

**Planning Commission
Staff Report**
April 16, 2015



Case No:	14ZONE1057
Request:	Change in Zoning from R-4 (Single Family Residential) to R-5A (Multi-Family Residential), Detailed District Development Plan and Binding Elements, Preliminary Major Subdivision Plan, and Waivers
Project Name:	Ashton Park, Phase II
Location:	7504 – 7508 Beulah Church Rd.
Owner:	Margaret D. Greenwell Revocable Trust
Applicant:	Blacketer Company
Representative:	Bardenwerper, Talbott & Roberts, PLLC Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	David B. Wagner – Planner II

REQUEST

- Re-Zoning from R-4 to R-5A for Multi-Family Residential
- Waiver #1 for Tract 1 from LDC 10.2 to waive the required 25' LBA, plantings, and screening along the Fountains Condo Council property line
- Waiver #2 for Tract 2 from LDC 10.2 to reduce the required 25' LBA along the Fountains Condo Council property line to a 10' LBA and allow encroachments into the 10' LBA
- Waiver #3 for Tract 2 from LDC 10.2 to reduce the required 8' screen along the Fountains Condo Council property line to a 6' screen
- Detailed District Development Plan and Binding Elements
- Preliminary Major Subdivision Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is comprised of three lots that contain one house and mostly undeveloped land for a total of 18.8 acres. The site is surrounded by single family residential uses with the exception of a multi-family condominium complex abutting the site to the north. It fronts on Beulah Church Road and lies just north of East Manslick Road and the Gene Snyder Freeway.

The applicant is proposing to remove the existing structures on site and construct a multi-family residential complex on the east end of the site and a single family residential subdivision on the west end of the site towards the rear. Beulah Church Road is a designated Parkway that requires a 50' Parkway Buffer and 75' Setback. Connections to Applevue Lane and Appletree Way are provided to adjoining single family residential subdivisions at the northwest corner of the site and a new stub street is proposed at the southwest corner of the site in case the tracts to the south of the site are further developed. The multi-family tracts will be re-zoned to R-5A and will include 99 dwellings and the single family tract will include 28 lots, remaining R-4, Single Family Residential zoning.

Existing Zoning District: R-4, Single Family Residential

Proposed Zoning District: R-4, Single Family Residential and R-5A, Multi-Family Residential

Form District: Neighborhood

Existing Use: Single Family Residential and Vacant

Proposed Use: Single Family Residential and Multi-Family Residential

Minimum Parking Spaces Required: 134 (w/ 10% reduction due to 25% gross floor area being residential)

Maximum Parking Spaces Allowed: 297

Parking Spaces Proposed: 163

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-4	N
Proposed	Single Family Residential and Multi-Family Residential	R-5, R-5A	N
Surrounding Properties			
North	Single Family Residential and Multi-Family Residential	R-4, R-6, C-1, C-2	N
South	Single Family Residential	R-4	N
East	Single Family Residential	R-4	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

- Staff did not find any previous cases on the site.

INTERESTED PARTY COMMENTS

- Staff received comments from interested parties with concerns regarding the following topics: the two connections to the Apple Valley Subdivision at the northwest corner of the site, traffic volume in the adjoining subdivisions and along Beulah Church Road, speeding, potential increase in criminal activity, and adding a traffic light at the intersection of Zelma Fields Avenue and Beulah Church Road.
- The president of the Apple Valley Property Owners Association (David Steff), speaking on behalf of the board, has stated that the association is in opposition to the two connections at Applevue Lane and Appletree Way.
- Since the LD&T Meeting, staff received an email from John Price (8117 Clematis Ln.), President of the Zelma Fields Homeowners Association, and a phone call from Allison Marra. Both persons were upset a night hearing was not held close to the site for this proposal and they claim that someone at the Neighborhood Meeting had promised that such a night hearing would be held. Staff explained the process for requesting a night hearing by the petition process. Mr. Price is very concerned about potential accidents on Beulah Church Road. Ms. Marra is opposed to the site being developed.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Neighborhood Form District

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

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The site is surrounded on all sides by single and multi-family residential uses. The multi-family residential portion of the development is located along a major arterial level roadway to encourage traffic to exit the development onto the main thoroughfare and locates the single family residential area along the west end of the site at the rear, adjoining the other single family residential uses. The required Parkway Buffer and Setback are provided along Beulah Church Road and the site contains the required landscape buffers to help mitigate potential nuisances to adjoining property owners. The site has excellent cross-connectivity with the subdivisions to the north and west and will provide a stub street connection to the south for when or if the adjoining property is re-developed. This site provides another vital means of access in the area as the subdivisions to the west do not have a means to access Beulah Church Road without having to

drive out of their way to the north and Outer Loop or to the south and Manslick Road. A detention basin will be provided on site to help mitigate drainage concerns in the area and required sidewalks will be created along the entire street network within and abutting the development. Height restrictions and setbacks will be provided on the site to help with compatibility and the applicant has provided elevations of the proposed multi-family residential buildings to ensure compatibility with similar developments in the area.

The proposal complies with **Guideline 4 (Open Space)** as adequate open space has been provided for this development. Multi-family residential developments in the area can be found with similarly designed open space as is provided within this development. It will be maintained by deed restrictions to be recorded upon recording the record plat for the development.

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

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The development will greatly increase the connectivity in the area by providing a means to access Beulah Church Road by the subdivisions to the north and west of the site. Sidewalks are provided throughout the site and right-of-way is being dedicated to allow for future road improvements that may be necessary in the future. A stub street has been shown to connect to potential residential development in the future along the south property line. All comments from Transportation Review and KTC have been addressed and Transportation Review has given their preliminary approval of the plan.

Information provided by the applicant has shown there is compliance with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District has approved the proposal and no other utility has any issues. Existing utility infrastructure will be maintained for the development and MSD has given preliminary approval of the plan.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1
for Tract 1 from LDC 10.2 to waive the required 25' LBA, plantings,
and screening along the Fountains Condo Council property line**

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

STAFF: The waiver will not adversely affect adjacent property owners because the development is adjacent to a 15' LBA already provided by the Fountains Condo Council and an existing detention basin which creates a substantial distance from the actual building in the two developments.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review.

- (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 because LBA already exists on adjoining property and this space is needed for a 15' Sanitary, Sewer, and Drainage Easement to serve the proposed development.

- (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 will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because some landscaping is already provided by the adjoining property owner and the applicant would have to add unnecessary landscaping.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2
for Tract 2 from LDC 10.2 to reduce the required 25' LBA along the Fountains Condo
Council property line to a 10' LBA and allow encroachments into the 10' LBA**

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

STAFF: The waiver will not adversely affect adjacent property owners because the total required 25' LBA would be provided with the combined landscaping on both properties.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review.

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

STAFF: The extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because the waiver will allow the applicant to add additional landscaping to provide the total required instead of more landscaping than what is typically required.

- (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 will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the total landscaping would be 15' wider than what is normally required.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3
for Tract 2 from LDC 10.2 to reduce the required 8' screen along
the Fountains Condo Council property line to a 6' screen**

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

STAFF: The waiver will not adversely affect adjacent property owners because the applicant will provide the same 6' high fence that the adjoining property owner partially installed.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review.

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

STAFF: The extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because it will allow the applicant to provide the same screening that was provided by the adjoining property owner.

- (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 will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the existing fence is only 6' tall instead of the code required 8'.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND BINDING ELEMENTS

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

STAFF: The site will not preserve tree canopy but it will add a substantial amount of tree canopy through the planting of additional trees.

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

STAFF: The development will greatly increase the connectivity in the area by providing a means to access Beulah Church Road by the subdivisions to the north and west of the site. Sidewalks are provided throughout the site and right-of-way is being dedicated to allow for future road improvements that may be necessary in the future. A stub street has been shown to connect to potential residential development in the future along the south property line. All comments from Transportation Review and KTC have been addressed and Transportation Review has given their preliminary approval of the plan.

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

STAFF: Adequate open space has been provided for this development. Multi-family residential developments in the area can be found with similarly designed open space as is provided within this development. It will be maintained by deed restrictions to be recorded upon recording the record plat for the development.

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

STAFF: MSD has approved the drainage facilities for the site.

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

STAFF: The site is surrounded on all sides by single and multi-family residential uses. The multi-family residential portion of the development is located along a major arterial level roadway to encourage traffic to exit the development onto the main thoroughfare and locates the single family residential area along the west end of the site at the rear, adjoining the other single family residential uses. The required Parkway Buffer and Setback are provided along Beulah Church Road and the site contains the required landscape buffers to help mitigate potential nuisances to adjoining property owners. The site has excellent cross-connectivity with the subdivisions to the north and west and will provide a stub street connection to the south for when or if the adjoining property is re-developed. This site provides another vital means of access in the area as the subdivisions to the west do not have a means to access Beulah Church Road without having to drive out of their way to the north and Outer Loop or to the south and Manslick Road. Height restrictions and setbacks will be provided on the site to help with compatibility and the applicant has provided elevations of the proposed multi-family residential buildings to ensure compatibility with similar developments in the area.

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

STAFF: The proposal complies with the guidelines of the Comprehensive Plan as explained in the review for the re-zoning request.

TECHNICAL REVIEW

- With the exception of the required Waivers, the plan meets the requirements of the LDC.
- The plan has received preliminary approval from MSD and Transportation Review.
- LD&T requested sidewalks be provided along the southern side of Open Space Lot 1001 which were added by the applicant.
- The applicant has provided an updated Traffic Study which did not make any new recommendations.
- The additional 10' LBA was provided along the northern boundary of Tract 2 and a 6' fence added after comments made from the Fountains Condo Council at LD&T. The full 25' Waiver is still being requested along the northern boundary of Tract 1.

STAFF CONCLUSIONS

Rezoning

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

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

Waivers, Detailed District Development Plan, Binding Elements, and Preliminary Major Subdivision Plan

Staff analysis in the standard of review section of the staff report indicates the proposed Waivers, DDDP, Binding Elements, and Preliminary Major Subdivision Plan are justified.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the standards for granting Waivers, a DDDP, Binding Elements, and a Preliminary Major Subdivision Plan established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from R-4 (Single Family Residential) to R-5A (Multi-Family Residential), on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waiver #1, #2, and #3 listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan and Binding Elements listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Preliminary Major Subdivision Plan and listed in the staff report

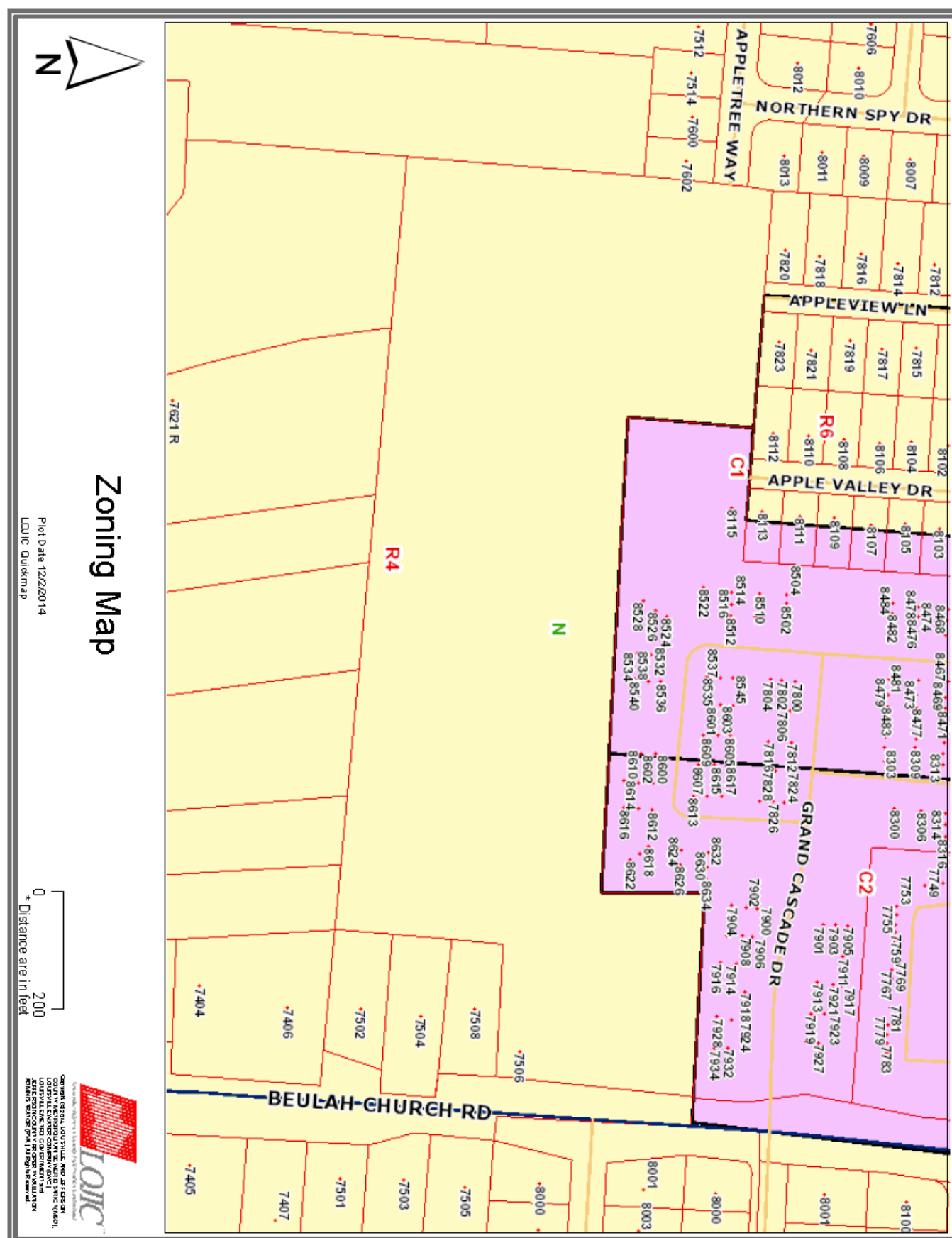
NOTIFICATION

Date	Purpose of Notice	Recipients
3/12/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 23 Notification of Development Proposals
4/2/15	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers to Council District 23 Notification of Development Proposals
4/1/15	Hearing before PC	Sign Posting on property
4/4/15	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements for Re-Zoning Multi-Family Residential (Tract 2)
4. Proposed Conditions of Approval for Single Family Residential (Tract 1)
5. Cornerstone 2020 Staff Checklist

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements for Re-Zoning Multi-Family Residential (Tract 2)

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.

4. Proposed Conditions of Approval for Single Family Residential (Tract 1)

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All conditions requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these conditions to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these conditions. These conditions 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 conditions. 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 conditions.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise

barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.

- c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

5. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	The proposal provides a mix of residential housing choices and densities for the area by proposing both single family and multi-family residences on the site.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	✓	Although the multi-family tracts are just less than the classification for high density, the site is located on a major arterial level road and close to an intersecting primary collector level road and interstate.
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	✓	The proposal provides both single and multi-family residences which are compatible with the same nearby uses.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	✓	The streets invite human interaction because there are sidewalks provided along the proposed streets which have short blocks or are designed to meander through the development.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	The proposal is not an activity center.
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential	NA	The proposal is not an activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.		
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	√	The proposal is an efficient use of land as existing infrastructure will be maintained or provided.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	The proposal is not an activity center.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not an activity center.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	√	The proposal creates a new development and provides solely residential uses.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposal is not an activity center.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is not an activity center.
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is not an activity center.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	√	The proposal uses existing entrance and parking facilities and requires no new curb cuts.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	√	The proposal is an efficient use of land as existing infrastructure will be maintained.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	√	The proposal uses existing entrance and parking facilities and requires no new curb cuts.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not an activity center.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	√	The proposal provides both single and multi-family residences which are compatible with the same nearby uses.
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	√	The new multi-family residential buildings will be similar in design to other multi-family developments in the area. Therefore, the development will be compatible with the development design pattern in the vicinity.
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible	√	The proposal provides both single and multi-family residences which are compatible with the same nearby uses. Adjoining properties to the north have already been developed within zoning districts that allow much higher

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		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.		densities than what is being proposed in this development. The proposal is compatible within the scale and site design of nearby existing development and will provide techniques to mitigate potential nuisances such as landscape buffer areas, a detention basin, cross-connectivity to allow for the ease of flow of traffic, and a connection from residential development to the north and west to Beulah Church Road. The site also locates the higher density use along the major arterial level road and the lower densities deeper in the development which will encourage higher amounts of traffic out onto the main thoroughfare.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposal does not create any adverse impacts on associated traffic as the proposal creates better cross-connectivity to allow for the ease of flow of traffic and a connection from residential development to the north and west to Beulah Church Road. The site also locates the higher density use along the major arterial level road and the lower densities deeper in the development which will encourage higher amounts of traffic out onto the main thoroughfare.
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposal will conform with all lighting regulations.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	√	The proposal provides both single and multi-family residences which are compatible with the same nearby uses. Adjoining properties to the north have already been developed within zoning districts that allow much higher densities than what is being proposed in this development.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	-	The proposal is a higher density but it is not located along a transit corridor or near an activity center.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	+/-	The proposal potentially provides housing for the elderly or persons with disability and is located close to shopping areas. The site is not located on a transit route or close to a medical facility, however.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	√	The proposal provides both single and multi-family residences which are compatible with the same nearby uses. Adjoining properties to the north have already been developed within zoning districts that allow much higher densities than what is being proposed in this development.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal provides both single and multi-family residences which are compatible with the same nearby uses. Adjoining properties to the north have already been developed within zoning districts that allow much higher densities than what is being proposed in this development. The proposal is compatible within the scale and site design of nearby existing development and will provide techniques to mitigate potential nuisances such as landscape buffer areas, a detention basin, cross-connectivity to allow for the ease of flow of traffic, and a connection from residential development to the north and west to Beulah Church Road. The site also locates the higher density use along the major arterial level road and the lower densities deeper in the development which will encourage higher amounts of traffic out onto the main thoroughfare. Height restrictions and setbacks will also be compliant with the requirements.
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have	√	The proposal provides both single and multi-family residences which are compatible with the same nearby uses. Adjoining properties to the north have already been developed within zoning districts that allow much higher densities than what is being proposed in this development. The proposal is compatible within the scale and site design of nearby existing development and will provide techniques to mitigate potential nuisances such as

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		the potential to adversely impact existing area developments.		landscape buffer areas, a detention basin, cross-connectivity to allow for the ease of flow of traffic, and a connection from residential development to the north and west to Beulah Church Road. The site also locates the higher density use along the major arterial level road and the lower densities deeper in the development which will encourage higher amounts of traffic out onto the main thoroughfare. Height restrictions and setbacks will also be compliant with the requirements.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Height restrictions and setbacks will be compliant with the requirements which are compatible with nearby residential development.
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	The proposal provides the required open space that meets the needs of the community. Continued maintenance will be provided by deed restrictions that will be recorded with the record plat.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	√	The proposal provides the required open space that meets the needs of the community. Similarly designed open space can be found in other multi-family residential developments.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features to integrate into the pattern of development.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	The site does not contain buildings that have historic or architectural value.
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to integrate into the pattern of development.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	The proposal will 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 and the contribution of right-of-way.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal does not create any adverse impacts on associated traffic as the proposal creates better cross-connectivity to allow for the ease of flow of traffic and a connection from residential development to the north and west to Beulah Church Road. The site also locates the higher density use along the major arterial level road and the lower densities deeper in the development which will encourage higher amounts of traffic out onto the main thoroughfare.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The proposal includes the dedication of right-of-way for street, bike, and pedestrian facilities within and abutting the development site.

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39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The development avoids access to development through areas of significantly lower intensity or density
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposal does not create any adverse impacts on associated traffic as the proposal creates better cross-connectivity to allow for the ease of flow of traffic and a connection from residential development to the north and west to Beulah Church Road. The site also locates the higher density use along the major arterial level road and the lower densities deeper in the development which will encourage higher amounts of traffic out onto the main thoroughfare.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal provides both single and multi-family residences which are compatible with the same nearby uses. Adjoining properties to the north have already been developed within zoning districts that allow much higher densities than what is being proposed in this development. The proposal is compatible within the scale and site design of nearby existing development and will provide techniques to mitigate potential nuisances such as landscape buffer areas, a detention basin, cross-connectivity to allow for the ease of flow of traffic, and a connection from residential development to the north and west to Beulah Church Road. The site also locates the higher density use along the major arterial level road and the lower densities deeper in the development which will encourage higher amounts of traffic out onto the main thoroughfare. Height restrictions and setbacks will also be compliant with the requirements.
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has given preliminary approval for the plan.
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no natural features to integrate into the pattern of development.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal is located in an area served by existing utilities.
47	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	MSD has given preliminary approval for the plan.