

Planning Commission Staff Report

February 16, 2017



Case No.	16ZONE1068
Request	C-1 to C-2 with CUP and associated waivers
Project Name	River City Mini-Warehouse
Location	3383 Freys Hill Road
Owner(s)	River City Realty Group LLC
Applicant	River City Realty Group LLC
Representative(s)	Land Design & Development
Project Area/Size	1.26 acres / 52,272 sq ft
Jurisdiction	Louisville Metro
Council District	17 – Glen Stuckel
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Change in zoning from C-1 Commercial to C-2 Commercial
 - Conditional Use Permit (CUP) for use as a Mini-Warehouse (LDC4.2.35) with relief from:
 1. LDC 4.2.35.B conditional use requirement for a 30 foot LBA (landscape buffer area) along property lines adjoining R-4 properties
 2. LDC 4.2.35.G conditional use requirement limiting building height to 15 feet
- Revised District Development Plan with waivers from:
 1. LDC 10.2.4./Table 10.2.2 requiring a 30 foot LBA along property lines adjoining R-4 properties
 2. LDC 10.2.10 requiring a 10 foot LBA along Freys Hill Road

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing reuse of an existing 24,000 sf building on a 1.2 acre site, currently zoned C-1 and used as an athletic facility. It is located within a Regional Center form district. The zone change to C-2 with a CUP will specifically permit its use as a mini-warehouse.

The applicant is requesting relief from two requirements of the conditional use. The first, which requires a 30 foot LBA along property boundaries adjoining residential zoning, cannot be satisfied due to the location of the existing structure on the site. The existing structure also exceeds requirements regarding height limitations. These existing conditions are not being worsened by the applicant's proposed reuse of the property, as there are no exterior changes being made to the site or the structure. The applicant will install all required plantings.

The existing parking area will be re-striped from 53 currently existing parking spaces to 49 spaces; no new pavement will be required. As part of the restriping, the applicant will be adding a walkway to provide a pedestrian connection between the structure and the existing sidewalk along Freys Hill Road.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Indoor Sports Facility	C-1	Regional Center
Proposed	Mini-Warehouse	C-2 w/CUP	Regional Center
Surrounding Properties			
North	Restaurant / retail	C-1	Regional Center
South	Vacant	R-4	Neighborhood
East	Louisville Water Co. facility	R-4	Neighborhood
West	Retail	C-1	Regional Center
	Neighborhood open space	R-6	Neighborhood

PREVIOUS CASES ON SITE

B-80-91: Variance to permit eight off-street parking spaces to be located 5 feet from the front property line on Freys Hill Road.

INTERESTED PARTY COMMENTS

No comments from interested parties have been received.

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*

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

STAFF ANALYSIS FOR REZONING

The site is located within a Regional Center form district. A Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Regional Centers may include a variety of stores under one roof or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged.

Integration of civic uses such as branch libraries, community centers or government offices is encouraged and can strengthen the identity and success of the center. Regional Centers are most appropriately located on or near major arterials, state or interstate highways. Development in Regional Centers should be compact and provide for site accessibility through all means of transportation. A high level of transit access is desirable and Regional Centers should serve as focal points for transit from homes and workplaces. Connectivity and the capacity to handle traffic should be addressed through unified access and circulation. The site plan should encourage pedestrian activity within the Regional Center with human-scale design that provides pedestrian amenities and connectivity between buildings.

Landscaping, building design and unified signs in the Regional Center give character to the development, define and reinforce identity and provide a human scale. A center may include several internal focal points. Several uses sharing a building may have separate entrances and the design of the building facades may mimic a traditional market place corridor or "Main Street." Parking in Regional Centers is provided on a shared basis to avoid excessive impervious area, and the center is designed to encourage customers to visit several establishments without moving their vehicles.

Regional Center site design should provide screening of the parking lot and outbuildings as the site is viewed from the arterial roadway. The rear or loading area of buildings should be well screened from arterials, freeways and adjacent residential areas. Human safety or "crime prevention through environmental design" should be a factor in the design of regional centers.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT:
LDC4.2.35 Mini-Warehouse**

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposed re-use of the property as a mini-warehouse provides a neighborhood service to surrounding residential uses and provides multi-modal access. The parking area is shared with adjoining commercial uses.

2. Is the proposal compatible with surrounding land uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: No exterior structural changes are planned. The use is expected to result in lower traffic volumes.

3. Are necessary public facilities, both on-site and off-site, such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The site is fully served by public utilities and the development plan has received preliminary approval from MSD and Public Works.

4. Does the proposal comply with the specific standards required to obtain the conditional use permit requested?

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

STAFF: The residential property directly adjacent to the site on the north has been developed for and is in use by the Louisville Water Company. The property adjacent to the east is a narrow strip

of land that is undevelopable for residential use. Residential properties across the street to the south are buffered by an existing neighborhood open space. Properties to the west are in compatible commercial use.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

STAFF: The applicant is requesting reliefs and waivers of landscape buffer area requirements, which cannot be met due to the placement of the existing structure on the site. The applicant is making no exterior changes which will worsen existing site conditions.

C. No outside storage shall be allowed on the property.

STAFF: No outdoor storage is proposed.

D. No storage of toxic or hazardous materials shall be allowed on the property.

STAFF: No toxic or hazardous materials will be permitted.

E. There shall be no retail or wholesale sales or distributing activities on site.

STAFF: The applicant proposes to sell packing materials for the use of clients. This is permissible as an accessory use to the primary use of mini-warehouse.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

STAFF: The applicant is requesting a waiver based on the height of the existing structure. The applicant is making no exterior changes which will worsen existing site conditions.

H. Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The applicant is re-using the existing sign.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

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: LOJIC shows that these conditions do not currently exist on the site.

b. Provisions for safe and efficient vehicular and pedestrian transportation both within the development and throughout the community;

STAFF: With the addition of a striped pedestrian connection from the existing sidewalk to the structure, the applicant will meet all transportation requirements. The development plan has been reviewed by and received preliminary approval from Public Works.

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 applicable to the 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 development plan has been reviewed by and received preliminary approval from MSD.

- e. Compatibility of the land uses and overall site design including location of buildings, parking lots, screening and landscaping, with existing and projected future development of the area;

STAFF: The proposed land use is compatible with development in the area. The applicant has submitted building elevations showing the exterior of the structure.

- 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.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1:
LDC 10.2.4./Table 10.2.2 requiring a landscape buffer**

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

STAFF: The waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions.

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

STAFF: The waiver will not violate Cornerstone 2020.

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

STAFF: The waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions.

- (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 reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Exterior elevations for the existing structure appear to be an improvement over existing conditions.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2:
LDC 10.2.10 requiring a 10 foot LBA along Freys Hill Road**

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

STAFF: The waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions.

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

STAFF: The waiver will not violate Cornerstone 2020.

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

STAFF: The waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions. The applicant will install all required plantings.

- (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 reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Exterior elevations for the existing structure appear to be an improvement over existing conditions.

TECHNICAL REVIEW

All agency comments have been addressed.

STAFF CONCLUSIONS

C-2 Commercial zoning is consistent with the Regional Center form district. The zone change and CUP is not an expansion into an existing residential area.

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.

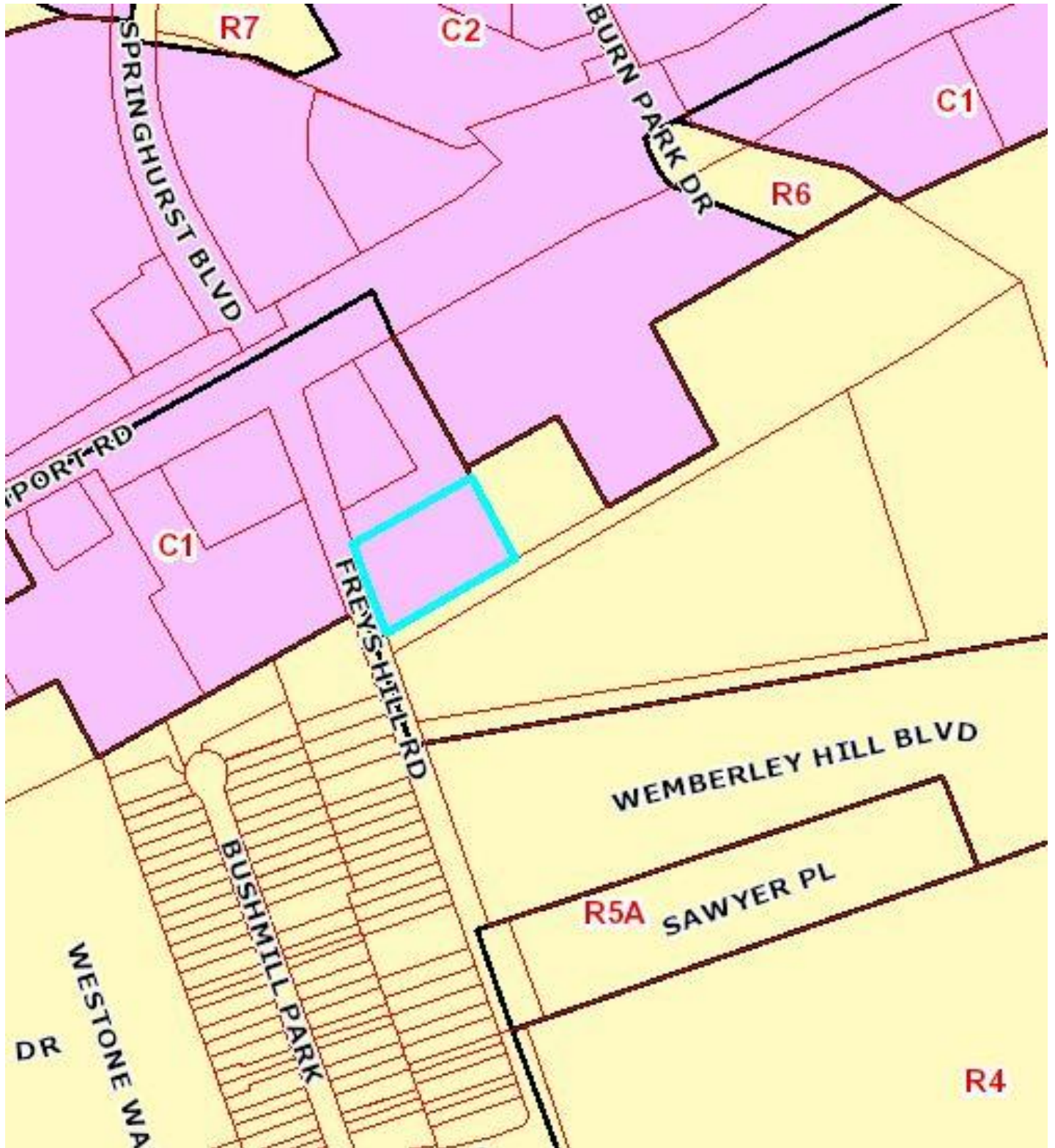
NOTIFICATION

Date	Purpose of Notice	Recipients
10/21/16	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups for District 17
2/2/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups for District 17
	Hearing before PC	Sign posting
2/5/17	Hearing before PC	Advertisement

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements/Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

Regional Center: Non-Residential

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.6: The proposal is of a moderate to high density consistent with the high intensity uses found in the Regional Center Form District.	✓	The proposed use is compatible with Regional Center uses.
2	B.6: The proposal integrates civic uses such as branch libraries, community centers or government offices.	NA	This is a reuse of an existing developed parcel which does not include civic uses.
3	B.6: The proposal contributes to the identity of the regional center as a focal point for transit from homes and workplaces.	NA	The site is not a focal point but does have adequate transit, vehicular and pedestrian facilities.
4	B.6: The proposal is compact and provides for efficient movement of pedestrians, vehicles, transit and bicycles through and around the site.	✓	The site includes an existing sidewalk along Freys Hill Road, and the parking lot is connected to a neighboring lot. There are no dedicated bike facilities.
5	B.6: The proposal supports a high level of transit access and connectivity.	✓	A transit stop is located approximately 400 feet from the site.
6	B.6: The proposal includes unified signs, and landscaping and building design that gives identity to the center, provides a human scale and includes an internal focal point.	+/-	Existing signage is to be re-used. Landscaping will remain as exists. The existing structure will receive an exterior renovation.
7	B.6: The proposal provides shared parking to avoid excessive impervious surface and to encourage customers to visit several establishments without moving their vehicles.	✓	There is no shared parking but the existing parking lot is connected to the parking lot of the parcel to its immediate north at the rear of both parcels.
Community Form/Land Use Guideline 2: Centers			
8	A.1/7: The proposal, which will create a new center, is located in the Regional Center Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal does not create a new center but reuses an existing building for commercial use.
9	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	There is significant existing residential development in a variety of densities in close proximity to the development.
10	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The site will require no new infrastructure investment.
11	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The site abuts or is near multiple developed C-N, C-1 and C-2 properties.-

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
12	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The site will reuse an existing single-story structure.
13	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.
14	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The curb cut at the site also serves parcels to the north and west.
15	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	The site shares a service entrance. Utility lines are already in place; no additional service will be required.
16	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Bike facilities are not available. Existing development includes ADA sidewalks. A transit stop exists approximately 400 feet away.
Community Form/Land Use Guideline 3: Compatibility			
17	A.2: The proposed building materials increase the new development's compatibility.	NA	No exterior changes are planned to existing structure.
18	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 a reuse of an existing structure.
19	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Use as a mini-warehouse will not produce odor. Excessive emissions could be mitigated with a no-idle agreement.
20	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposed use is not expected to produce significant traffic impacts.
21	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposed use will comply with LDC requirements.
22	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 proposed use is not higher in density or intensity and is located within an activity center.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	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 existing structure is built at the lot line with adjoining undeveloped residentially zoned property. No buffer is possible. Waivers and reliefs are requested.
24	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 existing structure is built at the lot line with adjoining undeveloped residentially zoned property. No mitigation is possible. Waivers and reliefs are requested.
25	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	-	Applicant has requested relief from requirements regarding setbacks and building heights for existing structure and parking area.
26	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.	✓	A single row of existing parking is located near the adjoining undeveloped residential parcel to the south. The remainder of parking and loading areas are on the opposite side of the existing building, away from any future residential development.
27	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.	✓	Vegetation, including trees and a line of shrubs, is located along the street frontage. The parking area contains several ILAs. Parking and loading is located along the building's side, away from any existing or potential residential development.
28	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are included as part of the requested use.
29	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	One freestanding sign is located along the street frontage.
Community Form/Land Use Guideline 4: Open Space			
30	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 associated with the site.
31	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	There are no open space requirements associated with the site.
32	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features located on the site.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
33	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There will be no substantial changes to natural features on the site.
34	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	There are no sites or structures of historic or architectural value within the impact area.
35	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	These conditions do not exist on the site.
Marketplace Guideline 6: Economic Growth and Sustainability			
36	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Site is not located in a downtown area.
37	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposed zoning and use are not industrial.
38	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 proposed use is not a retail development. It is located within 500 feet of the intersection of a primary collector and a minor arterial.
39	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.	NA	The proposed zoning and use are not industrial.
Mobility/Transportation Guideline 7: Circulation			
40	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 not require infrastructure improvements.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
41	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Pedestrian and transit facilities exist. There are no dedicated bike facilities.
42	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 existing circulation facilities are compatible with adjacent properties.
43	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Pedestrian and transit facilities exist. There are no dedicated bike facilities.
44	A.10: The proposal includes adequate parking spaces to support the use.	✓	Public Works has reviewed and approved the proposal.
45	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Joint and cross access currently exists.
Mobility/Transportation Guideline 8: Transportation Facility Design			
46	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Joint and cross access currently exists.
47	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Site is accessed via a primary collector and other commercially developed property.
48	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.	✓	There is no street hierarchy but site plan does link to adjacent sites.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
49	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.	✓	Site provides good pedestrian, transit and vehicular connections. There are no dedicated bike facilities.
Livability/Environment Guideline 10: Flooding and Stormwater			

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
50	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 identified no problems with the proposal.
Livability/Environment Guideline 12: Air Quality			
51	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	-	APCD has required the standard note regarding dust.
Livability/Environment Guideline 13: Landscape Character			
52	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 is no existing system of natural corridors.
Community Facilities Guideline 14: Infrastructure			
53	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	LG&E has identified no problems with the proposal.
54	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC has identified no problems with the proposal.
55	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.	✓	LWC has identified no problems with the proposal.

4. Proposed Binding Elements/Conditions of Approval

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. Changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or to its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to mini-warehouse and other uses permitted in the C-2 Commercial district. There shall be no other use of the property without prior approval of the Planning Commission. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any request to amend these binding elements.
3. The development shall not exceed 24,000 square feet of gross floor area.
4. All signs shall be in accordance with LDC Chapter 8 sign regulations. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
5. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
6. All lighting shall comply with the requirements of LDC 4.1.3, including any special requirements for the Regional Center form district.
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 and/or use of this site and shall advise them of the content of 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. 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.
8. No outside storage shall be allowed on the property.
9. No storage of toxic or hazardous materials shall be allowed on the property.
10. Retail activities shall be limited to those which are an accessory use to the primary use of the site as a mini-warehouse.
11. The exterior design style and building materials of the proposed residences shall be compatible with commercial development in the area. Materials and design of structures shall be substantially the same as depicted in rendering(s) as presented at the February 23, 2017 Planning Commission public hearing.