

**Planning Commission  
Staff Report  
March 21, 2019**



<b>Case No:</b>	18ZONE1064
<b>Project Name:</b>	Shelby Parkway Apartments
<b>Location:</b>	917-927 Shelby Parkway
<b>Owner(s):</b>	Tye J. Hardin & 927 Shelby, LLC.
<b>Applicant:</b>	927 Shelby, LLC
<b>Representative(s):</b>	Milestone Design Group
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

**REQUEST(S)**

- **Change-in-form** from TW, Traditional Workplace to TN, Traditional Neighborhood
- **Change-in-Zoning** from M-2 to R-8A, Multi-family Residential
- **Waiver** of Land Development Code (LDC), section 10.2.4 to reduce the required 15' LBA adjacent to the railroad right-of-way
- **Variance** from LDC, section 5.1.12 to allow height in excess of the infill established range
- **Detailed District Development Plan**

**CASE SUMMARY**

Twenty-four dwelling units have been proposed and divided among 6 buildings on individual lots; each building having 4 units. The subject site is located roughly 200' east of Logan Street, a minor arterial, and 700' feet from the intersection of Goss Avenue, a minor arterial, and Logan Street. The site abuts R-6, multi-family residential and M-2, industrial. A railroad right-of-way abuts the western property line. Shelby Parkway is a dead-end street terminating at the railway. Pedestrian access is provided by a paved sidewalk across the railway tracks. The property is located within the Traditional Workplace form district. Adjacent residential development on the east side of the railway is located within the Traditional Neighborhood and Workplace form.

**STAFF FINDING**

The proposed change in zoning and form district is in conformance with the guidelines and policies of Cornerstone 2020. The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposal is located within close proximity to transit routes serving employment and activity centers. The proposed zoning increases flexibility in provisioning for appropriate/inclusive housing.

**TECHNICAL REVIEW**

- Redevelopment is subject to the four areas of Traditional Neighborhood site design as specified in LDC, section 5.4.1. Lots 2-6 comply with all parts of LDC, section 5.4.1. However, Lot 1 will apply the criteria of 5.4.1.H which provides that "The Planning Commission may approve an alternative site design pattern for developments creating three or more contiguous residential structures. Sites developed under this Traditional Neighborhood Design Alternative shall not be subject to the standards established in Paragraphs A through E." Staff's Comprehensive Plan

review will consider the alternative design request in-lieu-of requesting a variance to reduce the private yard area.

- The infill established height range of the block face is roughly 15'. Height of principal structures in the immediately surrounding area range from 15' – 28'.

### **STANDARD OF REVIEW FOR ZONING/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 CHANGE IN FORM**

The following is a summary of staff's analysis of the proposed form district change against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Traditional Workplace Form District

A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly offstreet and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

The proposed residential uses on site are most appropriate if located in the abutting traditional neighborhood form district as the railway right-of-way forms the most definitive boundary between high intensity uses and the residential neighborhood which does contain corner commercial uses and an activity corridor. The removal of the industrial land use at this location makes the workplace form no longer necessary and removes the potential for potentially nuisance uses from the immediately abutting residential uses and the neighborhood.

### **STAFF ANALYSIS FOR CHANGE IN ZONING**

The following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is proposed to be located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood- serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the lotting pattern is consistent with the area, height is consistent with the area and provides a transition to a nonresidential area, and the four area of Traditional Neighborhood are being met. Building materials increase the new development's compatibility as the proposal complies with LDC 5.6.3 by providing a variation of material, façade change, and roof variation. Appropriate transitions are provided as the proposed district is being made compatible with adjacent areas through the use of buffers and landscaping as required by Ch. 10 of the LDC.

The proposal is located within close proximity to transit routes serving employment and activity centers. Access to the site is through areas of mixed density. The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as connectivity to the rear alley is provided through the site to prevent congestion at the end of the dead-end street. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as sidewalk repair will be provided and connectivity to the rear alley is being made to connect the existing grid pattern of streets.

The proposed district allows for the project to provide housing for the elderly or persons with disabilities. The proposed district allows for the project to provide appropriate/inclusive housing.

**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 the buffer reduction is adjacent to a railway right-of-way and sufficient space is provided to remove the first residential units form directly abutting the railway.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. A proposed 6' solid screen is provided as required in conjunction with ILA trees. All plantings will provided as required in the reduced area. Sufficient space is provided to remove the first residential unit from directly abutting the railway.

- (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 remainder of the proposal is consistent with and compatible with the surrounding area and the proposed LBA reduction allows for parking encroachment and drive lanes which allow for better circulation.

- (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 remainder of the proposal is consistent with and compatible with the surrounding area and the proposed LBA reduction allows for parking encroachment and drive lanes which allow for better circulation

### **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 public health safety or welfare as the project is located at the edge of the residential neighborhood and does not impeded the safe movement of vehicles or pedestrians.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the proposed height is consistent with the wide range of heights present in the neighborhood.

- (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 height provides transition from shorter homes to the railway and nonresidential areas and is located at the edge of the neighborhood.

- (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 zoning regulations as the proposed height is consistent with the wide range of heights present in the neighborhood.

#### ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as infill standards apply and the block face contains shorter homes.

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 deprive the applicant of reasonable use of the land as height is consistent with the area and provides a transition to a nonresidential area

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

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

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

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan. The proposal is located within close proximity to transit routes serving employment and activity centers. The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as connectivity to the rear alley is provided through the site to prevent congestion at the end of the dead-end street. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as sidewalk repair will be provided and connectivity to the rear alley is being made to connect the existing grid pattern of streets

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

STAFF: The proposal complies with the four areas of traditional neighborhood as set forth in LDC 5.4.1 which include private yard area.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the lotting pattern is consistent with the area, height is consistent with the area and provides a transition to a nonresidential area, and the four area of Traditional Neighborhood are being met. Building materials increase the new development's compatibility as the proposal complies with LDC 5.6.3 by providing a variation of material, façade change, and roof variation. Appropriate transitions are provided as the proposed district is being made compatible with adjacent areas through the use of buffers and landscaping as required by Ch. 10 of the LDC

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code as outlined in the Staff Analysis for the change in zoning.

**REQUIRED ACTIONS**

- **Recommend** to the Louisville Metro Council that the **Change-in-form** from TW, Traditional Workplace to TN, Traditional Neighborhood be **APPROVED or DENIED**
- **Recommend** to the Louisville Metro Council that the **Change-in-Zoning** from M-2 to R-8A, Multi-family Residential be **APPROVED or DENIED**
- **APPROVE or DENY** the **Waiver** of Land Development Code (LDC), section 10.2.4 to reduce the required 15' LBA adjacent to the railroad right-of-way
- **APPROVE or DENY** the **Variance** from LDC, section 5.1.12 to allow a maximum height of 28'
- **APPROVE or DENY** the **Detailed District Development Plan**

**NOTIFICATION**

*w/ alternative site design in accordance  
w/ LDC 5.4.1.H subject to proposed DEs*

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
2/13/19	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
3/5/19	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before PC	Sign Posting on property
3/13/19	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

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

1. **Zoning Map**





2. Aerial Photograph



### 3. Cornerstone 2020 Staff Analysis

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

#### Traditional Neighborhood: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal preserves the existing grid pattern of streets, sidewalks and alleys as the existing grid is being utilized to serve the development and public circulation is being made available.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses.	✓	The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots and appropriately-integrated higher density residential uses as the proposed lot width (32') is consistent with the lotting pattern within the same block and the immediately surrounding area
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	✓	The proposal preserves is a higher density use and is located in close proximity to Shelby Park.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	✓	The site does not contain existing structures to be renovated or preserved.
5	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the lotting pattern is consistent with the area, height is consistent with the area and provides a transition to a nonresidential area, and the four area of Traditional Neighborhood are being met.
6	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.)	✓	The proposed building materials increase the new development's compatibility as the proposal complies with LDC 5.6.3 by providing a variation of material, façade change, and roof variation.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
7	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 is compatible with adjacent residential areas as the proposal complies with LDC 5.6.3 by providing a variation of material, façade change, and roof variation.
8	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 mitigates any adverse impacts of its associated traffic on nearby existing communities as connectivity to the rear alley is provided through the site to prevent congestion at the end of the dead-end street.
9	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 mitigates adverse impacts of its lighting on nearby properties, and on the night sky as it will be compliant with LDC 4.1.3.
10	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 expands the variety of housing types available to the neighborhood.
11	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 located within close proximity to transit routes serving employment and activity centers.
12	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 proposed district allows for the project to provide housing for the elderly or persons with disabilities.
13	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposed district allows for the project to provide appropriate/inclusive housing.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
14	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.	✓	The proposal provides appropriate transitions as the proposed district is being made compatible with adjacent areas through the use of buffers and landscaping as required by Ch. 10 of the LDC.
15	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.	✓	The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as no residential units are being provided immediately adjacent to the railway.
16	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as the site design standards of LDC 5.4.1 are being met.
17	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.	✓	The proposal provides open space that helps meet the needs of the community standards as the site design standards of LDC 5.4.1 are being met.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	✓	Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District as the site design standards of LDC 5.4.1 are being met.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The subject property does not appear to contain any significant natural features.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The subject property does not appear to contain any significant natural features.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
21	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The subject site does not contain any historic resources. The proposal respects the historic nature of the surrounding area by providing compatible building materials and design.
22	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion
23	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Sidewalk repair is being provided by the developer.
24	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as sidewalk repair will be provided and connectivity to the rear alley is being made to connect the existing grid pattern of streets.
25	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.	✓	No additional right-of-way was required of the proposal.
26	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	No stub streets needed. Existing grid pattern is being preserved.
27	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.	✓	Access to the site is through areas of mixed density.

#	Cornerstone-2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
28	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.
29	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as bike parking facilities, sidewalk repair, shade trees, and pedestrian connectivity to the public ways is being provided.
30	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal's drainage plans have been approved by MSD
31	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.	✓	No natural corridors are present on site.
32	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 or planned for utilities.
33	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 has access to an adequate supply of potable water and water for fire-fighting purposes.

#### 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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat or legal instrument shall be recorded creating the lots as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  - d. A reciprocal/shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the all lots and parking areas shown on the approved plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 21, 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.
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.

**Land Development & Transportation  
Staff Report**  
February 28, 2019



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- **Waiver** of Land Development Code (LDC), section 10.2.4 to reduce the required 15' LBA adjacent to the railroad right-of-way
- **Variance** from LDC, section 5.1.12 to allow height in excess of the infill established range
- **Detailed District Development Plan**

**CASE SUMMARY**

Twenty-four dwelling units have been proposed and divided among 6 buildings on individual lots; each building having 4 units. The subject site is located roughly 200' east of Logan Street, a minor arterial, and 700' feet from the intersection of Goss Avenue, a minor arterial, and Logan Street. The site abuts R-6, multi-family residential and M-2, industrial. A railroad right-of-way abuts the western property line. Shelby Parkway is a dead-end street terminating at the railway. Pedestrian access is provided by a paved sidewalk across the railway tracks. The property is located within the Traditional Workplace form district. Adjacent residential development on the east side of the railway is located within the Traditional Neighborhood and Workplace form.

**STAFF FINDING**

The application is in order and ready for the next available public hearing before the Planning Commission.

**TECHNICAL REVIEW**

- Redevelopment is subject to the four areas of Traditional Neighborhood site design as specified in LDC, section 5.4.1. Lots 2-6 comply with all parts of LDC, section 5.4.1. However, Lot 1 will apply the criteria of 5.4.1.H which provides that "The Planning Commission may approve an alternative site design pattern for developments creating three or more contiguous residential structures. Sites developed under this Traditional Neighborhood Design Alternative shall not be subject to the standards established in Paragraphs A through E." Staff's Comprehensive Plan review will consider the alternative design request in-lieu-of requesting a variance to reduce the private yard area.



- The infill established height range of the block face is roughly 15'. Height of principal structures in the immediately surrounding area range from 15' – 28'.
- A binding element has been added to ensure the proposed style and design of each structure continues to conform to the standards of design contained in LDC, section 5.4.1 throughout the course of construction.

**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 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.

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
2/13/19	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

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. 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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat or legal instrument shall be recorded consolidating the property and dedicating right-of-way as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  - d. A reciprocal/shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the all lots and parking areas shown on the approved plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.

## Change in Zoning Pre-Application Staff Report



<b>Case No:</b>	18ZONE1064
<b>Project Name:</b>	Shelby Parkway Apartments
<b>Location:</b>	917-927 Shelby Parkway
<b>Owner(s):</b>	Tye J. Hardin & 927 Shelby LLC.
<b>Applicant:</b>	927 Shelby LLC
<b>Representative(s):</b>	Milestone Design Group
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

### REQUEST(S)

- **Change-in-Zoning** from M-2 to R-8A, Multi-family Residential
- **Detailed District Development Plan**

### CASE SUMMARY

Twenty-eight dwelling units have been proposed and divided among 7 buildings on individual lots; each building having 4 units. The subject site is located roughly 200' east of Logan Street, a minor arterial, and 700' feet from the intersection of Goss Avenue, a minor arterial, and Logan Street. The site abuts R-6, multi-family residential and M-2, industrial. A railroad right-of-way abuts the western property line. Shelby Parkway is a dead-end street terminating at the railway. Pedestrian access is provided by a paved sidewalk across the railway tracks. The property is located within the Traditional Workplace form district. Abutting residential development is located within the Traditional Neighborhood form and industrial within the Workplace.

### STAFF FINDING

The subject site is located in a well-connected neighborhood for pedestrians and transit users. Shelby Parkway is not conducive to the efficient movement of vehicles and access to the site is through areas of a lower intensity. Development adjacent to the railroad will need to contain appropriate buffers and setbacks. A lower intensity multi-family district might be more appropriate given the site and area constraints. A form district change may also be warranted in the event of a residential rezoning.

### TECHNICAL REVIEW

- All agency comments should be addressed prior to a public hearing.
- Redevelopment is subject to the four areas of Traditional Neighborhood site design as specified in LDC 5.4.1.
- Parking calculations and reductions will need to be discussed more thoroughly as the project progresses.

## **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 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 CHANGE IN ZONING**

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Traditional Workplace Form District

A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly offstreet and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area.

The proposal supports access to public transportation as TARC route #43 operates on Logan Street headed north to downtown and route #25 operates on Oak Street heading east to Bardstown Road. Pedestrian and bike movement will be accommodated for on the subject site. Shelby Parkway is a dead-end street and does not provide for efficient means of exiting after entering along this roadway. It is not conducive to additional vehicular traffic as maneuverability is inefficient. The ratio of dwelling units to parking should consider the practical use of this local roadway.

The form district boundary would not appear to be consistent with the proposed development in the event of a residential rezoning. Any residential development of the subject property would be more appropriate in a Traditional Neighborhood form district given that the site abuts residential on all sides except one and that side abuts a railroad right-of-way. The TW form is only appropriate if the property remains non-residential and non-residential development of this site would be seriously constrained by required buffers and the future industrial use of this property may present significant nuisances upon the abutting residential neighborhood.

The proposed density is higher than the surrounding area and it has not been demonstrated that the proposed density can be appropriately accommodated for on the subject property with respect to

buffering, parking, and maneuverability of both pedestrians and vehicles. The railroad right-of-way will need to be adequately buffered. New residential development should not be forced upon the railroad right-of-way where it can be appropriately mitigated and setback.

Renderings required and should be consistent with the character of the neighborhood. Infill height range will need to be established. The area is made up of 1 and 2 story homes.

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
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	Hearing before PC	Sign Posting on property
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**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Analysis

1. Zoning Map





2. Aerial Photograph



**3. Cornerstone 2020 Staff Analysis**

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

Traditional Workplace: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal respects the existing grid street pattern and provides for alley access if consistent with adjacent development.	✓	The proposal respects the existing grid street pattern and provides for alley access
2	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal supports access to public transportation.	✓	The proposal supports access to public transportation as TARC route #43 operates on Logan Street headed North to downtown and route #25 operates on Oak Street heading east to Bardstown Road.
3	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal includes on-street or rear parking areas.	✓	The proposal includes on-street or rear parking areas.
4	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal provides adequate buffering between potentially incompatible non-residential uses where necessary.	✓	Abutting uses are primarily residential.
5	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 form district boundary would not appear to be consistent with the proposed development in the event of a residential rezoning. Any residential development of the subject property would be more appropriate in a Traditional Neighborhood form district given that the site abuts residential on all sides except one and that side abuts a railroad right-of-way. The TW form is only appropriate if the property remains non-residential and non-residential development of this site would be seriously constrained by required buffers and the future industrial use of this property may present significant nuisances upon the abutting residential neighborhood.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
6	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.)	+/-	Renderings required and should be consistent with the character of the neighborhood.
7	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 proposed density is higher than the surrounding area and it has not been demonstrated that the proposed density can be appropriately accommodated for on the subject property with respect to buffering, parking, and maneuverability of both pedestrians and vehicles.
8	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Shelby Parkway is a dead-end street and does not provide for efficient means of exiting after entering along this roadway.
9	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	+/-	Lighting shall be in compliance with LDC 4.1.3
10	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 should consider development in a less homogenous fashion.
11	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 located roughly 200' from east of a transit corridor providing access of downtown.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
12	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).	+/-	Will specific housing be available to these individuals?
13	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 creates additional housing stock in an urban area within proximity to transit providing access to employment centers.
14	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.	+/-	The railroad right-of-way will need to be adequately buffered. New residential development should not be forced upon the railroad right-of-way where it can be appropriately mitigated and setback.
15	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.	+/-	The railroad right-of-way will need to be adequately buffered. New residential development should not be forced upon the railroad right-of-way where it can be appropriately mitigated and setback.
16	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.	+/-	Infill height range will need to be established. The area is made up of 1 and 2 story homes.
17	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.	+/-	The four areas of traditional neighborhood shall be maintained and within the private yard area open space will be provided. The plan should confirm yard requirements.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Workplace Form District.	+/-	The four areas of traditional neighborhood shall be maintained and within the private yard area open space will be provided. The plan should confirm yard requirements.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no apparent natural features

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
20	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.	✓	There are no apparent natural features
21	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.	+/-	There are no historic resources on the subject site. The site should be development and materials should be consistent with the character of this urban neighborhood.
22	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.	+/-	Any contributions needed shall be made
23	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.	+/-	Shelby parkway is a dead-end street and is not conducive to additional vehicular traffic as maneuverability is inefficient. The ratio of dwelling units to parking should consider the practical use of this local roadway.
24	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.	+/-	Right of way should be provided as needed
25	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.	✓	No stub roadways or connections are required

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
26	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.	+/-	Access is through lower intensity uses. Shelby parkway is a dead-end street and is not conducive to additional vehicular traffic as maneuverability is inefficient. The ratio of dwelling units to parking should consider the practical use of this local roadway.
27	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.	+/-	Shelby parkway is a dead-end street and is not conducive to additional vehicular traffic as maneuverability is inefficient. The ratio of dwelling units to parking should consider the practical use of this local roadway.
28	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 movement of pedestrians and bicyclist will be appropriately accommodated on the subject site. Transit access is within close proximity.
29	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 review and approval required
30	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.	✓	No natural corridors are present
31	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 or planned for utilities.
32	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	+/-	Where is the nearest hydrant?

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
33	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	The proposal should provide adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.