

Planning Commission Staff Report

November 21, 2019



Case No:	19-ZONE-0037
Project Name:	Enclave at Warwick Village
Location:	413R, 415R, & 417 Washburn Ave
Owner(s):	Larry Foreman
Applicant:	Butch Ernsperger
Representative(s):	Duncan Galloway Egan Greenwald, PLLC
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-5 to R-5A, multi-family
- **Variance** from Land Development Code (LDC), section 5.3.1 to reduce the supplemental setback from 30' to 25' along Washburn Avenue (19-VARIANCE-0029)
- **Waiver** of 10.2.10 to eliminate the 10' vehicle use area landscape buffer along the eastern property line in the area of the detention basin (19-WAIVER-0041)
- **Detailed District Development Plan**

CASE SUMMARY

Due to the Courier-Journal failing to run the legal advertisement prior to the October 31, 2019 public hearing, the case was continued to November 21, 2019. Notice was published on 11/3/19. During this delay, binding element #7 has been revised to read as proposed in this report.

The subject site is roughly ½ mile north of Shelbyville Road via New La Grange Road, and east of I-264. The site is located along a collector level roadway and adjoins single- and multi-family uses, a daycare, and senior housing. An office development is present two parcels to the north. Twenty-three dwelling units served by private drives are proposed. A walking trail around the perimeter of the subject site is proposed within the required open space with connection to the mail center and public right-of-way.

A street closure for an unimproved right-of-way known as Jefferson Terrace (PB 9 PG 33) was recommended for approval to the City of Lyndon on October 3, 2019, case 19-STRCLOSURE-0006.

STAFF FINDING

The zoning district change conforms to the Land Use and Development Policies of Plan 2040. The proposal allows for a variety of housing styles that support alternate forms and styles of housing in an area that supports a higher density of development, promotes housing options and environments that support aging in place, and encourages the provision of fair and affordable housing. The site is conveniently located within proximity of two regional shopping centers, movie theaters, offices, retail, services, Interstate-264, and TARC service is available on New La Grange and Shelbyville Road.

STANDARD OF REVIEW FOR ZONING 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 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 district allows for medium-density residential growth at 12.01 du/ac. This district allows for a variety of housing styles that support alternate forms and styles of housing in an area that supports a higher density of development, promotes housing options and environments that support aging in place, and encourages the provision of fair and affordable housing. The site is conveniently

located within proximity of two regional shopping centers, movie theaters, offices, retail, services, I-264, and TARC service is available on New La Grange and Shelbyville Road.

The development site is located within proximity to major transportation facilities and a regional center. TARC service is provided via route #31. Appropriate levels of access is provided via collector level roadway passing through predominately single-family properties, but the subject site also shares frontage with multi-family, daycare, and office uses. Appropriate transitions between uses that are substantially different in scale and intensity or density of development will be provided. The site mostly adjoins similar intensities and densities, except two single-family properties along the site southwest boundaries.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the request does not reduce visibility for the movement of pedestrians or vehicles along roadways or walks

- (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 area as the setback remains consistent with the setback of adjoining property owners.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the request does not reduce visibility for the movement of pedestrians or vehicles along roadways or walks

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance is the result of provisioning for required right-of-way dedication and remains consistent with adjoining properties.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the variance is the result of provisioning for required right-of-way dedication.

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 setback remains consistent with the setback of adjoining

property owners and the request does not reduce visibility for the movement of pedestrians or vehicles along roadways or walks.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred and relief has been appropriately requested.

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 as an existing wooded area is present on the east side of the property line, sufficient buffering from a detention area is provided, and the visibility and area of the VUA requiring the buffer is minimal.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 calls for appropriate transition between uses that are substantially different in scale and intensity. The abutting use is of a similar density and intensity to that proposed on the development plan and sufficient buffer area is provided by the detention area.

- (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 as the vehicle use area requiring the buffer is minimal in visibility and size at this location and sufficient buffer width is provided by the proposed detention basin.

- (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 vehicle use area requiring the buffer is minimal in visibility and size at this location and sufficient buffer width is provided by the proposed detention basin. Further, the waiver request does not violate the Comprehensive Plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: 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 will be provided. The minimum tree canopy required will be provided. Open space with outdoor trail and detention areas will be provided. The site does not appear to contain vulnerable natural resources such as karst features or streams.

- 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 will be provided. A public sidewalk is proposed along Washburn Avenue. An pedestrian connection will be provided within the development site to connect individuals internally with the public way. A walking trail is accessible from rear entryways as demonstrated on the applicant's rendering. Trails provide an alternative means of walking to public ways. Paved connectivity to the mail center is also provided. Sidewalks within the site have not been required as the roadways are private.

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

STAFF: The proposal provides sufficient common and recreational open space to meet the requirements of the Land Development Code.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

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

STAFF: The proposal is compatible with the existing and future development of the area as the site adjoins similar intensities and densities, except two single-family properties along the sites southwest boundaries. The subject property shares frontage with multi-family, daycare, and office uses along Washburn Avenue.

- 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 the Comprehensive Plan as is conveniently located within proximity of two regional shopping centers, movie theater, offices, retail, services, I-264, and TARC service is available on New La Grange and Shelbyville Road. TARC service is provided via route #31 and appropriate levels of access are provided. Appropriate transitions between uses that are substantially different in scale and intensity or density of development will be provided. The development promotes housing options and environments that support aging in place.

REQUIRED ACTIONS

- **RECOMMEND** to the City of Lyndon that the change in zoning from R-5 to R-5A, multi-family on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC), section 5.3.1 to reduce the supplemental setback from 30' to 25' along Washburn Avenue
- **APPROVE** or **DENY** the Waiver of 10.2.10 to eliminate the 10' vehicle use area landscape buffer along the eastern property line in the area of the detention basin
- **APPROVE** or **DENY** the **Detailed District Development Plan**

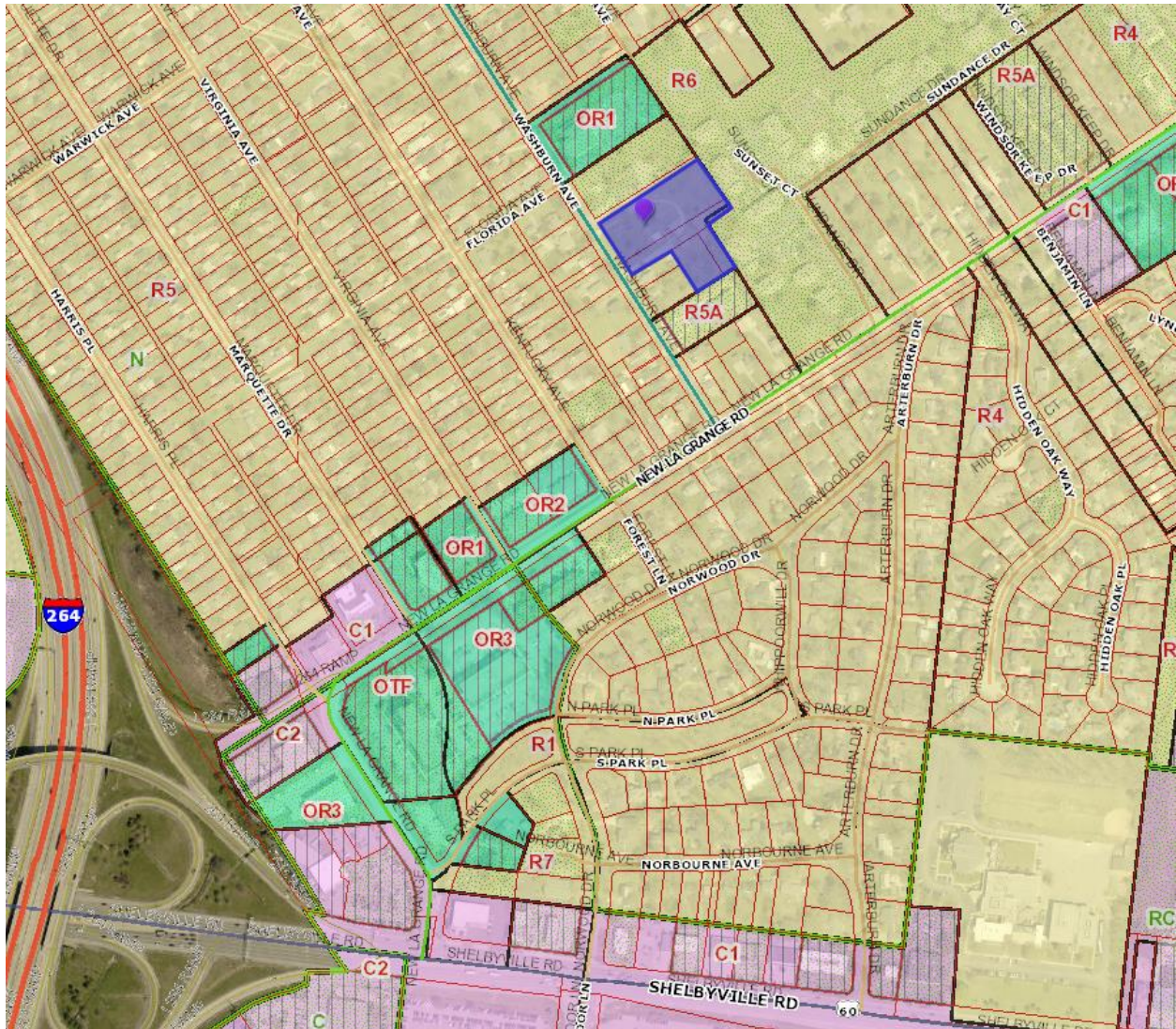
NOTIFICATION

Date	Purpose of Notice	Recipients
9/12/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 7
10/10/19	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 7
10/11/19	Hearing before PC	Sign Posting on property
11/3/19	Hearing before PC	Legal Advertisement in the Courier-Journal

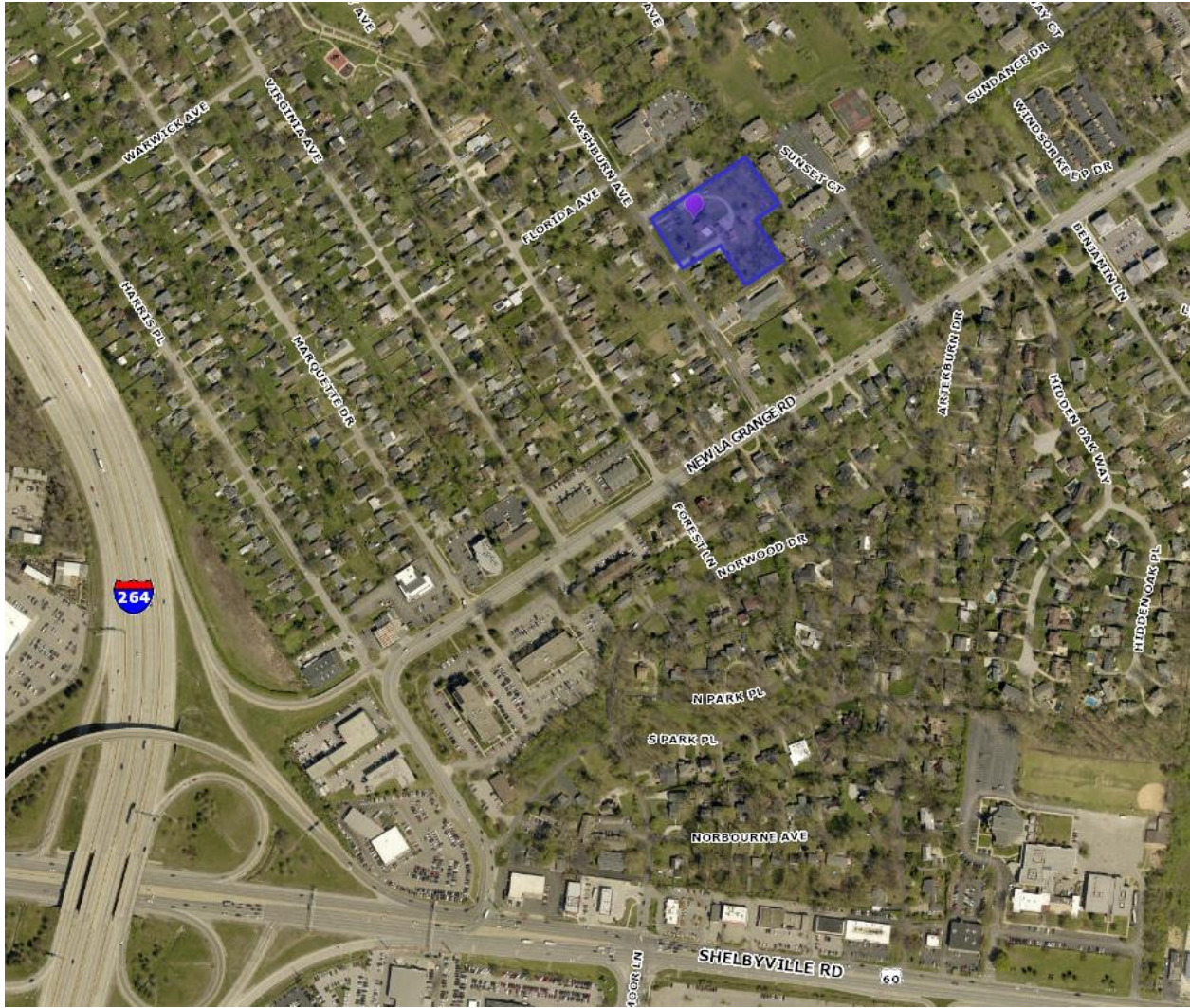
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

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

Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	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.	✓	The proposed district allows for medium-density residential growth at 12.01 du/ac. It is located within proximity to major transportation facilities and a regional center. TARC service is providing via route #31.
2	Land Use & Development Goal 1: Community Form	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.	✓	Appropriate transitions between uses that are substantially different in scale and intensity or density of development will be provided. The site mostly adjoins similar intensities and densities, except two single-family properties along the site southwest boundaries.
3	Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	An existing residential lot is being developed for residential purposes.
4	Land Use & Development Goal 3: Community Form	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.	✓	The site does not appear to contain any environmental constraints such as wet or highly permeable soils, severe, steep or unstable slopes
5	Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The site does not appear to contain distinctive cultural or natural features.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
6	Land Use & Development Goal 4: Community Form	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.	✓	The site does not appear to contain distinctive historic resources. Structures may, however, be eligible for historic nomination and require a 30-day hold on any wrecking permit.
7	Land Use & Development Goal 1: Mobility	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 public transportation system.	✓	The proposed district allows for medium-density residential growth at 12.01 du/ac. It is located within proximity to major transportation facilities and a regional center. TARC service is providing via route #31.
8	Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Appropriate access is provided via collector level roadway passing through predominately single-family properties, but the subject site also shares frontage with multi-family, daycare, and office uses.
9	Land Use & Development Goal 3: Mobility	2. 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.	✓	The proposed district improves mobility, and reduces vehicle miles traveled and congestion as it would allow for medium-density residential growth at 12.01 du/ac and is located within proximity to major transportation facilities and a regional center. TARC service is providing via route #31.
10	Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	All transportation improvements required of the development will be provided to reduce negative impact on the transportation network, if any.
11	Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	All transportation improvements required of the development will be provided to reduce negative impact on the transportation network, if any.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
12	Land Use & Development Goal 3: Mobility	9. 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.	✓	All transportation improvements required of the development will be provided to reduce negative impact on the transportation network, if any.
13	Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	All improvements will occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel, if any.
14	Land Use & Development Goal 3: Mobility	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No access to high speed roadways is proposed or provided.
15	Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposal is located in an area served by existing utilities or planned for utilities as evidenced by adjacent development.
16	Land Use & Development Goal 2: Community Facilities	2. 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.	✓	The proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes as evidenced by adjacent development.
17	Land Use & Development Goal 2: Community Facilities	3. 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).	✓	MSD has preliminarily approved the project to ensure adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams
18	Land Use & Development Goal 1: Livability	5. 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.	✓	Minimum tree canopy requirements will be met or exceeded on the subject property.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
19	Land Use & Development Goal 1: Livability	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.	✓	The site does not appear to be susceptible to erosion or vulnerable to the disturbance of groundwater.
20	Land Use & Development Goal 1: Livability	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.	✓	MSD has preliminarily approved the project to mitigate negative development impacts to the integrity of the regulatory floodplain
21	Land Use & Development Goal 1: Housing	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.	✓	The proposed district allows for a variety of housing styles that support alternate forms and styles of housing in an area that supports a higher density of development.
22	Land Use & Development Goal 1: Housing	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.	✓	The proposed district supports and promotes housing options and environments that support aging in place as a wider variety of development schemes are available to provision senior, affordable, or intergenerational housing as a regional center and transportation networks are within proximity and serve the development adequately.
23	Land Use & Development Goal 2: Housing	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	Public sidewalk improvements will be made to facilitate a connected development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
24	Land Use & Development Goal 2: Housing	<p>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.</p>	✓	<p>The proposed district is located 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. The site is conveniently located within proximity of two regional shopping centers, movie theater, offices, retail, services, I-264, and TARC service is available on New La Grange and Shelbyville Road.</p>
25	Land Use & Development Goal 3: Housing	<p>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.</p>	✓	<p>The proposed district allows for the incorporation of housing options in an area that supports multi-family development. It encourages the provision of fair and affordable housing by allowing for a variety of ownership options and unit costs throughout Louisville Metro.</p>
26	Land Use & Development Goal 3: Housing	<p>2. As neighborhoods evolve, discourage displacement of existing residents from their community.</p>	✓	<p>The proposed zoning district does not result in the displacement of residents.</p>
27	Land Use & Development Goal 3: Housing	<p>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.</p>	✓	<p>The incorporation of this district in the area encourages a variety of housing types and occupancy types within the area which increases the ability to provision clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</p>

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 31, 2019 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission
 - d. A street closure of Jefferson Terrace (PB 9 PG 33) shall be recorded. A copy of the recorded street closure shall be contained in the case file on record in the Offices of the Louisville Metro Planning Commission.
 - e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - f. Permanent protection, preservation and maintenance of proposed open space and amenities shall be provided by legal instrument approved by the Louisville Metro Planning Commission's legal counsel.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding

elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. A Master Deed and Declaration of Condominium Property Regime (a "Master Deed") shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, for consistency with any binding elements that mandate inclusion in the Master Deed, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer/declarant prior to turn-over of maintenance responsibilities to the Council of Condominium Co-Owners (the "COA"); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the Master Deed; (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and Master Deed access and maintenance; and (d) where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.