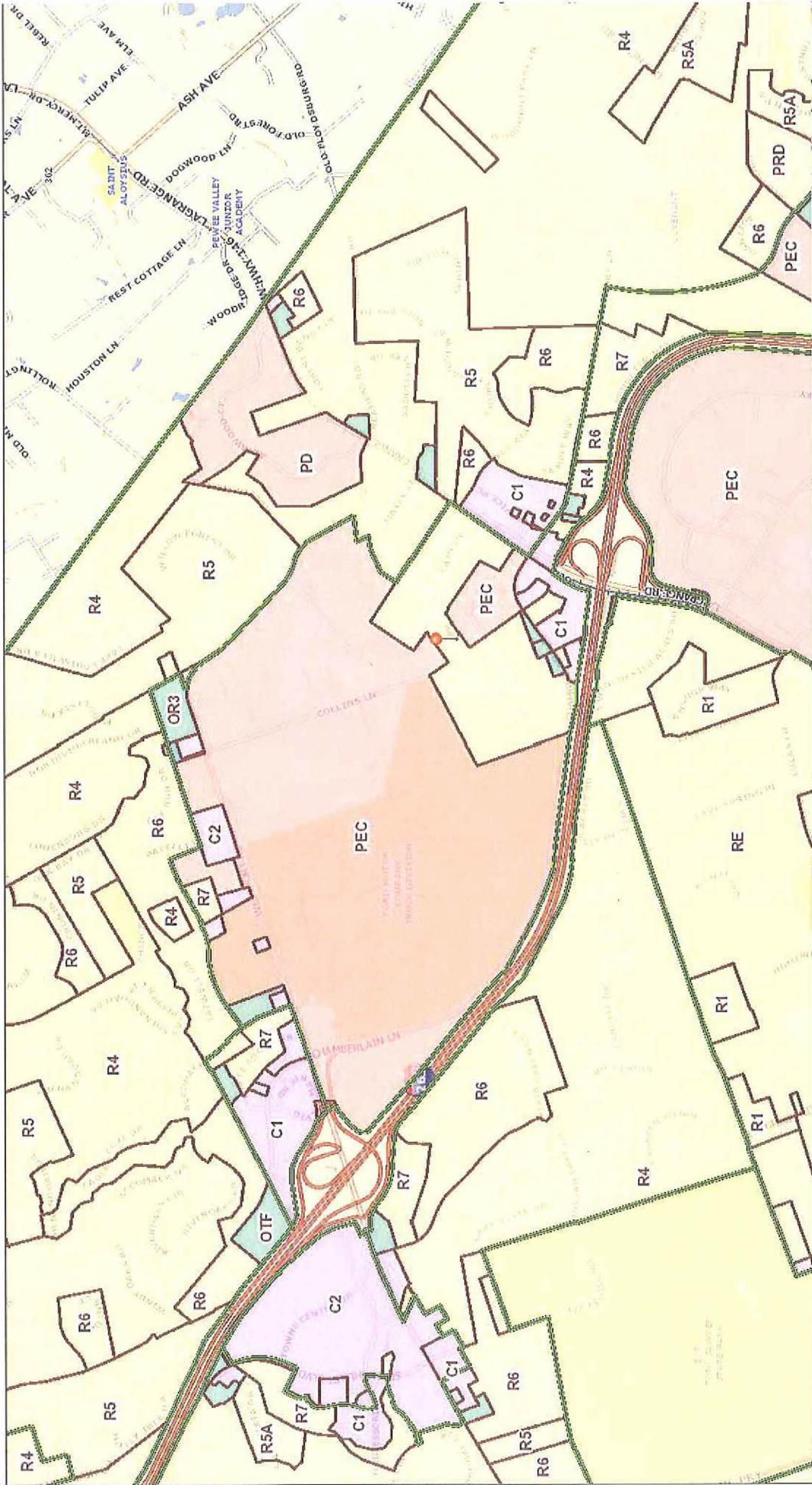


**EXHIBITS FOR APPLICANT  
Tony's Wrecker Service  
3311 Collins Lane**

**Louisville Metro Planning Commission  
Case No. 13 Zone 1031**

1. Zoning Map
2. Site Photography
3. Elevations
4. Development Plan
5. Zoning Change Demonstration of Appropriateness
6. Waiver Justifications
7. Proposed Findings of Fact

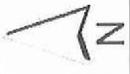
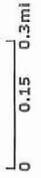
**Glenn A. Price, Jr.  
Attorney for Applicant  
Frost Brown Todd LLC  
400 West Market Street, 32<sup>nd</sup> Floor  
Louisville, Kentucky 40202  
502/779-8511  
[gaprice@fbtlaw.com](mailto:gaprice@fbtlaw.com)**

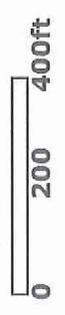


# Zoning Map



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





# 3311 Collins Lane

9/24/2014 5:34:12 PM



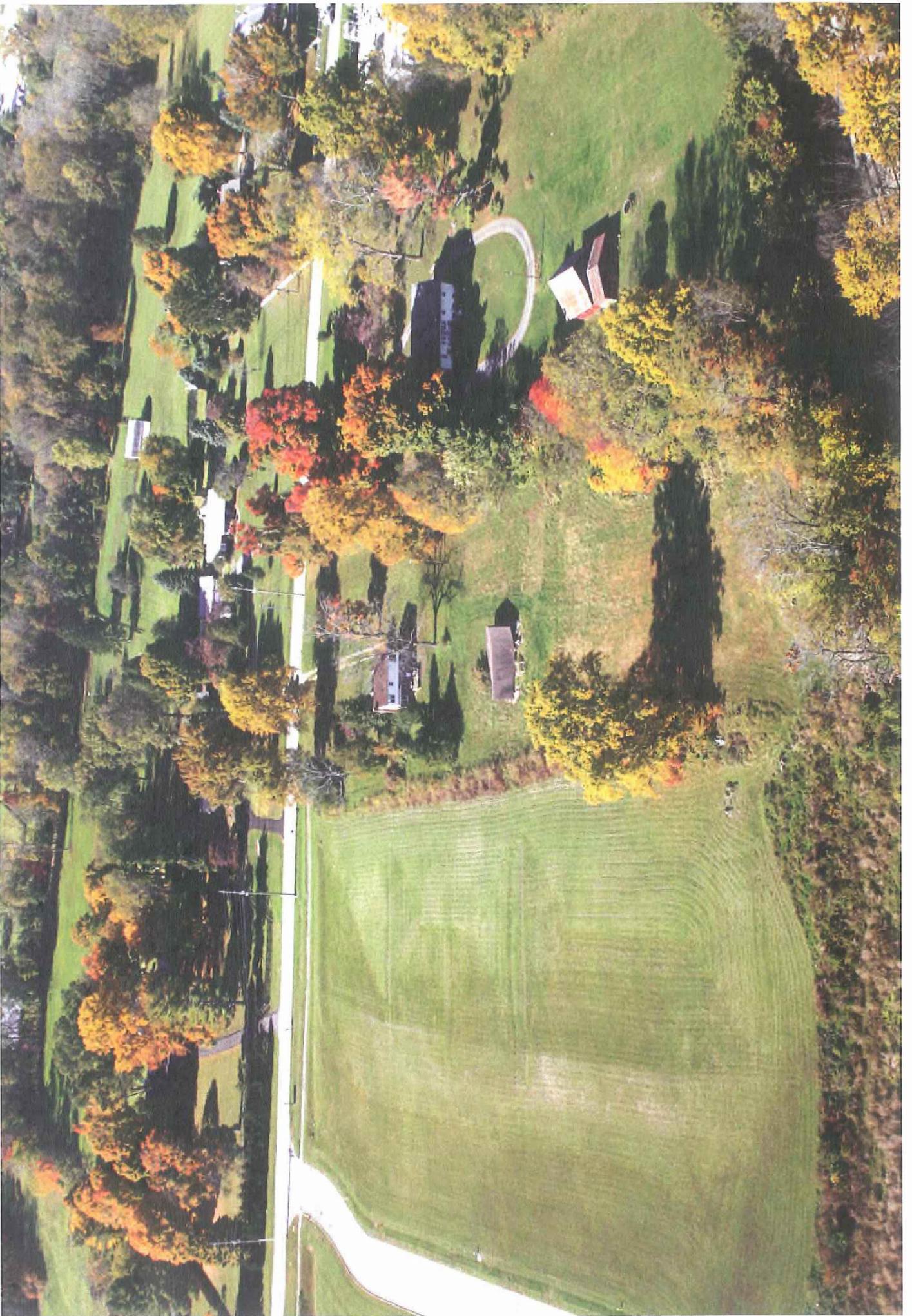
Louisville Metro, MSD, LWC & PVA © 2014  
This map is not a legal document and should only be used for general reference and identification.

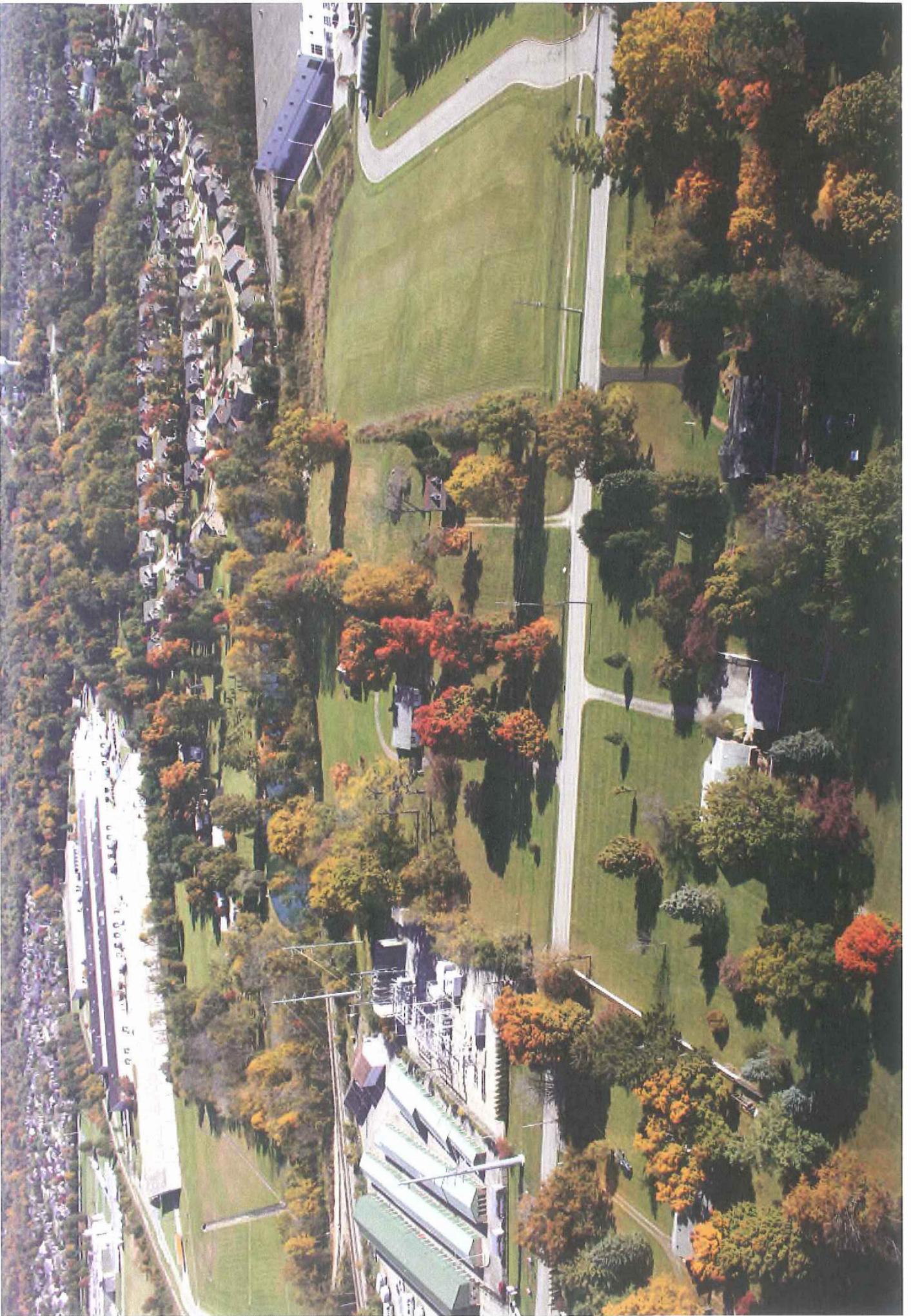




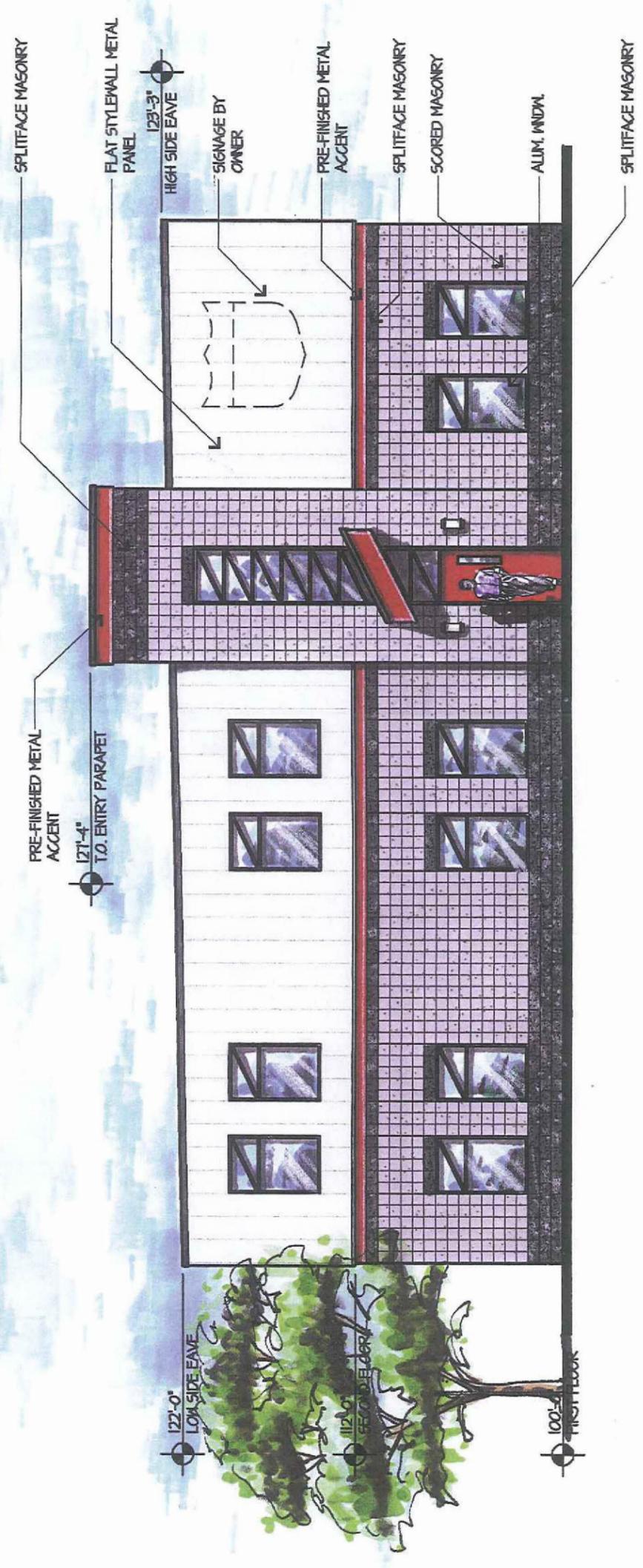






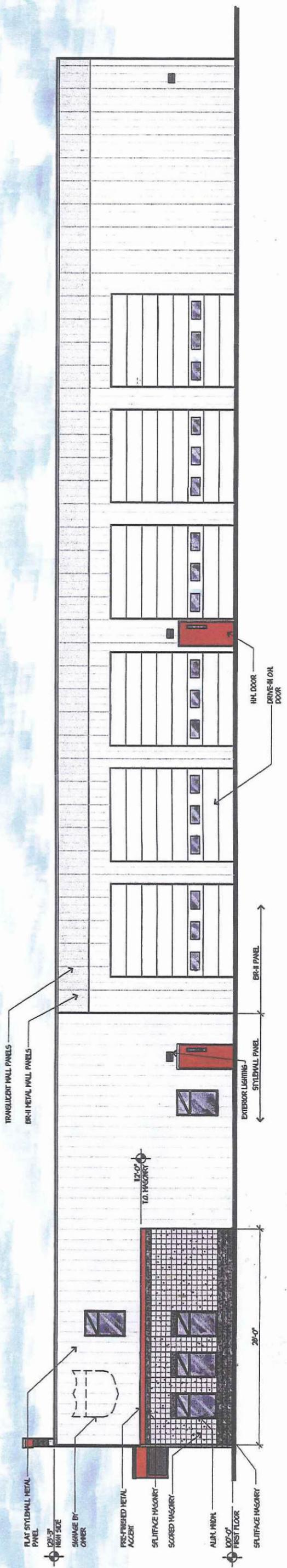






# STREET ELEVATION

SCALE 1/8"=1'-0"



**DRIVE ELEVATION**  
SCALE

105'-4 1/2"





JOB NO.  
13107

SHEET  
1  
OF 1

DETAILED DISTRICT DEVELOPMENT PLAN  
3811 COLLINS LANE, LOUISVILLE, KENTUCKY

OWNER  
JERRY L & MARTHA SCHADE  
1002 ROUND TABLE COURT  
LOUISVILLE, KY 40222

**LD&D**  
LAND DESIGN & DEVELOPMENT, INC.  
ENGINEERING - LAND PLANNING - LANDSCAPE ARCHITECTURE  
300 WASHINGTON AVENUE, SUITE 100, LOUISVILLE, KENTUCKY 40202  
PHONE: 606.258.1111 FAX: 606.258.1111  
WEB SITE: WWW.LD-DE.COM

PROJECT DATA

FILE NAME: 13107-000P

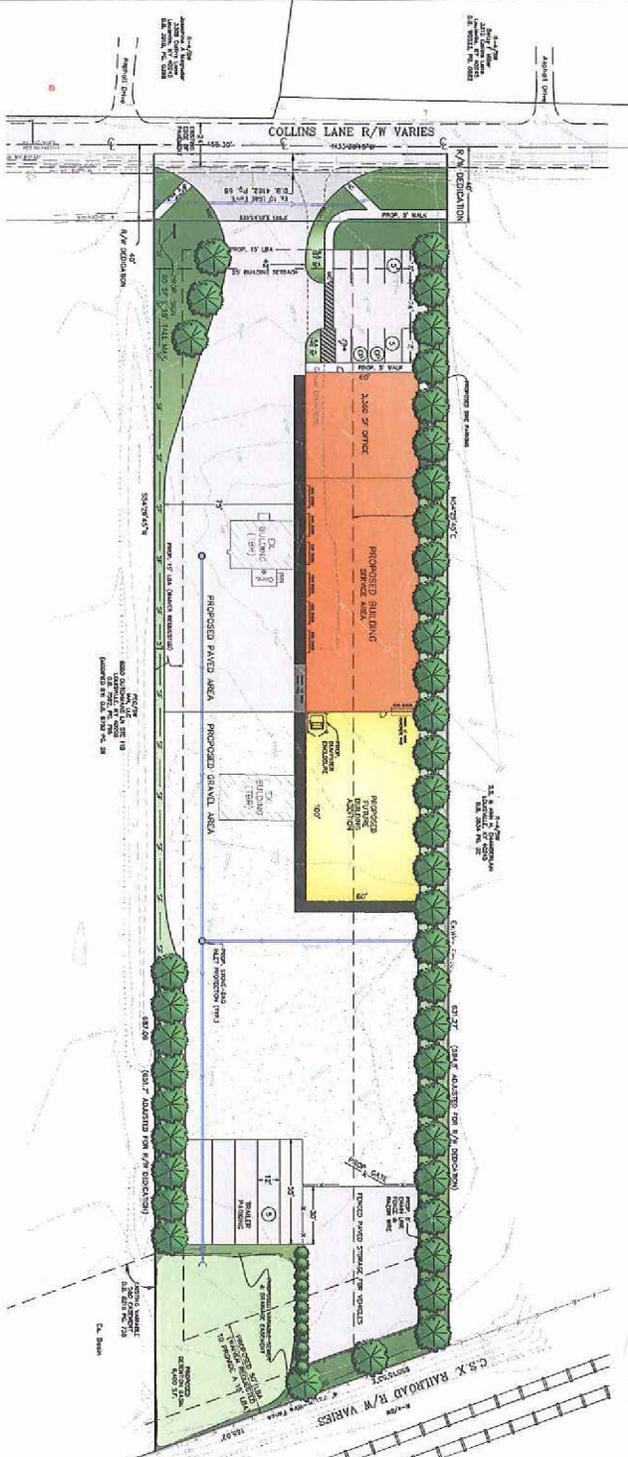
DATE: 3-14-14 SCALE: AS SHOWN

CHECKED BY: AER DRAWN BY: D/JAR

ENGINEER'S SEAL

SURVEYOR'S SEAL

REVISIONS			
NO.	DATE	DESCRIPTION	BY



**WAIVERS REQUESTED:**

- A waiver is requested for the property line adjacent to S.E. and Ann Davidson from Section 103.2.4.4 of the Louisville Metro Land Development Code to allow the proposed 15' wide sidewalk to be within the sidewalk easement of the proposed walk & pavement.
- A waiver is requested for the property line adjacent to the CSX railroad from Section 103.2.4.4 of the Louisville Metro Land Development Code to waive the 5-foot setback requirement for the proposed 15' wide sidewalk to be within the sidewalk easement of the proposed walk & pavement.
- A waiver is requested for the proposed 15' wide sidewalk to be within the sidewalk easement of the proposed walk & pavement.
- A waiver is requested for the proposed 15' wide sidewalk to be within the sidewalk easement of the proposed walk & pavement.

**DETONATION BASIN CALCULATIONS**

X = 4 CM/12  
 AC = 0.833-0.234-4-82  
 R = 2.8  
 X = (0.833)(2.8)(2.8)/12 = 0.24 AC=FT.  
 REQUIRED X = 14,800 CU.FT.  
 PROPOSED BASIN = 6,400 CU.FT.  
 TOTAL = 6,400 CU.FT. @ APPROX. 2.3 FT. DEPTH  
 = 14,800 CU.FT. > 14,800 CU.FT.

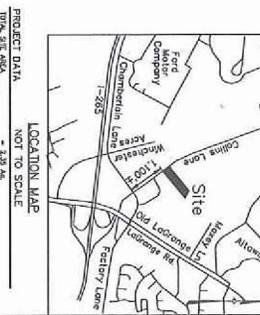
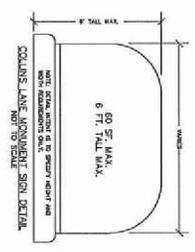


**TYPICAL PARKING SPACE LAYOUT**

24' MINIMUM WIDTH OF DRIVEWAY

**TREE CANOPY CALCULATIONS**

TOTAL SITE AREA = 96,796 S.F.  
 EXISTING TREE CANOPY CLASS C = 45 (1,000 S.F.)  
 EXISTING TREE CANOPY TO BE PRESERVED = 0%  
 TREE CANOPY NEED TO BE PLANTED = 20% (19,359 S.F.)



**PROJECT DATA**

TOTAL SITE AREA = 96,796 S.F.  
 NET SITE AREA = 6,112 S.F.  
 R/W DEDICATION AREA = 232 AC  
 PROPOSED DRIVEWAY = 232 AC  
 PROPOSED DRIVEWAY = 232 AC  
 PROPOSED DRIVEWAY = 232 AC

**GENERAL NOTES:**

1. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
2. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
3. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
4. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
5. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
6. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
7. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
8. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
9. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
10. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
11. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
12. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
13. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
14. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.
15. The proposed site plan shall be in accordance with all applicable codes and ordinances of the City of Louisville, Kentucky.

NO. 13107

SHEET 1 OF 1

DETAILED DISTRICT DEVELOPMENT PLAN

3311 COLLINS LANE, LOUISVILLE, KENTUCKY

OWNER  
 JERRY L & MARTHA SCHADE  
 1002 ROUND TABLE COURT  
 LOUISVILLE, KY 40222

**LD&D**  
 LAND DESIGN & DEVELOPMENT, INC.  
 1002 ROUND TABLE COURT  
 LOUISVILLE, KY 40222

PROJECT DATA

FILE NAME: 13107-0000

DATE: 8-18-14

SCALE: AS SHOWN

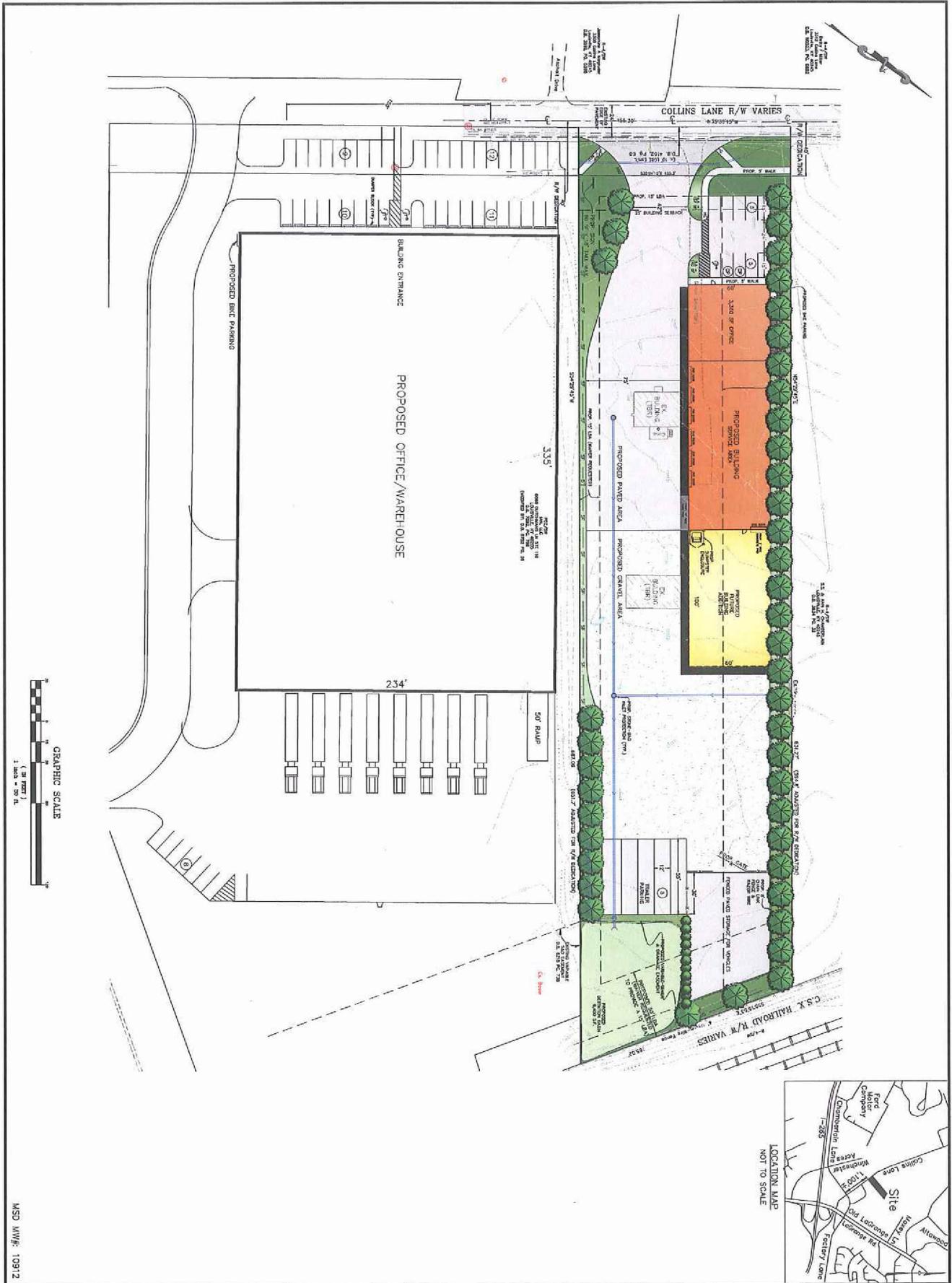
DATE: 8-18-14

SCALE: AS SHOWN

ENGINEER'S SEAL

SURVEYOR'S SEAL

REVISIONS		
NO.	DATE	DESCRIPTION



MSD M/F- 10912

JOB NO.  
**13107**

SHEET  
**1**  
OF 1

DETAILED DISTRICT DEVELOPMENT PLAN  
**3811 COLLINS LANE, LOUISVILLE, KENTUCKY**

OWNER  
**JERRY L & MARTHA SCHADE**  
1002 ROUND TABLE COURT  
LOUISVILLE, KY 40222

**LD&D**  
LAND DESIGN & DEVELOPMENT, INC.  
ARCHITECTS • LAND ARCHITECTS • LANDSCAPE ARCHITECTS  
1002 ROUND TABLE COURT  
LOUISVILLE, KY 40222  
TEL: 502-261-1234 FAX: 502-261-1234  
WWW.LD&D-KY.COM

PROJECT DATA

FILE NAME: 1307-000P

DATE: 8-16-11 SCALE: AS SHOWN

CREATED BY: ALM DRAWN BY: BTM

ENGINEER'S SEAL

SURVEYOR'S SEAL

REVISIONS			
NO.	DATE	DESCRIPTION	BY

**DEMONSTRATION OF APPROPRIATENESS**  
**Jerry and Martha Schade, Owners**  
**Tony's Wrecker Service, Inc. by Nick Schade, Applicant**  
**3311 Collins Lane**  
**Louisville, Kentucky**  
**Proposal for Zone Change from Residential District R-4 to**  
**PEC Planned Employment Center District**

**The site.** The site lies on the north side of Collins Lane, having a street address of 3311 Collins Lane, containing 96,796 square feet (2.35 acres following dedication to right-of-way). The site is bordered on the southeast by property owned by IAN, LLC, which was recently approved for 78,400 square feet of office/warehouse use [see Nicklies Chamberlain Crossings Revised Development Plan, approved May 19, 2014, Case Nos. 14VAR1028 and 14DEVPLAN1043]. The abutting property to the northwest is zoned R-4 and is a single family home. The abutting use to the rear of the site is the CSX railroad.

**Suburban Workplace Form District.** All properties on either side of Collins Lane in the vicinity, including the subject site, are located in the Suburban Workplace Form District.

The site is proposed to be the primary location for Tony's Wrecker Service, Inc. ("Tony's"). Tony's will retain its existing location at 12203 Westport Road as its secondary location. At this site, Tony's proposes to (1) service trucks within the building to be erected, (2) temporarily hold towed vehicles at the rear of the site behind an 8-foot screen, and (3) temporarily park trailers at the rear of the property where shown on the development plan. Trailer parking and towed vehicle storage will be limited to the rear areas shown on the development plan. Tony's is not a body shop, and does not repair damaged motor vehicles.

The proposed zone change from Residential District R-4 to PEC Planned Employment Center District is appropriate because it conforms to KRS 100.312 in that it is in agreement with the Comprehensive Plan in effect for Louisville, Jefferson County, Kentucky. Conformance with specific Goals, Objectives, Guidelines and Policies of the Comprehensive Plan are detailed in this Demonstration of Appropriateness.

**Comprehensive Plan Analysis**

The proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan, as detailed below.

**Community Form Guideline 1.** The proposal conforms with Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.10

because it lies within the Suburban Workplace Form District. The Suburban Workplace Form District is “characterized by predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting.” The site will be appropriately landscaped.

**Centers Guideline 2.** The proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policy 2.2 because the development is consistent with the adjacent use proposed by IAN, LLC and conforms to the Suburban Workplace Form District which prevails in this geographic area.

**Compatibility Guideline 3.** The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.21, 3.22, 3.23, 3.24 and 3.28. The proposed two-story building designed by Lichtefeld Incorporated is 14,200 square feet, with space for a future addition behind the building. Six (6) vehicle entry doors will be situated at the side of the building for service entry. Building materials are proposed to be scored masonry, split face masonry together with metal wall panels and translucent wall panels, which are appropriate for a high quality industrial building. The proposed use is a low intensity use. It will not generate odor or excessive carbon monoxide pollution. Because Tony’s existing location is at 12203 Westport Road – at the intersection of Collins Lane and Westport Road – there will be no additional traffic on Collins Lane due to the approval of the use at this location. There will be no adverse visual impacts due to the Lichtefeld Incorporated design of the building and building materials, and because 78,400 square foot office/warehouse building was recently approved on the immediately abutting parcel for IAN, LLC. All on-site lighting will conform to Land Development Code (“LDC”) limitations, and outdoor lighting will be directed down and away from adjacent residential areas. Appropriate landscape buffers are proposed on either side of the property. One free-standing sign monument sign, 6-feet tall and 60 square feet in area, is proposed.

**Natural Areas and Scenic and Historic Resources Guideline 5.** The proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2, 5.3, and 5.6. Site topography will be observed. There are no historic resources or distinctive cultural features located on site, and the soils on site are not wet or highly permeable.

**Circulation Guideline 7.** The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.9 and 7.10. The development plan shows a forty (40’) foot dedication of frontage to right-of way. A proposed 5-foot sidewalk is proposed along the Collins Lane frontage. Adequate parking pursuant to Land Development Code requirements is proposed.

**Bicycle, Pedestrian and Transit Guideline 9.** The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1 and 9.2. Bicycle parking facilities will be located within the building. A 5-foot wide public sidewalk is proposed along the Collins Lane

frontage of the site. Although no transit service serves Collins Lane (a secondary collector roadway), transit service is available on nearby La Grange Road to the south of the site.

**Flooding and Stormwater Guideline 10.** The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.3, 10.7, 10.10, and 10.11. It is anticipated that the Metropolitan Sewer District ("MSD") will approve the development plan. MSD's approval will indicate that the development will not have an adverse impact on the watershed as a whole, reflecting the development potential of the entire watershed; that the drainage design will accommodate on-site and upstream run-off water; that the drainage system will preserve the "through" drainage system, and that peak stormwater runoff rates after development will not exceed pre-development rates.

**Air Quality Guideline 12.** The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1 and 12.8. It is anticipated that the Louisville Air Pollution Control District ("APCD") will approve the development plan. APCD's approval will indicate that activities at the site will not be a source of ambient air pollution exceedance due to the low intensity of the proposal. Traffic to and from the site will be minimal. No additional traffic will occur on Collins Lane than that which presently exists because Tony's existing location is at the intersection of Collins Lane and Westport Road and no additional traffic is anticipated.

**Landscape Character Guideline 13.** The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.2, 13.4, 13.5, and 13.6. Proposed landscaping will be native plant species. The development will conform to the requirements of LDC Chapter 10 regarding landscaping and tree canopy. Landscape buffers will be employed to protect the abutting single-family residence to the northeast.

**Infrastructure Guideline 14.** The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. Adequate utility service is located on Collins Lane to serve the proposed development. The site is served by MSD sewage facilities. An adequate supply of potable water and water for fire-fighting purposes is supplied by the Louisville Water Company. Utilities will be located underground wherever possible and will be placed in easements as prescribed by the applicable utility.

**Community Facilities Guideline 15.** The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because the site will be adequately served by the Worthington Fire Protection District.

**SUPPLEMENTAL INFORMATION SHEET ADDENDUM  
LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS**

**3311 COLLINS LANE  
Jerry and Martha Schade, Owners  
Tony's Wrecker Service, Inc. by Nick Schade, Applicant**

**Request for Waiver of Land Development Code ("LDC") §10.2.4**

**Request: (i) To reduce the 50-foot landscape buffer adjacent to the CSX Railroad property to 15-feet, (ii) to waive the trees provided to the PEC requirement of two (2) trees, and (iii) to waive the requirement that an easement cannot encroach more than 50% into the landscape buffer area ("LBA").**

- 1. The requested waiver will not adversely affect adjacent property owners.**

The waiver request will only affect the CSX property because CSX is the only adjacent property owner. The CSX property is not occupied; therefore, the requested waiver will have no adverse affect on any adjacent property owners.

- 2. The requested waiver will not violate the Comprehensive Plan.**

The proposed waiver will not violate the Comprehensive Plan. Specific Goals, Objectives, Guidelines and Policies of the Comprehensive Plan which support this statement are detailed below.

**Compatibility Guideline 3.** The proposal conforms to Compatibility Guideline 3 and Policies 3.21 and 3.22. The CSX property – an active railroad line -- will continue to be a more intense use than the low-intensity PEC industrial use proposed by the Applicant on this site. The reduced landscaping proposed is an appropriate transition to the CSX site. Moreover, Policy 3.22 provides that buffers "should be variable in design." This Policy should allow for a reduced buffer when a lower intensity industrial use is adjacent to a higher intensity (and unoccupied) railroad line. The reduced buffer will adequately accommodate the utility easement.

**Landscape Character Guideline 13.** The proposed waiver conforms to Landscape Character Guideline 13 and all Policies adopted thereunder, including Policies 13.2 and 13.6. Landscaping will be native species as required by the Land Development Code. Policy 13.6 recommends screening and buffering to mitigate adjacent incompatible uses. Because the adjacent use is a CSX railroad line, only minimal landscaping should be required.

- 3. The extent of the waiver is the minimum necessary to afford relief to the Applicant.**

The requested waiver is the minimum necessary to afford relief to the Applicant because this waiver request, if granted, will only apply to the area of the site adjacent to CSX.

- 4. The Applicant has (a) 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 (b) 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.**

The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of the land because the abutting CSX property is a more intensely used property than is the proposed use of the Applicant.

**SUPPLEMENTAL INFORMATION SHEET ADDENDUM  
LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS**

**3311 COLLINS LANE  
Jerry and Martha Schade, Owners  
Tony's Wrecker Service, Inc. by Nick Schade, Applicant**

**Request for Waiver of Land Development Code ("LDC") §10.2.4.A**

**Request: To waive the encroachment of the proposed pavement and gravel into a portion of the 15-foot landscape buffer area ("LBA") adjacent to the IAN, LLC property line at 2500 Chamberlain Crossing Drive.**

**1. The requested waiver will not adversely affect adjacent property owners.**

The only affected property owner is IAN, LLC ("IAN"), which was approved on May 19, 2014 for 78,400 square feet of office/warehouse use. The IAN property is set back 15-feet from the common property line as is the proposed waiver on this site. The waiver is necessary to allow for adequate truck movement into the service bays of the building. This area is adjacent to the IAN building, which has no windows facing the 3311 Collins Lane side of its building. Thus, the requested waiver will not adversely affect the IAN site nor any other adjacent property owners.

**2. The requested waiver will not violate the Comprehensive Plan.**

The proposed waiver will not violate the Comprehensive Plan. Specific Goals, Objectives, Guidelines and Policies of the Comprehensive Plan which support this statement are detailed below.

**Compatibility Guideline 3.** The proposal conforms to Compatibility Guideline 3 and Policies 3.21 and 3.22. The IAN building at 2500 Chamberlain Crossing Drive will be the most prominent building on this side of Collins Lane. The area of the requested waiver is adjacent to this building. The reduced landscaping proposed is an appropriate transition to the IAN site. Moreover, Policy 3.22 provides that buffers "should be variable in design." This Policy should allow for a reduced buffer when the adjacent use is an office/warehouse structure near the common property line. Adequate buffering will be provided along the common property line.

**Landscape Character Guideline 13.** The proposed waiver conforms to Landscape Character Guideline 13 and all Policies adopted thereunder, including Policies 13.2 and 13.6. Landscaping will be native species as required by the Land Development Code. Policy 13.6 recommends screening and buffering to mitigate adjacent incompatible uses. Because the adjacent use is a large

office/warehouse building, the proposed landscaping will be sufficient to meet the buffering and screening goals of the Comprehensive Plan and provide adequate buffering to protect the IAN property from the proposed use on this site.

**3. The extent of the waiver is the minimum necessary to afford relief to the Applicant.**

The requested waiver is the minimum necessary to afford relief to the Applicant because this waiver request, if granted, will only apply to the area of the site adjacent to CSX.

**4. The Applicant has (a) 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 (b) 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.**

The strict application of the provisions of the regulation would create an unnecessary hardship on the Applicant because it would disallow the Applicant sufficient maneuvering room to access the six (6) vehicle doors of the proposed building.

**SUPPLEMENTAL INFORMATION SHEET ADDENDUM  
LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS**

**3311 COLLINS LANE**  
*Jerry and Martha Schade, Owners*  
*Tony's Wrecker Service, Inc. by Nick Schade, Applicant*

**Request for Waiver of Land Development Code ("LDC") §10.2.4.A**

**Request:** To waive the encroachment of the proposed sidewalk and pavement into the landscape buffer area ("LBA") adjoining the property line adjacent to S.S. and Ann Chamberlain at 3315 Collins Lane.

- 1. The requested waiver will not adversely affect adjacent property owners.**

The waiver will allow the construction of a sidewalk from the proposed building to the the Collins Lane sidewalk which connects the development to the greater pedestrian network. A sidewalk at this location will have no impact on any property owners in the vicinity, whether they are abutting or nearby neighbors.

- 2. The requested waiver will not violate the Comprehensive Plan.**

The proposed waiver will allow the construction of public sidewalks along the frontage of the site. This waiver request will not violate the Comprehensive Plan; it will promote applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan, as follows:

**Bicycle, Pedestrian and Transit Guideline 9.** The proposed waiver conforms to Site Design Standards for Alternative Transportation Modes Goals I1, I2, I3, I4, and I5, Objectives I2.1, I3.1, and I4.1, and Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policy 9.1, which encourage development to provide sidewalks along the streets of the development where appropriate.

- 3. The extent of the waiver is the minimum necessary to afford relief to the Applicant.**

The requested waiver is the minimum necessary to afford relief to the Applicant because the request would enable the sidewalk only as shown on the development plan. This is a minimal waiver request which will benefit all who walk this area of Collins Lane.

- 4. The Applicant has (a) 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 (b) 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.**

The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of the land because both the Comprehensive Plan and the Land Development Code foster the provision of public sidewalks by development. The provision of this sidewalk is, therefore, a reasonable use of the land.

C:\Users\14153\AppData\Local\Temp\NDO\Tony's Wrecker - Waiver of 10.2.4.A.doc

## PROPOSED FINDINGS OF FACT SUBMITTED BY APPLICANT

**Tony's Wrecker Service, Inc. by Nick Schade, Applicant  
3311 Collins Lane  
Louisville, Kentucky  
Proposal for Zone Change from Residential District R-4 to  
PEC Planned Employment Center District**

**Whereas,** The Planning Commission Finds That the proposal conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan for Jefferson County, Kentucky, as further detailed in these Findings; and

**Whereas,** The Planning Commission Further Finds that the site lies on the north side of Collins Lane, and is bordered on the southeast by property owned by IAN, LLC, which was approved for 78,400 square feet of office/warehouse use [see Nicklies Chamberlain Crossings Revised Development Plan, approved May 19, 2014, Case Nos. 14VAR1028 and 14DEVPLAN1043] and that except for this property and the property immediately north there are no properties along this segment of the east side of Collins Lane which remain zoned for residential purposes; and the abutting use to the rear of the site is the CSX railroad; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan as further detailed in these Findings; and that the only applicable Goals, Objectives, Guidelines and Policies which are applicable to this request are found in these Findings of Fact; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Goals G1, G3, G4, and Objectives G4.1 and G4.2 and G4.3, Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.10 because it lies within the Suburban Workplace Form District; because the Suburban Workplace Form District is "characterized by predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting" which is a characterization met by the proposal; and because the site will be appropriately landscaped; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policy 2.2, because the development is consistent with the adjacent use proposed by IAN, LLC and conforms to the Suburban Workplace Form District which prevails in this geographic area; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.21, 3.22, 3.23, 3.24 and 3.28 because

the proposed two-story building designed by Lichtefeld Incorporated is a 14,200 square foot structure, with space for a future addition behind the building and six (6) vehicle entry doors which will be situated at the side of the building for service entry; because building materials are proposed to be scored masonry, split faced masonry together with metal wall panels and translucent wall panels, which are appropriate for a high quality industrial building; because the proposed use is a low intensity use; because the proposal will not generate odor or excessive carbon monoxide pollution; because Tony's Wrecker's existing location is at 12203 Westport Road – at the intersection of Collins Lane and Westport Road – there will be no additional traffic on Collins Lane due to the approval of the use at this location; because there will be no adverse visual impacts due to the Lichtefeld Incorporated design of the building and building materials; because a 78,400 square foot office/warehouse building was recently approved on the immediately abutting parcel for IAN, LLC; because all on-site lighting will conform to Land Development Code ("LDC") limitations, and outdoor lighting will be directed down and away from adjacent residential areas; because appropriate landscape buffers are proposed on either side of the property; and because one free-standing sign monument sign, 6-feet tall and 60 square feet in area, is proposed; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2, 5.3, and 5.6 because site topography will be observed; because there are no historic resources or distinctive cultural features located on site, and the soils on site are not wet or highly permeable; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.9 and 7.10 because the development plan shows a forty (40') foot dedication of frontage to right-of way; because a proposed 5-foot sidewalk is proposed along the Collins Lane frontage; and because adequate parking pursuant to Land Development Code requirements is proposed; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1 and 9.2 because bicycle parking facilities will be located within the building; because a 5-foot wide public sidewalk is proposed along the Collins Lane frontage of the site; because although no transit service serves Collins Lane (a secondary collector roadway), transit service is available on nearby La Grange Road to the south of the site; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Flood Control and Stormwater Management Goal B1 and Objective B1.1 and B1.8, Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.3, 10.7, 10.10, and 10.11 because the Metropolitan Sewer District ("MSD") approved the development plan; because MSD's approval indicates that the development will not have an adverse impact on the watershed as a whole, reflecting

the development potential of the entire watershed; that the drainage design will accommodate on-site and upstream run-off water; that the drainage system will preserve the “through” drainage system, and that peak stormwater runoff rates after development will not exceed pre-development rates; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Air Goal C1, Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1 and 12.8 because the Louisville Air Pollution Control District (“APCD”) has approved the development plan; because APCD’s approval indicates that activities at the site will not be a source of ambient air pollution due to the low intensity of the proposal; because traffic to and from the site will be minimal; because no additional traffic will occur on Collins Lane than that which presently exists because Tony’s existing location is at the intersection of Collins Lane and Westport Road and no additional traffic is anticipated; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.2, 13.4, 13.5, and 13.6 because proposed landscaping will be native plant species; because the development will conform to the requirements of Land Development Code Chapter 10 regarding landscaping and tree canopy except where waivers have been granted by the Planning Commission; because landscape buffers will be employed to protect the abutting single-family residence to the northeast; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7 because adequate utility service is located on Collins Lane to serve the proposed development; because the site is served by MSD sewage facilities; because an adequate supply of potable water and water for fire-fighting purposes is supplied by the Louisville Water Company; and because utilities will be located underground wherever possible and will be placed in easements as prescribed by the applicable utility; and

**Whereas,** The Planning Commission Further Finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9, because the site will be adequately served by the Worthington Fire Protection District; and

**Whereas,** The Planning Commission Further Finds that the proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan;

**NOW THEREFORE BE IT RESOLVED:**