

Planning Commission
Staff Report
February 15, 2018



Case No:	16zone1083
Project Name:	Tucker Station Senior Apartments
Location:	1408-1412 Tucker Station Road
Owner(s):	Arnold Family Living Trust
Applicant:	Clover Construction Management West
Jurisdiction:	Louisville Metro
Council District:	20-Stuart Benson
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Change in zoning from PEC to OR-1
- District Development Plan with Binding Elements (Existing Binding Elements to be removed/replaced with the Proposed Binding Elements)

CASE SUMMARY/BACKGROUND

The proposal is for 119 senior living units on approximately 6.71 acres within the Suburban Workplace Form District. Access to the site is from Tucker Station Road. The proposal is surrounded on 3 sides by PEC zoning with R-6 located across Tucker Station. All adjacent properties are located within the Workplace Form. The property was rezoned from R-4 to PEC in 2008 under case number 9585.

STAFF FINDING

The proposal for OR-1 zoning is appropriate for the site. OR-1 allows for both residential and office uses. While residential is proposed on the development plan, future office, which is consistent with the other office, warehouse, and commercial uses found within the PEC zoning district, could also be provided on the site as needed. The proposed sidewalk along Tucker Station connects into the larger network of sidewalks along Sycamore Station Place and to the commercial uses along Sycamore Station.

TECHNICAL REVIEW

- Cornerstone 2020
- Land Development Code

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

My name is John Brennenstuhl and I live at 1416 Tucker station road and I'm very concerned about the zoning change as it is having a direct effect on my property, and I am now excluded from sewers, I paid over \$50000 for a right to tap into the sewer and resolving and now buy property value will be decreased because they're putting apartments in and we were told by the original person in charge of zoning that the time that they would not allow residential permits because this was part of the bluegrass

park and it was for offices only, I was told I will have the ability to tear up their property and pay to put it all back if I ever wanna tap onto sewers, and I would like a privacy fence to match the other fences along our back property line. Between the 2 properties being built this one and the 1 across the street the road will be unusable and extremely busy and the rest of us who have to sell our properties or live in a very busy business district would have to convince someone to buy our properties and pay for all the major road improvements since the road will be at that point maxed out.

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

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

The site is located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

Office zoning is compatible with the mix commercial/industrial zoning of PEC albeit less intense than the surrounding zoning. PEC permits office uses. Transit is not available in the area. The existing sidewalk along Tucker Station north of the site will be extended along the frontage of the site. OR-1 zoning is generally compatible to the existing office/warehouse zoning of the area as the proposal only differs in intensity. The building materials are more related to the existing and proposed residential in the area and are more compatible to the existing residential rather than that of the existing office/warehouses. The proposal is compatible with the adjacent areas as it allows for both office and residential uses. OR-1 zoning allows for multi-family which is currently not permitted in the existing PEC zoning. Buffers and open space are provided on the site.

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

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP and AMENDMENT TO BINDING ELEMENTS

- 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 environmental constraints on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

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

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

STAFF: Open space requirements have been met on the site. Recreational open space is being provided. Additional open space in the form of a detention basin will also be provided.

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

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

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

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

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from PEC to OR-1
- **APPROVED** or **DENY** the **District Development Plan with removal of the existing binding elements and approval of the proposed binding elements**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

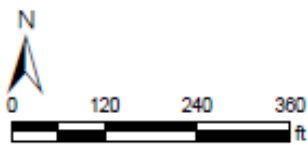
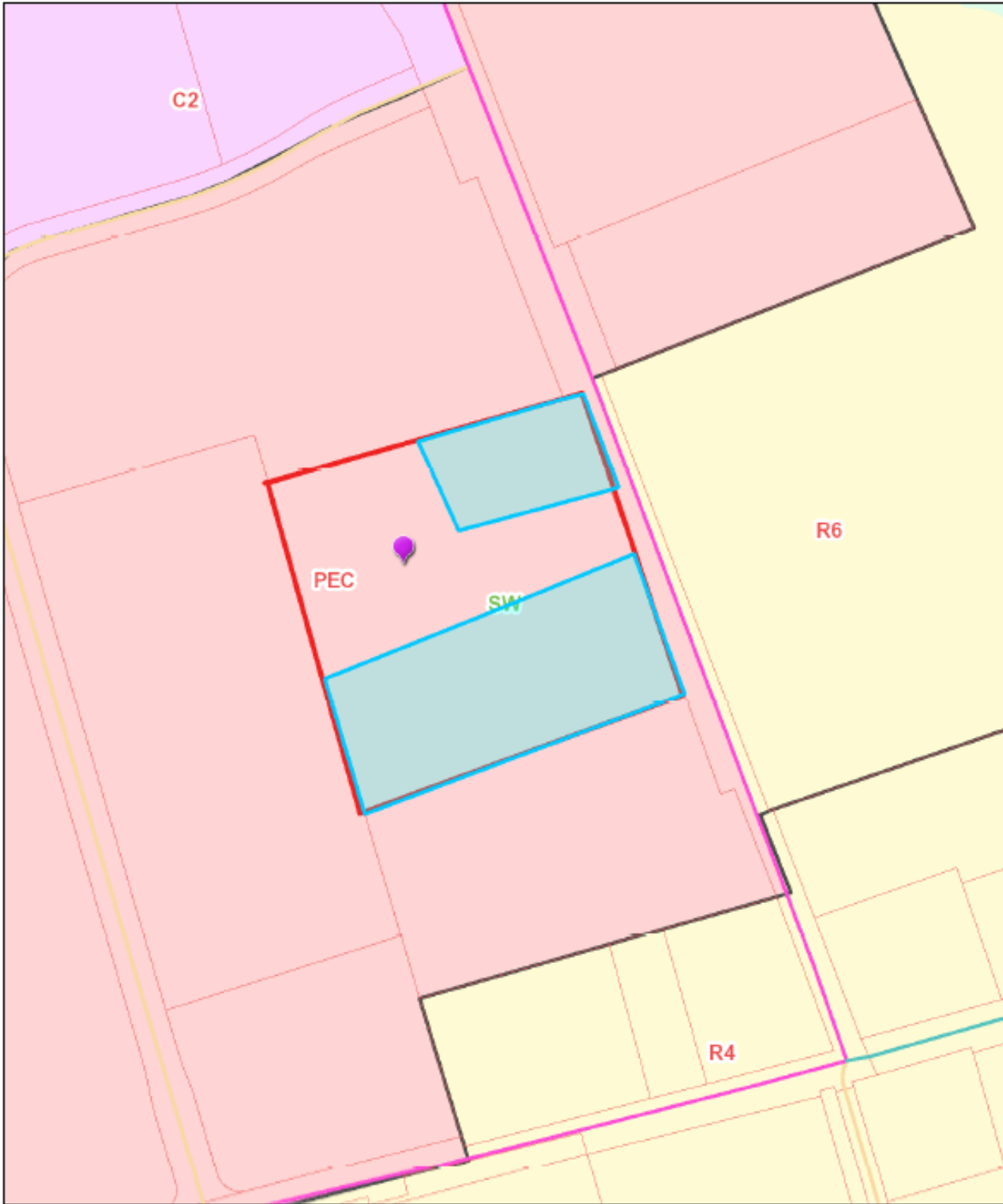
NOTIFICATION

Date	Purpose of Notice	Recipients
12/26/17	Hearing before LD&T on 1/11/18	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 20
2/1/18	Hearing before PC on 2/15/18	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 20
1/31/18	Hearing before PC	Sign Posting on property
2/2/18	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Cornerstone 2020 Checklist
4. Existing Binding Elements (to be removed/replaced with the Proposed Binding Elements)
5. Proposed Binding Elements

1. Zoning Map



1408 Tucker Station

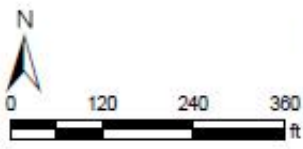
Thursday, January 4, 2018 | 11:53:31 AM



LOJIC © 2018

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



1408 Tucker Station

Thursday, January 4, 2018 | 2:32:42 PM



LOJIC © 2018

This map is not a legal document and should only be used for general reference and identification.

3. Staff Cornerstone 2020 Checklist

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

Suburban Workplace: 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 will meet the required setbacks for the form district.
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.	✓	Office zoning is compatible with the mix commercial/industrial zoning of PEC albeit less intense than the surrounding zoning. PEC permits office uses.
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.	✓	Transit is not available in the area. The existing sidewalk along Tucker Station north of the site will be extended along the frontage of the site.
4	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	OR-1 zoning is generally compatible to the existing office/warehouse zoning of the area as the proposal only differs in intensity.
5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	✓	The building materials are more related to the existing and proposed residential in the area and are more compatible to the existing residential rather than that of the existing office/warehouses.
6	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The proposal is compatible with the adjacent areas as it allows for both office and residential uses. OR-1 zoning allows for multi-family which is currently not permitted in the existing PEC zoning. Buffers and open space are provided on the site.

#	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.	✓	Transportation Planning has not indicated that the development would cause adverse impacts to traffic.
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 comply with the LDC.
9	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	The OR-1 proposal permits office uses in addition to a variety of densities. The development plan indicates a proposal for multi-family which is not common in the SWFD but multi-family zoning can be found across Tucker Station from the site.
10	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	-	The proposal is for high density zoning not located along a transit corridor but is located in an office/industrial activity center.
11	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	✓	The proposal has been specifically identified for senior users.
12	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposal allows for both office and residential uses. Multi-family zoning is located across Tucker Station from the site. The building design is similar to the other proposed multi-family in the area as well as the single family residential along Tucker Station.
13	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.	✓	LDC compliant buffers and open space are provided on the plan to separate the site from the adjacent office/warehouse zoning.
14	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.	✓	LDC compliant buffers and open space are provided on the plan to separate the site from the adjacent office/warehouse zoning.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks and building heights are in compliance with LDC requirements.
16	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.	✓	Recreational open space is provided on the site in the form of an interior courtyard. There is also a detention basin along the frontage.
17	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	✓	Recreational open space is provided on the site in the form of an interior courtyard. There is also a detention basin along the frontage.
18	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	No significant natural features are present.
19	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.	NA	No significant natural features are present.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	No significant preservation features are present on the subject sites.
21	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.	✓	Roadway improvements along Tucker Station will be made by the applicant/developer.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	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.	✓	No new roadways are created with the proposal. Cross access is not appropriate with the proposed land uses.
23	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.	✓	The proposal includes the dedication of ROW.
24	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.	✓	No new roadways are created with the proposal. Cross access is not appropriate with the proposed land uses.
25	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.	✓	No new roadways are created with the proposal. Cross access is not appropriate with the proposed land uses.
26	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.	✓	No new roadways are created with the proposal.
27	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.	✓	All types of transportation are provided for on the site. There is interior pedestrian connectivity to the public sidewalk. While transit is not currently available pedestrian access will be. The public sidewalk network connects to a larger network within the adjacent business park.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
28	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.
29	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	No significant natural features are present.
30	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Planned utilities will be expanded to serve the site.
31	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	An adequate water supply is available to the site.
32	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The Health Department has no issues with the proposal.

4. Existing Binding Elements (to be removed/replaced with the 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 of the site or trees along Tucker Station Road, 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.~~
- ~~3. Use of the subject site shall be limited to office and warehouse. There shall be no other use of the property unless prior approval is obtained from the LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The LD&T Committee may require a public hearing on the request to amend this binding element.~~

- ~~4. The development shall not exceed a total of 157,205 square feet of gross floor area of offices and warehouse as shown on the approved development plan.~~
- ~~5. Signs shall be in accordance with Chapter 8 of the LDC and/or as presented at the July 17, 2008 public hearing.~~
- ~~6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
- ~~7. The existing access points to Tucker Station Road are to be closed and access to the site be made from the new curb cuts as shown on the development plan.~~
- ~~8. 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.~~
- ~~9. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - ~~a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~
 - ~~b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
 - ~~c. A minor subdivision plat shall be recorded dedicating additional right-of-way to Tucker Station Road to provide a total of 50 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - ~~d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
 - ~~e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - ~~f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.~~~~
- ~~10. 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.~~
- ~~11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment, or outdoor PA system audible beyond the property line or permitted on the site.~~
- ~~12. 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.~~

- ~~13. The property owner shall provide connection and a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.~~
- ~~14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 17, 2008 Planning Commission meeting.~~
- ~~15. No idling of trucks shall take place within 100 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.~~
- ~~16. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.~~
- ~~17. 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.~~
- ~~18. Trees will be preserved and provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Detailed Development/Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.~~
- ~~19. Developer shall construct Tucker Station Road improvements as per MPW requirements as indicated on the approved development plan and/or binding elements and road improvement schematic. Developer shall be responsible for utility relocations (if required), final surface overlay, signage, and striping associated with required road improvements. Construction plans, bond, and permit are required by Metro Public Works prior to construction approval. Developer shall not request a certificate of occupancy until road improvements are complete.~~
- ~~20. The developer shall participate in the funding for the design and installation of a traffic signal at Tucker Station Road and Bluegrass Parkway, if and when required by Metro Public Works, assuming same have not been previously required as a consequence of other development plan approvals; traffic signal installation shall be performed by Metro Electrical Maintenance (Pursuant to Docket No. 9-67-05).~~
- ~~21. Prior to construction approval by Metro Public Works for buildings representing 50% or more of the total development, the developer shall contribute \$60,000 toward improvements at Bluegrass Parkway and Blankenbaker Road.~~

- ~~22. The developer shall submit updated trip generation data upon submission of detailed district development plans.~~
- ~~23. A request for a certificate of occupancy for a warehouse use, or other use which frequently attracts semi-trailer truck traffic (as determined by Metro Public Works), on the subject property shall not be made until Tucker Station Road from the entrance to the development, south to the intersection with Pope Lick Road, and east to Sycamore Station Place, has been widened to three lanes.~~
- ~~24. If any proposals for detailed district development plans or changes to these binding elements are made, prior written notice shall be given to the Tucker Station Neighborhood Association.~~
- ~~25. All exterior lighting shall be turned off or dimmed to the lowest level necessary for adequate security between the hours of 11:00 p.m. and 7:00 a.m.~~
- ~~26. Use of the subject site shall be limited to uses permitted in the PEC district with the following exceptions: trailer courts or recreational vehicle campgrounds; junk yards; drilling for and removing of oil, gas, or other hydrocarbon substances; refining of petroleum products; commercial petroleum storage yards; commercial excavation of building or construction materials (except as excavation is necessary in the course of construction on this site); distillation of bones; dumping, disposal, incineration or reduction of garbage, sewer, dead animals or other refuse; fat rendering; stockyard or slaughter of animals; smelting of iron, tin, zinc or other ores; cemeteries; jail or honor farms; labor or migrant worker camps; foundries; animal or poultry farms; production of insecticides, fungicides, or disinfectants; bus garages or repair shops; fairgrounds; flea markets; coal and coke storage and sales. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.~~
- ~~27. All stormwater drainage from impervious areas of development shall be channeled to a stormwater retention basins in order to achieve established standards for minimizing impact on the water quality, quantity, and rate of flow onto neighboring properties and into neighboring streams and ponds. A note to this effect shall be added to the development plan. This requirement shall be monitored and enforced by the Metropolitan Sewer District.~~
- ~~28. The development shall include a set of Covenants, Conditions and Restrictions (CCRs) substantially in accordance with that produced at the July 17, 2008 public hearing, which final set of CCRs shall be reviewed prior to recording by Planning Commission legal counsel for consistency with these binding elements and the CCRs finally presented to the Planning Commission in this case.~~
- ~~29. If the property is developed as more than one lot, the development shall include a property owners association to maintain roads, common areas, fences, detention areas, and vegetation within common areas of the development.~~
- ~~30. Except for landscape and accent lighting, all exterior lighting, whether attached or freestanding, and whether on building lots or along streets or in common areas, shall be fully shielded, shall utilize flat lenses, and shall be pointed directly to the ground.~~
- ~~31. A four-board horse fence shall be constructed along the Tucker Station Road frontage of the property as shown on the approved development plan.~~

- ~~32. The developer agrees to work with Louisville Metro Public Works to widen Tucker Station Road along the east side of the road in an effort to preserve the existing trees along the west side of the road if adequate right-of-way has been dedicated to accomplish the improvements required by Public Works. At the time of review of each detailed plan, the Planning Commission (or appropriate committee thereof) shall specifically consider, with input from Public Works, whether adequate right-of-way has been dedicated on the east side of Tucker Station Road to install the required improvements.~~
- ~~33. Signage shall be posted at the exit on Tucker Station Road directing truck traffic to turn right only out of the development.~~
- ~~34. At the time of detailed development plan approval, if no loading is proposed adjacent to the residential properties to the south, a berm shall not be required along the south property line.~~
- ~~35. Façade elevations for each detailed district development plan shall be in accordance with applicable form district standards and shall be reviewed by the Planning Commission, or a committee thereof, prior to approval and transmittal of the plan(s) to the appropriate permitting agencies.~~
- ~~36. The site shall be developed in accordance with the site/design guidelines of the Blankenbaker Station Business Park submitted at the July 17, 2008 public hearing.~~
- ~~37. The existing line of mature trees within the 10-foot landscape buffer area on the western boundary of the property shall be preserved and their root structures shall be protected during any construction activities on the site.~~
- ~~38. No skylights or sidelights (which is defined as a translucent wall, but does not include windows), which emit light between dusk and dawn shall be allowed in any building.~~
- ~~39. While not required to be implement on the site, any developer of the property shall consider recommendations of MSD as to the possible use of pervious pavement and/or rain garden areas in parking areas.~~

5. 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, demolition) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, 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 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to receiving a building permit.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Tucker Station Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 15, 2018 Planning Commission meeting.
8. The developer shall construct Tucker Station Road improvements as per Public Works requirements as indicated on the approved development plan and/or binding elements and road improvement schematic. Developer shall be responsible for utility relocations (if required), final surface overlay, signage, and striping associated with required road improvements. Construction plans, bond, and permit are required by Metro Public Works prior to construction approval. Developer shall not receive a certificate of occupancy until road improvements are complete.
9. The developer shall participate in the funding for the design and installation of a traffic signal at Tucker Station Road and Bluegrass Parkway up to \$7,200, if and when required by Metro Public Works, assuming same have not been previously required as a consequence of other development plan approvals; traffic signal installation shall be performed by Metro Electrical Maintenance (pursuant to Docket #9-67-05).
10. If any proposals for Detailed District Development Plans or changes to these binding elements are made, prior written notice shall be given to the Tucker Station Neighborhood Association.

11. All stormwater drainage from impervious area of development shall be channeled to a stormwater retention basin in order to achieve established standards for minimizing impact on the water quality, quantity, and rate of flow onto neighboring properties and into neighboring streams and ponds. This requirement shall be monitored and enforced by the Metropolitan Sewer District.
12. A four-board horse fence shall be constructed along the Tucker Station Road frontage of the property.
13. All exterior lighting, whether exterior or attached, including accent lighting, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. Pole lighting for the parking areas shall be limited to 12 feet in height from ground level.
14. No deliveries, garbage collection, exterior site work or construction, or parking lot cleaning (except for snow and ice) shall occur between the hours of 9pm and 7 am.