

Planning Commission

Staff Report

October 30, 2014



Case No:	13zone1031
Request:	Change in zoning from R-4 to PEC
Project Name:	3311 Collins Lane
Location:	3311 Collins Lane
Owner:	Jerry and Martha Schade
Applicant:	Jerry and Martha Schade
Representative:	Land Design and Development; Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	17-Glen Stuckel
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Change in zoning from R-4 to PEC
- Waivers:
 1. Waiver from Chapter 10.2.4 to reduce the 50' LBA to 15' along the north property line and allow for encroachments into the 15' LBA
 2. Waiver from 10.2.4 to permit the encroachment of a proposed drive lane into the required 15' LBA
 3. Waiver from Chapter 10.2.4 to reduce the 50' LBA to 15' along the east property line, reduce the tree requirement, and permit the overlap of an easement into the LBA by more than 50%.
- District Development plan

SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4
Proposed Zoning District: PEC
Existing Form District: SW
Existing Use: Single Family Residential
Proposed Use: Truck Service, towing and storage
Minimum Parking Spaces Required: 12
Maximum Parking Spaces Allowed: 19
Parking Spaces Proposed: 12

The proposal is to change the zoning from R-4 to PEC to allow for truck towing, service, and storage. The lot and the lot to the north are the last remaining residential properties on the east side of Collins Lane. The site has two existing structures on it that are proposed to be removed. The site has no distinguishing characteristics.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	R-4	SW
Proposed	Industrial	PEC	SW
Surrounding Properties			
North	Residential	R-4	SW
South	Industrial	PEC	SW
East	Residential/Railroad	R-4	SW
West	Residential	R-4	SW

PREVIOUS CASES ON SITE

None found.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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

STAFF ANALYSIS FOR REZONING

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

The site is 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 integrates into the pattern of development as there is similar zoning to the north and south of the site with the exception of the property to the direct north of the site which with the subject site are the only residential properties left on Collins Lane in this area. The proposed building is set back from the street with landscaping to be located within the required VUA buffer. The proposed use integrates into a group of mixed industrial uses along the east side of Collins Lane. Pedestrians are being provided for although no transit service exists along the corridor. The building materials and design is compatible with other industrial type structures in the area. The proposal does not constitute a non-residential expansion into an existing residential area since the entire length of the east side of Collins Lane is non-residential with the exception of the subject site and the adjacent site to the north. While the proposal incorporates a high intensity industrial zoning district and is not located along a transit route, the proposal is located adjacent to an existing industrial activity center. The proposal calls for reductions in the required landscape buffers but the landscape requirements will still be met in most of the buffers. The rear of the site is adjacent to a residentially zoned detention basin. The only compatibility issues lies with the property to the north. The screening and buffering requirements will be met in that buffer. Setbacks and building heights are compatible with the existing developments within the vicinity of the Suburban Workplace form district. A VUA LBA is being provided to buffer the parking lot from the adjacent residential across Collins Lane. The required buffer is being provided which indicates that the planting will be in compliance with the LDC.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

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: There are no evident natural features on the site.

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

STAFF: Sidewalks are being provided along the sites frontage as well as a pedestrian connection to the office portion of the building. Employee and visitor parking is located separate from the truck maneuvering portion of the site.

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

STAFF: Open space for the site is provided within the buffers and proposed detention basin.

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

STAFF: MSD has preliminarily approved the proposal.

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

STAFF: The site is compatible with the adjacent sites due to the projected future non-residential development of the lot to the north.

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

STAFF: The proposal is in compliance with the Comprehensive Plan guidelines and requirements of the LDC.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS #1 and 2

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

STAFF: Adjacent property owners will not be adversely affected because the planting and screening requirements within the buffers will still be met.

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

STAFF: The proposal calls for reductions in the required landscape buffers but the landscape requirements will still be met in most of the buffers. The only compatibility issues lies with the property to the north. The screening and buffering requirements will be met in that buffer.

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

STAFF: The waivers are necessary to fit the operation of the site. The adjacent residential to the north will likely not remain residential in perpetuity due to the non-residential nature of Collins Lane along the east side. The site to the south is developing non-residentially and the tree requirements will still be met in that buffer.

- (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 regulations would deprive the applicant reasonable use of the land, especially in regards to the north buffer. As stated above because the site to the north is not likely to remain residential.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3

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

STAFF: The waiver will not affect adjacent property owners because the adjacent site is a railroad and detention basin. The detention basin provides a permanent buffer between the site and the adjacent residential subdivision.

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

STAFF: The rear of the site is adjacent to a residentially zoned detention basin. The screening requirements will be met in that buffer.

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

STAFF: The waiver is the minimum necessary because of the railroad and existing detention basin located adjacent to the site. The subject site is also providing a detention basin to further buffer the adjacent residential. There are also existing trees adjacent to the detention basin that help to fulfill the screening requirements.

- (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 regulations would deprive the applicant reasonable use of the land because the full 50' buffer is not necessary due to the existing railroad and detention basin located adjacent to the site and due to the proposed on site detention basin providing a sufficient buffer. The easement is necessary for the site and the overlap would not prevent the screening requirements from being met.

TECHNICAL REVIEW

- Agency review comments have been addressed.

STAFF CONCLUSIONS

Staff finds that the proposal integrates into the pattern of development as there is similar zoning to the north and south of the site with the exception of the property to the direct north of the site which with the subject site are the only residential properties left on Collins Lane in this area. The proposed building is set back from the street with landscaping to be located within the required VUA buffer. The proposed use integrates into a group of mixed industrial uses along the east side of Collins Lane. Pedestrians are being provided for although no transit service exists along the corridor. The building materials and design is compatible with other industrial type structures in the area. The proposal does not constitute a non-residential expansion into an existing residential area since the entire length of the east side of Collins Lane is non-residential with the exception of the subject site and the adjacent site to the north. While the proposal incorporates a high intensity industrial zoning district and is not located along a transit route, the proposal is located adjacent to an existing industrial activity center. The proposal calls for reductions in the required landscape buffers but the landscape requirements will still be met in most of the buffers. The rear of the site is adjacent to a residentially zoned detention basin. The only compatibility issues lies with the property to the north. The screening and buffering requirements will be met in that buffer. Setbacks and building heights are compatible with the existing developments within the vicinity of the Suburban Workplace form district. A VUA LBA is being provided to buffer the parking lot from the adjacent residential across Collins Lane. The required buffer is being provided which indicates that the planting will be in compliance with the LDC.

The proposal is in compliance with the Comprehensive Plan and LDC.

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.

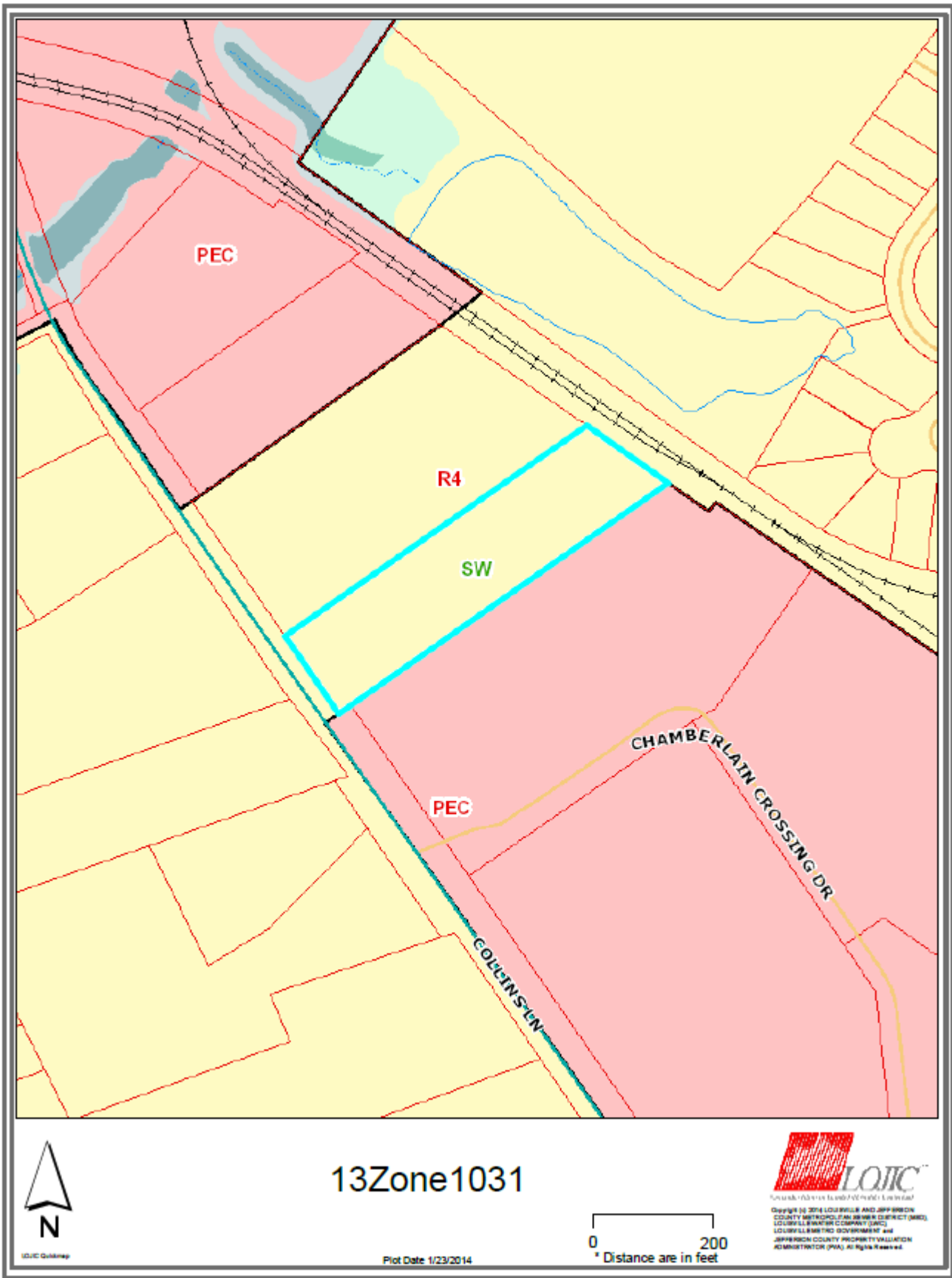
NOTIFICATION

Date	Purpose of Notice	Recipients
9/11/14	Hearing before LD&T on 9/25/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 17 Notification of Development Proposals
10/15/14	Hearing before PC on 10/30/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 17 Notification of Development Proposals
10/15/14	Hearing before PC	Sign Posting on property
	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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 pattern of development as there is similar zoning to the north and south of the site with the exception of the property to the direct north of the site which with the subject site are the only residential properties left on Collins Lane in this area. The proposed building is set back from the street with landscaping to be located within the required VUA buffer.
2	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 proposed use integrates into a group of mixed industrial uses along the east side of Collins Lane.
3	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	√	Pedestrians are being provided for. No transit service exists along the corridor.
4	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The building materials and design is compatible with other industrial type structures in the area.
5	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 does not constitute a non-residential expansion into an existing residential area since the entire length of the east side of Collins Lane is non-residential with the exception of the subject site and the adjacent site to the north.
6	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has reviewed and preliminarily approved development proposal.
7	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Transportation planning has not indicate any adverse effects the proposal will have on traffic.
8	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	The proposed lighting will follow the regulations of the LDC.

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9	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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.	√	While the proposal incorporates a high intensity industrial zoning district and is not located along a transit route, the proposal is located adjacent to an existing industrial activity center.
10	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 calls for reductions in the required landscape buffers but the landscape requirements will still be met in most of the buffers. The rear of the site is adjacent to a residentially zoned detention basin. The only compatibility issues lies with the property to the north. The screening and buffering requirements will be met in that buffer.
11	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 calls for reductions in the required landscape buffers but the landscape requirements will still be met in most of the buffers. The rear of the site is adjacent to a residentially zoned detention basin. The only compatibility issues lies with the property to the north. The screening and buffering requirements will be met in that buffer.
12	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 and building heights are compatible with the existing developments within the vicinity of the Suburban Workplace form district.
13	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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.	√	A VUA LBA is being provided to buffer the parking lot from the adjacent residential across Collins Lane.
14	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 required buffer is being provided which indicates that the planting will be in compliance with the LDC.
15	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 garage is proposed.
16	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	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 follow requirements of Chapter 8 of the Land Development Code.

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17	Livability Goals H3 and H5, all related objectives	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	Open space not required for proposed use.
18	Livability Goals H3 and H5, all related objectives	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.	NA	Open space not required for proposed use.
19	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	No natural features are evident on the site.
20	Livability Goals H3 and H5, all related objectives	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.	√	No natural features are evident on the site.
21	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	No historical resources located on site.
22	Livability Goals H3 and H5, all related objectives	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	No hydric soils, severe, steep or unstable slopes are located on the site.
23	People, Jobs and Housing Goal K4, Objective K4.1	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 zoning category is complimentary to the land uses existing within the industrial vicinity supporting both commercial and industrial uses complimentary to the Suburban workplace form district.
24	People, Jobs and Housing Goal K4, Objective K4.1	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 downtown.
25	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	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 within an existing industrial area with established industrial uses evident the entire length of Collins Lane on the east side.
26	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	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.	NA	The proposal is not a retail commercial development.

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27	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	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 will no have more than 100 employees. While the proposal is not located on an arterial level roadway it is located along a collector and adjacent to a railroad. There are also other industrial developments located along this corridor.
28	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Transportation Planning is not requesting roadway improvements.
29	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Transit is not available along Collins. A sidewalk is proposed along the frontage as well as a pedestrian connection to the office portion of the building.
30	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Suburban Workplace does not require cross connectivity. If necessary cross connectivity could occur once the property to the north develops non-residentially.
31	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Right of way dedication is part of the proposal.
32	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal has adequate parking to provide parking availability above the minimum required for the use.
33	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Suburban Workplace does not require cross connectivity. If necessary cross connectivity could occur once the property to the north develops non-residentially.
34	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 roadways are proposed.

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35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 to the site is through an area of similar intensity and density.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	NA	No new roadways are proposed.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Transit is not available along Collins. A sidewalk is proposed along the frontage as well as a pedestrian connection to the office portion of the building.
38	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	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 preliminarily approved the proposal.
39	Livability Goals C1, C2, C3, C4, all related Objectives	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 reviewed and preliminarily approved development proposal.
40	Livability, Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	No natural areas or corridors exist to make connections with on the site.
41	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal is located in an area served by existing utilities.
42	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
43	Quality of Life Goal J1, Objectives J1.1-1.2	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.	√	The health department has no issues with the proposal.

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 14,200 square feet of gross floor area.
3. No 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 30, 2014 Planning Commission meeting.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.