

# Planning Commission

## Staff Report

February 7, 2019



<b>Case No:</b>	18ZONE1049
<b>Project Name:</b>	Logistics Airpark
<b>Location:</b>	5530-5540 Minor Lane
<b>Owner(s):</b>	LaGrange, LLC & Nicklies Exchange, LLC
<b>Applicant:</b>	Nicklies Development
<b>Representative(s):</b>	Nicklies Development
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Mark Fox
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

### REQUEST(S)

- **Change-in-Form** from Suburban Marketplace Corridor and Neighborhood to Suburban Workplace
- **Change-in-Zoning** from R-4, R-7 & C-2 to PEC, Planned Employment Center
- **Waiver** of Land Development Code (LDC), section 5.5.4.B to reduce the required 50' LBA to 35'
- **Variance** from LDC, section 4.8 to allow proposed 'Building B' to encroach upon the 100' protected waterway buffer a maximum of 38.6'
- **Revised General & Detailed District Development Plan**

### CASE SUMMARY

The development site was rezoned from R-4, single-family residential to C-2, commercial & R-7, multi-family residential in 2004. No development has occurred and the site remains vacant. While the site was rezoned to C-2, the majority of those uses permitted within that district were prohibited and the site was limited to mostly C-1 uses. The current request is for a Planned Employment Center (PEC) district. This district allows for all M-2, Industrial and C-1, Commercial uses.

The proposal includes two warehouses having a total of 1,033,534 sq. ft. and 411 parking spaces. It provides an area for future development directly abutting the on-ramp to I-65 and the main entrance at Minor Lane. Sidewalks will be provided along Minor Lane and pedestrian connections to these walks will be made available. The primary vehicular entrance is located at Minor Lane in the southeast corner of the development site and cross-connectivity is provided to the north. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees.

### STAFF FINDING

The proposed zoning district and form district do not appear to conform to the Guidelines and Policies of Cornerstone 2020. The proposal will create a new pattern of development on the west side of Minor Lane which is not contiguous with other workplace forms or industrial areas. The proposal may lead to nuisances or hazards as outdoor activities/storage and higher intensity manufacturing uses are permitted within the PEC district and the proposed form encourages an expansion of these types of uses within close proximity to residences. Although the site is currently zoned C-2 within the SMC form

district, the Planning Commission found, in 2004, that the majority of C-2 uses were not appropriate and restricted them through binding elements.

Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site.

The waiver, variance, and development plan with respect to site design appear to be adequately justified based on staff's analysis contained in the standard of review.

## **TECHNICAL REVIEW**

- Associated cases

**9-104-83:** Change in zoning from R-4 to C-2 (approved 3/1/1984) – Northwest corner of development site

**9-05-99:** Change in zoning from R-4 to C-2 & R-7 and change in form from N to SMC (PC approved 5/6/2004; revised general plan approved 11/9/2006). Two public hearings were held in the evening and one business session prior to the Planning Commission's recommendation of approval to the Louisville Metro Council.

**9205:** Revised general/detailed plan (approved 7/25/07)

All prior binding elements will be proposed to be removed. Staff has provided a current set of proposed binding elements.

- A Traffic Impact Study (TIS) was submitted on January 3, 2019. Transportation Planning has reviewed the report and requested several revisions and/or clarifications. The following comments were provided:
  - *Precise locations of state counters*
  - *Clarification on projected growth*
  - *The graph and KIPDA seem to show a growth factor not a decline*
  - *This plan needs to jive with the State's long term plan for making Outer Loop seven lanes as well as the plan with the Cheddars.*
  - *Clarification on the split of traffic (heading east towards Preston or west towards 65)*
  - *KIPDA shows modest growth up until their sundown year of 2040 (of a 25 year projection) and we need to jive this with this TIS*

Transportation staff, the applicant, and the producer of the report have since coordinated to begin addressing these issues. The conclusions of this report result in recommendations for off-site roadway improvements to accommodate the proposed development. Binding elements have been incorporated based on the current study.

## **STANDARD OF REVIEW FOR REZONING & FORM DISTRICT CHANGE**

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 FORM**

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

#### **Portions of the development site are located in the Neighborhood Form District**

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposal is not a neighborhood center and does not provide supportive services to the immediately abutting neighborhood. The existing form allows for neighborhood supportive services. The intensity of the current district also allows for regional and higher intensity commercial services that may not be appropriate for the existing form. The proposed industrial use does not conform to the intent of the neighborhood form.

The proposed district is characterized by predominately industrial and office uses. Access to the site necessitates the use of a 4-lane, frontage collector level roadway adjacent to an arterial roadway with interstate access. Access to the site is obtained immediately from this roadway. The roadway provides access to a local frontage road for 14 single-family lots that face the collector. Impact on these

residences would appear minimal as the roadway appears to have been widened for the purpose of serving the subject site with high intensity commercial uses.

The majority of the development site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity.

This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The marketplace corridor form district that is currently present does not integrate into an existing pattern of development and contains no continuity with a corridor or other marketplace forms. The lack of connectivity with a corridor or other marketplace forms limits the pedestrian connectivity intended by the current form. The form district was introduced in 2004 under docket 9-05-99. The existing SMC form district is not consistent with the intent of the form district and many of the uses that are commonly found in this form were specifically prohibited. The SMC is designated for "linear commercial development along major roadways". Examples of appropriately located SMC districts are Dixie Highway, Preston Highway, or Bardstown Road

**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 for the proposed Suburban Workplace Corridor 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 proposal will create a new pattern of development on the west side of Minor Lane. A new workplace will be created that is not contiguous with workplace forms radiating from Fern Valley Road and located on the west side of Interstate-65. A form and zoning district is proposed that encourages predominately industrial and office uses within close proximity to residences. This may lead to nuisance odors or emissions as outdoor activities and higher intensity manufacturing uses are permitted within the PEC district; including, the manufacturing or storage of products such as coal and coke, lumber yards, sheet metal processing, concrete products, distillation and food processing, truck terminals, and storage yards. It is not located in or near an activity center or industrial subdivision and transit service is not readily available near the site.

The proposed PEC district creates a new planned development that may feature a single or mixture of related uses. The current proposed development plan calls for two large warehouses and provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees.

The proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service. Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. Traffic impacts will be seen primarily along Outer Loop and the 4-lane, collector providing primary access. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site.. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane.

The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development. Natural features have been integrated into the pattern of development. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will be provided along the frontage.

The proposal's drainage plans have been approved by MSD.

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

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

STAFF: The waiver will not adversely affect adjacent property owners as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. The reduction along the north line is adjacent to a non-residential use which exists in a residential district.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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. A sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided.

- (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 not minimum necessary to afford relief to the applicant as the buildings and drive lanes could be shifted and/or reduced in size to provide the 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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. This has been depicted on the applicant's landscaped exhibit and preserved by binding element.

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

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the waterway provides retention/detention and the encroachment does not impact this use.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the abutting parcel does not conform to a specific pattern of development and the protected waterway is not a linear or meandering stream.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the waterway serves as a drainage facility for an adjacent use and the proposed encroachment will not impact its usage.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the waterway serves as a drainage facility for an adjacent use and the proposed encroachment will not impact its usage.

**ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the buildings could be shifted or reduced in size to accommodate the full buffer.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

**STANDARD OF REVIEW AND STAFF ANALYSIS 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: 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 will be provided. Natural features have been integrated into the pattern of development. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will be provided along the frontage.

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

STAFF: The proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service.

Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. Traffic impacts will be seen primarily along Outer Loop and the 4-lane, collector providing primary access. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site.. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane.

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

STAFF: Open space being provided for the benefit of the public as an archaeological amenity is being preserved.

- 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 proposal creates a new planned development that may feature a single or mixture of related uses. The plan calls for two large warehouses and provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees.

- 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 proposed development plan conforms to the Comprehensive Plan as demonstrated in items 'A through E' above and in the Cornerstone 2020 Staff Analysis provided as *Attachment 3* of this report.

## **REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the change in form from Suburban Marketplace Corridor and Neighborhood to Suburban Workplace on property described in the attached legal description be **APPROVED** or **DENIED**
- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, R-7 & C-2 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 (LDC), section 5.5.4.B to reduce the required 50' LBA to 35'
- **APPROVE** or **DENY** the **Variance** from LDC, section 4.8 to allow proposed 'Building B' to encroach upon the 100' protected waterway buffer a maximum of 38.6'
- **APPROVE** or **DENY** the **Revised General & Detailed District Development Plan** subject to the removal of existing binding elements and adoption of proposed binding elements

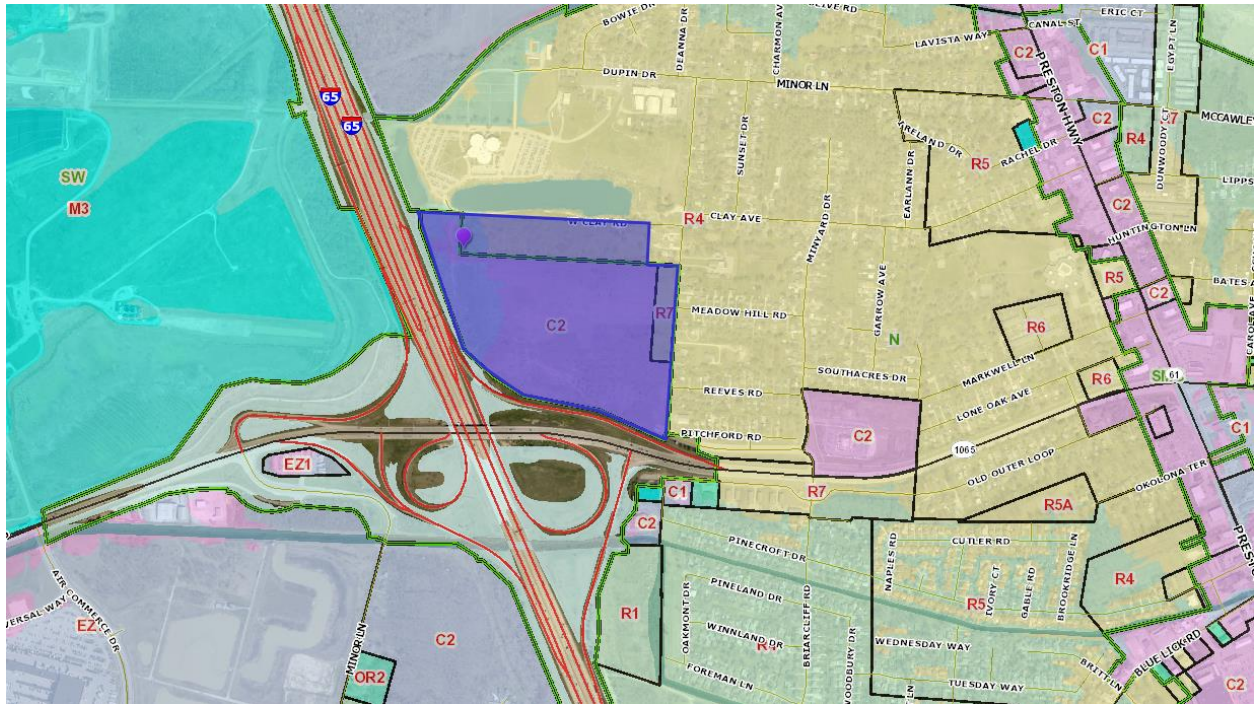
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>12/19/18</b>	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
<b>1/21/19</b>	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
	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 Analysis
4. Existing Binding Elements (9-104-83)
5. Existing Binding Elements (9-05-99/9205)
6. Proposed Binding Elements (18ZONE1049)

1. Zoning & Form Map



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Analysis

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

#### Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	-	The proposal is not a neighborhood center and does not provide supportive services to the immediately abutting neighborhood. The existing form allows for neighborhood supportive services. The intensity of the current district also allows for regional and higher intensity commercial services that may not be appropriate for the existing form. The proposed industrial does use to not conform to the intent of the neighborhood form.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	-	The proposed district is characterized by predominately industrial and office uses. Access to the site necessitates the use of a 4-lane, frontage collector level roadway adjacent to an arterial roadway with interstate access. Access to the site is obtained immediately from this roadway. The roadway provides access to a local frontage road for 14 single-family lots that face the collector. Impact on these residences would appear minimal as the roadway appears to have been widened for the purpose of serving the subject site with high intensity commercial uses.

#### Suburban Marketplace Corridor: 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.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	-	The marketplace corridor form district that is currently present does not integrate into an existing pattern of development and contains no continuity with a corridor or other marketplace forms.
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	-	The lack of connectivity with a corridor or other marketplace forms limits the pedestrian connectivity intended by the current form.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	-	The proposed form district provides similar protections for nearby lower intensity districts with respect to landscaping and setback, and calls for buildings setback in a landscaped setting.
4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	-	There are no adjacent corridors to which the form can be consistent.
5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	-	The form district was introduced in 2004 under docket 9-05-99. The existing SMC form district is not consistent with the intent of the form district. The existing SMC form district is not consistent with the intent of the form district and many of the uses that are commonly found in this form were specifically prohibited. The SMC is designated for "linear commercial development along major roadways". Examples of appropriately located SMC districts are Dixie Highway, Preston Highway, or Bardstown Road.

### Suburban Workplace: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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 will create a new pattern of development on the west side of Minor Lane. It introduces a form and zoning district that encourages predominately industrial and office uses permitted by the PEC district that may expand across property to the North and eventually connecting with industrial zoning districts present along Fern Valley Road.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The proposed PEC district creates a new planned development that may feature a single or mixture of related uses. The current proposed development plan calls for two large warehouses and provides space for future growth.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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 utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Renderings will be compliant with the form district design standards of Land Development Code, Chapter 5, parts 5 & 6.
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.	-	While the subject property is predominately zoned for commercial uses, the proposed district introduces industrial uses within close proximity of a residential neighborhood that may result in negative impacts as outdoor activities and higher intensity manufacturing uses are permitted. Industrial uses in the area are constrained to the North radiating out from Fern Valley Road and on the west side of I-65. The introduction of an industrial zoning district may result in nuisance odors or noise as outdoor activities are permitted and the manufacturing or storage of products including coal and coke, lumber yards, sheet metal processing, concrete products, distillation and food processing, truck terminals, and storage yards.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	-	The proposed district introduces industrial uses within close proximity of a residential neighborhood that may result in negative impacts as outdoor activities and higher intensity manufacturing uses are permitted. Industrial uses in the area are constrained to the North radiating out from Fern Valley Road and on the west side of I-65. The introduction of an industrial zoning district may result in nuisance odors or emissions as outdoor activities are permitted and the manufacturing or storage of products including coal and coke, lumber yards, sheet metal processing, concrete products, distillation and food processing, truck terminals, and storage yards.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. Traffic impacts will be seen primarily along Outer Loop and the 4-lane, collector providing primary access. All recommendations of the final traffic study will be incorporated as required. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will be in compliance with LDC 4.1.3. All luminaires shall be aimed, directed, or focused such as to not cause direct light from the luminaire to be directed toward residential uses
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 proposed district is a high intensity use. It is not located in or near an activity center and transit service is not readily available near the site.
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.	✓	Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees.
11	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposed development plan appears to mitigate its impacts associated with parking areas, drive lanes, and the front of buildings. Any future development of industrial uses permitted by the district that pose a nuisance created by noise, emissions, or odor will necessitate further consideration of additional enhanced buffering, setback, and mitigation measures.
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 are compatible with the intent of the form and zoning district - To provide sufficient space in attractive, landscaped, and planned industrial parks for M-2 Industrial operations.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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 areas are buffered from the street and adjacent residential areas with landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees. Internal drive lanes and pedestrian ways are safely provided to minimize impact.
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.	✓	Parking areas are buffered from the street and adjacent residential areas with landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees. Loading areas and truck parking are located to the side of buildings.
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 structures 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.	✓	A unified signage plan will be created that sets consistent standards for the design, appearance and location of signs within the development.
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 rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments.
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.	NA	No within the NFD.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal integrates natural features into the pattern of development. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will be provided along the frontage.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposal 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 as the rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. The site is relatively flat with an elevation change from front to back of 10-15'.
21	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as an archaeological amenity identified from the previously approved developments is being preserved for the benefit of the public.
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 is providing floodplain compensation. KDOW and ACOE approval will be required prior to MSD approval.
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 new workplace will be created that is not contiguous with workplace forms radiating from Fern Valley Road or the west side of interstate-65. The existing SMC form is inconsistent with the area and the intent of the form, and the small portions of Neighborhood are not appropriate for the proposed district. The proposed Workplace form would invite high intensity industrial uses into the area and their future expansion north on Minor Lane.
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.	-	A new workplace will be created that is not contiguous with workplace forms radiating from Fern Valley Road or the west side of interstate-65. The proposed Workplace form and PEC district would invite high intensity industrial uses into the area and their future expansion north on Minor Lane.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
26	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The use would generate heavy truck and employee traffic and is not immediately located on an arterial roadway. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site.
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 subject site is located near an arterial and in proximity to an interstate.
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 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.
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.	✓	Facilities for pedestrians are provided to the site. TARC service is not currently available to the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	✓	<p>The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site.</p> <p>A stub has been provided to facilitate the development of adjacent lands to the north which serves to decrease pressure on Minor Lane. While it may not be appropriate to continue industrial development north, this through-road may decrease the negative impact of traffic on portions of Minor Lane providing single-family residential access.</p>
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.	✓	Right-of-way has been dedicated as required.
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use
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.	✓	The proposal provides for joint and cross access through the development and to connect to adjacent development 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.	✓	Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land
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 site is provided from a 4-lane, collector roadway with no direct single-family driveway access.
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 4-lane, collector is sufficient to provide access. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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 proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development.
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.	✓	The proposal's drainage plans have been approved by MSD
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 made no comment
40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The subject site is adjacent to an interstate and the built environment. The rear of the site will remain un-built.
41	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 or planned for utilities.
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 proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes.
43	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal would appear to have an adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**4. Existing Binding Elements (9-104-83)**

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development will not exceed 15,000 square feet of gross floor area.
3. The development will be in accordance with the Floodplain Regulations of the Zoning District Regulations.
4. The transmitting and receiving tower will be constructed to standards of all regulating agencies and shall be designed to, withstand winds with a velocity of 100 miles per hour.
5. Before a building permit is issued:
  - a) The development plan must be reapproved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
  - b) The size and location of any proposed sign must be approved by the Planning Commission.
6. Variances must be obtained from the board of Zoning Adjustment to allow parking IN required yards.
7. No building permits shall be issued more than one year from the date of approval of the plan or rezoning, whichever is later or the property shall not be used in any manner.
8. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
9. The above binding elements may be amended as provided in the Zoning District Regulations.

**5. Existing Binding Elements (9-5-99/9205)**

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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. The residential density of the development shall not exceed 14.63 dwelling units per acre (42 units on 2.87 acres).

4. The development shall not exceed 240,000 square feet of gross floor area for a Super Wal-Mart type retailer, two hotels with a total of 208 rooms, and 170,380 square feet of gross floor area for the remainder of the commercial space.
5. Signs shall be in accordance with Chapter 8 and a unified sign plan that has been reviewed and approved by the Planning Commission.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. 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.
  - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
9. 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.
10. 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.
11. No overnight idling of delivery trucks shall be permitted on-site.
12. The applicant shall provide documentation showing that the development complies with all the regulations from **Chapter 4, Part 1, Section 3**, Lighting, prior to the issuance of a construction permit.
13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

14. Multi-family development of the property shall be limited to development under a horizontal property regime.
15. The overall style and design of Shadow Wood Town Center shall be substantially in accordance with the rendered elevations produced at the April 8, 2004 and April 19, 2004 public hearings, including the design of the outer line of shops and restaurants, which shall be designed so that the street frontages of the buildings have similar facades.
16. The wetland mitigation area shown on the approved development plan, as approved by the Army Corps of Engineers, shall contain the amenities described by Richard McLean, PhD, and shown on plans produced at the April 8, 2004 and April 19, 2004 public hearings. The area shall be placed in a conservation easement and maintained in perpetuity by the shopping center owner.
17. Water quality safeguards shall be employed as described by Richard McLean, PhD, at the April 8, 2004 and April 19, 2004 public hearings.
18. Floodplain compensation shall be provided as described by James Mims, AICP, at the April 8, 2004 and April 19, 2004 public hearings.
19. Transportation system improvements to the Outer Loop, at Briarcliff and at Minors Lane shall be as described by James N. Birch, P.E., at the April 8, 2004 and April 19, 2004 public hearings and in the Traffic and Air Quality Analyses submitted to the Planning Commission by the engineering firm of Birch, Trautwein & Mims.
20. The only permitted C-2 uses shall be those listed in the C-1 Zoning District Regulation plus building materials/home improvement, automobile and tire repair with at least 2 bays and restaurants with outdoor seating where alcoholic beverages are served. Specifically prohibited are adult entertainment establishments as defined in the Land Development Code and stores that sell adult items and apparel that have many of the attributes of adult entertainment businesses yet may not require an adult entertainment license.
21. The proposed gas pump will be moved to the northeast side of the front access road in the area denoted on the approved general district development plan.
22. No more than three of the outlying businesses may have drive-through. The balance shall be sit-down restaurants and retail businesses without drive-through.
23. There shall be no outdoor storage or storage units of any kind on site.
24. In order to screen the proposed automobile service facility in the Walmart building from I-65, a 6-foot high berm shall be installed the depth of the Walmart building in the area denoted on the approved district development plan. On top shall be planted Leather Leaf Viburnum and Black Pines on staggered 15-foot centers, 6 feet high at time of planting.
25. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am
26. The property owner or developer shall provide for private security patrols of the development not less than 20 hours per week. A specific schedule shall be developed in consultation and cooperation with the adjoining neighborhood association (Okolona Area Keepers). This binding

element may be removed five years after the completion of the project if approved by the Planning Commission after a public hearing.

27. The property owner or developer shall provide a mosquito control program as recommended by the Jefferson County Health Department to include any necessary spraying in the wetlands area.
28. The property owner or developer, if required to do so by the Director of Public Works, shall fund up to \$50,000 for cut-through traffic abatement procedures.”
29. If the Jefferson County Health Department makes a determination that the proposed method of controlling the runoff of automotive fluids fails to do so, the property owner or developer shall take additional measures as directed by the Health Department.
30. The applicant shall be permitted to clear and grade the entire site in order to install infrastructure and road improvements

## **6. 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. 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.
  - d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.

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 deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am
9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non-residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.
11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission Staff prior to issuance of certificate of occupancy.
12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/7/19 public hearing of the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/7/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.



15. The following roadway improvement shall be made prior to the occupancy of the subject site:

Outer Loop Road at Minor Lane

A. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer loop Road to Minor Lane.

B. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.

C. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.

D. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

Configure the newly created intersection with stop control on the southbound approach of Minor Lane.

Any revision to these recommendations shall be in coordination with KYTC and shall be presented to the Director of Public Works for review and approval.