

20-DDP-0037  
4901 S. Hurstbourne Pkwy

PLANNING COMMISSION MINUTES  
January 21, 2016

PUBLIC HEARING

CASE NO. 15ZONE1017

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and the binding elements as presented by the applicant as well as the Wilson, Jonas email as well as the binding elements listed on pages 17 and 18 of the staff report **SUBJECT** to the following Binding Elements:

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
- update* 2. The development shall not exceed 17,280 square feet of gross floor area.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition 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. 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.
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

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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 (audible beyond the property line or 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.

*update*

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~January 21, 2016 Planning Commission public hearing.~~

Applicant's Proposed Binding Elements

*AMEND  
OR  
ELIMINATE*

9. Lighting will be directed down and away from the Morning Pointe property consistent with Chapter 4, Part 1 of the Land Development Code. ~~All display lighting, which is located only in the front of Gordon Motor Sports' showroom and will be limited to "bollard" style lighting fixtures, a maximum of 4 feet in height.~~

*ELIMINATE*

10. **Landscape buffer area (LBA) adjacent to Morning Pointe.** The applicant will provide a 15-foot LBA along the property line shared with Morning Pointe. The LBA will be planted at a Category 3 planting density per Table 10.2.4. This 15-foot LBA will provide a joint planted buffer area of 40 feet between the two properties.

11. The following uses shall not be permitted onsite without a duly noticed public hearing and approval by the planning commission: auction sales, automobile repair garages, billiard parlors and game rooms, bingo halls and parlors, boat sales, book binding, cleaning, pressing and drying establishments, dance halls, fraternities and sororities, exposition building or center, flea market, indoor paint ball ranges, laser tag, tattoo, body art and piercing parlors, package liquor stores, restaurants where dancing or entertainment is allowed, rubber stamp

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manufacture, skating rinks, taverns, bars and saloons, theaters, automobile service stations, car washes, boarding and lodging houses, and tourist homes.

The vote was as follows:

**YES: Commissioners Blake, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White**

**NOT PRESENT AND NOT VOTING: Commissioner Peterson**

**ABSTAINING: Commissioner Brown**