

### **Case No. 18DEVPLAN1110 Binding Elements**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission 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. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. 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.
5. 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.
6. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
7. The Planning Commission shall require a full traffic and air quality analysis, including an arterial analysis for Shelbyville Road, before considering any additional development of the general area known as Oxmoor Center/the Bullitt Farm. This

binding element shall apply to any commercial, retail, residential or office development. The aforementioned analysis shall include expected traffic from all approved developments within the impact area, as defined by the Department of Public Works. It shall also include any proposed roadway improvements expected to be completed before completion of the proposed development. The goal of the traffic analysis is to recommend appropriate mitigation measures to accommodate expected traffic from the proposed development. Mitigation measures for traffic and air quality shall include, but not limited to, recommended signal timing adjustments along Shelbyville Road and construction of Bunsen/Bowling Parkway, in part or whole. The Developer should also furnish additional mitigation recommendations, as required, at impacted intersections.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 15, 2018 meeting of the Development Review Committee.
9. Renderings of the proposed freestanding restaurant shall be submitted for review and approval by Planning Commission staff prior to issuance of building permit for freestanding restaurant only.
10. If a building permit for the proposed TopGolf facility (case no. 18ZONE1014) is not issued within 1-year of the date of approval of this approved development plan, any construction activity on the development site shall cease until a revised development plan is approved. In the event that no construction has begun, an extension of expiration may be granted in accordance with Land Development Code, section 1.1.9.

**GENERAL 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.
- THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MGMT. PRACTICES.
- MSD FLOODPLAIN PERMIT REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL.
- LOWEST FINISHED FLOOR AND MACHINERY TO BE DETERMINED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
- ANY REQUIRED FILL IN THE FLOODPLAIN SHALL BE COMPENSATED ON SITE AT A RATIO OF 1.5 TO 1. COMPENSATION SHALL NOT BE REQUIRED FOR FILL LOCATED WITHIN THE LIMITS OF THE EXISTING MALL FOOTPRINT.
- ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OIL AND GREASE POLICY.
- EROSION & SILT CONTROL: A SOIL AND SEDIMENTATION CONTROL PLAN SHALL BE DEVELOPED AND APPROVED IN ACCORDANCE WITH MSD DESIGN MANUAL STANDARDS SPECIFICATIONS PRIOR TO CONSTRUCTION PLAN APPROVAL.
- THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD HAZARD AREA. (FEMA MAP 211110046E, DECEMBER 5, 2006)
- SANITARY SEWERS ARE AVAILABLE BY CONNECTION. SANITARY SEWER FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- DRAINAGE / STORM WATER DETENTION: FINAL CONFIGURATION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS. DETENTION IS NOT REQUIRED DUE TO NO INCREASE IN IMPERVIOUS AREA.
- ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ACCEPTABLE "A.D.A." REQUIREMENTS FOR HANDICAP ACCESSIBILITY.
- CONSTRUCTION PLANS, BOND & PERMIT REQUIRED FOR ALL WORK DONE WITHIN THE RIGHT-OF-WAY.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- THE DEVELOPMENT LIES IN THE LOUISVILLE #4 FIRE DISTRICT.
- SIDEWALKS AND ROADWAY PAVEMENT WIDTHS WILL BE PROVIDED AS REQUIRED IN CHAPTER 6 OF THE LAND DEVELOPMENT CODE.
- COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
- ALL SERVICE STRUCTURES SHALL BE SCREENED IN ACCORDANCE WITH CHAPTER 10 OF THE LAND DEVELOPMENT CODE. SERVICE STRUCTURES INCLUDE BUT ARE NOT LIMITED TO: PROPANE TANKS, DUMPSTERS, HVAC UNITS, ELECTRIC TRANSFORMERS AND TELECOM BOXES.
- A KARST SURVEY WAS PERFORMED BY KELLY JONES ON 5-17-18. ALTHOUGH THERE WAS EXPOSED BEDROCK IN THE STREAM BED, THIS IS A DEVELOPED SITE AND NO KARST FEATURES WERE FOUND WITHIN THE DEVELOPMENT AREA.
- CROSSOVER ACCESS IS PROVIDED AS RECORDED IN THE THIRD AMENDMENT TO AND RESTATEMENT OF EASEMENT, RESTRICTION AND OPERATING AGREEMENT DATED AUGUST 17, 1985 AND RECORDED ON MAY 18, 1984 IN DEED BOOK 5424, PAGE 659, AS AMENDED BY FOURTH AMENDMENT TO EASEMENT, RESTRICTION AND OPERATING AGREEMENT ENTERED INTO AS OF OCTOBER 1, 1987 AND RECORDED IN DEED BOOK 5146, PAGE 285, AS FURTHER AMENDED BY FIFTH AMENDMENT TO EASEMENT, RESTRICTION AND OPERATING AGREEMENT DATED SEPTEMBER 14, 2004 AND RECORDED IN DEED BOOK 8501, PAGE 595, ALL IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY.
- THE LOCAL REGULATORY FLOODPLAIN SHOWN ON THE PLAN IS BASED ON THE CURRENT 1-D HYDRAULIC MODEL AND WILL BE REVISED BASED ON A 2-D MODEL AS PART OF THE CONSTRUCTION PLAN SUBMITTAL.

**EPSC NOTES**

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 THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY M.S.D.'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMPs SHALL BE INSTALLED PER THE PLAN AND M.S.D. 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. SOILS TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

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

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

WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NOT LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.

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.

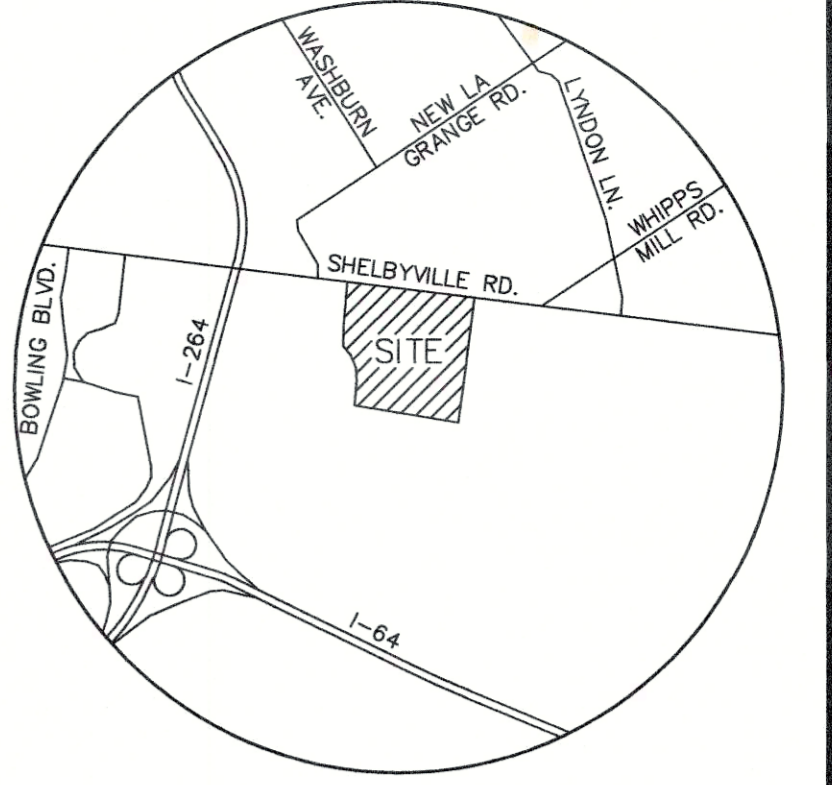
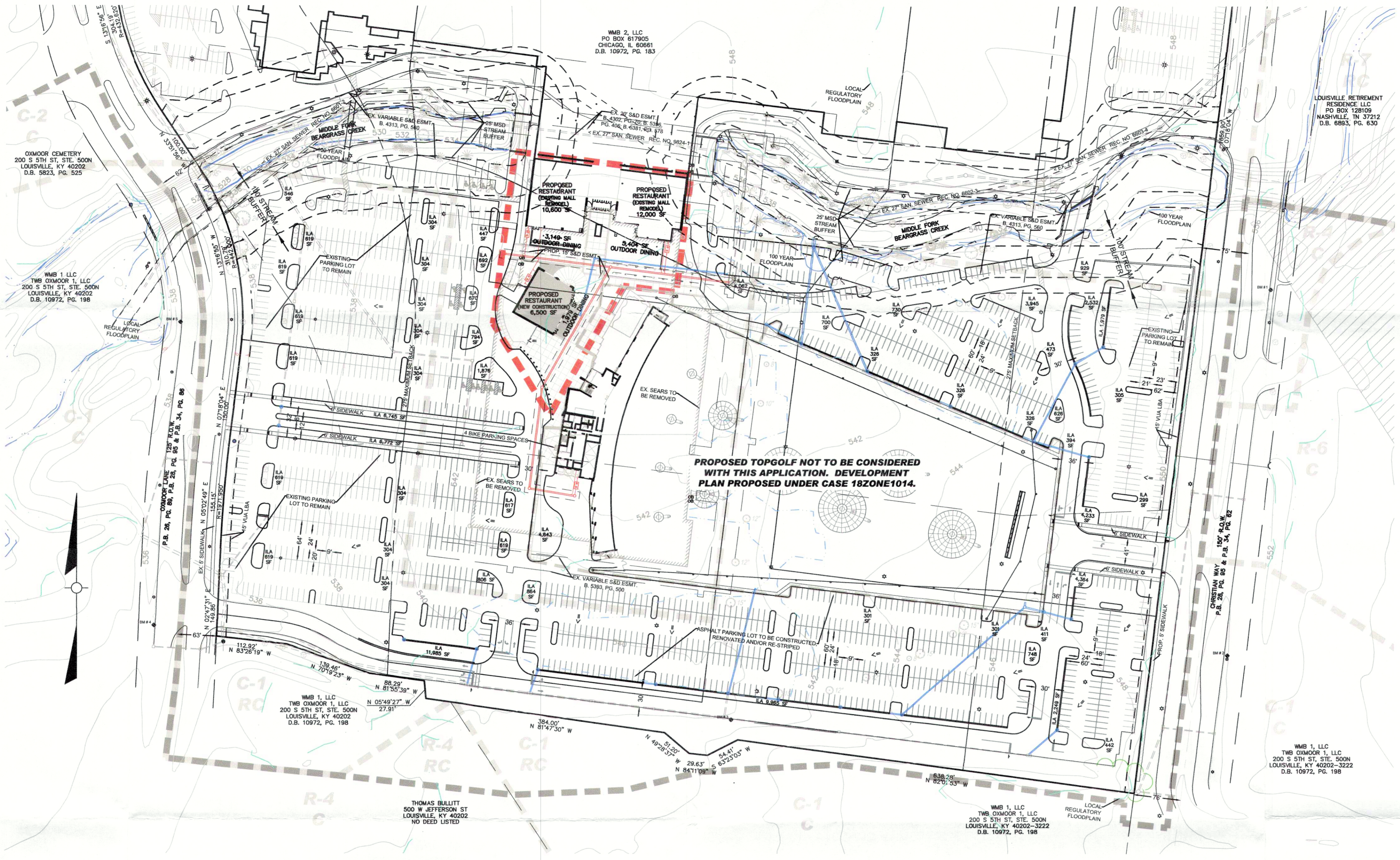
**EPSC PHASING**

- INSTALL TEMPORARY CONSTRUCTION ENTRANCE & SILT FENCE.
- BEGIN DEMOLITION, STRIPPING AND GRADING OPERATIONS.
- INSTALL STORM SEWER AND INLET PROTECTION.
- INSTALL/RELOCATE SITE UTILITIES.
- INSTALL STORM SEWER AND INLET PROTECTION.
- COMPLETE GRADING OPERATIONS.
- INSTALL CURBS AND PAVE SITE.
- REMOVE SILT FENCES AND INLET PROTECTION ONCE SITE IS VEGETATION IS ESTABLISHED.

**UTILITY NOTE**

ALL UTILITIES ON THESE PLANS ARE APPROXIMATE. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER "B.U.D." (TOLL FREE PHONE NO. 1-800-382-5544) 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. THIS NUMBER WAS ESTABLISHED TO PROVIDE ACCURATE LOCATIONS OF EXISTING BELOW GROUND UTILITIES (I.E. CABLES, ELECTRIC WIRES, GAS AND WATER LINES). THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UTILITY REQUIREMENTS SET FORTH ON THE PLANS AND IN THE TECHNICAL SPECIFICATIONS AND SPECIAL PROVISIONS.

THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, NATURE, AND STATUS OF ALL EXISTING UTILITIES WITHIN THE CONSTRUCTION AREA WHETHER SHOWN ON THE PLANS OR NOT, AND SHALL EXTEND, ADJUST OR RECONSTRUCT TO THE SIZE AND LOCATION AS SHOWN ON THE ARCHITECTS PLANS.



LOCATION MAP NO SCALE

**SITE DATA**

ZONING:	C-1 & C-2
FORM DISTRICT:	RFPD
EXISTING USE:	SHOPPING CENTER
PROPOSED USE:	SHOPPING CENTER, ENTERTAINMENT CENTER, & DRIVING RANGE
GROSS SITE AREA:	70.02 AC (3,050,095 SF)
PROJECT AREA (SOUTH OF CREEK):	30.10 AC
BUILDING FOOTPRINT:	601,523 SF
REMODEL RESTAURANTS:	22,600 SF
FREESTANDING RESTAURANT:	6,500 SF
REST OF OXMOOR CENTER:	572,423 SF
GROSS BUILDING AREA:	945,864 SF
OXMOOR CENTER:	22,600 SF
FREESTANDING RESTAURANT:	6,500 SF
OXMOOR CENTER:	916,764 SF
BUILDING HEIGHT:	60' (EXISTING)
FAR:	0.31

**TREE CANOPY REQUIREMENTS**

PROJECT AREA (SOUTH OF CREEK)	1,311,109 SF
EXISTING TREE CANOPY	0-40%
EXISTING TREE CANOPY TO REMAIN	0 SF (0%)
REQUIRED NEW TREE CANOPY	262,222 SF (20%)

**ILA CALCULATIONS**

VIA AREA (SOUTH OF CREEK)	827,979 SF
REQUIRED ILA (7.5%)	62,098 SF
PROPOSED ILA	65,188 SF
TREES REQUIRED	207 TREES

**IMPERVIOUS AREA CALCULATIONS**

PROJECT AREA (SOUTH OF CREEK):	1,311,109 SF (30.10 ACS)
EXISTING IMPERVIOUS AREA:	1,101,711 SF (25.29 ACS)
PROPOSED IMPERVIOUS AREA:	1,015,374 SF (23.31 ACS)
DIFFERENCE:	LESS 86,337 SF (1.98 ACS)

**PARKING CALCULATIONS**

SHOPPING CENTER RESTAURANT:	730,891 SF
BUILDING:	53,336 SF
OUTDOOR DINING:	10,532 SF
TOPGOLF (18ZONE1014):	67,521 SF
BUILDING:	62,103 SF
OUTDOOR DINING/LOUNGE:	5,418 SF
EXISTING PARKING:	4,343 SPACES
PARKING REQUIRED:	4,840 SPACES
(SHOPPING CENTER @ 5/1000 = 3,654)	-30%
(RESTAURANT @ 1/125 = 511)	3,388 SPACES
(TOPGOLF [18ZONE1014] @ 1/100 = 675)	
PARKING ALLOWED:	7,012 SPACES
(SHOPPING CENTER @ 6/1000 = 4,385)	
(RESTAURANT @ 1/50 = 1,277)	
(TOPGOLF [18ZONE1014] @ 1/50 = 1,350)	
PARKING PROVIDED:	3,750 SPACES
(INCLUDING 61 H.C. SPACES)	

NOTE: THIS SITE QUALIFIES FOR THE FOLLOWING REDUCTIONS PER LDC 9.1.3.F AS FOLLOWS:  
 - 10% REDUCTION - TARC PROXIMITY  
 - 20% REDUCTION - GREEN SITE DESIGN STANDARDS - PREVIOUSLY DEVELOPED SITE  
 - TARC ROUTE 19

**BICYCLE PARKING REQUIRED:**  
 SHORT TERM 4 SPACES  
 LONG TERM 2 SPACES  
 NOTE: LONG TERM BIKE PARKING WILL BE LOCATED INSIDE THE BUILDING.

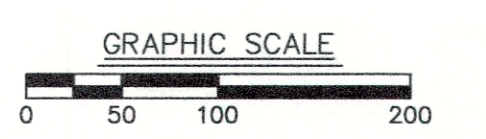
**RELATED REQUESTS** (SEE CASE # 18ZONE1014)

- VARIANCE FROM LDC 5.3.3.C.2.a TO EXCEED THE MAXIMUM SETBACK ALONG CHRISTIAN WAY AND OXMOOR LANE.
- VARIANCE FROM LDC 4.8.3 TO ENCRoACH INTO THE 100' STREAM BUFFER.
- WAIVER FROM LDC 10.2.10 TO ENCRoACH INTO THE REQUIRED VIA LBA ALONG CHRISTIAN WAY AND OXMOOR LANE.

**RECEIVED**  
 AUG 14 2018  
 PLANNING & DESIGN SERVICES

**LEGEND**

- EX. STORM SEWER
- PROP. STORM SEWER
- EX. SANITARY SEWER
- PROP. SANITARY SEWER
- DRAINAGE FLOW ARROWS
- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- EX. FORM DISTRICT
- EX. ZONING BOUNDARY
- FORM DISTRICT TRANSITION ZONE
- AREA OF REVIEW
- FEMA 100 YEAR FLOODPLAIN
- LOCAL REGULATORY FLOODPLAIN
- PROPOSED COMPENSATION AREA
- EX. BUILDING TO BE REMOVED
- EX. PROPERTY LINE

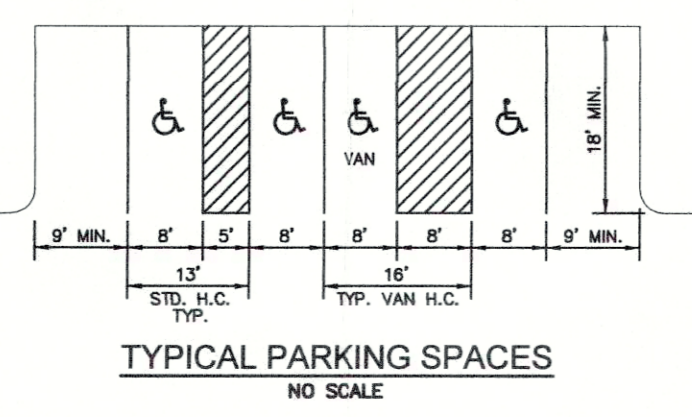


**NOTICE**  
 PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

APPROVED DISTRICT DEVELOPMENT PLAN  
 DOCKET NO. 18 DevPlan 1110  
 APPROVAL DATE 08/15/18  
 EXPIRATION DATE 08/15/20  
 SIGNATURE OF PLANNING COMMISSION

**PRELIMINARY APPROVAL**  
 Condition of Approval:  
 1. STABILIZED & VEGETATED  
 Louisville & Jefferson County Metropolitan Sewer District

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
 CONDITIONS:  
 BY: [Signature]  
 DATE: [Signature]  
 LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS



**SABAK, WILSON & LINGO, INC.**  
 ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS  
 THE HENRY CLAY  
 608 S. THIRD STREET, LOUISVILLE, KENTUCKY 40202  
 (502) 584-6271

REVISIONS:  
 NO. REVISION DATE  
 1. REVISED PER AGENCY COMMENTS 07/20/18  
 2. REVISED PER AGENCY COMMENTS 08/02/18

SHEET TITLE: REVISED DETAILED DISTRICT DEVELOPMENT PLAN  
 PROJECT TITLE: OXMOOR CENTER 7900 SHELBYVILLE ROAD & OXMOOR LANE LOUISVILLE, KY 40222 I.B. 89N, LOTS 1, 3, 7, 8 AND T.B. 89N, LOTS 50 & 51

JOB NO. 3096-GGP  
 SCALE: 1"=100'  
 DATE: 06/25/18  
 DRAWING NO. RDDP  
 SHEET 1 OF 1