTURBING ACTIVITIES ON SLOPES GREATER THAN 20%

(a) The Commission finds that the design and configuration of the development results in the minimum disturbance of slopes greater than 20% necessary to accommodate the proposed use of the site; and,

STAFF: A geotechnical and slope stability review was completed for the site by Greenbaum and Associates and no significant concerns with respect to slope instability or substantial erosion were observed on these scattered lots. There are several karst features identified on the preliminary plan, and the geotechnical report lays out detailed construction techniques with respect to karst features, shallow rock and steep slope areas. Overall, the design and layout appear to be the minimum necessary to accommodate the proposed use of the site.

(b) Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,

STAFF: The final location of all utilities will be determined prior to the recording of the record subdivision plat. The preliminary location of drainage features has received approval from the Metropolitan sewer District.

(c) The Planning Commission may approve the activity if the geotechnical report opines and demonstrates that:

- a. The slope's ground surface and subsurface are not unstable;
- b. Development of the slope and associated mitigation measures will not increase the degree of risk of slope instability both on- site and on adjacent lands; and,
- c. If a geotechnical report is required, the applicant provides a plan, acceptable to the Commission, that specifies how the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.

STAFF: In general, the geotechnical report opines that the on-site slopes in the observed areas were stable at the time of observation. It provides that disturbance of slopes should not exceed the limits of evaluation in the report. Construction measures to maintain stability have been provided and should be incorporated into the construction of all new homes and the life of those homes.

(d) The activity is in keeping with the Comprehensive Plan.

STAFF: The Comprehensive Plan calls for the integration of natural features into the pattern of development and that proposal should respect the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. In general, preliminary soil and slope evaluation demonstrates that the proposal is in conformance with the aforementioned policies of the Comprehensive Plan as construction methods have been provided to minimize property damage and environmental degradation related to disturbance of steep slopes. While some buildable lots are being placed in areas of concern, the majority of development will occur outside the areas of steeper slopes and karst features.

REQUIRED ACTIONS

- Set the public hearing date

NOTIFICATION

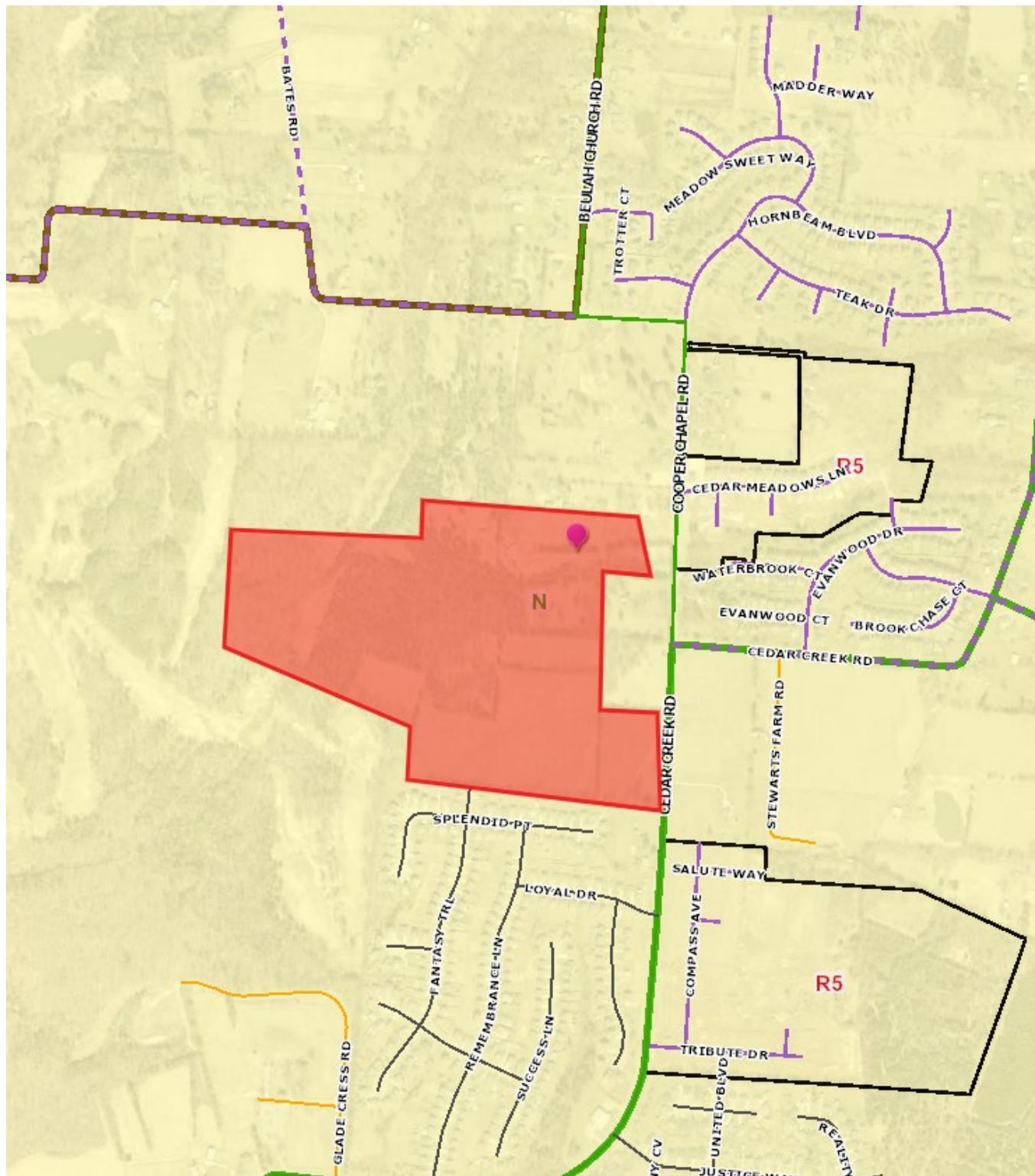
Date	Purpose of Notice	Recipients
8-5-24	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23
10-3-24	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23
9-30-24	Hearing before PC	Sign Posting on property
10-10-24	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

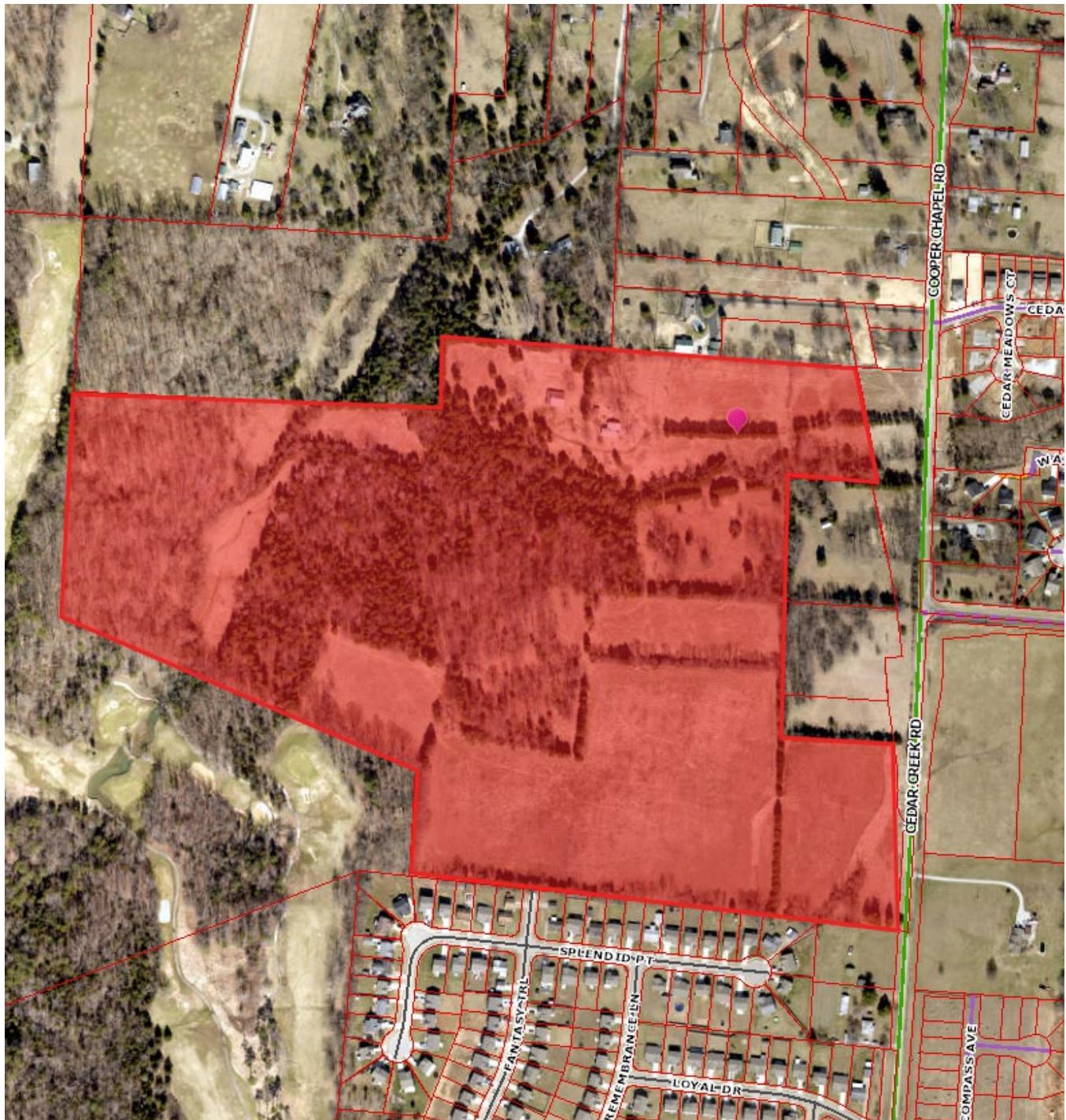
1. Zoning Map
2. Aerial Photograph

3. Staff Plan 2040 Checklist
4. Proposed binding elements

1. Zoning Map



2. Aerial Photograph



3. Staff Plan 2040 Checklist

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

Neighborhood: Residential

Plan 2040 Plan Elements/Staff Analysis	
1	Community Form: Goal 1, Policy 7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.
✓	Staff Analysis: The site is located along Cedar Creek Rd/Cooper Chapel Rd, which is a primary collector at this location. The Gene Snyder Freeway is approximately 1.25 miles to the north. Approximately 1 mile to the north, a newly proposed activity center is expected to be developed with a grocery store and a variety of other commercial uses and services.
2	Community Form: Goal 1, Policy 9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.
✓	Staff Analysis: Adequate screening and buffering will be provided adjacent to residential properties of a lower intensity and to public roadways.
3	Community Form: Goal 2, Policy 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.
✓	Staff Analysis: The development would permit multiple additional housing options in the area.
4	Community Form: Goal 3, Policy 10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.
✓	Staff Analysis: The site has some areas of steep slopes in the rear, as well as protected waterways and some karst features. The applicant is proposing clustered development on the site that facilitate preservation of environmentally sensitive areas.
5	Community Form: Goal 4, Policy 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.
✓	Staff Analysis: All structures have been removed from the site per approved wrecking permits. Treed areas in the rear of the site and areas around the protected waterways are proposed to be preserved.
6	Community Form: Goal 4, Policy 3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.
✓	Staff Analysis: The site is vacant, with structures having been removed per approved wrecking permits.
7	Mobility: Goal 1, Policy 4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient

Plan 2040 Plan Elements/Staff Analysis	
	<i>public transportation system.</i>
✓	Staff Analysis: The site is located along Cedar Creek Rd/Cooper Chapel Rd, which is a primary collector at this location. The Gene Snyder Freeway is approximately 1.25 miles to the north. Approximately 1 mile to the north, a newly proposed activity center is expected to be developed with a grocery store and a variety of other commercial uses and services.
8	<u>Mobility: Goal 2, Policy 4.</u> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.
✓	Staff Analysis: New public streets are proposed to connect to Cooper Chapel Rd, as well as to extend the stub for Fantasy Trl. Additional stubs are proposed to support future development adjacent to the site.
9	<u>Mobility: Goal 3, Policy 2.</u> To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.
✓	Staff Analysis: The proposed zoning district would allow for additional housing options within an area expected to continue to grow and develop. A new commercial activity center including a grocery and a variety of commercial services is planned approximately 1 mile to the north of the site.
10	<u>Mobility: Goal 3, Policy 5.</u> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.
✓	Staff Analysis: The applicant will install required sidewalks. The development is designed to accommodate planned KYTC roadway realignment along the site frontage, including right-of-way dedication. Transportation Planning and KYTC have approved the preliminary development plan.
11	<u>Mobility: Goal 3, Policy 6.</u> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.
✓	Staff Analysis: The development is designed to accommodate planned KYTC roadway realignment along the site frontage, including right-of-way dedication. The applicant will construct new public roadways within the development, and provide stubs to support future development.
12	<u>Mobility: Goal 3, Policy 9.</u> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.
✓	Staff Analysis: A traffic study has recommended turn lanes and other improvements, which will be provided prior to occupation of the site.
13	<u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.
✓	Staff Analysis: Transportation Planning and KYTC have approved the preliminary development plan.
14	<u>Mobility: Goal 3, Policy 21.</u> Prevent safety hazards caused by direct residential access to high speed roadways.
✓	Staff Analysis: The proposal includes new public roadways, extending stubs and connecting to Cooper Chapel Rd.
15	<u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.
✓	Staff Analysis: Utility service is available to the site or can be extended to the site.
16	<u>Community Facilities: Goal 2, Policy 2.</u> Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.
✓	Staff Analysis: Water service is available to the site.
17	<u>Community Facilities: Goal 2, Policy 3.</u> Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).
✓	Staff Analysis: MSD has approved the preliminary development plan.
18	<u>Livability: Goal 1, Policy 5.</u> Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.

Plan 2040 Plan Elements/Staff Analysis	
✓	Staff Analysis: The applicant will preserve areas of mature trees along the steepest parts of the site and along the protected waterways.
19	Livability: Goal 1, Policy 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.
✓	Staff Analysis: The site has areas of karst. The applicant will mitigate karst features in accordance with the geotechnical report, which lays out appropriate construction techniques.
20	Livability: Goal 1, Policy 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.
✓	Staff Analysis: The site has floodplain areas. Most of development is designed in a way to minimize disturbance of floodplains. Kentucky Department of Water and MSD will review construction plans prior to any disturbance of floodplain areas and ensure adequate mitigation and compensation.
21	Housing: Goal 1, Policy 1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.
✓	Staff Analysis: The proposed zoning would allow for a variety of housing types. The site is designed to be compatible with existing development in the area, with detached single family homes around the edges, and more intensity internal to the site. 2-story multifamily buildings are proposed closest to the large single family lots along the site frontage, with 3-story buildings set farther back.
22	Housing: Goal 1, Policy 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.
✓	Staff Analysis: The proposed zoning district will help promote aging in place by providing additional housing type options. The site is approximately 1 mile from a planned commercial activity center which will include a grocery and other commercial services.
23	Housing: Goal 2, Policy 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
✓	Staff Analysis: The proposed zoning district would promote mixed income and intergenerational development by allowing for additional housing types. The Gene Snyder Freeway approximately 1.25 miles to the north provides ready access to a variety of commercial services, amenities and employment opportunities. The site is approximately 1 mile from a planned commercial activity center which will include a grocery and other commercial services.
24	Housing: Goal 2, Policy 2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.
✓	Staff Analysis: The site is approximately 1 mile from a planned commercial activity center which will include a grocery and other commercial services.
25	Housing: Goal 3, Policy 1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.
✓	Staff Analysis: The proposed zoning encourages the provision of fair and affordable housing by allowing for a variety of housing types, ownership options, lotting patterns and unit sizes.
26	Housing: Goal 3, Policy 2. As neighborhoods evolve, discourage displacement of existing residents from their community.
✓	Staff Analysis: The proposed zoning district would not displace current residents.
27	Housing: Goal 3, Policy 3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.
✓	Staff Analysis: The proposed zoning would allow for a variety of lotting patterns and unit types, allowing for production of fair and affordable housing.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance and will be consistent with the Tree Canopy Preservation Exhibit on file with the Louisville Metro Office of Planning.
 - f. The materials and design of proposed multifamily and semi-detached single family structures shall be consistent with the elevations as presented at the October 22, 2024 Planning Commission meeting. A copy of the approved elevations is available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. 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."

6. 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.
7. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
8. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
9. 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.
10. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Commercial properties and Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide 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.
11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
12. A signature entrance, if proposed, shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
13. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

14. The development shall be constructed in accordance with the techniques outlined in the Greenbaum and Associates Geotechnical Report dated December 22, 2021.
15. Prior to requesting a Certificate of Occupancy for the site, all roadway improvements indicated as warranted by the Traffic Impact Study performed by Diane Zimmerman Traffic Engineering and dated May 20, 2024 shall be installed.
16. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.