

## Case No. 15ZONE1065 Binding Elements

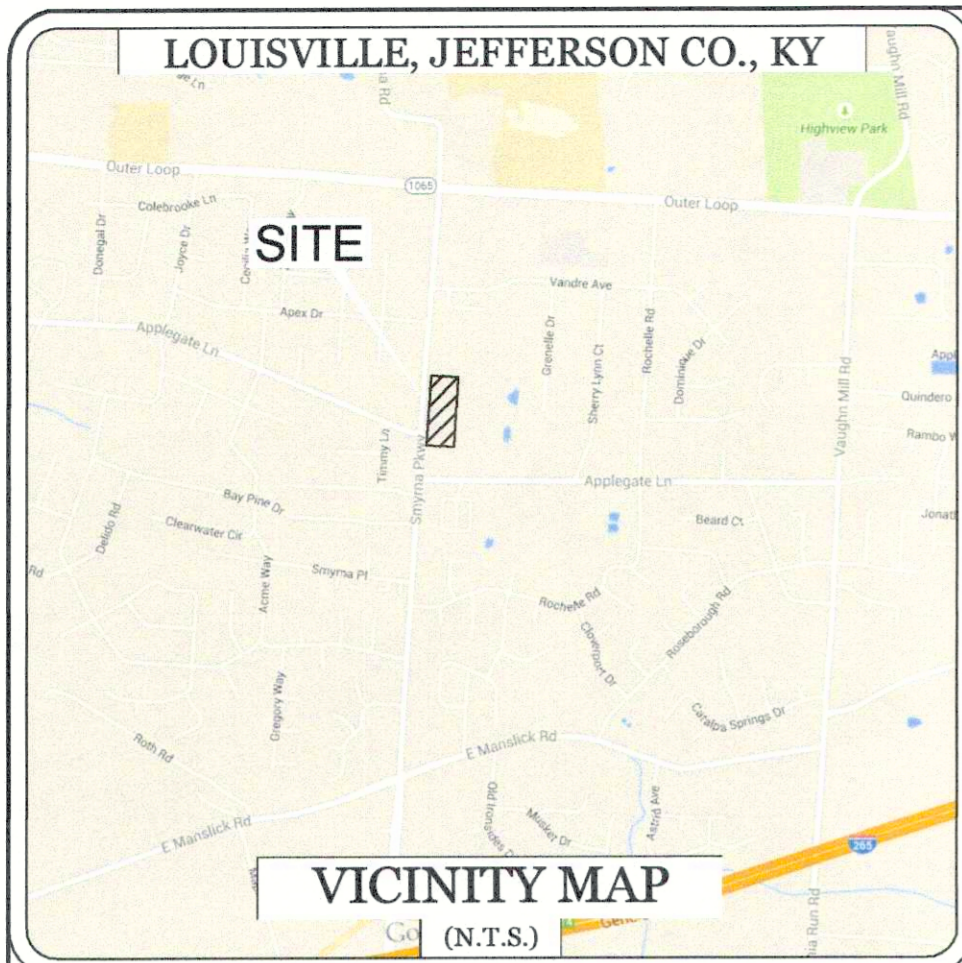
**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15ZONE1065, the Detailed District Development Plan and associated binding elements based on the staff report, applicant's justification and the testimony heard today, **SUBJECT** to the following Binding Elements:

### 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. The development shall not exceed 14,790 square feet of gross floor area.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 feet 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 Develop Louisville, Louisville Metro Public Works 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 and 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 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.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 4, 2016 Planning Commission public hearing.
9. Applicant agrees to coordinate a pedestrian connection to the residential development to the east at such time the property is developed.
10. Applicant agrees to provide a connection to the firehouse property to the south upon redevelopment into a non-residential use.
11. Funding for the design and installation of a traffic signal and right turn lane (eastbound) shall be provided by the Owner/Developer at the Applegate Lane and Smyrna Parkway intersection. Traffic Signal installation shall be performed by Louisville Metro. Construction plans for the traffic signal and right turn lane, a bond and encroachment permit from Transportation Planning will be required prior to construction approval for the site. The traffic signal installation and right turn lane construction shall be completed before the issuance of the certificate of occupancy. Additional intersection improvements may be required after construction plan review by Transportation Planning, Traffic Engineering and Metro Public Works.





**PARCEL OWNER, ADDRESS, AND SOURCE OF TITLE**  
 HIGH-VIEW FIRE PROTECTION DISTRICT  
 7308 FEGENBUSH LANE  
 LOUISVILLE, KY 40291  
 DEED BOOK 9919 PAGE 599  
 PARCEL ID: 06540025000

**DEVELOPER**  
 JR. FOODS, INC.  
 700 CHURCH STREET  
 BOWLING GREEN, KY 42101

**CLASS "A" SURVEY**  
 URBAN OR SUBURBAN  
 DATE OF FIELD SURVEY  
 JULY 15, 2015

**TOTAL AREA OF SURVEY**  
 161,947 +/- SQ. FT.  
 3.72 +/- ACRES

**SEWAGE TREATMENT PLANT**  
 METROPOLITAN SEWER DISTRICT

**FLOODPLAIN INFORMATION**  
 THE PROPERTY SHOWN HEREON DOES NOT LIE IN A FLOOD PRONE AREA ACCORDING TO (FIRM) FLOOD INSURANCE RATE MAP FOR JEFFERSON COUNTY, KENTUCKY. SAID AREA IS SHOWN ON MAP #2111110095E, WITH AN EFFECTIVE DATE OF DECEMBER 5, 2006.

**GPS NOTE**  
 THE SURVEY SHOWN HEREON IS BASED ON GPS DATA COLLECTED BY ACES USING BOTH STATIC AND RTK METHODS WITH DUAL FREQUENCY TOPCON HIPER GA (600) RECEIVERS. THE ENTIRETY OF THE DATA COLLECTED FOR THIS SURVEY WAS DONE SO THROUGH GPS MEANS WHEN ACCEPTABLE, AND BY CONVENTIONAL MEANS, FROM GPS CONTROL POINTS, WHEN NECESSARY. RTK DATA WAS COLLECTED FOR ANY SITE FEATURES AND ALL CONTROL POINTS AND BOUNDARY INFORMATION WAS COLLECTED IN STATIC MODE WITH A HRMS OF 0.02 OR LESS. VECTORS AND/OR BASELINES HAVE BEEN CHECKED THROUGH STATIC OBSERVATIONS.

**BENCHMARK DATA:**  
 BENCHMARK 1  
 EXISTING SANITARY MANHOLE NEAR THE SOUTHERN PORTION OF THE PROPERTY LOCATED APPROXIMATELY 9' FROM THE EXISTING BUILDING.  
 ELEV: 627.73  
 BENCHMARK 2  
 1/2" IRON PIPE W/ PLASTIC CAP STAMPED 'A, WILLETT PLS 791' NEAR THE NORTHWESTERN PORTION OF PROPERTY LOCATED 19.4' FROM EDGE OF PAVEMENT.  
 ELEV: 639.80

- \*NOTES:**
- CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS (MPW) PRIOR TO CONSTRUCTION APPROVAL FOR ALL WORK WITHIN RIGHT OF WAY.
  - ALL NEW AND EXISTING SIDEWALKS SHALL BE BROUGHT UP OR BUILT TO CURRENT ADA STANDARDS.
  - ALL PAVED AREAS, EXCLUDING PAVEMENT, SHALL BE AS FOLLOWS: STANDARD DUTY CONCRETE W/6" 3,000 PSI CONCRETE, 4" COMPACTED AGGREGATE BASE AND HEAVY DUTY CONCRETE W/6" 3,000 PSI CONCRETE, 6" COMPACTED AGGREGATE BASE.
  - MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSION FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
  - ONSITE DETENTION WILL BE PROVIDED. POST DEVELOPED PEAK FLOWS WILL BE LIMITED TO PREDEVELOPED PEAK FLOWS FOR THE 2, 10, 25 AND 100 YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE.
  - MSD SANITARY SEWERS AVAILABLE BY NEW CONNECTION. FEES MAY APPLY. BUILDING DOWNSPOUTS TO DRAIN ONTO SURFACE.
  - MOSQUITO CONTROL IN ACCORDANCE WITH CHAPTER 96 OF LOUISVILLE, JEFFERSON COUNTY METRO ORDINANCE MUST BE MAINTAINED.
  - ALL CONSTRUCTION AND SALES TRAILERS MUST BE PERMITTED BY THE DEPT. OF PUBLIC HEALTH & WELLNESS IN ACCORDANCE WITH CHAPTER 115 OF LOUISVILLE, JEFFERSON COUNTY METRO ORDINANCE.
  - AN MSD DRAINAGE BOND WILL BE REQUIRED.
  - ANY SYSTEM ROUTING OFF-SITE WATER SHALL BE PLACED IN A 15' SEWER AND DRAINAGE EASEMENT.
  - COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
  - THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 WATER QUALITY REGULATIONS BY MSD. SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN EST MANAGEMENT PRACTICES.
  - ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OIL AND GREASE POLICY.
  - 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.
  - KYTC APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
  - A SITE GEOTECHNICAL INVESTIGATION WAS PERFORMED ON THE SITE JUNE 8, 2016 AND NO KARST FEATURES WERE DISCOVERED. THE GEOTECHNICAL SITE DRILLING WAS DONE BY HOOSIER DRILLING.

**TREE CANOPY REQUIREMENTS**

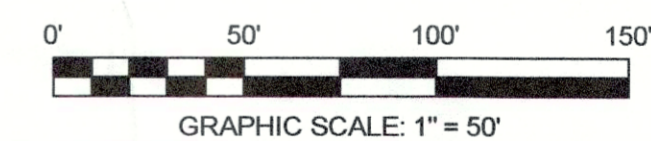
| STATISTIC  | PERMITTED / REQUIREMENT   | PROVIDED/PROPOSED      |
|--|---------------------------|------------------------|
| GROSS SITE AREA  | 2.50 +/- AC. (108,858 SF) | 21,771 SF (20.0%)      |
| REQUIRED CANOPY FOR DEVELOPMENT                              | 38,214 SF (35.0%)         | 38,214 SF (35.0%)      |
| EXISTING TREE CANOPY (BASED ON FIELD SURVEY 2015)            | 0 SF (0.0%)               | 0 SF (0.0%)            |
| PERCENT OF TREE CANOPY PRESERVED                             | 100%                      | 100%                   |
| PERCENT OF TREE CANOPY REDUCTION                             | 0%                        | 0%                     |
| TREE CANOPY TO BE PLANTED                                    | 28,800 SF                 | 28,800 SF (26.5%)      |
| 40 TYPE A DECIDUOUS TREES @ 1-3/4" CAL. (720 SF CREDIT EACH) | 9,360 SF                  | 9,360 SF               |
| 13 TYPE A EVERGREEN TREES @ 6" HT. (720 SF CREDIT EACH)      |                           |                        |
| SCENIC CORRIDOR TREES: 395' OF FRONTAGE / 40'                | 10 TREES REQUIRED         | 10 TREES PROVIDED      |
| BUFFER SCREENING LOCATION                                    | DISTANCE/METHOD           | TREES REQ. TREES PROV. |
| NORTH  | 283 LF 25' X 1.5          | 13 13                  |
| EAST   | 382 LF 25' X 1.5          | 17 19                  |
| SOUTH  | 284 LF 25' X 1.5          | 13 13                  |
| TOTAL VUA PROPOSED   | 48,938 SF                 | 48,938 SF (45.0%)      |
| ILA REQUIRED   | 3,670 SF (7.5%)           | 3,670 SF (7.5%)        |
| TREES REQUIRED   | 13 TREES                  | 13 TREES               |
| TREES PROVIDED   | 13 TREES                  | 13 TREES               |

**LEGEND**

|  |                          |  |                          |
|--|--------------------------|--|--------------------------|
|  | GAS METER                |  | ANCHOR                   |
|  | TELEPHONE PEDESTAL       |  | UTILITY POLE             |
|  | STORM SEWER MANHOLE      |  | SIGNAL POLE              |
|  | DROP BOX INLET           |  | ELECTRIC BOX             |
|  | CURB BOX INLET           |  | ELECTRIC METER           |
|  | PIPE BOLLARD             |  | GAS VALVE                |
|  | GUTTER OUTLET            |  | WATER VALVE              |
|  | ROAD SIGN                |  | WATER METER              |
|  | TREE                     |  | FIRE HYDRANT             |
|  | MAILBOX                  |  | PROPERTY LINE            |
|  | LAMP POLE                |  | SETBACK LINE             |
|  | BUILDING SET BACK LINE   |  | EASEMENTS                |
|  | EACH SIDE OF LINE        |  | LOT LINE TO BE ABANDONED |
|  | PUBLIC UTILITY EASEMENT  |  | CENTERLINE               |
|  | FINISHED FLOOR ELEVATION |  | UNDERGROUND ELECTRIC     |
|  | BENCHMARK                |  | GAS LINE                 |
|  | IRON PIN FOUND           |  | OVERHEAD UTILITIES       |
|  | IRON PIN SET             |  | BURIED TELEPHONE         |
|  | CONCRETE R/W MONUMENT    |  | SANITARY SEWER LINE      |
|  | SANITARY SEWER MANHOLE   |  | WATER LINE               |
|  | SANITARY SEWER CLEAN OUT |  | STORM SEWER LINE         |
|  |                          |  | FENCE LINE               |
|  |                          |  | DRAINAGE ESMT.           |
|  |                          |  | FLOW AREA                |

**DEVELOPMENT SUMMARY**

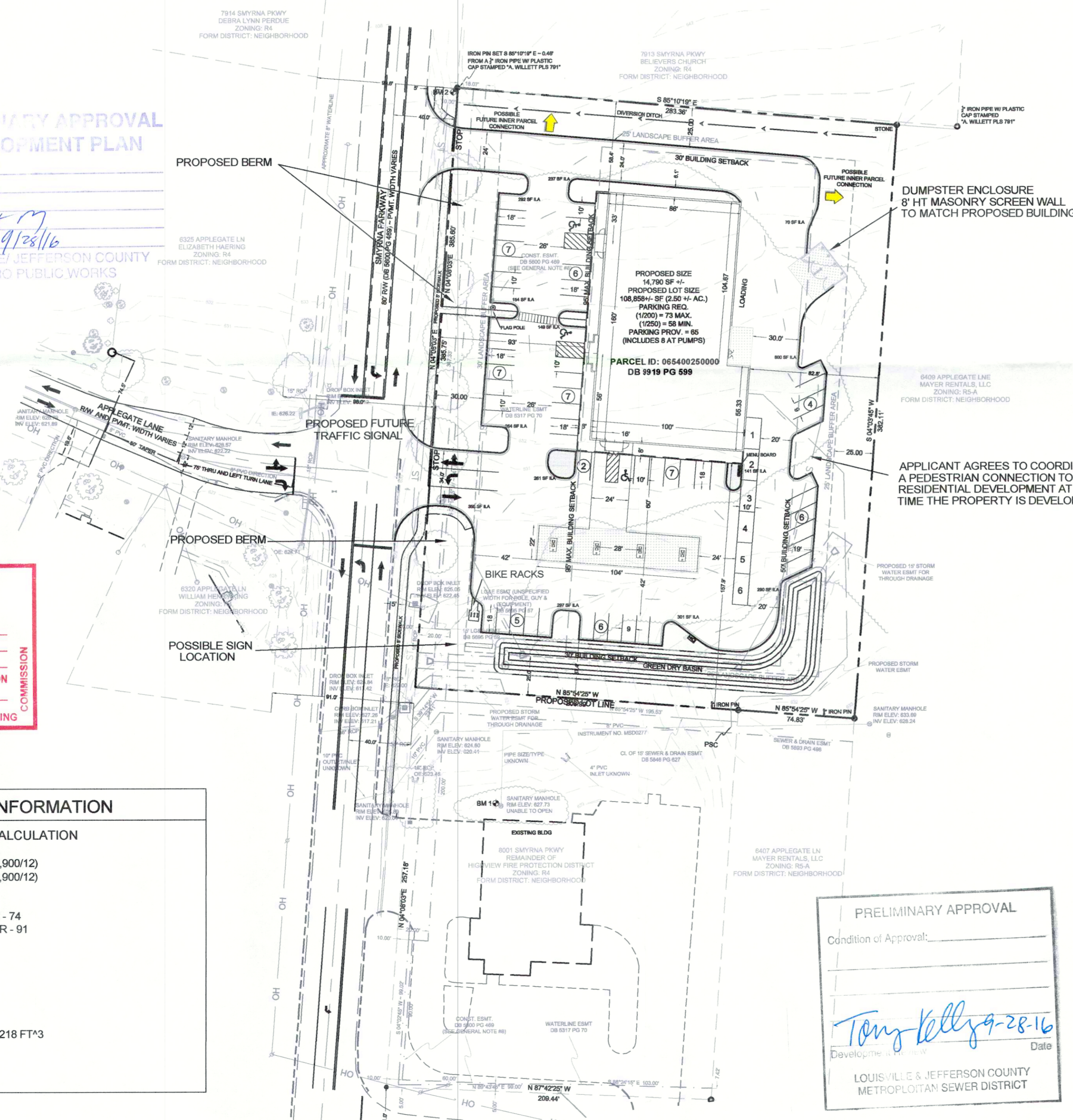
| STATISTIC         | PERMITTED / REQUIREMENT   | PROVIDED/PROPOSED   |
|-------------------|---|---|
| CURRENT ZONING    | R-4 RESIDENTIAL SINGLE FAMILY   | C1 - COMMERCIAL   |
| FORM DISTRICT     | N (NEIGHBORHOOD)  | N (NEIGHBORHOOD)  |
| TOTAL SITE AREA   | N/A   | 2.50 AC +/-   |
| AREA TO REZONE    | N/A   | 108,858 SQ. FT. +/-   |
| EXISTING USE      | N/A   | VACANT  |
| PROPOSED USE      | N/A   | NEIGHBORHOOD MARKET WITH FUEL SALES, DRIVE THRU RESTAURANT AND HARDWARE STORE             |
| GROSS BUILDING    | N/A   | 16,675 +/- SF   |
| GROSS FLOOR AREA  | N/A   | 14,790 +/- SF   |
| FLOOR AREA RATIO  | 1.0   | 0.163   |
| PORCH AREA        | N/A   | 1,885 +/- SF  |
| GAS CANOPY        | N/A   | 3,463 +/- SF  |
| BUILDING HEIGHT   | 30'   | 29' +/-   |
| BUILDING SETBACKS | FRONT 10' MIN (SMYRNA PKWY)<br>SIDE 5' MAX<br>REAR 30' (NORTH)<br>REAR 50' (EAST)<br>REAR 30' (SOUTH) | FRONT 93' (SMYRNA PKWY)<br>SIDE 58'4" (NORTH)<br>REAR 82'8" (WEST)<br>SIDE 157'9" (SOUTH) |
| TOTAL PARKING     | 58 SPACES (MIN)<br>72 SPACES (MAX)<br>4 BICYCLE SPACES  | 65 SPACES PROVIDED<br>(8 AT PUMPS)<br>3 ADA SPACES<br>4 BICYCLE SPACES                    |
| SITE ACCESS       | PER CITY OF LOUISVILLE AND KYTC   | 2 ACCESS POINTS ON SMYRNA PARKWAY   |



**GENERAL NOTES**

- THE BOUNDARY OF THE PROPERTY DEPICTED ON THIS SURVEY IS BASED ON DEED BOOK 9919 PAGE 599 AS FOUND IN THE OFFICE OF THE JEFFERSON COUNTY CLERK.
- A BOUNDARY SURVEY DOES NOT DETERMINE LAND OWNERSHIP. A PROFESSIONAL LAND SURVEYOR ONLY PROVIDES AN OPINION OF PREVIOUSLY DESCRIBED BOUNDARY LINES WHICH MAY OR MAY NOT BE UPHOLD BY A COURT OF LAW. UNWRITTEN RIGHTS MAY OR MAY NOT EXIST ON SUBJECT PROPERTY.
- ALL IRON PINS SET ARE 1/2" X 18" PINS SET WITH 1" YELLOW PLASTIC CAP STAMPED 'J. ARNOLD PLS 2934'.
- THE LOCATION OF ALL UTILITIES SHOWN HEREON ARE BASED ON THE FIELD LOCATION OF FOUND VISIBLE STRUCTURES OR AS FLAGGED OR MARKED BY THEIR RESPECTIVE UTILITY COMPANIES. THERE MAY BE OTHER UNDERGROUND UTILITIES LOCATED ON THE PROPERTY SHOWN HEREON. NO GUARANTEE IS EXPRESSED OR IMPLIED TO THE ACTUAL LOCATION OF SAID UTILITIES.
- THIS TOPOGRAPHIC SURVEY IS SUBJECT TO ANY AND ALL FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL LEGAL EASEMENTS AND RIGHT-OF-WAYS RECORDED AND UNRECORDED, INCLUDING BUT NOT LIMITED TO THOSE SHOWN HEREON.
- THE DATUM FOR THIS SURVEY IS GRID NORTH AS ESTABLISHED BY KY STATE PLANE COORDINATES, NORTH ZONE 1601.
- THE RIGHT OF WAY WIDTH FOR SMYRNA PARKWAY AS SHOWN HEREON WAS DETERMINED BY A COMBINATION OF FOUND MONUMENTS AND RECORDED PLATS ON ADJOINING PROPERTIES. NO SOURCE OF TITLE WAS FOUND FOR THE PURCHASE OF SAID RIGHT OF WAY. DESIGN PLANS WERE UNABLE TO BE FOUND ON FILE OR PROVIDED BY LOUISVILLE METRO PUBLIC WORKS. SAID RIGHT OF WAY IS CLAIMED AND MAINTAINED BY THE LOUISVILLE METRO GOVERNMENT. HOWEVER, METRO GOVERNMENT OFFICIALS WERE UNABLE TO PROVIDE ANY DOCUMENTATION PERTAINING TO SAID RIGHT OF WAY.

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
 CONDITIONS:  
 BY: *Tony Kelly*  
 DATE: 9/28/16  
 LOUISVILLE & JEFFERSON COUNTY METRO PUBLIC WORKS



**LOUISVILLE METRO APPROVED DISTRICT DEVELOPMENT PLAN**  
 DOCKET NO. 1520NE1065  
 APPROVAL DATE 8/4/2016  
 EXPIRATION DATE 8/4/2018  
 SIGNATURE OF PLANNING COMMISSION  
 COMMISSION PLANNING

**DRAINAGE INFORMATION**

**WATER QUALITY VOLUME CALCULATION**  
 $WQv = (Rwq)(Rv)(A/12)$   
 $WQv = (0.60)(0.05 + 0.009(62.6))(108,900/12)$   
 $WQv = (0.60)(0.05 + 0.009(62.6))(108,900/12)$   
 $WQv = 3,340 M^3$

PREDEVELOPED CURVE NUMBER - 74  
 POSTDEVELOPED CURVE NUMBER - 91

**STORAGE REQUIREMENTS**  
 2 YEAR STORM = 9,128 FT<sup>3</sup>  
 10 YEAR STORM = 10,784 FT<sup>3</sup>  
 100 YEAR STORM = 12,050 FT<sup>3</sup>

**GREEN DRY BASIN**  
 TOTAL STORAGE PROVIDED = 12,218 FT<sup>3</sup>  
 SURFACE AREA = 6,208 FT<sup>2</sup>  
 DEPTH = 4 FT

**PRELIMINARY APPROVAL**  
 Condition of Approval:  
*Tony Kelly* 9-28-16  
 DEVELOPER Date  
 LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**REVISIONS**

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**HOUCHENS INDUSTRIES**  
 8001 SMYRNA PARKWAY  
 LOUISVILLE, KY

**ACES**  
 ARNOLD CONSULTING  
 ENGINEERING SERVICES, INC.  
 P.O. BOX 1338  
 BOWLING GREEN, KY 42101  
 PHONE (270) 780-9445

**JOB NUMBER:**  
 DATE: 7/01/2016  
 SCALE: 1" = 50'  
 DRAWN: J. BEGLEY  
 CHECKED: J. ARNOLD  
 FILE PATH:  
 Z:\SITE\VPRE-APP



**E-1**  
 DISTRICT DEVELOPMENT PLAN

**WM# 11316 15ZONE1065**

**RECEIVED**  
 SEP 22 2016  
 PLANNING &  
 DESIGN SERVICES

1520NE1065