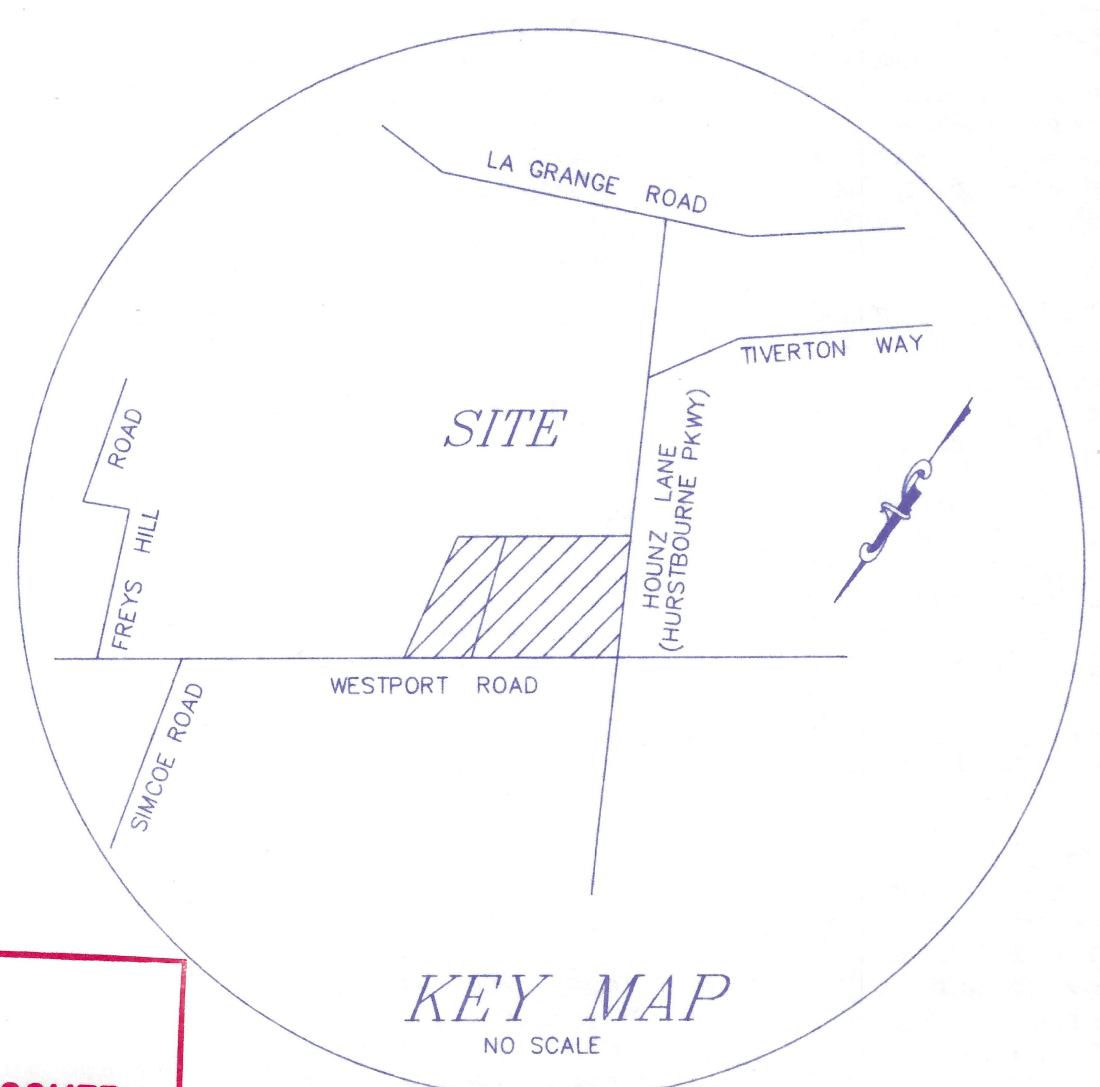
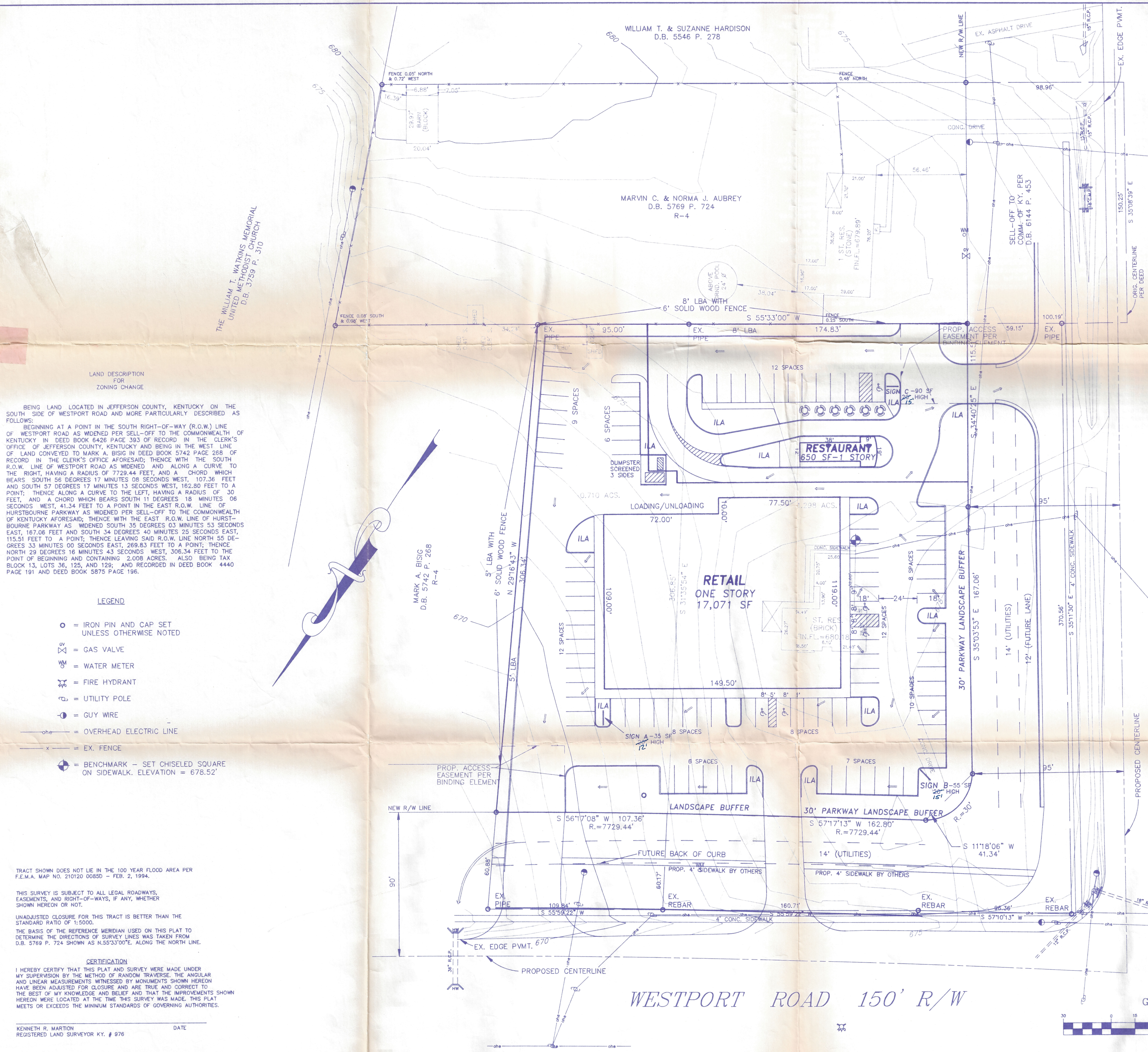




NOTICE
PERMITS SHALL BE ISSUED
ONLY IN CONFORMANCE
WITH THE BINDING ELEMENTS
OF THIS DISTRICT
DEVELOPMENT PLAN
(See back)

PARKING SCHEDULE

PARKING REQUIRED	
RETAIL - 17,071 SF x 1 SP/200 SF	= 85 SPACES
RESTAURANT - (650+580)SF x 1 SP/100SF	= 12 SPACES
TOTAL REQUIRED	= 97 SPACES
PROPOSED PARKING	= 97 SPACES

LANDSCAPE SCHEDULE

VEHICULAR USE AREA	= 43,561 SF
ILA REQUIRED	= 2,178 SF
ILA PROPOSED	= 3,147 SF

NOTES

1. DOT APPROVAL IS REQUIRED FOR DRAINAGE TO BOTH HURSTBOURNE PARKWAY AND WESTPORT ROAD.
2. SITE IS SUBJECT TO REGIONAL FACILITIES FEE FOR UNDETAINED DRAINAGE.
3. ALL EXISTING STRUCTURES TO BE REMOVED.
4. ALL LIGHTING SHALL BE DIRECTED DOWN AND AWAY FROM ADJACENT RESIDENTIAL PROPERTIES.
5. PROPERTY TO BE CONSOLIDATED AND THEN DIVIDED FOR TWO LOT SIZES AS SHOWN ON PLAN.

JEFFERSON COUNTY
APPROVED DISTRICT DEVELOPMENT PLAN
DOCKET NO. 9-44-94
APPROVAL DATE 10/20/94
EXPIRATION DATE 10/20/95
SIGNATURE OF PLANNING COMMISSION
Management Services, Inc.
COMMISSION

PRELIMINARY APPROVAL DEVELOPMENT PLAN
SHALL COMPLY WITH ORDINANCE #28
CONDITIONS:
BY: M.B. Thaler
DATE: 10-12-94
JEFFERSON COUNTY
DEPT. OF PUBLIC WORKS

HURSTBOURNE PARKWAY
(FORMERLY HOUNZ LANE)

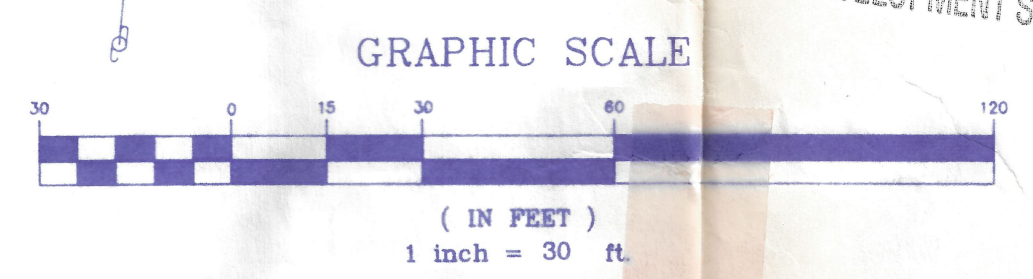
PRELIMINARY APPROVAL
Conditions of Approval: SEE NOTES
MAS
Sanitary Engineer
Mark H. Smith
Storm Water Engineer
11/14/94
LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

for ZONING CHANGE
R-4 TO C-1
JAMES D. THALER
9702 WESTPORT ROAD
LOUISVILLE, KY 40241
D.B. 4440 P. 191,
D.B. 5875 P. 196
TAX BLOCK 13, LOTS 36, 125, 129

RECEIVED
OCT 12 1994
PLANNING & DEVELOPMENT SERVICES

design
ENGINEERING, INC.
10003 Taylorsville Road Louisville, Ky. 40299
(502) 267-9007

BY: M.A.J. DATE: APRIL 6, 1994
SCALE: 1" = 30' JOB: 701-05 SHEET 1 OF 1
DRAWING: 70105.DWG



WESTPORT ROAD 150' R/W

LAND DESCRIPTION FOR ZONING CHANGE
BEING LAND LOCATED IN JEFFERSON COUNTY, KENTUCKY ON THE SOUTH SIDE OF WESTPORT ROAD AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT IN THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF WESTPORT ROAD AS WIDENED PER SELL-OFF TO THE COMMONWEALTH OF KENTUCKY IN DEED BOOK 6426 PAGE 393 OF RECORD IN THE CLERK'S OFFICE OF JEFFERSON COUNTY, KENTUCKY AND BEING IN THE WEST LINE OF LAND CONVEYED TO MARK A. BISIG IN DEED BOOK 5742 PAGE 268 OF RECORD IN THE CLERK'S OFFICE AFORESAID; THENCE WITH THE SOUTH R.O.W. LINE OF WESTPORT ROAD AS WIDENED AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 7729.44 FEET, AND A CHORD WHICH BEARS SOUTH 56 DEGREES 17 MINUTES 08 SECONDS WEST, 107.36 FEET AND SOUTH 57 DEGREES 17 MINUTES 13 SECONDS WEST, 162.80 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 30 FEET, AND A CHORD WHICH BEARS SOUTH 11 DEGREES 06 MINUTES 06 SECONDS WEST, 41.34 FEET TO A POINT IN THE EAST R.O.W. LINE OF HURSTBOURNE PARKWAY AS WIDENED PER SELL-OFF TO THE COMMONWEALTH OF KENTUCKY AFORESAID; THENCE WITH THE EAST R.O.W. LINE OF HURSTBOURNE PARKWAY AS WIDENED SOUTH 35 DEGREES 03 MINUTES 53 SECONDS EAST, 167.06 FEET AND SOUTH 34 DEGREES 40 MINUTES 25 SECONDS EAST, 115.51 FEET TO A POINT; THENCE LEAVING SAID R.O.W. LINE NORTH 55 DEGREES 33 MINUTES 00 SECONDS EAST, 269.63 FEET TO A POINT; THENCE NORTH 29 DEGREES 16 MINUTES 43 SECONDS WEST, 306.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.008 ACRES. ALSO BEING TAX BLOCK 13, LOTS 36, 125, AND 129; AND RECORDED IN DEED BOOK 4440 PAGE 191 AND DEED BOOK 5875 PAGE 196.

LEGEND

- = IRON PIN AND CAP SET UNLESS OTHERWISE NOTED
- ⊗ = GAS VALVE
- ⊕ = WATER METER
- ⊗ = FIRE HYDRANT
- ⊕ = UTILITY POLE
- ⊕ = GUY WIRE
- = OVERHEAD ELECTRIC LINE
- = EX. FENCE
- ⊕ = BENCHMARK - SET CHISELED SQUARE ON SIDEWALK. ELEVATION = 678.52'

TRACT SHOWN DOES NOT LIE IN THE 100 YEAR FLOOD AREA PER F.E.M.A. MAP NO. 210120 00850 - FEB. 2, 1994.

THIS SURVEY IS SUBJECT TO ALL LEGAL ROADWAYS, EASEMENTS, AND RIGHT-OF-WAYS, IF ANY, WHETHER SHOWN HEREON OR NOT.

UNADJUSTED CLOSURE FOR THIS TRACT IS BETTER THAN THE STANDARD RATIO OF 1:5000.

THE BASIS OF THE REFERENCE MERIDIAN USED ON THIS PLAT TO DETERMINE THE DIRECTIONS OF SURVEY LINES WAS TAKEN FROM D.B. 5769 P. 724 SHOWN AS N.55°33'00"E. ALONG THE NORTH LINE.

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT AND SURVEY WERE MADE UNDER MY SUPERVISION BY THE METHOD OF RANDOM TRAVERSE. THE ANGULAR AND LINEAR MEASUREMENTS WITNESSED BY MONUMENTS SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE IMPROVEMENTS SHOWN HEREON WERE LOCATED AT THE TIME THIS SURVEY WAS MADE. THIS PLAT MEETS OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES.

KENNETH R. MARTON
REGISTERED LAND SURVEYOR KY. # 976
DATE

DOCKET NO. 9-44-94

Change in zoning from R-4 Residential Single Family to C-1 Commercial on property located at 9702 Westport Road, containing 2.008 acres and being in unincorporated Jefferson County.

Owner: James D. Thaler and DWT, Inc. by Daisy W. Thaler, President
5804 Lovers Lane
Louisville, KY 40233

Developer: James D. Thaler, Jr.
5804 Lovers Lane
Louisville, KY 40233

Existing Use: Residential

Proposed Use: Commercial (Drug Store) and Fast Food Restaurant

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan SUBJECT to the following binding elements:

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.

2. There shall be no restaurant or other uses requiring a parking ratio greater than one space per 200 square feet of floor area permitted on the drug store lot unless parking can meet the requirement of the proposed use.

3. The development shall not exceed 17,074 square feet of gross floor area for retail, 650 square feet of gross floor area for restaurant and 580 square feet of gross floor area for outdoor eating area.

4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The signs shall not exceed the following:
a) Sign A: 35 square feet in area, 12 feet tall.
b) Sign B: 55 square feet in area, 15 feet tall
c) Sign C: 90 square feet in area, 15 feet tall

5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.

6. There shall be no outdoor storage on the site.

7. Outdoor lighting shall be directed down and away from surrounding residential properties.

8. If the adjacent parcels to the south and east are ever developed for non-residential uses, the owner shall grant an easement of ingress and egress to, and from the owner's entrances and over necessary access way for the purpose of ingress and egress to the applicable properties; provided corresponding easements are conveyed by the adjoining property owner. The instrument shall be signed and recorded, and a copy shall be submitted to the Planning Commission counsel.

9. The hours of operation for the fast food restaurant shall be limited to between 10:00 A.M. and 12:00 A.M.

10. Before a building or alteration permit and/or a certificate of occupancy is requested:

- a) The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- b)

c) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and the Parkway Policies (November 5, 1992) for the entire parkway buffer area located on the subject site and in the Hurstbourne Parkway right-of-way. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.

d) A subdivision plat consolidating the existing lots and creating the two lots as shown on the approved district development plan shall be recorded prior to issuance of building permits.

e) An access and crossover easement agreement shall be executed to guarantee shared access, between the drug store and fast food restaurant, as shown on the general district development plan. A copy of the recorded instrument shall be submitted to the Planning Commission.

11. The owner agrees to execute and submit the Landscape Maintenance Agreement to the Office for Economic Development and to coordinate with the Office for Economic Development, Jefferson County and the Planning Commission with respect to the design and implementation of that portion of the Hurstbourne Landscape Project landscaping located on owner's property.

12. The curb cut on Westport Road, that is closest to Hurstbourne Parkway, as shown on the approved general district development plan, shall be designed to accommodate right in, right out turning movements only subject to the approval of the Jefferson County Department of Public Works and Transportation.

13. The outdoor speakers for the fast food restaurant shall not be audible beyond a distance of 60 feet.

14. Prior to any additional grading or construction activity, the applicant shall submit a plan for review by the Staff Landscape Architect to protect the large oak tree situated near the southwest corner of the property and other trees located on the site. The plan shall indicate the location of construction fencing to prevent compaction of root systems and shall be implemented prior to initiation of any site disturbing activities.

15. Prior to requesting a certificate of occupancy, sidewalks shall be constructed on Hurstbourne Parkway for the width of the property frontage, subject to approval of the Jefferson County Department of Public Works and Transportation.

16. There shall be no alcoholic beverages sold on the site.

17. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

18. A certificate of occupancy must be received from the appropriate code enforcement office 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.

