

Planning Commission Staff Report

November 17, 2016



Case No:	16ZONE1062
Request:	W-3 to C-M
Project Name:	QSR Automations
Location:	2700 Buddeke Drive
Owner:	Lee Leet, QSR Automations, Inc
Applicant:	Lee Leet, QSR Automations, Inc
Representative:	Clifford Ashburner, Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Change in zoning from W-3 to C-M
- Detailed District Development Plan
 - Amendments to Binding Elements
 - Waiver from 5.8.1.B to not provide a sidewalk along the entire frontage of River Road.
 - Waiver from 10.2.4.B to allow a utility easement to overlap a Landscape Buffer Area along Buddeke Drive by 100%.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 4-story 51,220 square foot office building for the QSR Headquarters as well as a 20,000 square foot warehouse. The site is currently partially vacant land with approximately two-thirds being used for outdoor storage and bulk sale and storage of mulch firewood and stone. It is located north of River Road, just northwest of the intersection of River Road and Zorn Avenue in north central Jefferson County. It will be accessed from Buddeke Drive, a private road that runs along the north side of the property. The proposal shows a Phase II access point from River Road. QSR Automations specializes in the manufacturing and assembly of equipment used in restaurants, the servicing and repairs of the equipment and the development and servicing of the software used in the equipment.

The properties to the west of this site are warehouse uses. Heavier industrial uses exist farther west and to the east of the site. As you travel farther east along River Road, the uses quickly transition from a commercial boating business to rural and residential uses. A large metro park is located to the south of the site across River Road.

This site has been re-zoned twice in the past. The existing binding elements are a composite of the two rezonings and one revised plan, with binding elements 1-12 being from the general plan of 9-110-89 and #13 from 12412, a revised plan for a parking lot expansion at Galen College. The remainder of the binding elements are from the most recent rezoning, 15187, back to W-3. Staff has elected to strike all of the previous binding elements and create new binding elements with updated language and pertinence to the current plan.

The applicant now requests a change in zoning to C-M because the W-3 zoning district permits industrial uses that require a riverfront location for river transportation or the use of large amounts of water for cooling or processing. The W-3 zone also allows M-3 uses, which would only permit offices as an accessory use.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	W-3	SW
Proposed	Office Headquarters/Warehouse	C-M	SW
Surrounding Properties			
North	Industrial Warehouse	W-3	SW
South	Park	R-1	N
East	Industrial/Outdoor Storage	W-3	SW
West	Industrial Warehouse	C-M	SW

PREVIOUS CASES ON SITE

- 9-110-89: Change in zoning from W-3 to C-M for the River Green Business Park, office/warehouse and bulk warehouse.
- 12412: Revised Detailed District Development Plan for Galen College parking expansion.
- 15187: Change in zoning from C-M to W-3 for River Road Terminal, expansion of storage area and sidewalk waiver.
- 19138: Revised Detailed Development plan for Contractor’s Yard.
- 14DEVPLAN1011: Revised Detailed Development Plan (RDDDP) for ingress/egress changes.
- 15DEVPLAN1153: RDDDP for Office Headquarters/Warehouse. Denied by staff.

INTERESTED PARTY COMMENTS

Patrick Droppelman, owner of 2929 River Road, a commercial boating business located two parcels east of the development site, contacted staff with questions about the development and expressed support of the development due to the company’s reputation and the fact that the operation will have less impact on his business’s air quality, as his property is downwind of the current industry in that area.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

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

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

The site is proposed to be located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposal to rezone the subject site from W-3, Waterfront District, to C-M, Commercial Manufacturing would expand the industrial and commercial warehouse uses in this area and allow a currently underutilized lot to become a contributing development to the waterfront area. The existing form district encourages predominantly industrial and office uses. The proposed industrial warehouse and office use expansion is appropriate for this form district and follows the concepts of the Suburban Workplace found to the west of the site.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP

- 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: A portion of the north side of the site is located within the FEMA flood plain. The applicant has added the appropriate notes to the plan and will have to receive construction approvals from the Metropolitan Sewer District.

- 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 have been provided through the Kentucky Transportation Cabinet roadway improvements that are planned for spring 2017, and the applicant's proposed pedestrian connection to this new sidewalk, the dedication of right-of-way and current access from Buddeke Drive.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- 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, as this proposal is a lower intensity than the current use and improves the quality of the development in the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the two requested waivers.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.8.1.B to not provide a sidewalk along the entire frontage of River Road.

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

STAFF: The waiver will not adversely affect adjacent property owners as the Kentucky Transportation Cabinet has plans set for the spring of 2017 to build sidewalks along River Road including the frontage of the subject property, along with other roadway improvements.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated as the KYTC plans are fully funded and in place for the sidewalks and roadway improvements along River Road. The applicant has proposed a pedestrian connection to the new sidewalk, as well as the Right-of-Way dedication to allow these improvements.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as the KYTC plans for sidewalks are already in place, making it unnecessary for the applicant to build the sidewalk.

- (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 building a sidewalk would be redundant and an unnecessary cost to the applicant.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.2.4.B to allow a utility easement to overlap a Landscape Buffer Area along Buddeke Drive by 100%.

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

STAFF: The waiver will not adversely affect adjacent property owners as the Landscape Buffer Area is still being provided with all required plantings.

- (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. This intent will be filled as the applicant has proposed the required buffer width and plantings.

- (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 unusual 185' width of the utility easement leaves no other place for the LBA that will not have a 100% encroachment of the easement.

- (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 moving the LBA out of the easement would require a major reconfiguration of the site plan.

TECHNICAL REVIEW

- The plan is in order and has received preliminary approvals from Transportation and MSD.
- The Waterfront Development Corporation has review the plan and has stated that they are in favor of the proposal.

STAFF CONCLUSIONS

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and the waivers appears justified and meet the standard of review.

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.

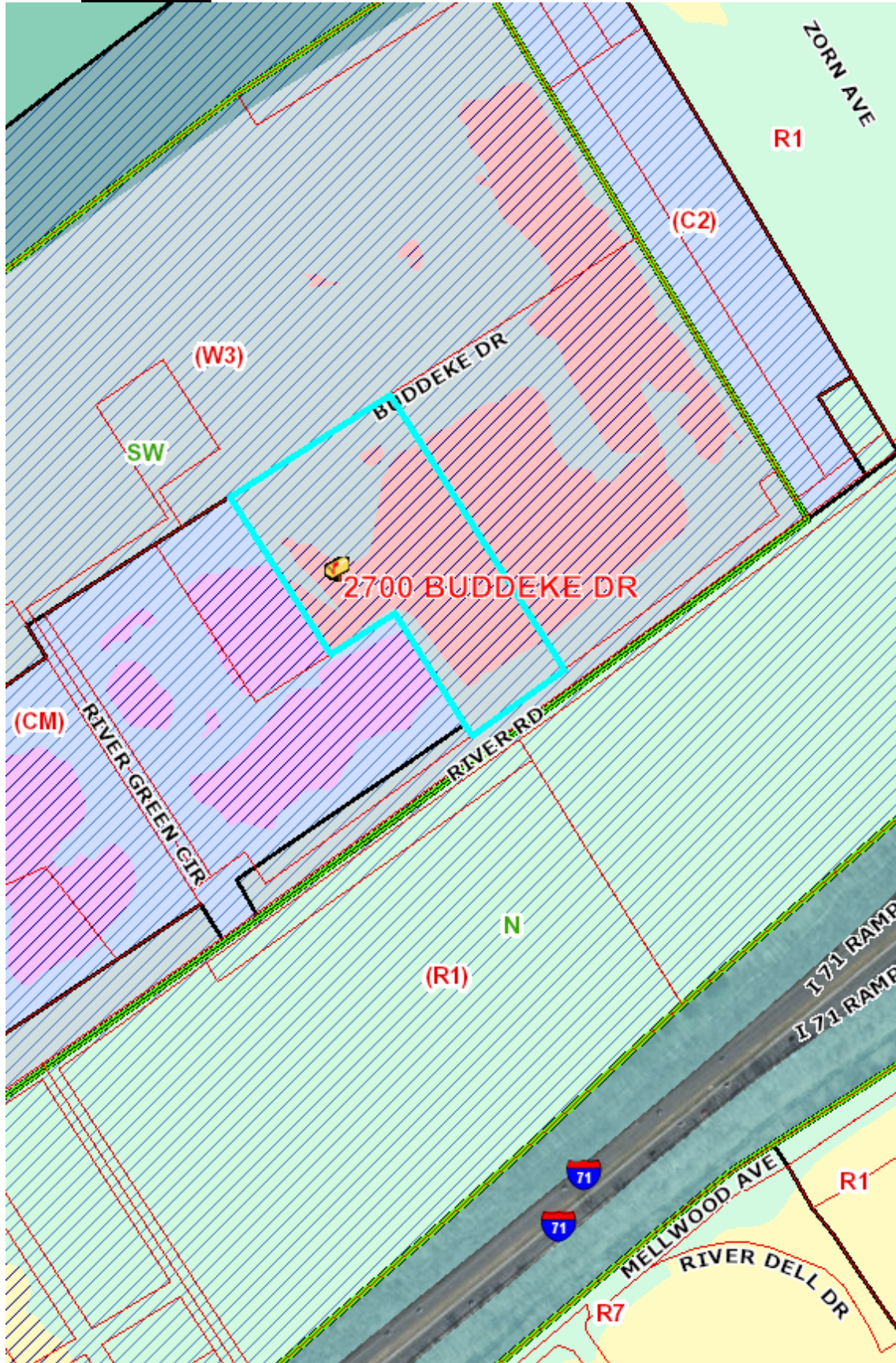
NOTIFICATION

Date	Purpose of Notice	Recipients
10/24/16	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
10/24/16	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
11/2/16	Hearing before PC	Sign Posting on property
11/2/16- 11/8/16	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements
5. Proposed Binding Elements

1. Zoning Map



2. **Aerial Photograph**



3. Cornerstone 2020 Staff Checklist

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

Suburban Workplace: Non-Residential

#	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.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposal integrates into the form district pattern to the west along River Road.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	This proposal is meant to be a headquarters with a mix of warehouse and office uses and integrates well with the surrounding industrial uses.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	+/-	The applicant has requested a sidewalk waiver, as KYTC is providing the sidewalk through a fully funded public roadway project.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Additional information is needed to determine compliance.
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	This proposal does not create a non-residential expansion into a residential area. The current zoning is non-residential.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD has approved the project.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	A binding element is being added to improve traffic flow by contributing funds for a signal at the nearby River Road and Green River Circle intersection.
8	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.	✓	All lighting shall be shielded and directed downward and away from residential development.
9	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.	NA	This proposal is not a higher intensity use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
10	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 demonstrates transition between uses with appropriate landscape buffer yards.
11	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 demonstrates transition between uses with appropriate landscape buffer yards.
12	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 are compatible with those nearby to the west within the Suburban Workplace Form District.
13	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	NA	There is no parking or loading near residential.
14	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	All required vehicle use area landscape buffer areas and scenic corridor buffer areas are provided.
15	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed.
16	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	+/-	Additional information is necessary to determine compliance.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	There are no open space requirements with this proposal.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	NA	There are no open space requirements with this proposal.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal of the office is setback from the slope along River Road.
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 proposal of the office is setback from the slope along River Road to preserve the character of the scenic corridor.
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 proposal of the office is setback from the steep slopes along River Road and proposes required scenic corridor buffering and plantings.
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.	NA	There are no hydric soils, severe, steep or unstable slopes on the site.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed land use is an expansion of industry similar to existing industrial uses to the west along River Road
24	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located in a downtown.
25	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The proposed land use is an expansion of industry similar to existing industrial uses to the west along River Road.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
26	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The use is not likely to produce large amounts of traffic.
27	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The proposed industrial development is located along an arterial street within close proximity of an expressway interchange to the south of the subject site.
28	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.	✓	A binding element is being added to improve traffic flow by contributing funds for a signal at the nearby River Road and Green River Circle intersection. The proposal is also dedicating right-of-way to River Road for the KYTC road improvement project.
29	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	+/-	The applicant is requesting a waiver of the sidewalk requirement along River Road, but is dedicating the required right-of-way for KYTC roadway improvements that include adding a sidewalk.
30	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.	✓	Providing access from Buddeke Drive will take stress off of River Road and also allows cross over access to adjacent developments to the east and west.
31	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 bike racks and pedestrian walkways throughout the development and a dedication of right-of-way.
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking to support the use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Buddeke Drive is a define access easement that allows crossover access to the site to the east and west.
34	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.	✓	Roadway connections are adequate.
35	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.	✓	No access is proposed through areas of significantly lower intensity. Access is proposed from Buddeke and River Road.
36	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.	✓	Buddeke Drive is a define access easement that allows crossover access to the site to the east and west.
37	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 applicant is requesting a waiver of the sidewalk requirement along River Road, but is dedicating the required right-of-way for KYTC roadway improvements that include adding a sidewalk.
38	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 approvals.
39	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has approved the proposal.
40	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.	+/-	The scenic corridor landscape buffer area is being provided and could possibly provide habitat for species of small animals.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Existing utilities serve the site.
42	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 site is to be served by the Louisville Water Company.
43	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.	✓	Sanitary sewer service will be provided by new L.E. Connection and sanitary sewer flow will be treated at Morris Foreman Water Quality Treatment Center.

3. Existing Binding Elements

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.~~
- ~~2. The development shall not exceed 444,800 square feet of gross floor area.~~
- ~~3. Before a building permit is requested:

 - ~~a. The development plan must be reapproved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.~~
 - ~~b. The only free standing signs within 150 feet of the center line of River Road shall be two monument style signs, one at each of the two entrances; the face of each sign shall be no more than sixty (60) square feet in area and shall extend in height no more than eight (8) feet. Each such sign shall be mounted on a masonry base not to exceed twenty (20) feet in length and each sign shall be oriented in a direction perpendicular to River Road. The size and location of any other proposed sign must be approved by the Planning Commission and the Waterfront Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.~~
 - ~~c. The property owner/developer must obtain approval of a detailed plan for screening (landscaping/buffering) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~
 - ~~d. All necessary recording fees shall be paid.~~~~
- ~~4. If River Road is not reconstructed and widened within five years of the approval of this revised plan, the developer shall construct left and right turn lanes at the west entrance and the east entrance to the development immediately upon the expiration of this five year period. The lanes shall be constructed to standards to be approved by the Louisville Metro Public Works Department.
Modified by the Development Review Committee on April 22, 2009, Case # 12412~~
- ~~5. In an effort to minimize impact of lighting on adjacent properties, lighting for the parking area shall be directed downward and toward the interior of the parking area.~~

- ~~6. Developer shall not disturb the existing wetland area until it receives necessary governmental approvals.~~
- ~~7. The landscape buffer along River Road shall conform to the plan shown on Landscape Exhibit I as submitted by the developer.~~
- ~~8. Developer shall install plantings in the sizes shown on the landscape plan approved by the Commission's landscape architect. The red oaks shown along the north side of River Road shall be planted when River Road has been improved. Except as may be necessitated by construction, the developer will not ask the City to remove the existing trees along the north side of River Road until River Road is improved.~~
- ~~9. If the building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~10. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.~~
- ~~11. At the request of the City, the owner of the property shall grant an easement to the City to allow pedestrian and bicycle traffic to cross the east and west entrance roads.~~
- ~~12. The above binding elements may be amended as provided for in the Zoning District Regulations.~~
- ~~13. A total of 150 ft from centerline of road Right-of-Way dedication along River Rd will be required along the Livron II frontage not within the existing conservation easement. Two areas of dedication will occur, being located at the east and west ends of the property frontage and measuring approximately 60' and 140' wide, respectively, being the east and west entrance locations as shown on the originally approved Development Plan Docket Number 9-110-89WRO approved on September 3, 1995). Right-of-way dedication by deed or minor plat must be recorded prior to full construction approval by Public Works.
Modified by the Development Review Committee on April 22, 2009, Case # 12412~~
- ~~14. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
- ~~15. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~
 - ~~b. Encroachment permits must be obtained, if necessary, from the Metro Public Works.~~
 - ~~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 certificate of occupancy. The landscape plan shall closely resemble the conceptual landscape plan~~~~

presented at the June 30th Planning Commission public hearing. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter

- d. ~~A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - e. ~~An amended access easement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - f. ~~A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.~~
16. ~~A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the 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.~~
17. ~~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.~~
18. ~~Mitigation measures for dust control shall be in place during all operations of business to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.~~
19. ~~Detailed District Development Plans must be submitted by the applicant, reviewed by Planning staff and approved by the Planning Commission, or one of its designees or sub-committees, prior to any portion of the site being occupied or leased for material storage purposes.~~
20. ~~A sidewalk in conformance with Metro Works' specifications and standards shall be constructed by Applicant along the frontage of the subject property on the north side of River Road from River Green Circle northeastward to the Droppleman property line. At the time that River Road improvements are let for construction, sidewalk construction plan approval and Encroachment bond are required prior to MPW approval and issuance of encroachment permit. Sidewalk shall be constructed by Applicant within one year of the completion of the planned River Road widening improvements.~~
21. ~~No detailed district development plan shall be approved for this site until the approved Fugitive Dust Control Plan dated February 11, 2011 is reviewed with respect to any changes to the land uses and proposed improvements and approved by APCD.~~
22. ~~There shall be no stockpiles of sand on the subject property.~~

- ~~23. Material stockpiles and lay down areas shall be located as shown on Detailed District Development Plan.~~
- ~~24. There shall be no handling or storage of hazardous or toxic waste materials as defined by 42 USC 6901 and 42 USC 9601 on the subject property.~~
- ~~25. The applicant shall complete all new landscaping within two years of the final approval of this rezoning request, or a Detailed Plan is approved.~~
- ~~26. Within 90 days of final action on this zoning change the applicant must submit construction plan application materials to the appropriate permitting agencies for the 150' of landscaping and berm along River Road on the northeast corner of the site, as shown on the General Development Plan, and the berm along the east property line, adjacent to the Droppleman property. Said berms and landscaping shall be installed by the applicant within 180 days of construction plan approval from the appropriate permitting agencies.~~
- ~~27. All landscaping and/or berms, existing or new, shall be maintained in good condition by the applicant.~~
- ~~28. Height of stored materials within the transition zone shall be no higher than the landscaping within the transition zone, as shown on the General Development Plan.~~

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. The development shall not exceed 71,220 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter

- c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 7. 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.
 8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 17, 2016 Planning Commission hearing.
 9. The developer shall contribute their prorated portion, not to exceed \$10,000, to the cost of the signal installation at River Road and River Green Circle. This shall be paid within 30 days of the request by the Director of Metro Public Works. The request shall be made to the developer when Metro Public Works obtains the balance of the cost of the installation and no sooner than construction plan approval.