

**Justification Statement/Statement of Compliance with the Cornerstone 2020 Comprehensive Plan**

**Case No. 19ZonePA-0022**

Project Name: Enclave at Warwick Village

Location: 417 Washburn Avenue

Owner: Larry Foreman

Applicant: Butch Ernspiker

Proposed Use: Single and multifamily town homes and patio homes

Proposed Zoning District and Use: Zoning District Change from R5 to R5A

The proposed Zoning District change is consistent with the Neighborhood Form District and uses immediately to the east, north east and across the street to the southwest. The proposed R5A zoning is compatible with the demand for moderately priced housing in the Lyndon Area. There is R6 zoning adjacent to this site for a large apartment complex. There is R5A zoning also adjacent to this site for use by Cedar Lake for apartments for those with intellectual and developmental disabilities. The remainder of the adjoining zoning is R5.

The zoning change is compatible with Plan 2040 in the following ways:

- The proposed use is compatible with all adjacent uses in compliance with the Community Form Guidelines and specifically with Policy 3.1.3. This is an appropriately scaled residential use in the Neighborhood Form District, a district which has uses that vary from high to low density. This use will blend compatibly into the existing neighborhood areas and landscape. In addition, the housing type will bring a desired and well-designed housing product to the area, providing needed diversity to the housing stock in the area.
- This site is located in proximity to major transportation facilities and located close to major entertainment centers and activities, including the proposed TopGolf facility, regional malls, movie theaters. There is a collector level roadway providing site access which roadway contains multifamily, daycare, office and single family residential uses. TARC service is available and runs along both New LaGrange Road and Shelbyville Road. Consistent with the Goals of the Mobility Guidelines in the Comprehensive Plan this sight will help connect the metro area and support future growth and improve mobility in the metro area by reducing vehicle miles traveled.
- The proposed use is designed to be compatible with the immediately adjacent property and with many of the nearby uses, it will not result in damage to the character of the existing neighborhood and will not be a use that will cause a nuisance either, through noise, light or odors.

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- The proposed development complies with the policies that are required and that are applicable pursuant to the Land Development Code. The elevations included with this application will demonstrate that the proposed buildings will be attractive and compliant with the development code addressing any design or aesthetics concerns. Furthermore, the enclosed site plan demonstrates compliance with set-backs (except in one instance where a minor supplemental setback variance is requested). The applicant will comply with all necessary tree-canopy and landscaping requirements. All buffering requirements will be satisfied except for a waiver in the vehicle use area landscape buffer area for purposes of placing the detention basin. The current Land Development Code design process addresses many of these issues, and also will require lighting be directed down and away from adjoining residential uses. Furthermore, no odors are expected to emanate from the proposed building and all activities will be limited to car traffic, anticipated to be mostly during daylight hours. The proposed buildings are buffered from any near residences and no hazardous materials are anticipated to be used in the buildings.
- This proposed development will comply with applicable water management requirements. First, Storm Water Management requires MSD review and is addressed in detail on the submitted detailed district development plan. Second, Water Quality is also subject to the regulatory authority of MSD and will be addressed by the district development plan. Third, Air Quality is subject to the authority of the Air Pollution Control District and will also be addressed on the district development plan and subject to review by that agency. Any items not addressed on the development plan will need to be addressed in order to obtain building permits (e.g. silt fencing, drainage basin compensation) etc.... The intent of these guidelines is to protect the air and water quality and to ensure damage to streams and nearby properties is minimized by property drainage system design. Since this is a new development all of the appropriate regulatory review will occur and be complied with.
- The proposed use will comply with the Landscape and Tree Canopy requirements in a manner consistent with Community Form Goal 3. Tree canopy will be preserved (consistent with Community Form Goal 4) or added as is appropriate and in compliance with the Land Development Code. The submitted plans will be further refined and reviewed by Planning Commission staff and the Applicant site engineering firm in order to ensure compliance.

For the above reasons, as well as the materials submitted with the application and during the application process as well as the testimony to be given at the upcoming public hearings, this application complies with the intent, the relevant policies and the Guidelines of Plan 2040.

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