

## Case No. 18ZONE1016 Binding Elements

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following 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, or site disturbance is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 within 6 months of the change in zoning approval. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
9. The existing wood fence along the northeast property line will be kept in good repair.

**SITE DATA:**

TOTAL ORIGINAL LOT (4141 BARDSTOWN RD) 1.09 AC (47,486 SF)  
 EXISTING ZONING/AUTOMOBILE REPAIR  
 EXISTING ZONING/FORM DISTRICT C2 & R4 / SMC  
 EXISTING BUILDING HEIGHT 15' (1-STY)  
 EXISTING FAR 0.113  
 EXISTING BUILDING SQUARE FOOTAGE(GARAGE) 3,600 SF  
 (SHOWROOM/OFFICE) 1,800 SF  
 TOTAL EXISTING BUILDING SQUARE FOOTAGE 5,400 SF

EX. PARKING VUA 6,280 SF  
 EX. PARKING ILA (5% = 314 SF) PROVIDED 443 SF

PARKING REQUIREMENTS FOR EXISTING AUTO REPAIR:  
 (1 PER BAY) 3 SPACES  
 (PLUS ONE SPACE EMPLOYEE)  
 PARKING REQUIRED NUMBER OF EMPLOYEES (3) 3 SPACES  
 TOTAL PARKING REQUIRED 6 MIN.  
 PARKING PROVIDED (3 BAY SPACES INSIDE) 10 SPACES  
 ACCESSIBLE PARKING REQUIRED 1 SPACE  
 ACCESSIBLE PARKING PROVIDED 2 SPACES

**BICYCLE PARKING REQUIREMENTS**

SPACES REQUIRED 2 SP  
 SPACES PROVIDED 2 SP  
 (2 LONG-TERM SPACES PROVIDED INSIDE THE BUILDING)

**LEGEND**

- DRAINAGE ARROW
- HANDICAP PARKING
- INTERNAL LANDSCAPE AREA
- PROPOSED CONTOURS
- EXISTING CONTOURS
- WHEEL STOP
- EXISTING TREE
- WATER LINE
- TELEPHONE LINE
- GAS LINE
- CL FENCE
- WOOD FENCE
- GAS VALVE
- TRANSFORMER
- TREE PROTECTION FENCING (ORANGE)
- FIRE HYDRANT
- WATER METER
- DITCH/FLOW LINE
- TREE CANOPY CREDIT AREA
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- SILT FENCE
- RCP
- REINFORCED CONCRETE PIPE
- PAVEMENT HATCH
- POWER POLE

**MSD NOTES:**

- CONSTRUCTION PLANS AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS, AND OTHER LOCAL, STATE, AND FEDERAL ORDINANCES.
- SANITARY SEWER SERVICE TO BE PROVIDED BY EXISTING PSC, SUBJECT TO ANY FEES AND APPLICABLE CHARGES

**PRELIMINARY APPROVAL**

Condition of Approval:

*Tom Kelly 3-27-19* Date

Development Review

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**Kentucky 811** \* CALL BEFORE YOU DIG "B.U.I.D." \*  
 1 (800) 752-6007

NOTE: THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY, OR UTILITY MARKINGS PERFORMED BY THIRD PARTIES (BEFORE YOU DIG SERVICES AND/OR LOCATION SERVICES).

NOTE: THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES PRIOR TO EXCAVATION AND SHALL CONTACT THE KENTUCKY UNDERGROUND PROTECTION, INC. A MINIMUM OF TWO WORKING DAYS PRIOR TO DIGGING AT TELEPHONE 1 (800) 752-6007. NO EXCAVATION SHALL COMMENCE UNTIL ALL APPLICABLE UTILITIES HAVE BEEN CLEARED.

NOTE: PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, CONTRACTOR SHALL EXPOSE AND VERIFY LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO GAS, WATER, AND SANITARY SEWER. ANY CONFLICTS SHALL BE REPORTED, IMMEDIATELY, TO THE ENGINEER AND THE APPROPRIATE AUTHORITIES.

**CONDITIONAL USE PERMIT APPROVED on 1/25/2018 to allow: an off-street parking area within an R-4 zoning district (LDC 4.2.39):**

- Relief from LDC 4.2.39.B: Walls, Fences or Plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- Relief from LDC 4.2.39.C: The minimum front, street side and side yards required in the district shall be maintained free of parking.

**WAIVERS REQUESTED:**

- Waiver of 35' Property Perimeter Landscape Buffer Area (LBA) requirements along the North property line adjacent to residential per LDC Section 10.2.4.

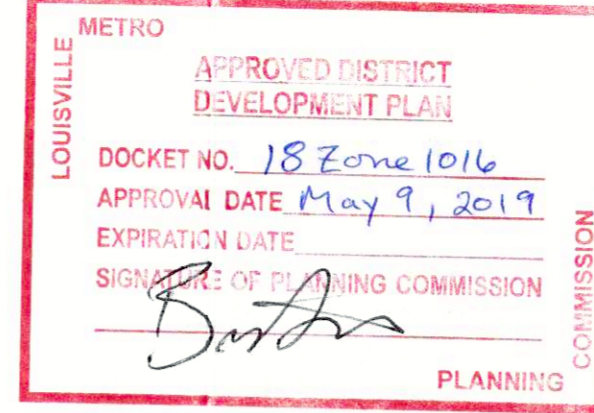
**VARIANCE REQUESTED:**

- To permit the existing parking to encroach into the 25 ft minimum side setback required along a common boundary when a non-residential use abuts a residential zone (LDC 5.3.2.C.2.b.).

**KARST & HYDRIC SOILS GEOLOGICAL DISCOVERY:**

THE SITE ALONG WITH HISTORICAL MAPS AND PLATS WERE REVIEWED AND INSPECTED BY ECS SOUTHEAST, LLP (GEOTECHNICAL ENGINEER) ON JANUARY 14, 2019 AND FOUND THAT NO KARST EVIDENCE NOR HYDRIC SOILS WERE WITNESSED ON THE SITE, MAKING THE SITE IN COMPLIANCE WITH LDC SECTION 4.9.3.

**NOTICE**  
 PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.



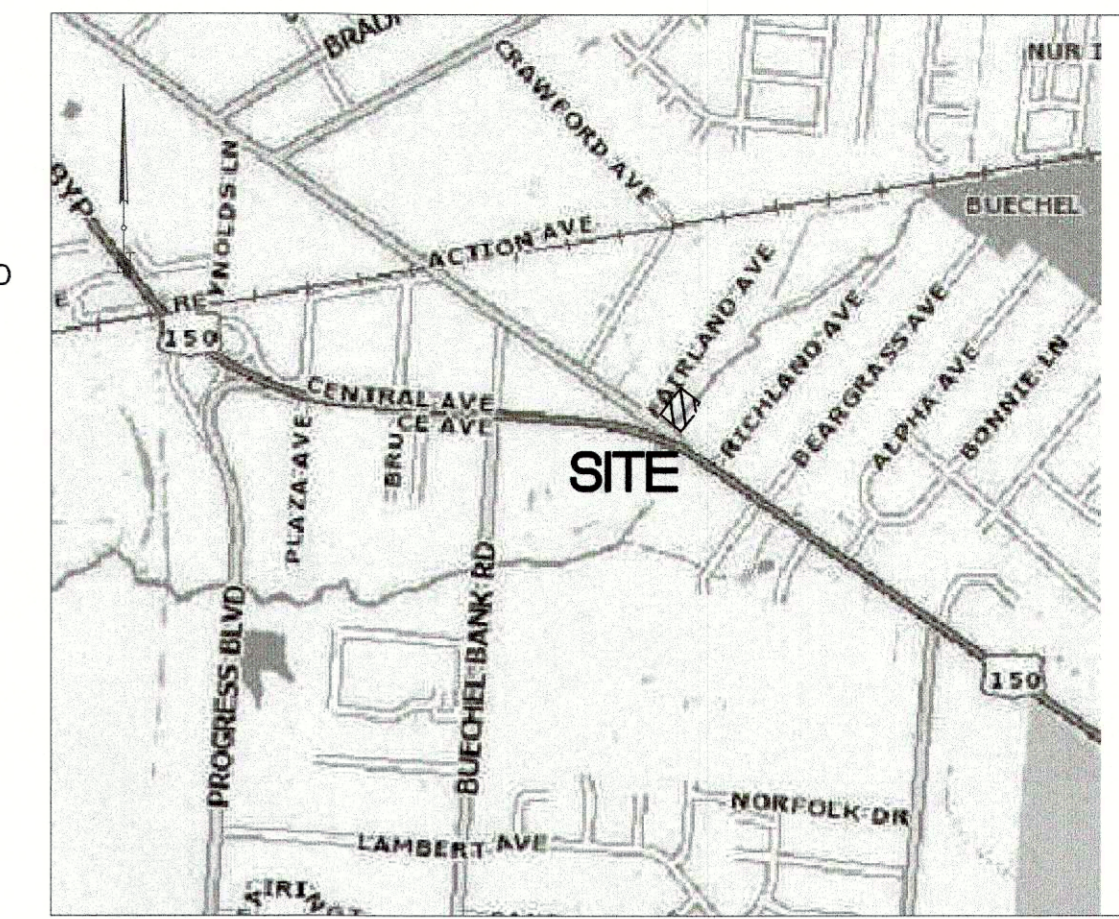
**IMPERVIOUS AREA**

- TOTAL SITE AREA = 1.09 AC.
- LIMITS OF DISTURBANCE (NO WORK PER THIS PLAN) = 0 AC.
- TOTAL IMPERVIOUS AREA (EXISTING) = 12,081 SF (0.277 AC)
- INCREASE OF IMPERVIOUS AREA = 0 SF (0 AC)
- TOTAL IMPERVIOUS AREA (PROPOSED) = 12,081 SF (0.277 AC)

**TREE CANOPY REQUIREMENTS:**

SITE AREA = 47,486 S.F.  
 TPCA Category (0 TO 40%) Class "C"  
 REQUIRED TREE CANOPY SQUARE FOOTAGE = 7,123 S.F. (15%) PRESERVED  
 PRESERVED TREE CANOPY COVERAGE AREA = 28,800 S.F. (60.6%)  
 (2) TYPE "A" TREES > 10 inch = 9 x 1200 = 25,200 S.F. (53.1%)  
 (3) TYPE "A" STREET TREES > 10 inch = 3 x 1200 = 3,600 S.F. (7.6%)  
 ==> GREATER THAN 15% PRESERVED THEN 0% ADDL REQUIRED

SUMMARY BY AREA TOTAL (ONSITE TCCA):  
 TCCA1 = 12 TYPE "A" X 1200 = 14,400 S.F.  
 TCCA2 = 1 TYPE "A" X 1200 = 1200 S.F.  
 TCCA3 = 2 TYPE "A" X 1200 = 2400 S.F.  
 TCCA4 = 2 TYPE "A" X 1200 = 2400 S.F.  
 TCCA5 = 1 TYPE "A" X 1200 = 1200 S.F.  
 TCCA6 = 1 TYPE "A" X 1200 = 1200 S.F.  
 TOTAL TCCA = 22,800 S.F. (60.6%)



**VICINITY MAP**  
 NOT TO SCALE

**GENERAL NOTES**

- SITE IS CURRENTLY ZONED C1 & R4 IN THE SUBURBAN MARKETPLACE CORRIDOR FORM DISTRICT
- SITE IS LOCATED IN COUNCIL DISTRICT 10 & FIRE PROTECTION DISTRICT BUECHEL
- SITE IS LOCATED IN THE FLOODPLAIN REVIEW ZONE PER FEMA MAP#2111100061E.
- SITE IS LOCATED IN A KARST TERRAIN AREA (REFER TO KARST NOTE FOR EVALUATION).
- KENTUCKY TRANSPORTATION CABINET REVIEW PROVIDE NO ADDITIONAL COMMENTS OR REQUIREMENTS.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICLE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH.
- ALL PARKING SHALL BE A HARD A DURABLE SURFACE
- UPON DEVELOPMENT OR REDEVELOPMENT OF ADJACENT PROPERTIES, A UNIFIED ACCESS AND CIRCULATION SYSTEM SHALL BE DEVELOPED TO ELIMINATE PREEXISTING CURB CUTS AND PROVIDE FOR VEHICULAR MOVEMENT THROUGHOUT ADJACENT SITES AS DETERMINED APPROPRIATE BY THE DEPARTMENT OF PUBLIC WORKS. A CROSS ACCESS AGREEMENT TO RUN WITH THE LAND AND IN FORM ACCEPTABLE TO PLANNING COMMISSION LEGAL COUNSEL SHALL BE RECORDED PRIOR TO THE TIME OF CONSTRUCTION APPROVAL FOR THE ADJACENT PROPERTY TO BE DEVELOPED.
- EXISTING SIDEWALK RECONSTRUCTION AND REPAIRS SHALL BE REQUIRED, AS NECESSARY TO MEET CURRENT MPW STANDARDS AND SHALL BE INSPECTED PRIOR TO BOND RELEASE
- NO ADDITIONAL CONSTRUCTION WORK PROPOSED PER THIS ZONING PLAN.

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**

CONDITIONS:

BY: *[Signature]*  
 DATE: 03/27/19  
 LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

**EPSC Legend**

- SF SILT FENCE (MSD DWG. EF-10-02)
- IP STONE BAG INLET PROTECTION (MSD DWG. EF-03-02)
- (NO DISTURBANCE PER THIS ZONING PLAN)
- PROPOSED DRAINAGE FLOW ARROW

**EROSION PREVENTION AND SEDIMENT CONTROL NOTE**

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMP'S (BEST MANAGEMENT PRACTICES) SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.

DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDED AND STABILIZED.

ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.

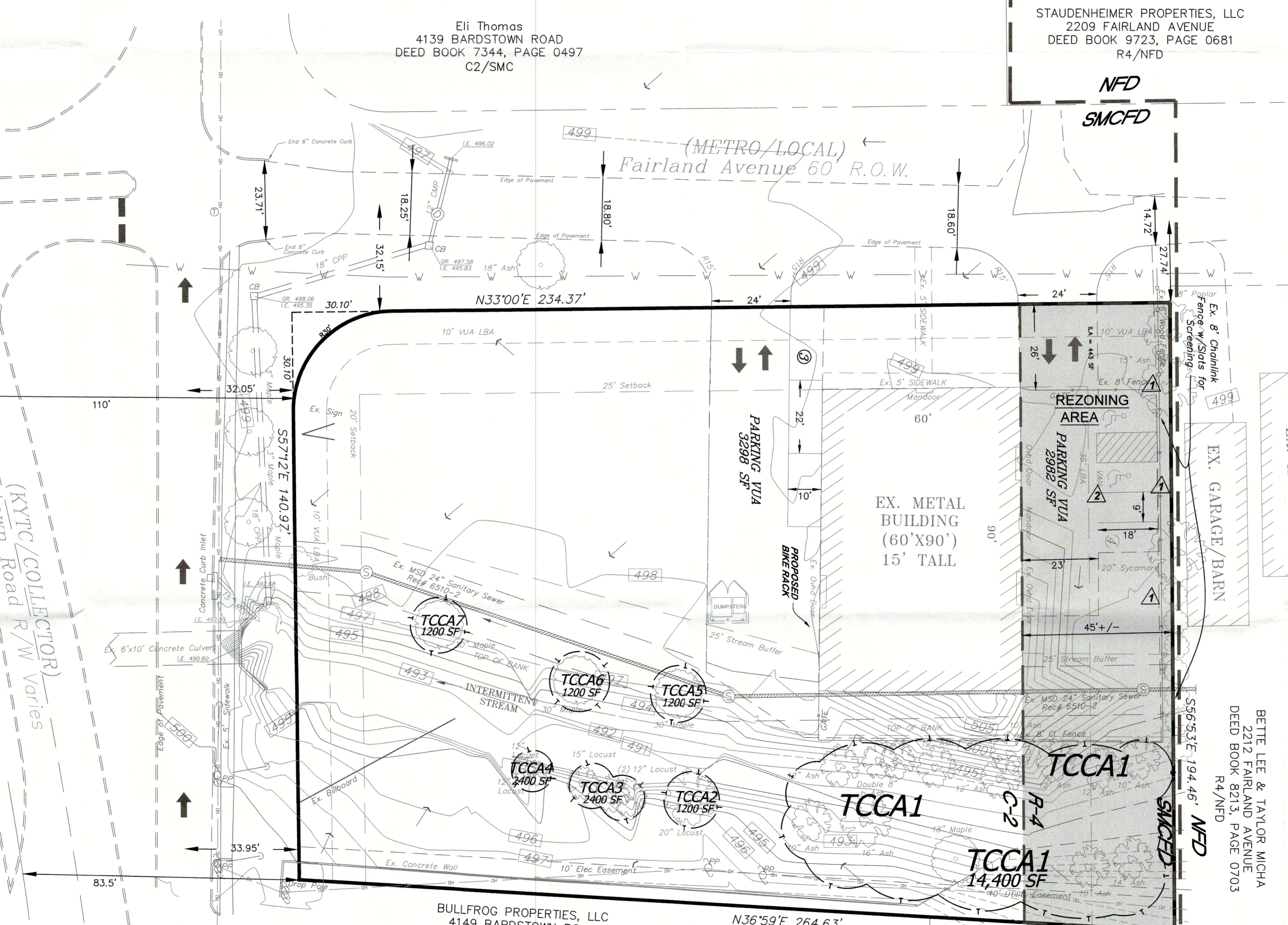
ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.

SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE, OR CATCH BASIN.

WHERE CONSTRUCTION OR LAND DISTURBING ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 DAYS AFTER THE ACTIVITY HAS CEASED.

CASE NO. 18ZONE1016

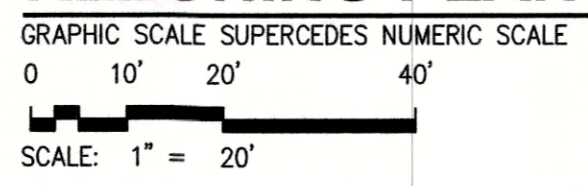
PREVIOUS CASE NO. 17CUP1085/17VARIANCE1062/17WAIVER1028/LSCAPE1111 MSD WM NO-11290



BULLFROG PROPERTIES, LLC  
 4149 BARDSTOWN ROAD  
 DEED BOOK 9103, PAGE 0930  
 C2/SMC

HOOK FAMILY HOLDINGS, LLC  
 4155 BARDSTOWN ROAD  
 DEED BOOK 10249, PAGE 0255  
 C2/SMC

**REZONING PLAN**



REVISIONS	Date	Description	By
	1/19	Agency Comments	cc
	2/19	Agency Comments	cc
	3/19	Agency Comments	cc

**BlueStone**  
 Engineers, PLLC  
 3703 Taylorville Road, Suite 205  
 Louisville, Kentucky 40220  
 (502) 292-9288  
 www.bluestoneengineers.com

OWNER & DEVELOPER:  
 4141 BARDSTOWN ROAD LLC  
 PO BOX 5895  
 LOUISVILLE, KY 40255  
 (305) 776 - 4006

SIGNATURE

TITLE: 4141 BARDSTOWN ROAD COMMERCIAL REZONING

SITE INFORMATION:  
 4141 Bardstown Road, Louisville, KY 40218  
 Tax Block 0500 Lot 0002  
 Deed Book 10802 Page 0182

REZONING PLAN

SHEET NO. 1 of 1

DATE: 02-20-18  
 SCALE: 1"=20'

DRAWN BY: WILLIAMS  
 CHECKED BY: CTC