

**Planning Commission
Staff Report**
March 15, 2018

BE #7
Based on Noise
Study

Case No.	16ZONE1072
Project Name	Greenbelt Warehouse
Location	7001 Greenbelt Highway
Owner	Eagle Point CD LLC
Applicant	Eagle Point CD LLC
Representative	Dinsmore & Shohl LLP
Jurisdiction	Louisville Metro
Council District	1 – Jessica Green
Case Manager	Laura Mattingly, AICP, Planner II

REQUEST(S)

- Change in Zoning from R-4 Single-Family Residential to EZ-1 Enterprise Zone on 27.21 acres
- Change in Form District from Neighborhood to Suburban Workplace
- Waiver of Section 5.5.4.B.1 to not provide the 6' berm along all property lines
- Detailed District Development Plan with Binding Elements

CASE SUMMARY

The applicant is requesting zone and form district changes for two undeveloped parcels totaling 27.21 acres on Greenbelt Highway across from the Jefferson Riverport International, an industrial park located on the Ohio River. The proposed development consists of a 271,250 square foot warehouse and 101,312 square foot vehicular parking area containing 296 parking spaces.

The site has two access points off Greenbelt Highway, near its northern and southern boundary. The northern access point, nearest existing single-family residential uses, will be right-in/right-out only, with an existing median on Greenbelt Highway to remain. Truck traffic will be directed to the southern access point where the security station is located, and where vehicles accessing the loading docks will be required to stop when entering and leaving the site.

This case was postponed indefinitely at the June 15, 2017 Planning Commission hearing in order to allow the applicant time to work with Riverport to come to an agreement on the triangular shaped parcel along Greenbelt Hwy.

Previous Cases:

9222: Single Family Residential subdivision for 77 buildable lots. Expired.

STAFF FINDINGS

Staff finds that the proposed form district/zoning change complies with the applicable guidelines and policies of Cornerstone 2020. The proposal is located on a major arterial road, adjacent to existing industrial development. The site design incorporates landscaping, buffering and adequate setbacks in order to integrate into the pattern of development in the area. The proposal is expanding into a residential area but mitigates for such an expansion by providing more than the required buffers and screening as well as preserving mature

trees on site. Sidewalks and a pedestrian connection increase pedestrian connectivity to nearby transit stops. Roadway improvements are provided for Greenbelt Hwy and will lessen the traffic impact on surrounding neighborhoods by directing truck traffic away from the residential subdivision access to the north. A sound fence will also be provided to mitigate for noise created by trucks and passenger vehicles. The requested waiver appears adequately justified by the preservation of mature trees in lieu of a berm.

TECHNICAL REVIEW

- MSD and Transportation have given preliminary approvals.
- A small revision was made to the plan prior to LD&T to shift the development 10 feet toward Greenbelt Hwy.

INTERESTED PARTY COMMENTS

Letters were received prior to the last public meeting in June 2017 from a representative of Hunters Hill Subdivision with concerns regarding the close proximity of another warehouse and trucking company to single family homes.

Additional letter rec'd 3/12 - environmental concerns

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/zoning change complies with the applicable guidelines and policies of 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 / FORM DISTRICT CHANGE

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 is located on along Greenbelt Hwy, just to the east of a large industrial area. The site design includes the required 30' parkway buffer which provides buffering of the parking area and proposed building. A public sidewalk is proposed along the site frontage with pedestrian access to the building, which will increase pedestrian connectivity and transit access. Buffering adjacent to residential uses is as adequate to aide in transitions to the lower intensity use.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.5.4.B.1 to not provide the 6' berm along all property lines:

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

STAFF: The waiver will not adversely affect adjacent property owners as buffer widths are provided with preserved mature trees as well as new plantings that will provided screening.

- (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. These guidelines are not violated as buffer widths have been provided and the preservation of existing trees with the additional new plantings will screen the use from adjacent residential and provide adequate transitions between incompatible uses, meeting the intent of the Comprehensive Plan.

- (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 all other buffering requirements are being met with the buffer width being exceeded on much of the site.

- (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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as providing the berm would require the removal of mature trees. The applicant has elected to instead preserve as many trees as possible on this forested site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

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

STAFF: This development site is currently heavily forested. The applicant has proposed to preserve as many trees as possible, including those along the perimeter that will be used for buffering and a 248,071 square foot protection area on the east side of the site. The development will also leave an existing intermittent stream and the associated buffer undisturbed.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: The development meets the requirements for amenity area with an 18,000 square foot area proposed.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **RECOMMEND APPROVAL or DENIAL** to Metro Council of the change in zoning from R-4 Single-Family Residential to EZ-1 Enterprise Zone
- **RECOMMEND APPROVAL or DENIAL** to Metro Council of the change in Form District from Neighborhood to Suburban Workplace
- **APPROVE or DENY** the Waiver of Section 5.5.4.B.1 to not provide the 6' berm along lot lines with residentially zoned parcels:
- **APPROVE or DENY** the Detailed District Development Plan

NOTIFICATION

Date	Purpose of Notice	Recipients
4/13/17 2/5/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 1 Notification of Development Proposals
2/27/18	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 1 Notification of Development Proposals
03/01/18	Hearing before PC	Sign Posting on property
03/03/18	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. 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 incorporates landscaping, buffering and adequate setbacks in order to integrate into the pattern of development in the area.
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.	✓	The proposal is located just east of Greenbelt Parkway with a major industrial area just to the west.
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.	✓	Public sidewalks and pedestrian connections are proposed with a transit stop near the development.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Building design standards will be met, with landscaping being provided along the frontage which will increase the compatibility of the structure itself.
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.	✓	The proposal is expanding into a residential area but mitigates for such an expansion by providing more than the required buffers and screening (sound fence), preserving trees and gaining access from the adjacent major arterial road.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The preservation of existing mature trees and new plantings within the buffer areas, the location of loading areas away from existing residential, as well as restrictions on the times of day trucks can idle adequately mitigates for potential odor or emissions.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Access will be achieved from Greenbelt Highway, a major arterial, with truck traffic being directed to the south end of the site, away from the residential subdivision access to the north.
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.	✓	Lighting will be directly downward and away from adjacent properties, as required in the Land Development Code.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The proposal is located just east of a major industrial area and on a transit route.
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 buffers provided are wider than required in many areas of the site with existing and new trees providing screening from adjacent less intense uses. Setbacks and building height are appropriate.
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 proposed industrial use will be heavily screened from the adjacent residential area to the north with a 50' buffer, additional setback, and preserved mature trees.
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 similar to those found in the industrial area to the west.
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.	✓	Parking and loading areas are located away from the residential area to the north with adequate setbacks and buffers. Trucks will also be entering from the south end of the site to alleviate some truck traffic impacts on the residential area.
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.	✓	The applicant has proposed the required 30' parkway buffer adjacent to Greenbelth Hwy.
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	No parking garages are proposed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Signs will be in compliance with Land Development Code standards found in Chapter 8.
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.	✓	A large tree canopy preservation area is proposed, as well as amenity areas for employees.
18	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.	✓	Open space standards have been met for the use and the form district.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal will be preserving 22% of the existing tree canopy and leaving the stream area undisturbed.
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 will be preserving 22% of the existing tree canopy and leaving the stream area undisturbed.
21	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	There are no historic buildings on site and this proposal is not in a historic area.
22	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The development is mostly avoiding the area of the site identified with hydric soils.
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 use will provide opportunities for employment.
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	This proposal is not located downtown.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal is located adjacent to an existing industrial subdivision.
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.	✓	This use is not retail and Greenbelt Hwy, a major arterial, appears to have capacity to accommodate the traffic generated from the use.
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 use predicts more than 100 employees and is located on a major arterial.
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.	✓	All KTYC and transportation requirements have been met, with improvements to Greenbelt Hwy including the removal of the median and right turn lane at the southern entrance to the site.
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.	✓	Sidewalks are provided and a transit stop is located within walking distance on Greenbelt Hwy.
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.	✓	Transportation facilities are adequate and cross access is proposed to the property to the south at the time that the property is developed for non-residential use.
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.	✓	Dedication of right of way was not required for this proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking requirements found in the LDC Section 9.2 have been met.
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.	✓	Future cross access is proposed on the south side of the site to Riverport Drive.
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.	NA	No new streets are proposed.
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.	✓	Access will be achieved from the adjacent major arterial 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.	✓	The existing street network is not affected by this proposal.
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.	✓	Sidewalks and pedestrian connections are provided and increase connectivity to the existing transit stops on Greenbelt Hwy.
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 approved the proposal and floodplain compensation has been provided at a 1:1 ratio.
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 did not have any issues with the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 preservation area on the east side of site appears to provide for habitat and migration.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	This area is fully developed and has adequate existing infrastructure for the proposal.
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.	✓	There is existing infrastructure in place for potable water and fire-fighting purposes.
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.	✓	MSD has approved the proposal.

4. Proposed Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. 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.
 - d. 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
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. A reciprocal access and crossover easement agreement(s), in a form acceptable to the Planning Commission legal counsel, shall be created for access to the site from Greenbelt Highway as shown on the Detailed District Development Plan presented at the March 15, 2018 meeting of the Planning Commission. 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
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
6. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.

- ~~7. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.~~ *within 200 ft of the residential properties to the north.*
- ~~8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 15, 2018 Planning Commission meeting.~~

~~9. The applicant must submit iterations to PDS staff prior to construction plan review.~~ *reviewed for LDC compliance by PDS staff prior to construction plan approval*

Agree to north entrance restrictions but want it on record that they can come back to amend