

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

***NOTE: Commissioners Proffitt, Tomes and Jarboe left the hearing at approximately 3:15 p.m. and did not hear or vote on this case.**

Project Name: Riverport Phase 5

Location: 1364 & 14045 Dixie
Highway
6501-6502, 6504, 6506,
and 6512 Lewis Lane

Owner/Applicant: Station Development LLC
6200 Dutchmans Lane
Suite 20
Louisville, KY 40205

Representative: Ashley Bartley
Qk4
1046 East Chestnut Street
Louisville, KY 40204

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowler

Case Manager: **Christopher Brown,
Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Request:

Change in form district from Neighborhood to Suburban Workplace and change in zoning from R-4 to M-2; Sidewalk Waiver, Landscape Waiver, and a Detailed District Development Plan.

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

Agency Testimony:

Christopher Brown presented the case and showed a Power Point presentation, which included maps and photos of the site and surrounding areas (see staff report and exhibits on file.) He pointed out that the staff report does not support the requested sidewalk waiver, although the requested landscape waiver meets the Code requirements.

In response to questions from the Commissioners, Mr. Brown showed the location of railroad lines and discussed the letter of agreement between the applicant and the railroad [on file.]

The following spoke in favor of the proposal:

Larry McFall, 15900 Plum Creek Trail, Louisville, KY 40299

David Reed, Qk4, 1046 East Chestnut Street, Louisville, KY 40204

Summary of testimony of those in favor:

David Reed introduced other applicant's representatives who are available for questioning. He gave a brief history of the company and showed a Power Point presentation. He added that there are no tenants yet for these four buildings.

Mr. Reed discussed the traffic analysis at five intersections; an air quality analysis at Watson Lane; road improvements, the closure of two other railroad crossings; and the explanations for the waiver requests.

He discussed the timing of construction and reviewed drainage issues. He submitted a proposed list of voluntary restrictions on the uses on this site (restricting EZ-1 uses.)

He discussed the proposed 8-foot landscaped berm in the area closest to the adjacent residential properties.

A letter of agreement between the applicant and the railroad was submitted into the record.

Larry McFall said this development will follow the guidelines of all the other existing development in Riverport.

The following spoke in opposition to the proposal:

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

No one spoke.

The following spoke neither for nor against the proposal:

Wilbur Earl Yocum, 13515 Diane Road, Louisville, KY 40272

Michael Bowman, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against the proposal:

Wilbur Earl Yocum expressed concerns about possible uses on the site, which were addressed by Mr. Reed. He also expressed concerns about noise, diesel fumes, too much lighting/light pollution, running tractor trailer trucks all night, and drainage issues. He said that, in case of a train derailment, the only escape route would be onto Diane Street. Pat Barry, representing MSD, and Mr. Reed addressed the drainage issues.

Michael Bowman, with Councilwoman Cindi Fowler's office, said the office is not going to take a position on the zoning aspect; however, the Councilwoman is opposed to a sidewalk waiver.

Rebuttal:

Mr. Reed addressed the 8-foot berm, lighting requirements (binding element #11), and drainage issues. He added that Diane Street is **not** proposed as an emergency egress.

Mr. Yocum requested that the building be turned so that the parking is not facing residents; also, that the drainage ditches be covered to mitigate the mosquitos which are already a problem. Mr. Reed discussed the building design and orientation, and the possibility of truck idling restrictions.

Mr. Reed explained why the building is oriented the way it is.

A recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to obtain a copy. The recording of this hearing is available under the June 19, 2014 public hearing proceedings.

Form District Change

On a motion by Commissioner White, seconded by Commissioner Brown, the following resolution was adopted:

Planning Commission Minutes
June 19, 2014

Public Hearing

Case No. 13ZONE1021

WHEREAS, the Louisville Metro Planning Commission finds that the applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 1, Community Form** since the proposal will integrate into the pattern of larger industrial developments to the south of the site. It incorporates access to the public ROW, transit and pedestrian use with connections to the mix of industrial warehouse and associated office space throughout the planned development site; and

WHEREAS, the Commission further finds that the applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 3, Compatibility** with the appropriate transitions and buffering being provided adjacent to existing single family zoned and used properties within the vicinity. The buildings follow the setback pattern and design of the form district. The proposal is also located along a major transit route with access to the highway system from Dixie Highway to Gene Snyder Freeway; and

WHEREAS, the Commission further finds that the proposal complies with the natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources**. The property has a Type B stream buffer, areas of hydric soils and a 100 year floodplain. Along the western portion of the property perimeter, there is an approximate location of a cemetery identified that will be buffered with access granted to it. The applicant has completed applications with the Army Corps of Engineers and the Kentucky Division of Water to ensure proper mitigation in regards to the stream and soil issues on portions of the subject site; and

WHEREAS, the Commission further finds that the proposal complies with the guidelines of the Comprehensive Plan under **Guideline 6, Economic Growth and Sustainability** by creating an expansion of an existing industrial subdivision concept in an area near similar types of industrial uses along the riverfront to the west. The proposal creates an industrial subdivision with a large number of employees that is located with access to the major arterial corridor of Dixie Highway which leads to the north to the Gene Snyder Freeway. This access will help prevent adverse impacts to adjacent areas; and

WHEREAS, the Commission further finds that the proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with the exception of a completed pedestrian network. Sidewalks are proposed on only one side of the roadway and not both to better serve proposed Lots 1, 3 & 4. The Suburban Workplace form district encourages pedestrian and public transit connections with walkways throughout developments to serve the

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

workplace employees. The sidewalk network connects to the main ROW along Dixie and the transit route that serves this portion of Dixie Highway; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Form District Change from Neighborhood to Suburban Workplace be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, White, and Butler.

NO: No one.

NOT PRESENT: Commissioners Peterson, Turner, Proffitt, Tomes, and Jarboe.

ABSTAINING: No one.

Zoning

On a motion by Commissioner White, seconded by Commissioner Butler, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1- Community Form**. The existing large mostly-vacant parcels of land are bordered to the north and west by moderately dense residential with a scattering of commercial development along Dixie Highway. Developing this large 162-acre tract could help provide a cohesive and organized pattern of development in this area which could otherwise be subdivided into a more patchwork form of development. Additionally this could help strengthen the scattered commercial development to the west of the property in between and directly adjacent to Dixie Highway and perhaps spur a trend of infill and redevelopment along the corridor as suggested further north on Dixie by the Dixie Highway Corridor Master Plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 - Centers**. There are 26 commercially zoned properties along the Dixie Highway corridor adjacent to and immediately west of the subject property.

Planning Commission Minutes
June 19, 2014

Public Hearing

Case No. 13ZONE1021

As previously mentioned, by bringing potentially hundreds of people to the area each day could provide the market for redevelopment and infill of a "linear center" along Dixie Highway. Mixed use development will be encouraged between the industrial, commercial, and residentially zoned properties across the street, creating a potential environment to live, work, and have commercial services nearby; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 - Compatibility**. Existing commercial development and possible new development along Dixie Highway can serve as a buffer (as well as becoming an amenity) to some of the residentially zoned property across Dixie Highway. Since the new development will be separated from nearby residential development by existing commercial properties, the intensity along Dixie Highway will be relatively unchanged. Additionally, all requiring and a 50' LBA with landscaping will be provided adjacent to the residential to two properties each on Diane Road and Kelly Lane, and to three properties to the south on Old Distillery Road. The Riverport Authority also offers a long history and practice of being a compatible and "friendly neighbor" to existing adjoining residential; and

WHEREAS, the Commission further finds that all buildings and signage will be attractive and comply with Land Development Code regulations. All required setbacks will be provided. Riverport's Declaration of Restrictions makes specific mention to building design and signage that is compliant with the LDC; and

WHEREAS, the Commission further finds that traffic was analyzed at the intersections of Dixie Highway and Watson Lane and Dixie Highway and Lewis Lane. With the proposed development, level of service would still remain within an acceptable range for the signalized Dixie Highway and Watson Lane intersection. Level of service for Dixie Highway and Lewis Lane would drop to the same level of service with no-build or build scenarios; and

WHEREAS, the Commission further finds that Air Pollution Control District (APCD) has reviewed a carbon monoxide screening analysis; and

WHEREAS, the Commission further finds that the 50' LBA which will contain an eight foot tall screen and trees will mitigate noise, light, and visual impacts. All loading and refuse collections areas will be properly screened. Riverport's Declaration of Restrictions provides a detailed allowable sound pressure chart and makes specific mention to noise and vibration mitigation measures and requires these be reported to Riverport; and

Planning Commission Minutes
June 19, 2014

Public Hearing

Case No. 13ZONE1021

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 4 - Open Space**. Approximately more than 1/3 of property will remain impervious and open. Adequate outdoor employee break area will be provided; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5 - Natural Areas and Scenic and Historic Resources**. The LDC requires a 100 foot stream buffer along Weaver Run Creek. No impervious surfaces are proposed within this area. A cemetery was listed on a property deed but no physical evidence on the ground has been encountered. Still, access to cemetery, temporary fencing during initial (infrastructure) construction, eventual archeological investigation, and coordination with Landmarks Committee will be completed to determine boundary of potential cemetery. Riverport is working with ecological consultants for mitigation of wetlands, streams, and potential bat habitat with the Corps of Engineers and Fish and Wildlife Services in an effort to achieve compliance; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 - Economic Growth and Sustainability**. The conceptual zoning plans provides for over 2.5 million square feet of warehouse space which could provide significant tax revenue for Louisville Metro, hundreds of new jobs, and potential for new business opportunity to support employees of the industrial park. Additionally, this large development could help spur commercial growth along the Dixie Highway corridor; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 7 - Circulation**. Lewis Lane at Dixie Highway will be widened from a 14' wide to 24' wide road and appropriately marked, creating safer conditions than what exist today on the narrow rural roadway. Watson Lane extension at Dixie Highway will be a three lane intersection with a westbound left turn lane, straight-right (eastbound) lane, and southbound lane into the development. Additionally a deceleration right turn lane from Dixie Highway will be provided at the Watson Lane intersection. The conceptual zoning plan shows a loop road that connects Lewis Lane and Watson Lane internally via a three lane roadway which includes a center dual left lane which will become 100 foot of dedicated right-of-way. Adequate parking is provided based on the conceptual zoning plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 8 - Transportation Facility Design**. The property will be accessible from Lewis Lane and Watson Lane intersection along Dixie Highway. Its close

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

proximity to Gene Snyder/Greenbelt Highway will give freight easy access down Dixie Highway to access the property; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 9 - Bicycle, Pedestrian and Transit**. There are two TARC routes along Dixie Highway across the front of the proposed development. A transit stop is currently located at the Watson Lane and Dixie Highway intersection. Riverport will provide a pedestrian connection from the site to the existing transit stop, provide a boarding area, and pad to receive shelter and trash receptacle which Riverport will maintain. Sidewalks are being provided on one side of the proposed loop road per the conceptual zoning plan; sidewalks will connect from each individual building. ADA ramps and crosswalks will be provided as needed. A Louisville Loop trailhead is planned on Watson Lane less than a mile away; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 10 - Flooding and Stormwater**. Runoff from impervious area expansion will be collected by proposed storm infrastructure which will be stored in one of two detention basins which provide storage for the two, ten and 100 year storms. Stormwater will maintain current drainage patterns and ultimately outlet into Weaver Run Creek. Riverport's Declaration of Restrictions makes specific mention to stormwater discharge compliance with MSD (and others') regulations. Riverport is working with ecological consultant and the Corps of Engineers to compensate for loss of wetlands and streams on site; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 11 - Water Quality**. The development will meet MSD's current water quality standards and the site will be protected from erosion during construction by the use of best management practices (as referenced in their Declaration of Restrictions). The 100 foot stream buffer area will be maintained along the entire Weaver Run adjacency; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12 - Air Quality**. Qk4 provided a carbon monoxide screening analysis as requested by the Air Pollution Control District (APCD). This analysis was conducted in accordance with procedures outlined by the U.S. EPA. The analysis determined that increased traffic produced by the development would not exceed concentrations set forth by the National Air Ambient Quality Standards (NAAQS). Furthermore, sidewalks and access to transit are incorporated into the project to provide alternate modes of transportation; and

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13 - Landscape Character**. All required landscaping, including landscape buffer areas, screening, interior landscape areas, and tree canopy will be met. Riverport's Declaration of Restrictions makes specific mention to landscaping and buffering, including minimum of 50' buffer adjacent to residential use with "preservation of significant existing vegetation and planting of vegetative buffer screens"; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 14 - Infrastructure**. A new roadway network will be developed providing Watson Lane and Lewis Lane access from Dixie Highway. All required utilities and their respective easements will be provided in an underground fashion to the greatest extent possible; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 15. Community Facilities**. The property is currently served by Pleasure Ridge Park Fire Department and Louisville Metro Police Third Division; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented today, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from R-4, Single Family Residential, and M-2, Industrial, to EZ-1 Enterprise Zone on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, White, and Butler.

NO: No one.

NOT PRESENT: Commissioners Peterson, Turner, Proffitt, Tomes, and Jarboe.

ABSTAINING: No one.

Sidewalk Waiver

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

On a motion by Commissioner White, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since completed sidewalks will be provided along the Dixie Highway frontage that can be accessed and used by adjacent property owners; and

WHEREAS, the Commission further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver will violate specific guidelines of Cornerstone 2020 by not providing a completed sidewalk network that more fully serves Lots 1, 3 & 4 with access to sidewalks on both sides of the roadway. The sidewalks would allow better access between lots as well as access to Dixie Highway from these three lots that are not proposed to have sidewalks provided along their frontage; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the sidewalks can be constructed on both sides of the ROW to better connect the industrial development; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the sidewalks would complete the pedestrian network for the development and there are no constructability issues that exist within the ROW; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **DENY** the requested Waiver from Chapter 5.8.1 of the Land Development Code to provide sidewalks on only one side of the ROW.

The vote was as follows:

YES: Commissioners Blake, Brown, White, and Butler.
NO: Commissioner Kirchdorfer.

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

**NOT PRESENT: Commissioners Peterson, Turner, Proffitt, Tomes,
and Jarboe.**

ABSTAINING: No one.

Landscape Waiver

On a motion by Commissioner White, seconded by Commissioner Butler, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since all buffering with planting and screening material will be provided along the property perimeter; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since the intent of all buffering will be met as shown on the proposed development plan with appropriate transitions between the use and adjacent residential areas; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to provide

Planning Commission Minutes
June 19, 2014

Public Hearing

Case No. 13ZONE1021

the required buffering as well as the needed utility easements to serve the development; and

WHEREAS, the Commission further finds that 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 by not allowing the needed overlap of the required utility easements and the extensive buffering required from the residential areas; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed Landscape Waiver from Chapter 10.2.4.B of the Land Development Code to allow landscape buffers to overlap easements by more than 50%.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, White, and Butler.

NO: No one.

NOT PRESENT: Commissioners Peterson, Turner, Proffitt, Tomes, and Jarboe.

ABSTAINING: No one.

Detailed District Development Plan

On a motion by Commissioner White, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the conservation of natural resources on the property proposed for development will be met through the mitigation methods as specified within the environmental report and application with the US Army Corps of Engineers and the Kentucky Division of Water; and

WHEREAS, the Commission further finds that the provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community are met with the exception of a lack of a completed sidewalk

Planning Commission Minutes
June 19, 2014

Public Hearing

Case No. 13ZONE1021

network along the street frontage for Lots 1, 3 & 4. The sidewalk would create better pedestrian connections throughout the industrial development as well as a completed connection to the Dixie Highway ROW; and

WHEREAS, the Commission further finds that open space is provided on the site to meet the needs of the development; and

WHEREAS, the Commission further finds that 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; and

WHEREAS, the Commission further finds that 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; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested sidewalk waiver which does not follow the guidelines of Cornerstone 2020; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed Detailed District Development Plan, **SUBJECT** to the following binding elements, and **ON CONDITION** that a revised plan show appropriate sidewalks and that a binding element be added showing the voluntary list of omitted uses submitted by the applicant:

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.

Planning Commission Minutes
June 19, 2014

Public Hearing

Case No. 13ZONE1021

2. The development shall not exceed 2,555,000 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - ~~b. Encroachment permits must be obtained from the Kentucky~~
Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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.
 - e. A road closure approval for the required portions of Lewis Lane shall be approved prior to requesting a building permit.
7. 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

Planning Commission Minutes
June 19, 2014

Public Hearing

Case No. 13ZONE1021

be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
10. No idling of trucks shall take place within 200 feet of single-family residences.
11. 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 thereafter. 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.
12. Uses to be prohibited on this subject site:
 - Pawn shop
 - Automobile rental agencies
 - Automobile repair garages
 - Automobile sales agencies
 - Billiard parlors, game rooms and similar entertainment uses
 - Bingo halls and parlors
 - Dance halls
 - Skating rinks (ice or roller)
 - Tattoo, body art, and piercing parlors
 - Used car sales areas
 - Transitional Housing

**Planning Commission Minutes
June 19, 2014**

Public Hearing

Case No. 13ZONE1021

Homeless Shelter
Outdoor Paintball Ranges
River terminals
Animal pound
Firearms
Animal packing or slaughtering
Adult entertainment
Race tracks for motor-powered vehicles

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, White, and Butler.

NO: No one.

NOT PRESENT: Commissioners Peterson, Turner, Proffitt, Tomes, and Jarboe.

ABSTAINING: No one.