

# Planning Commission Staff Report

December 14, 2017



<b>Case No:</b>	17ZONE1044
<b>Project Name:</b>	Nicklies – Old La Grange Rd
<b>Location:</b>	12413 Old La Grange Road
<b>Owner(s):</b>	Jeffersonville Commons, LLC; Ian, LLC
<b>Applicant:</b>	Jeffersonville Commons, LLC
<b>Representative(s):</b>	Nicklies Development; Land Design & Development
<b>Project Area/Size:</b>	7.1 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Joel P. Dock, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to PEC, Planned Employment Center
- **Waiver** of Land Development Code, section 10.2.4.B to allow for encroachments into the 15' Landscape buffer areas
- **Waiver** of Land Development Code, section 10.2.10 to allow for encroachments into the 15' Vehicle Use Area Landscape buffer area and to eliminate required landscaping
- **Detailed District Development Plan**

## CASE SUMMARY

A change in zoning to PEC, Planned Employment Center is requested on two residential parcels in Northeastern Louisville Metro to allow for a 72,150 square foot warehouse. The development site is located in the Northwest quadrant of the intersection at Old La Grange/La Grange Road and Chamberlain Lane, North of Interstate-265. A railway corridor forms the Northeast boundary of the site and provides roughly three-hundred fifty feet of separation between the subject site and the nearest residential property. PEC zoning districts with existing commercial and industrial uses form the Southwest and Northwest boundary. Old La Grange Road will provide employee and customer access to parking facilities along this roadway. The loading docks are located along the Southwest façade of the building. Truck access has been proposed through two adjacent parcels via Chamberlain Crossing Drive.

## STAFF FINDING

The proposed zoning change request and development plan are compatible, integrated, and supported by the pattern of development in the area, along with the areas existing infrastructure. The site is adjacent to uses of similar intensities within the PEC zoning district and Suburban Workplace form district. The proposal does not constitute an expansion into a residential area as the site is buffered from such areas by a railway corridor along its Northeast boundary. The site is also currently located within an employment oriented form district. Access to Interstate-265 and nearby activity centers is readily available from arterial and collector level roadways. The intensity of the proposed use and potential traffic generation is supported by these roadways.

The landscape waivers and detailed district development plan also appear to be adequately justified based on the standard of review as demonstrated in staff's analysis.

## **TECHNICAL REVIEW**

There are no outstanding technical review items to be discussed.

## **INTERESTED PARTY COMMENTS**

Staff has received many letters in opposition to the proposal, primarily related to existing and future vehicular and heavy-truck traffic and congestion in the area. Other concerns related to the proposed land use include: adverse impacts on the environment from semi-trucks and other vehicles, storage of material, and removal of trees; noise and light pollution; buffering/proximity between residences and proposed warehouse; compatibility and aesthetics; and property value.

## **STANDARD OF REVIEW FOR REZONING**

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

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

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

The Following is a summary of 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

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 proposed use and zoning district are compatible, integrated, and supported by the existing development and infrastructure in the general vicinity. The subject site abuts existing PEC zoning districts with a railway corridor along its Northern boundary. The railway corridor provides nearly three-hundred and fifty feet of separation between the subject site and the nearest residential property. Appropriate transitions are provided between adjacent uses that are of a similar intensity and classification. The location supports the potential traffic demand of the use as the site is located adjacent to similar uses and within close

proximity to an interstate which reduces travel on other roadways. TARC service is available along La Grange Road at Factory Lane via route 64X. The pedestrian network is being continued along Old La Grange Road to facilitate ease of pedestrian access.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

LDC section 10.2.4.B to allow encroachments into the 15' Landscape buffer area

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

STAFF: The waiver will not adversely affect adjacent property owners as adjacent users are similar in intensity and design to the proposed use.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate these specific guidelines as the surrounding uses do not necessitate the provision of enhanced landscaped buffer areas to separate themselves from each other as they are common in design and intensity.

- (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 planting material and screening will be provided as required.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the site is located in an employment center of common uses and sufficient buffering has been provided elsewhere on site between abutting lots.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

LDC section 10.2.10 to allow for encroachments into the 15' Vehicle Use Area Landscape buffer area and to eliminate required landscaping

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

STAFF: The waiver will not adversely affect adjacent property owners as adjacent users are similar in intensity and design to the proposed use.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for

different land uses within urbanized, suburban, and rural areas. The renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm style fence and planting material along Old La Grange Road which satisfies the intent of these principles.

- (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. The renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm-style fence and planting material along Old La Grange Road, as well as living wall features to be incorporated into the facade which aid in mitigating the waiver of this landscape provision.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm-style fence and planting material along Old La Grange Road, as well as living wall features to be incorporated into the facade which aid in mitigating the waiver of this landscape provision.

#### **STANDARD OF REVIEW FOR DETAILED DISTRICT DEVELOPMENT PLAN**

- 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 do not appear to be any significant natural features on site. Existing structures on-site will be documented prior to demolition. The architectural integrity of Old la Grange road will be restored through the utilization of a four-board farm style fence and landscaping as provided in the renderings by the applicant.

- 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 as a sidewalk will provided along the frontage and pedestrian connection from this sidewalk into the development has been provided.

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

STAFF: Open space is not required for this application.

- 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 provisions 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 surrounding area as the subject site abuts and will become a component of an existing employment/industrial center.

- 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 as demonstrated in the *Cornerstone 2020 Staff Review Checklist* for the change in zoning request contained in *Attachment 3* of the staff report.

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to PEC, Planned Employment Center on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Waiver** of Land Development Code, section 10.2.4.B to allow for encroachments into the 15' Landscape buffer areas
- **APPROVED or DENY** the **Waiver** of Land Development Code, section 10.2.10 to allow for encroachments into the 15' Vehicle Use Area Landscape buffer area and to eliminate required landscaping
- **APPROVED or DENY** the **Detailed District Development Plan**

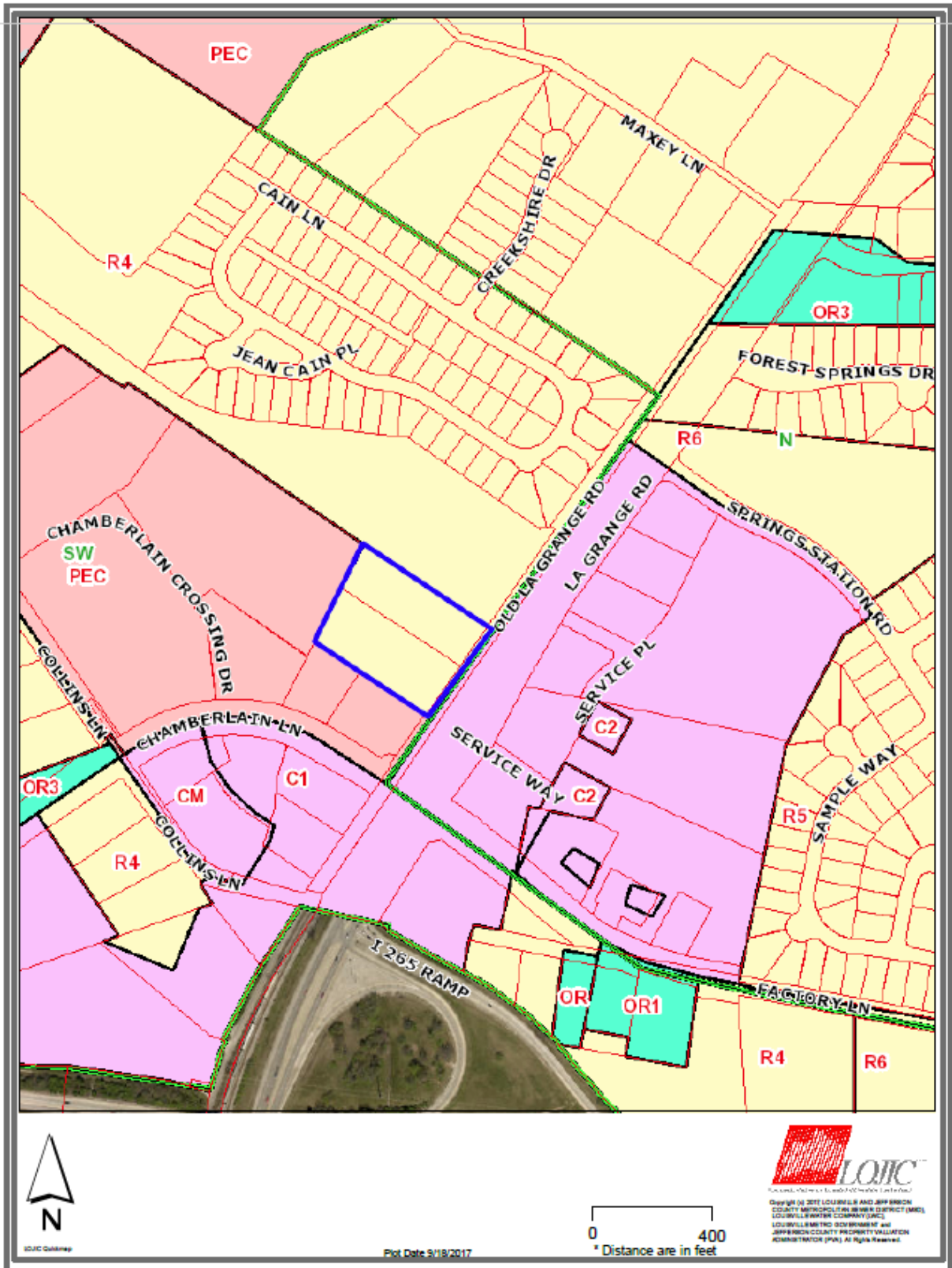
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/28/17	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17
12/18/17	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17
12/21/17	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Suburban Workplace: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposal integrates into the pattern of development as nearby users are industrial and commercial as permitted within a PEC zoning district, and the layout of the site is similar to these existing uses.
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 integrates into the pattern of development of nearby users that are within a PEC zoning district.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	The proposal provides for public sidewalks and connectivity to an existing pedestrian network.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposed building materials appear to be consistent with the surrounding development; thus, increasing compatibility.
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 does not constitute an expansion into a residential area as the site is buffered from such areas by over 350 feet of railway corridor and abuts PEC zoning districts on all other sides.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Odor and emissions would not appear to be greater than similar facilities in the area. Trucks will not be left to idle within 200' of residential property.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The location supports the potential traffic demand of the use as the site is located within a cluster of similar uses in a planned employment center and within close proximity to an interstate which reduces travel on other roadways.
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.	✓	The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. All lighting will be shielded and directed downward and away from residential properties
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 intensity of the proposed use is appropriately located with immediate access to an arterial level roadway and the interstate from a collector level road, and is at the intersection of this arterial level road.
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.	✓	Appropriate transitions are provided as adjacent uses are similar in intensity. The lesser of the intensity of adjacent uses (tire service center) appears to have provided the level of buffering that would have been required for a PEC to an R-4 zoning district.
11	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is not incompatible with surrounding developments and provides for appropriate transitions between these similar uses with landscaping and common design.
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, lot dimensions and building heights appear to be compatible with surrounding development that meets form district standards.
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, loading, and delivery areas do not impact views from residential areas as they do not immediately abut or face residential properties. Heavy-truck access will be limited to non-residential access roads.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 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 as the rendering presented at LD&T on 12/14/17 demonstrate the use of a four board fence and plantings along the street.
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.
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 compatible with Chapter 8 of the Land Development Code
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.	✓	The proposal does not require the provision of open space
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.	✓	The proposal does not require the provision of open space and is not in the NFD
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There do not appear to be any natural features of significance
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.	✓	There do not appear to be any natural features of significance
21	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The existing structures on-site cannot be reused for the proposed use and these residential properties and structures are no longer compatible with adjacent development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposed development site does not appear to contain wet or highly permeable soils, or other features of concerns.
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.	✓	A warehouse is being proposed to meet the needs of the industrial subdivision or workplace district and their employees.
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	Not downtown
25	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	Proposed use is warehousing and located in an industrial/employment center with convenient access to major roadways.
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.	✓	Subject site is conveniently located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway.
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 proposal does not indicate employment in excess of 100 employees. It is, however, located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway.
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.	✓	The existing sidewalk network is being continued across the frontage of the subject site; thus, contributing 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
29	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal is providing carpool and required bike parking.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Vehicular and truck transportation infrastructure is adequate and compatible with surrounding area. Truck access is routed through employment center roadways instead of Old La Grange Road which serve residential populations.
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.	✓	All rights-of-way required for Old La Grange will be dedicated.
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is sufficient and reflective of projected employment.
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.	✓	Heavy-truck access will be limited to Chamberlain Crossing Drive through adjacent sites.
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 stub streets are necessary or required
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 to the subject site is through areas of similar intensity
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 development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as heavy-truck access will be limited to chamberlain Crossing Drive.
37	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The existing pedestrian network is being continued which allows for ease of access to TARC route 64X available at Factory Lane and La Grange Road

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 preliminarily approved the proposal.
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 express any concerns with the proposal
40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	No natural corridors are present on site. The railway corridor abutting the site allows for a system of natural corridors.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities would appear to be available or will be provided as the site is in an area of existing industrial development.
42	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The Worthington fire department has indicated a potential for additional fire hydrants to serve the development. Additional Fire hydrants have been proposed.
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.	✓	The development will be connected to sanitary sewers and MSD has approved the development plan concept

#### **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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 (including but not limited to building, parking lot, change of use, site disturbance) 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Land Development Code, Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. An Individual Historic Resource Survey Form shall be completed for any historic resources on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.
  - e. A geotechnical report shall be submitted to staff for incorporation into the record.
  - f. A reciprocal access and crossover easement agreement for "truck access" in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
  - g. A legal instrument shall be recorded consolidating the property as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
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 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.
7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. No heavy-truck shall enter or exit the facility via Old La Grange Road. All heavy-truck access shall be limited to Chamberlain Crossing Drive.
9. The design of the façade and landscaping along Old La Grange Road, including a four-board fence shall be substantially the same as depicted in the renderings as presented at the 01/04/18 Planning Commission meeting and stamped "received 12/27/17".