

Planning Commission Staff Report

November 6, 2014



Case No:	14ZONE1013
Request:	Re-zoning from R-5 to R-5A, Conditional Use Permit for a Daycare, Detailed District Development Plan, Binding Elements, and Waivers
Project Name:	Twana Shanklin Daycare
Location:	4014 St. Francis Ln.
Owner:	Twana Shanklin
Applicant:	Twana Shanklin
Representative:	Twana Shanklin
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from R-5 to R-5A, Multi-Family Residential
- Conditional Use Permit (CUP) to allow a Daycare
- Waiver #1 of all landscaping requirements (35' LBA, plantings, 8' screen) along the north property line per LDC Section 10.2.4
- Waiver #2 of all landscaping requirements (35' LBA, plantings, 8' screen) along the south property line per LDC Section 10.2.4
- Waiver #3 of all landscaping requirements (20' LBA, plantings, 8' screen) along the west property line per LDC Section 10.2.4
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits midway between the intersection of St. Francis Lane and Broadmoor Boulevard and the cul-de-sac at the end of St. Francis Lane. It is within Section 2 of Broadmoor Park Subdivision which is a single family residential subdivision. St. Francis Lane is a local level street as is Broadmoor Boulevard which empties out onto Newburg Road, a minor arterial level street. The site is surrounded by single family residences excepting the Kentucky Credit Union League office property that abuts the rear property line.

On the site is an existing one story vinyl house that is 1,670 SF in size with a shed in the rear. The applicant is proposing a 6' privacy fence in the rear that will enclose a 1,060 SF play area for the children. There will be an estimated 15 to 23 children, cared for by five employees, aged six weeks to five years old at the daycare. Though the change in use requires landscaping along the north, south, and west property lines, the applicant has requested Waivers of all the landscaping requirements in the previously mentioned areas.

Existing Zoning District: R-5, Single Family Residential
Proposed Zoning District: R-5A, Multi-Family Residential w/ CUP
Form District: Neighborhood
Existing Use: Residential
Proposed Use: Daycare

Minimum Parking Spaces Required: 5 (2 per employee of maximum shift, or 1 per employee of max shift and a drop-off/pick-up area)

Maximum Parking Spaces Allowed: 10 (4 per employee of maximum shift, or 2 per employee of max shift and a drop-off/pick-up area)

Parking Spaces Proposed: 5, w/ child drop-off and pick-up area

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	R-5	N
Proposed	Day Care	R-5A w/ CUP	N
Surrounding Properties			
North	Residential	R-5	N
South	Residential	R-5	N
East	Residential	R-5	N
West	Office	OR-3	N

PREVIOUS CASES ON SITE

- There are no previous cases on site.

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The proposal site lies within a residential subdivision on a local level road that is a cul-de-sac and it allows for additional density options for the surrounding neighborhood. Existing infrastructure will be maintained to serve the site and no changes to the existing house are proposed. Since the design and location of the building will remain the same, the proposal will continue to blend in with the surrounding neighborhood. A sidewalk is provided along the street and the existing access point will remain the same providing for pedestrian, vehicular, and bicycle access. Though the requested re-zoning does require additional landscaping, the site will remain a residential use and maintain the existing setbacks and site design. The new zoning designation allows multi-family residential to be on the site but the lot is small enough that the density requirements in the R-5A Zoning District would not permit another dwelling unit. This effectively renders the re-zoning meaningless and the proposal to change the zoning will, therefore, not adversely impact surrounding neighbors.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

The proposal complies with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)**. The functional street grid pattern will not be affected by the proposal since no new traffic would be created by the re-zoning and the development will utilize existing parking and access facilities. Due to the sidewalk along the street, the site provides access by pedestrians, vehicles, and bicycles.

The proposal complies with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as MSD, the Louisville Water Company, and the Air Pollution Control District has approved the proposal and other utilities have not expressed any concerns.

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 CONDITIONAL USE PERMIT – DAY CARE FACILITIES (PROVIDING CARE FOR MORE THAN 6 CHILDREN) – LDC 4.2.19

Day Care Facilities may be allowed in the R-R, R-E, R-1, R-2, R-3, U-N, R-5A, R-5B, R-6, and R-7 districts upon the granting of a Conditional Use Permit and in compliance with the listed requirements.

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal does not completely meet the guidelines of the Comprehensive Plan in regards to **Guideline 1 (Community Form)**, **Guideline 2 (Centers)**, **Guideline 3 (Compatibility)**, **Guideline 7 (Circulation)**, and **Guideline 8 (Transportation Facility Design)**. The site design, existing buildings, and building materials do conform to the single family residential pattern in the area and no new buildings are being proposed. However, the use of the site as a daycare is a non-residential expansion into a single family residential area. Non-residential uses in the Neighborhood Form District are best located within an existing activity center close to the intersection of collector or arterial level roads. This site is located in the middle of the block along a local level street on a cul-de-sac and is surrounded by single family residential uses on all sides except to the west. Since the proposal does not create a mix of compatible land uses, there will be few reductions in vehicular trips as this location is out of the way of commercial activity within a residential subdivision. The introduction of a non-residential use on a residential street will increase traffic on a cul-de-sac. The required LBA, screening, and plantings along the north, south, and west lot lines will be difficult, if not impossible, to provide due to existing structures, pavement, and the small size of the lot. Staff has determined that adequate parking is provided for the site since the applicant has provided the number of employees that will work at the daycare.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposed use is somewhat compatible with surrounding single family residential land uses since the site will continue to use the existing buildings and general layout of the site. However, adjacent properties will not be sufficiently protected from potential nuisances such as intensity, traffic, and noise since the required landscape buffers, plantings, and screening will not, or cannot be, provided on the site.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary infrastructure has been provided on site which will continue to be maintained and will adequately serve the proposed use.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

- A. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
- B. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
- C. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
- D. On-Site Drop-off and Pick-up Area - An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the appropriate agency responsible for traffic engineering.
- E. Parking Spaces - The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be determined by the Board of Zoning Adjustment, and may thereafter be modified by the Board of Zoning Adjustment by petition from the owner of the premises granted a Conditional Use Permit or upon recommendation from the zoning inspector or other authorized personnel after an annual inspection of the premises or other such inspection. The parking layout must be approved by the appropriate agency responsible for traffic engineering.
- F. Drainage Control - The development plan shall have the approval of the appropriate agency responsible for surface drainage control.
- G. All buildings and structures shall conform to the requirements of the zoning and form district in which they are located.
- H. Fence - A fence with a minimum height of 4 feet shall be erected around the outdoor play area.
- I. Alterations or Improvements to the Property – Where such a use is permitted on a lot with an existing residential structure; the residential character of the lot shall not be disturbed by exterior changes to the property that are visible from the public street. Off-street parking shall not be located within the front and/or street-side yards. Drop-off and pick-up shall not be located in front yard and/or street-side yard of the existing residential structure, except for driveways approved by Metro Public Works.
- J. Conditional use permits for Day Care Facilities in R-4 and R-5 zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determined, in its discretion, to be appropriate.

STAFF: The existing structure will not be modified from its residential design as is required per the daycare request. The driveway area closest to the street frontage will serve as the child drop-off and pick-up area. Transportation Review has approved this parking lay out and stacked parking will be allowed since employees only will be parking on the driveway and on the street. MSD did not find any issues with drainage on the site during the agency review process. A 6' privacy fence is provided around the outdoor play area to promote safety for the children at the daycare. The existing building on site does not meet the requirements for yards and landscaping due to existing structures, pavement, and the small size of the lot. The applicant will need to explain how any additional nuisances to adjoining property owners will be mitigated in regards to screening, traffic, and noise.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1
of all landscaping requirements (35' LBA, plantings, 8' screen)
along the north property line per LDC Section 10.2.4**

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

STAFF: The waiver will adversely affect adjacent property owners as they would not be screened from potential nuisances caused by the higher intensity use.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate **Guideline 3 (Compatibility)** of Cornerstone 2020. Appropriate transitions between residential and non-residential uses will not be provided due to the absence of the required plantings and screens. The proposed use could negatively impact adjoining residential property owners due to noise commonly associated with daycares.

- (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 not the minimum necessary to afford relief to the applicant as the 8' screen and some plantings could be provided along the boundary of the outdoor play area.

- (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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the existing buildings on site takes up a large portion of the required LBA and the northern and southern LBA together are 70' in width while the lot is only 50' wide.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2
of all landscaping requirements (35' LBA, plantings, 8' screen)
along the south property line per LDC Section 10.2.4**

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

STAFF: The waiver will adversely affect adjacent property owners as they would not be screened from potential nuisances caused by the higher intensity use.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate **Guideline 3 (Compatibility)** of Cornerstone 2020. Appropriate transitions between residential and non-residential uses will not be provided due to the absence of the required plantings and screens. The proposed use could negatively impact adjoining residential property owners due to noise commonly associated with daycares.

- (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 not the minimum necessary to afford relief to the applicant as the 8' screen and some plantings could be provided along the boundary of the outdoor play area.

- (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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the existing buildings on site takes up a large portion of the required LBA and the northern and southern LBA together are 70' in width while the lot is only 50' wide.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3
of all landscaping requirements (20' LBA, plantings, 8' screen)
along the west property line per LDC Section 10.2.4**

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

STAFF: The waiver will adversely affect adjacent property owners as they would not be screened from potential nuisances caused by the higher intensity use.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate **Guideline 3 (Compatibility)** of Cornerstone 2020. Appropriate transitions between residential and non-residential uses will not be provided due to the absence of the required plantings and screens. The proposed use could negatively impact adjoining residential property owners due to noise commonly associated with daycares.

(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 not the minimum necessary to afford relief to the applicant as the 8' screen and some plantings could be provided along the boundary of the outdoor play area.

(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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the existing buildings on site takes up a large portion of the required LBA and the northern and southern LBA together are 70' in width while the lot is only 50' wide.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND 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 is already built out and there are no natural resources on the site to conserve.

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

STAFF: Transportation Review has approved the proposal's transportation facilities.

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

STAFF: No open space is required on this site.

- 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 approved the drainage facilities for the site.

- 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 partially compatible with existing area development. It utilizes the existing buildings and infrastructure on the site. However, since the landscaping, screening, and plantings requirements will not be met on the site, the Planning Commission will need to consider whether the proposed use of the site is compatible with surrounding single family residences in view of the factors proposed by the applicant.

- 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 proposal does not completely meet the guidelines of the Comprehensive Plan in regards to **Guideline 1 (Community Form)**, **Guideline 2 (Centers)**, **Guideline 3 (Compatibility)**, **Guideline 7 (Circulation)**, and **Guideline 8 (Transportation Facility Design)**. The site design, existing buildings, and building materials do conform to the single family residential pattern in the area and no new buildings are being proposed. However, the use of the site as a daycare is a non-residential expansion into a single family residential area. Non-residential uses in the Neighborhood Form District are best located within an existing activity center close to the intersection of collector or arterial level roads. This site is located in the middle of the block along a local level street on a cul-de-sac and is surrounded by single family residential uses on all sides except to the west. Since the proposal does not create a mix of compatible land uses, there will be few reductions in vehicular trips as this location is out of the way of commercial activity within a residential subdivision. The introduction of a non-residential use on a residential street will increase traffic on a cul-de-sac. The required LBA, screening, and plantings along the north, south, and west lot lines will be difficult, if not impossible, to provide due to existing structures, pavement, and the small size of the lot. Staff has determined that adequate parking is provided for the site since the applicant has provided the number of employees that will work at the daycare.

TECHNICAL REVIEW

- With the exception of the required Waivers, the plan meets the requirements of the LDC.

STAFF CONCLUSIONS

Rezoning

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning complies with all Guidelines of the Comprehensive Plan.

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.

Conditional Use Permit, Detailed District Development Plan, Waivers

Staff analysis in the standard of review section of the staff report indicates the proposed CUP, DDDP, and Waivers are not justified. While the re-zoning request will not cause any issues, the proposed daycare is what requires the greatest attention of the Planning Commission. Consideration should be given to whether or not the proposal will adequately mitigate any adverse impacts to nearby property owners due to the proposed non-residential use in an established single family residential area. The LD&T Committee also questioned that the applicant would not provide the required 8' screen from the house to the rear property line and that no additional plantings would be provided. The lot is located along a local level road that is two streets away from a minor arterial level roadway and not situated within an activity center. It appears that there would be a better location for the proposed use than the site currently proposed.

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 meets the standards for granting a CUP, DDDP, and Waiver established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from R-5, Single Family Residential, to R-5A, Multi-Family Residential, on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Conditional Use Permit listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waivers #1, #2, and #3 listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report

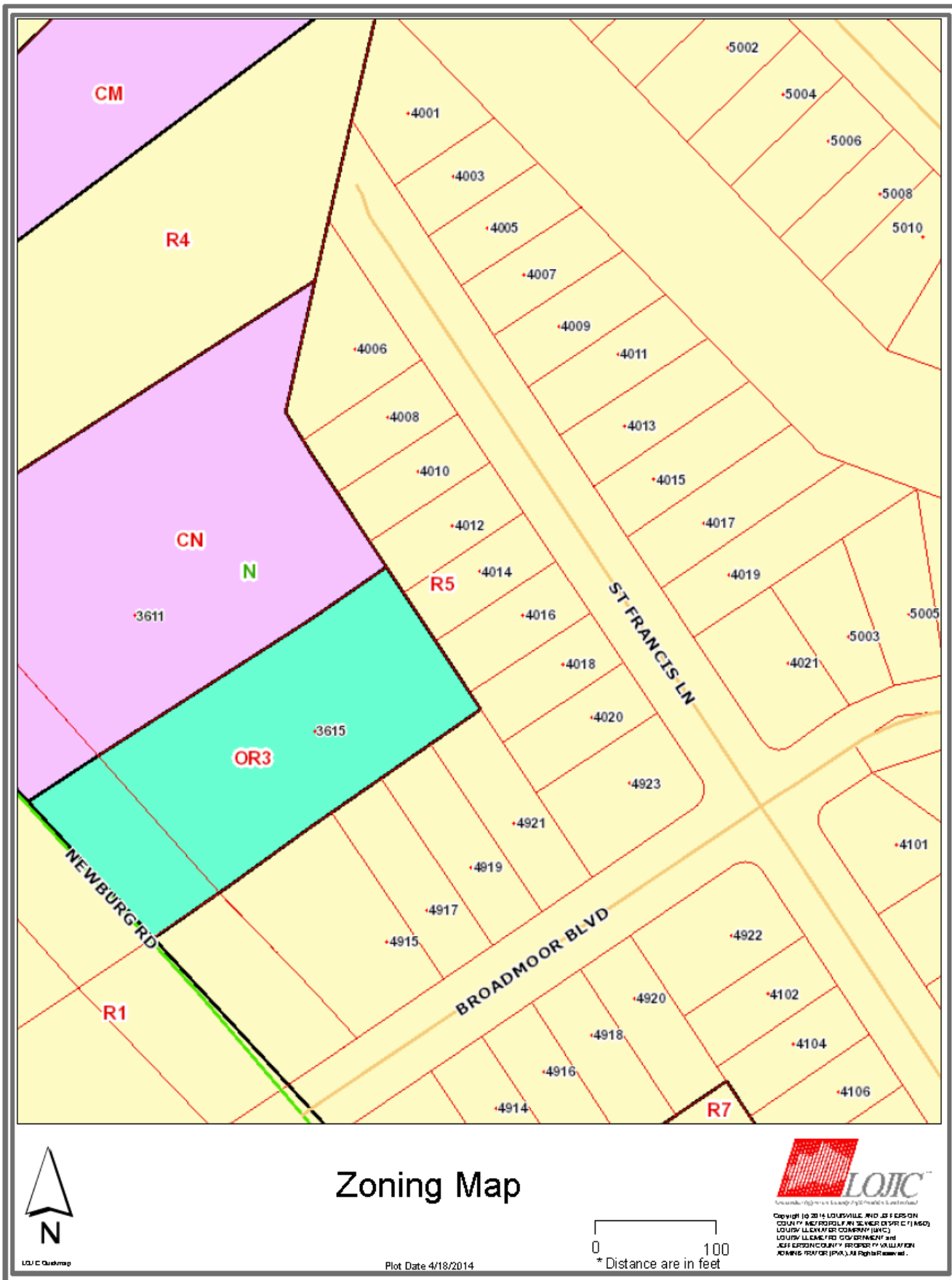
NOTIFICATION

Date	Purpose of Notice	Recipients
9/24/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 2 Notification of Development Proposals
10/22/14	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers to Council District 2 Notification of Development Proposals
10/23/14	Hearing before PC	Sign Posting on property
10/24/14	Hearing before PC	Legal Advertisement in the Courier-Journal

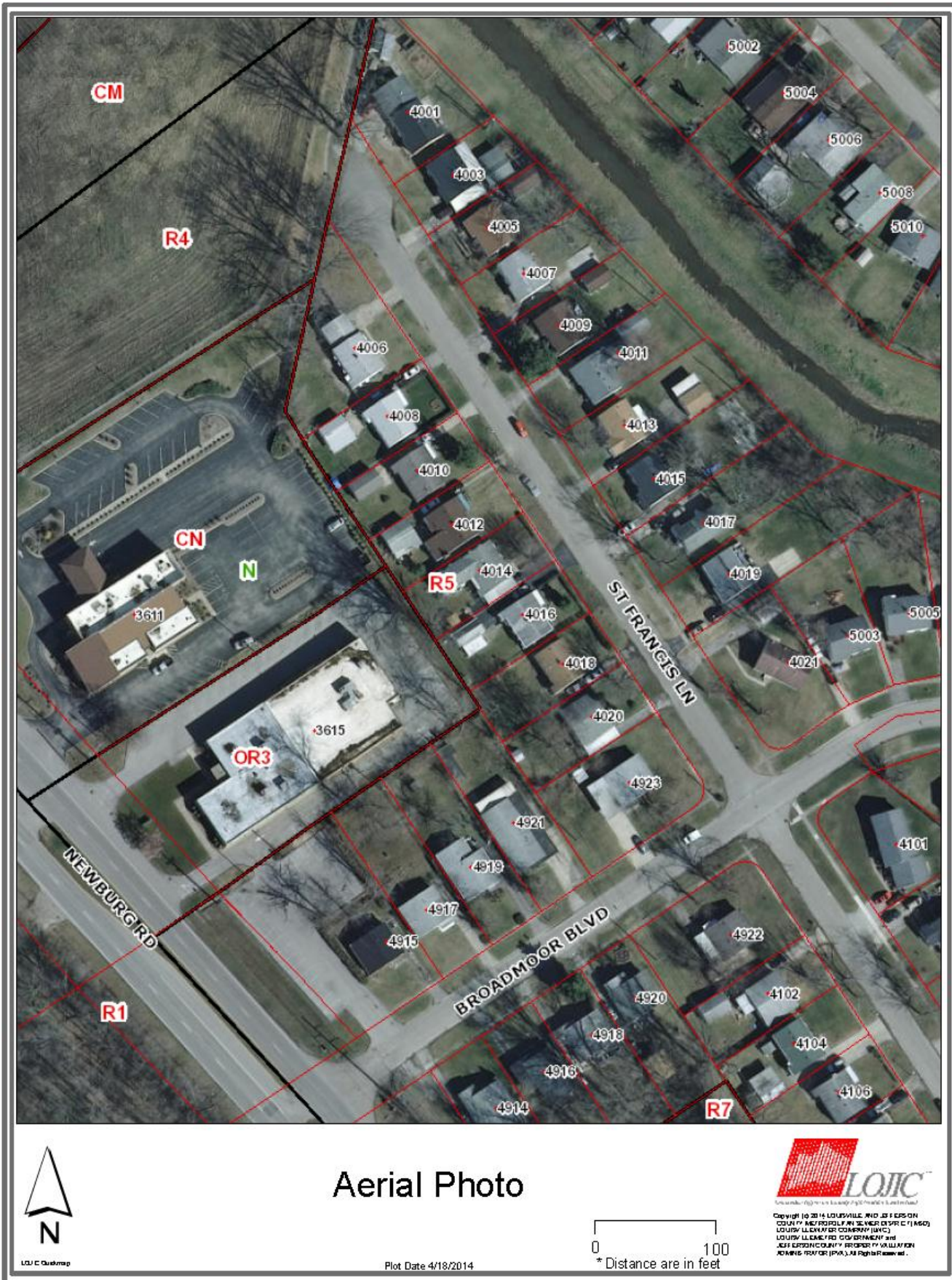
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements
4. Proposed Conditions of Approval for CUP
5. Cornerstone 2020 Staff Checklist for Rezoning
6. Cornerstone 2020 Staff Checklist for CUP

1. Zoning Map



2. Aerial Photograph



3. 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. 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, site disturbance, alteration permit or demolition 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

4. Proposed Conditions of Approval for Daycare Center

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so "exercised", the site shall not be used for a daycare center without further review and approval by the Board.
3. There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

4. The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
5. Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
6. A fence with a minimum height of 4 feet shall be erected around the outdoor play area.
7. Where such a use is permitted on a lot with an existing residential structure; the residential character of the lot shall not be disturbed by exterior changes to the property that are visible from the public street. Off-street parking shall not be located within the front and/or street-side yards. Drop-off and pick-up shall not be located in front yard and/or street-side yard of the existing residential structure, except for driveways approved by Metro Public Works.

5. Cornerstone 2020 Staff Checklist for Rezoning

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	√	The proposal provides a new type of density in the neighborhood by moving towards the possibility of a multi-family unit in a single family subdivision.
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.	NA	The proposal is not classified as 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 provides a new type of housing in the neighborhood but does not propose to alter the design of the house.
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 street invites human interaction because there is an existing sidewalk along the frontage and the block is short.
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	The proposal is not an activity center.
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	NA	The proposal is not an activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		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.		
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 proposal is an efficient use of land as existing infrastructure will be maintained.
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.	NA	The proposal is not an activity center.
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 an activity center.
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 proposal uses existing buildings and is solely a residential use.
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 not an activity center.
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 not an activity center.
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 not an activity center.
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 proposal uses existing entrance and parking facilities and requires no new curb cuts.
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.	√	The proposal is an efficient use of land as existing infrastructure will be maintained.
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.	√	The proposal uses existing entrance and parking facilities and requires no new curb cuts.
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 an activity 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 does not propose to alter the design of the house and is compatible within the scale and site design of nearby existing development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	NA	The proposal will not alter the design of the existing house.
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 provides a new type of density in the neighborhood by moving towards the possibility of a multi-family unit in a single family subdivision. The proposal does not propose to alter the design of the house and is compatible within the scale and site design of nearby existing development.
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 does not create any adverse impacts on associated traffic as no more dwelling units are allowed on the site, even with the increased density on the site.
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.	√	The proposal will conform to all lighting regulations.
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 provides a new type of density in the neighborhood by moving towards the possibility of a multi-family unit in a single family subdivision. The proposal does not propose to alter the design of the house and is compatible within the scale and site design of nearby existing development.
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 a higher density but it is not located along a transit corridor or near an activity center.
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 proposal provides a new type of density in the neighborhood by moving towards the possibility of a multi-family unit in a single family subdivision. The proposal will maintain sidewalk and vehicular facilities to allow access by elderly or disabled persons to transit routes.
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 proposal provides a new type of density in the neighborhood by moving towards the possibility of a multi-family unit in a single family subdivision. The proposal does not propose to alter the design of the house and is compatible within the scale and site design of nearby existing development.
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.	NA	The proposal is not substantially different in scale or density as the existing buildings will be maintained and the increased density still does not allow another dwelling unit on a lot this small.
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.	NA	The proposal is not substantially different in scale or density as the existing buildings will be maintained and the increased density still does not allow another dwelling unit on a lot this small.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal does not propose to alter the design of the house and is compatible within the scale and site design of nearby existing development.
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.	NA	No open space is required for this proposal.
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.	NA	No open space is required for this proposal.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	The site does not contain buildings that have historic or architectural value.
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.	NA	There are no natural features to integrate into the pattern of development.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	The proposal will utilize existing infrastructure on site.
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 has an existing sidewalk and driveway providing easy access by car, pedestrians, transit, and bicycle.
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.	√	The proposal has an existing sidewalk and driveway providing easy access by car, pedestrians, transit, and bicycle.
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Adjoining properties are single family uses and do not require cross access.
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 request avoids access to development through areas of significantly lower intensity or density.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal does not affect the functional hierarchy of streets in the area.
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 has an existing sidewalk and driveway providing easy access by car, pedestrians, transit, and bicycle.
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 approved the proposal's drainage plans.
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.	NA	There are no natural features to integrate into the pattern of development.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.
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 proposal is located in an area served by existing utilities.
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.	√	MSD has approved the proposal.

6. Cornerstone 2020 Staff Checklist for CUP

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

#	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 is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	-	The proposal is not within a neighborhood center with a mixture of uses at a scale that is appropriate for the neighborhood in which it sits. It lies on a local level road and must connect to another local level road to access an arterial level road. Although there is an office use along the rear lot line, it is surrounded by single family residences and there are no office or commercial uses along either side of St. Francis Lane. The site is in the middle of the block and does not lie at an intersection.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to	-	The proposal is at a higher intensity than the surrounding properties and not located on an arterial level street with limited impact on the low intensity residential uses.

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		moderate intensity residential uses.		
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal creates a new center which includes the reuse of existing buildings to provide a commercial use.
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not a retail commercial development.
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	+/-	The proposal is compact and will utilize existing infrastructure but is not an efficient land use pattern since the site is located on a local level road, in the middle of the street block, and not within an existing activity center.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	-	The proposed center does not include a mix of compatible land uses that will reduce trips, support alternative transportation forms, or encourage a sense of place.
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The building is an existing one story building and could not have mixed uses on multiple floors of the building.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development in a center.
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	√	The proposal will use the existing infrastructure on the site and will not create any new curb cuts or add surface parking.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	The proposal will use existing infrastructure to serve the use on the site.
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The proposal has an existing sidewalk and driveway providing easy access by car, pedestrians, transit, and bicycle.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposal will utilize the existing building and materials.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	-	The proposal is a non-residential expansion into an existing residential area, introducing more traffic on the street without being appropriately mitigated.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has approved the proposal.
15	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 is a non-residential expansion into an existing residential area, introducing more traffic on the street without being appropriately mitigated.
16	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.	√	The proposal must comply with all lighting regulations.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
17	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 a higher intensity use and is not located along a transit corridor nor located near an activity center. It lies on a local level road and must connect to another local level road to access an arterial level road. Although there is an office use along the rear lot line, it is surrounded by single family residences and there are no office or commercial uses along either side of St. Francis Lane. The site is in the middle of the block and does not lie at an intersection.
18	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.	-	It will be difficult for this site to provide adequate transitions between the site and single family uses considering the buildings are existing, narrow side yard setbacks, and the shared driveway. The LBA would have to be waived and plantings could not be provided in multiple places.
19	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.	-	It will be difficult for this site to provide adequate transitions between the site and single family uses considering the buildings are existing, narrow side yard setbacks, and the shared driveway. The LBA would have to be waived and plantings could not be provided in multiple places.
20	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 existing building will be utilized, therefore, the existing setbacks, lot dimensions, and building heights will remain compatible with surrounding buildings but the new use normally would create bigger setbacks and not meet those form district standards.
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	+/-	Parking for the proposed use will be provided on the site's existing driveway and utilize spaces along the street frontage. The driveway area closest to the street will be used as a child pick-up and drop-off area to allow safer access to the building. However, since a daycare will bring additional traffic to the street, motorists leaving or returning to their homes may be negatively impacted by the increased traffic.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	√	The proposal uses existing driveway parking spaces which are oriented to the side of the lot and will utilize existing parking on the street. Since no surface parking will be added, design features are not necessary to screen or buffer them.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed for this site.
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	All signs must comply with the sign regulations.
25	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.	NA	No open space is required for this proposal.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	No open space is required for this proposal.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.

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28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features to integrate into the pattern of development.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	The site does not contain buildings that have historic or architectural value.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to integrate into the pattern of development.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	This site is not located in the downtown area.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The site is not proposed for an industrial use.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	+/-	The proposal is not a retail commercial development. However, the site is on a local level road instead of collector or arterial level roads that would allow heavier amounts of traffic that are associated with non-residential uses. This street is in a residential subdivision and may adversely impact surrounding neighbors.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The site is not proposed for an industrial use.
35	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 utilize existing infrastructure on site.
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	√	The proposal has an existing sidewalk and driveway providing easy access by car, pedestrians, transit, and bicycle.
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 has an existing sidewalk and driveway providing easy access by car, pedestrians, transit, and bicycle.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	√	The proposal has an existing sidewalk and driveway providing easy access by car, pedestrians, transit, and bicycle.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal uses existing driveway parking spaces which are oriented to the side of the lot and will utilize existing parking on the street to meet the required number of parking spaces.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	Adjoining properties are single family uses and do not require cross access.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Adjoining properties are single family uses and do not require cross access.
42	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 proposal avoids access to development through areas of less intensity.
43	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 proposal does not affect the functional hierarchy of streets in the area.
44	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.	NA	Adjoining properties are single family uses and do not require cross access.
45	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 approved the proposal
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has approved the proposal.
47	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.	NA	There are no natural features to integrate into the pattern of development.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.
49	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 proposal is located in an area served by existing utilities.
50	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.	√	MSD has approved the proposal