

## Case No. 16ZONE1012 - Binding Elements

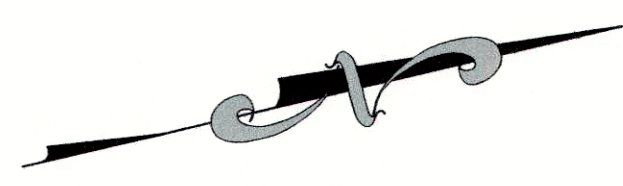
**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from Table 5.3.2 to exceed the maximum 80' setback along all roadways; the requested Variance from Table 5.3.2 to exceed the maximum 30' building height by 15'; the requested Waiver from Chapter 5.9.2 to not provide a pedestrian connection from Overlook Drive to the building entrance; and the 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. The development shall not exceed 40,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration 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/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.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
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.

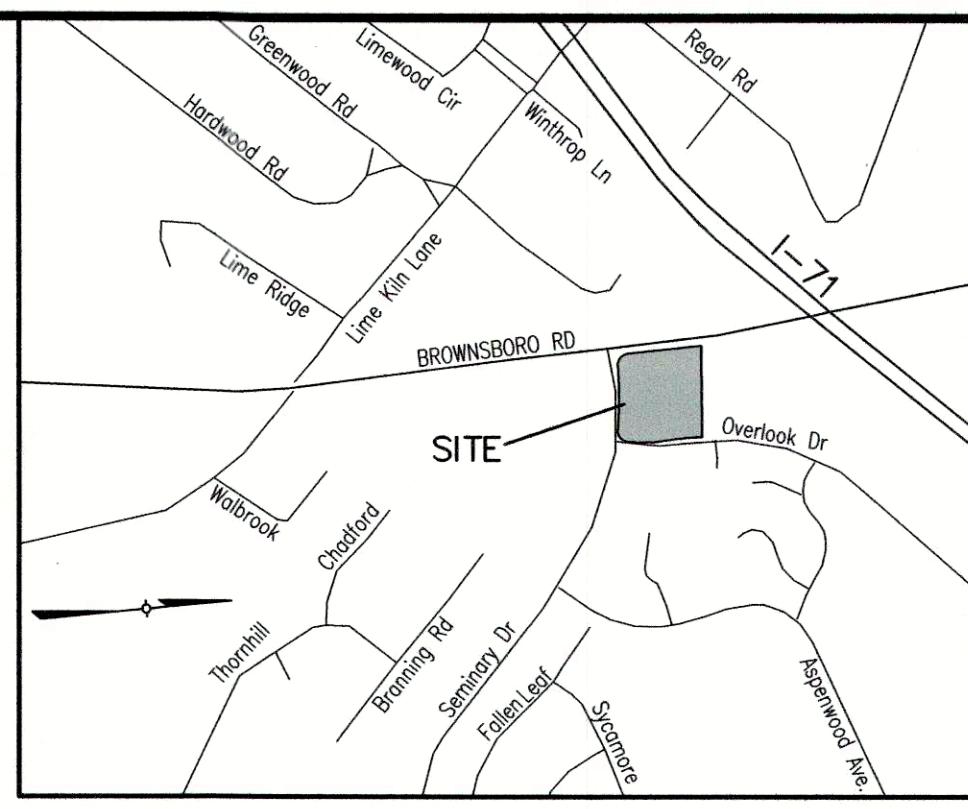
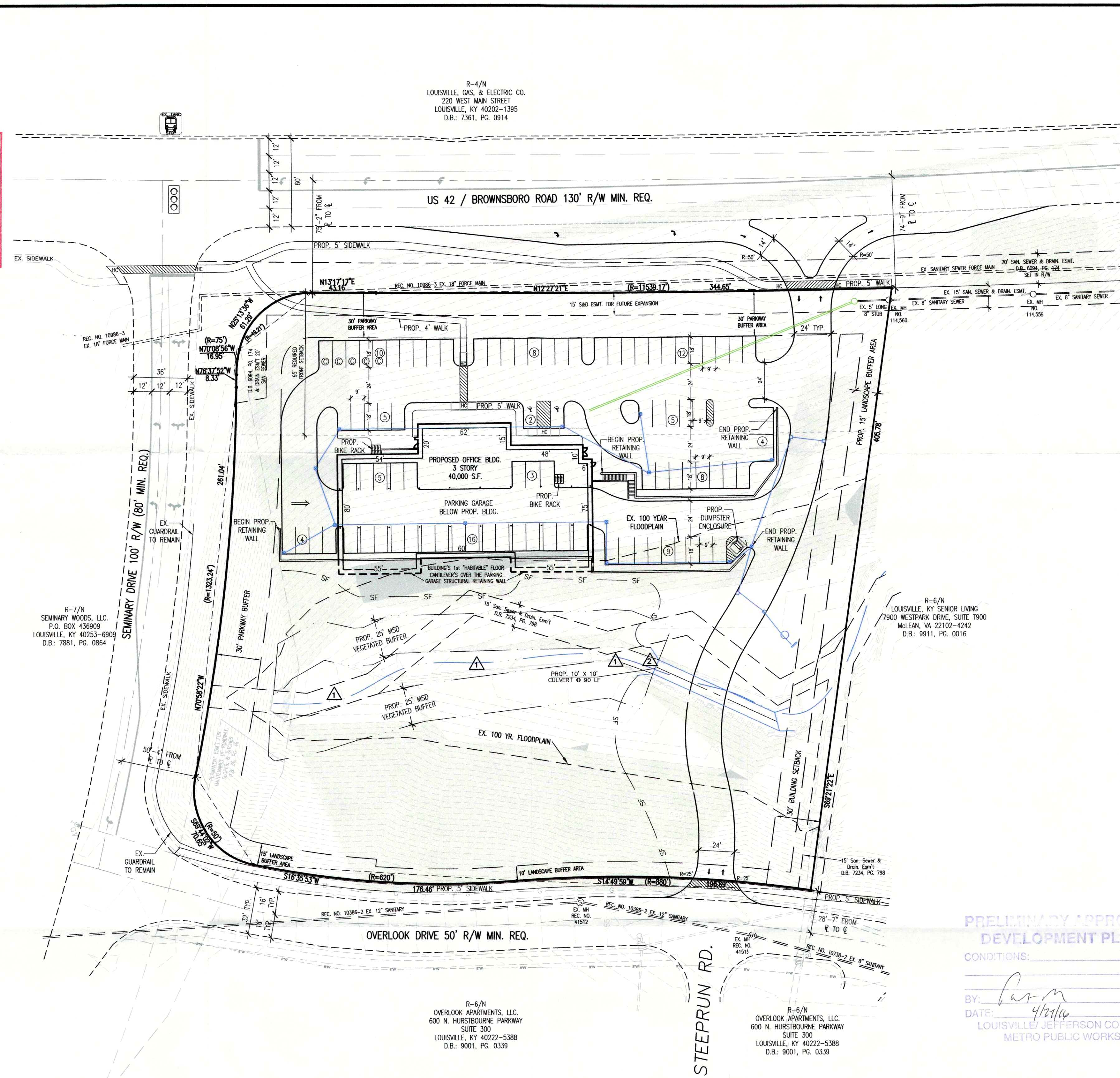
8. The property owner shall enter into a reciprocal cross-over access easement with the property located along the northern boundary of the subject property, but only in the event such adjoining property owner redevelops its property for non-residential use and, in conjunction with such re-development, is required by the Planning Commission to enter into a reciprocal cross-over access easement with the property owner. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 16, 2016 Planning Commission meeting.





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

LOUISVILLE METRO  
 APPROVED DISTRICT  
 DEVELOPMENT PLAN  
 DOCKET NO. 16 ZONE 1012  
 APPROVAL DATE June 16, 2016  
 EXPIRATION DATE  
 SIGNATURE OF PLANNING COMMISSION  
 PLANNING COMMISSION



**VARIANCE REQUEST**  
 NOT TO SCALE

- A Variance is requested from the Louisville Metro Land Development Code, Chapter 5, Table 5.3.2, Dimensional Standards: Non-Residential Uses; to allow the building to exceed the 35' building height restriction.
- A Variance is requested from the Louisville Metro Land Development Code Chapter 5, Table 5.3.2 to exceed the 95' maximum setback.

**WAIVER REQUEST**

- A Waiver is requested from the Louisville Metro Land Development Code, Chapter 5.9.2, to not provide a direct pedestrian connection to overlook drive.

**PROJECT DATA**

TOTAL SITE AREA	= 3.79± ACRES (165,092 S.F.)
FORM DISTRICT	= NEIGHBORHOOD
EXISTING ZONING	= R-6
PROPOSED ZONING	= OR-3
EXISTING USE	= UNDEVELOPED
PROPOSED USE	= OFFICE
PROPOSED BUILDING FOOTPRINT AREA	= 13,350 S.F.
PROPOSED BUILDING AREA	= 40,000 S.F.
PROPOSED BUILDING HEIGHT	= 38' (35' MAX. ALLOWED)
F.A.R.	= 0.24 (4.0 MAX. ALLOWED)
VEHICULAR PARKING REQUIRED	MIN. MAX.
40,000/350 S.F. MIN.	= 114 SPACES
40,000/200 S.F. MAX.	= 200 SPACES
10% REDUCTION (200' FROM TRAC)	= 11 SPACES
20% REDUCTION (2-SITE CRITERIA SA)	= 22 SPACES
TOTAL PARKING REQUIRED	= 81 SPACES
TOTAL PARKING PROVIDED	= 91 SPACES
PARKING PROVIDED	
SURFACE PARKING	= 67 SPACES
F.B.	(2 ACCESSIBLE SPACES INCLUDED)
GARAGE PARKING	= 24 SPACES
	(1 ACCESSIBLE SPACE INCLUDED)
BICYCLE PARKING REQUIRED	
SHORT TERM / LONG TERM	= 2 SPACES / 2 SPACES
TOTAL BICYCLE PARKING PROVIDED	= 6 SPACES / 6 SPACES
(3X REQUIRED AMOUNT PROVIDED TO MEET LDC CH. 5A SITE DESIGN CRITERIA)	
TOTAL VEHICULAR USE AREA	= 37,882 S.F.
INTERIOR LANDSCAPE AREA REQUIRED	= 2,826 S.F.
INTERIOR LANDSCAPE AREA PROVIDED	= 3,447 S.F.

**GENERAL NOTES:**

- Parking areas and drive lanes to be a hard and durable surface.
- An KTC & MPW encroachment permit and bond will be required for all work done in their right-of-ways, including the entrances.
- No increase in drainage run off to state roadways.
- There shall be no commercial signs in the Right of Way.
- There shall be no landscaping in the Right of Way without an encroachment permit.
- Site lighting shall not shine in the eyes of drivers. If it does it shall be re-aimed, shielded, or turned off.
- Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
- A KARST survey has been conducted on site by Kevin Young of LD&D, Inc. on March 15th, 2016 and no KARST features were found.
- Upon development or redevelopment of the property to a non-residential use, a unified access and circulation system shall be developed to provide for a vehicular movement throughout adjacent as determined appropriate by the Department of Public Works. A Cross Access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the adjacent property to be developed.

**MSD NOTES:**

- Sanitary sewer service will be provided by connection and subject to applicable fees.
- A portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0016 E dated December 5, 2006.
- Drainage pattern depicted by arrows (→) is for conceptual purposes. 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.
- Site may be subject to MSD Regional Facilities Fee.
- If the site has thru drainage on an easement plot will be required prior to MSD granting construction plan approval. On-site detention will be required post-developed peak flows will be limited to pre-developed peaks or to the capacity of the downstream system whichever is more restrictive.
- A Downstream Facilities Capacity Request was submitted to MSD on April 4th, 2016.
- The final design of this project must meet all MSA water quality regulations established by MSD.
- Site layout may change at the design phase due to proper sizing of Green Best Management Practices.
- Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plans.
- Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
- Flood plain compensation to be provided off site.
- ACOE and KDOW approval required prior to MSD construction plan approval.
- No increase in velocity at the point of discharge at the property line.
- Any fill in the local regulatory floodplain or FEMA Special Flood Hazard Area must be compensated on site or a floodplain compensation fee may be paid to MSD if the applicant can show that the post-developed water surface elevations for both the FEMA Special Flood Hazard Area and Local Regulatory Floodplain are the equal to or less than pre-developed elevations at the upstream and downstream property boundaries.

PRELIMINARY APPROVAL  
 DEVELOPMENT PLAN  
 CONDITIONS:

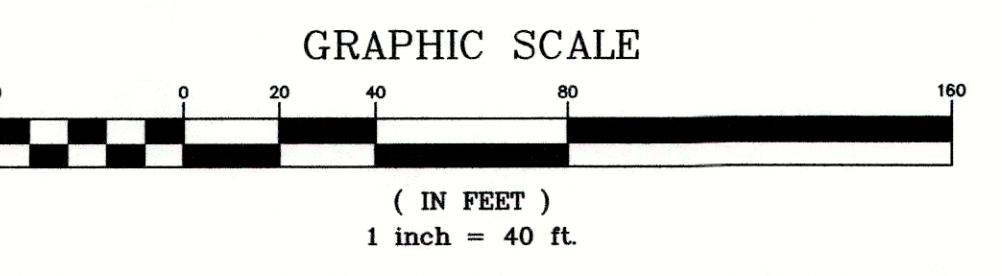
BY: *[Signature]*  
 DATE: 4/22/16  
 LOUISVILLE/JEFFERSON COUNTY  
 METRO PUBLIC WORKS

**EROSION PREVENTION AND SEDIMENT CONTROL 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 approval EPSC plan must be reviewed and approved by MSD's private development review office. EPSC BMP's 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 streets, ponds, swales and catch basins. Stockpiles shall be seeded, 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.
- 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 no 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 discharge into a stream, pond, swale or catch basin. All storm drainage shall conform to MSD standard specifications.
- Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.

**TREE CANOPY CALCULATIONS**

TOTAL SITE AREA	= 165,092± S.F.
EXISTING TREE CANOPY	= 74% (122,168 S.F.)
EXISTING TREE CANOPY TO BE PRESERVED	= 0% (0 S.F.)
TOTAL TREE CANOPY AREA REQUIRED	= 25% (41,273 S.F.)
TOTAL TREE CANOPY PROVIDED	= 41,760 S.F. (25%)

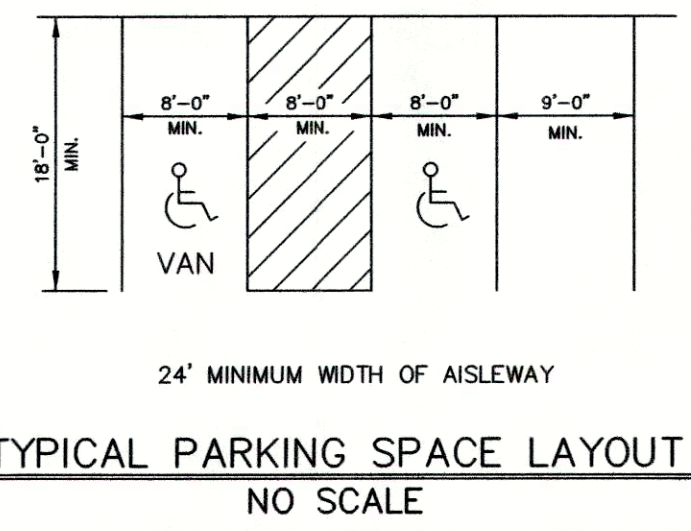


**MSD STANDARD EROSION CONTROLS**

	STONE BAG CHECK DAM
	WINGED HEADWALL INLET PROTECTION
	SILT FENCE

**LEGEND**

	= 20% SLOPES
	= 30% SLOPES
	= PROPOSED STORM SEWER, CATCH BASIN
	= PROPOSED SEWER AND MANHOLE
	= PROPOSED DRAINAGE SWALE
	= PROPOSED CARPOOL PARKING SPACE



**REVISIONS**

NO.	DATE	DESCRIPTION	BY
1	5-24-16	Change bldg height to 45'	ajc

PROJECT DATA  
 FILE NAME: 15159\_DDDP.dwg  
 DATE: 4-29-2016  
 SCALE: AS SHOWN  
 CHECKED BY: KY/AR  
 DRAWN BY: SBS

ENGINEER'S SEAL  
 SURVEYOR'S SEAL

**LD&D**  
 LAND DESIGN & DEVELOPMENT, INC.  
 ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
 605 WASHINGTON AVENUE, SUITE 100 LOUISVILLE, KENTUCKY 40202  
 TEL: 502.212.7800 FAX: 502.212.7800

**GLENVIEW TRUST**  
 OFFICE BUILDING DEVELOPER  
 GLENVIEW TRUST COMPANY  
 4969 U.S. HWY 42, SUITE 2000  
 LOUISVILLE, KY 40222  
 502.212.7800

RECEIVED  
 APR 25 2016  
 PLANNING & DESIGN SERVICES  
 Louisville/Jefferson County  
 Development Review

OWNER: FRED M. FERRIELL  
 5368 OMAUCHITA DR.  
 LAKE WORTH, FL 33487-5541

SITE ADDRESS: 5900 US HIGHWAY 42  
 LOUISVILLE, KY, 40241  
 TAX BLOCK 5, LOT 106  
 D.B. 10486, PG. 0867

RELATED CASES: CASE: 16ZONE1012  
 09-128-85 & 8827

COUNCIL DISTRICT - 16  
 FIRE PROTECTION DISTRICT - HARRODS CREEK  
 WM# 11366

JOB NO. 15159  
 SHEET 1 OF 1