

**PLANNING COMMISSION MINUTES**

**DECEMBER 4, 2003**

**APPROVAL OF MINUTES**

**PLANNING COMMISSION – November 20, 2003**

On a motion by Commissioner Ernst, the following resolution was adopted:

**RESOLVED**, That the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the meeting conducted on November 20, 2003.

**The vote was as follows:**

**YES:** Commissioners Thieneman, Hamilton, Carlson, Richard, Norton, Ernst, Wells-Hatfield, and Adams.

**NO:** No one.

**NOT PRESENT:** Commissioner Abstain.

**ABSTAINING:** Commissioner Howard.

**PLANNING COMMISSION – November 6, 2003 for Docket No. 9-52-03 ONLY**  
**Correction to Binding Elements for this case only.**

On a motion by Commissioner Ernst, the following resolution was adopted:

**RESOLVED**, That the Louisville Metro Planning Commission does hereby **APPROVE** the corrections and revisions to the binding elements for Docket No. 9-52-03, which was heard on November 6, 2003. The binding elements shall read as follows:

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. No application to amend binding elements or to revise the development plan shall be accepted without the applicant providing evidence that it provided adjoining property owners and the Okolona Baptist Church fifteen (15) days written notice of the request.
3. The residential character of the existing structure shall be maintained and any new structure(s) on the property shall be of the same or substantially similar appearance to the main existing

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structure on the subject property. Changes to the following items on the existing structure shall not be made without prior approval of the Planning Commission's designee:

- a) roof line
- b) building material
- c) porch
- d) windows

4. The following C-N uses shall be allowed on the subject property:

**Antique shops and interior decorating shops**  
**Restaurant (Tea room)**  
**Gift shop**

5. The development shall not exceed 6,042 square feet of gross floor area (800 SF Tea Room, 5,242 SF Retail).
6. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (60 sq. ft. and 6 ft. tall).
7. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
8. 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.
9. 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 Public Works & Transportation 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

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- 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.
10. If a certificate of occupancy or 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.
  11. 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.
  12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
  13. 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.
  14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 6, 2003 Planning Commission meeting.
  15. The applicant shall provide documentation showing that the development complies with all the regulations from **Chapter 4, Part 1, Section 3**, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
    - a. Mounting Height Limit
    - b. Luminaire Shielding

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- c. Canopy Lighting Level
  - d. Light Trespass
16. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
17. **The applicant shall work with adjoining property owners to place required landscaping on the site in a way to maximize its buffering effects on the adjoining properties.**
18. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

- a. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
- b. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
- c. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.

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- d. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
  - e. **Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.**
- 19. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
  - 20. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
  - 21. **The parking lot surface material shall be approved by Louisville Metro Public Works in consultation with the Fire Department.**
  - 22. **The design of the proposed or any additional building, structure or sign on the property shall be approved by the Louisville Metro Preservation Officer, currently Richard Jett.**
  - 23. **The hours of operation of any business conducted on the site shall be limited to 10:00 a.m. to 9:00 p.m. Monday through Saturday.**

The vote was as follows:

**YES: Commissioners Howard, Thieneman, Carlson, Richard, Norton, Ernst, Wells-Hatfield, and Adams.**

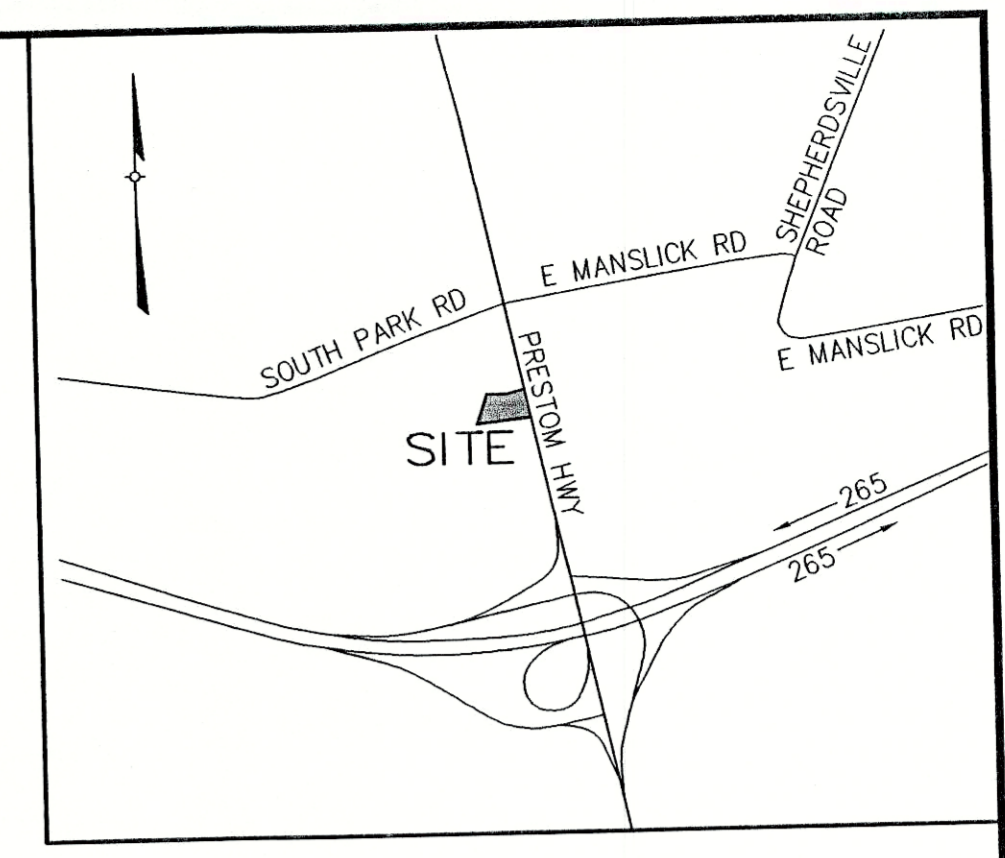
**NO: No one.**

**NOT PRESENT: Commissioner Abstain.**

**ABSTAINING: Commissioner Hamilton.**

**GENERAL NOTES**

- Parking areas and drive lanes to be a hard and durable surface.
- A portion of the site is within the 100 year flood plain per FIRM Map No. 2111 C 0260 D dated February 2, 1994.
- 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.
- Erosion & Silt Control: Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
- 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.
- A Tree Preservation Plan will be submitted to the Planning Commission for approval prior to beginning construction.
- Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
- Boundary taken from deed(s) and does not constitute a survey.
- Sanitary sewer service is existing and the proposed building and building addition will not have plumbing.
- KDOT approval required prior to construction approval.
- No signs will be permitted within the Preston Highway right of way.
- There shall be no increase in drainage runoff to the state right of way — Preston Highway. Drainage calculations will be required for all drainage to the right of way.
- KDOT will require an encroachment permit for any work including landscaping in the Preston Highway right of way.
- Site lighting shall not shine in the eyes of Preston Highway motorists. If it does it shall be realigned, shielded or turned off.
- There shall be no additional vehicular access to Preston Highway.
- KYDOT may require safety headwalls at the ends of the proposed entrance pipe (minimum pipe = 15"). The entrance should have earthen shoulders either side of the 24 foot pavement with a minimum width of 4 foot cover over the pipe.
- The existing curb cut will be removed and replaced with the new entrance. The Tarc "Board Here" sign and the lane turning sign will be relocated to the north.
- All utility adjustments and relocation to be at the Developer's expense.
- Preston Highway is a major arterial.



**LOCATION MAP**  
NOT TO SCALE

**WAIVERS**

- A Landscape Waiver is requested to allow the proposed 1,500 sf building and the existing garage/proposed retail building and its proposed addition to be located in the 25 ft. Landscape Buffer Area required per Table 10.2.2.

**VARIANCES**

- A Variance is requested to allow the existing garage/proposed retail building and its proposed addition to encroach into the 15 ft. setback required per Table 5.4.2.
- A Variance is requested from the Maximum Front Yard Setback of 60 ft. required per Table 5.4.2.

**TREE CANOPY CALCULATIONS**

TOTAL SITE AREA	=	74,052 SF
PERCENTAGE TREE CANOPY TO BE PRESERVED	=	16% 11,700 SF
PERCENTAGE TREE CANOPY TO BE PLANTED	=	0 SF
TOTAL REQUIRED PERCENTAGE TREE CANOPY	=	11,108 SF

**SITE DATA**

TOTAL SITE AREA	=	1.7 ± AC.
FORM DISTRICT	=	NEIGHBORHOOD
EXISTING ZONING	=	R-4
PROPOSED ZONING	=	C-N
EXISTING USE	=	SINGLE FAMILY
PROPOSED USE	=	RESTAURANT & RETAIL TEA ROOM & GIFT SHOPS

**BUILDING AREA**

EXISTING RESIDENCE	=	1,890 SF
EXISTING 902 SF BUILDING/PROPOSED 3,250 SF ADDITION	=	4,152 SF
TOTAL	=	6,042 SF

**PARKING:**

REQUIRED MINIMUM	=	
TEA ROOM	=	4 SPACES
800 SF/200	=	
RETAIL	=	21 SPACES
5,242 SF/250	=	
TOTAL	=	25 SPACES

**MAXIMUM ALLOWED**

TEA ROOM	=	8 SPACES
800 SF/100	=	
RETAIL	=	35 SPACES
5,242 SF/150	=	
TOTAL	=	43 SPACES

**SPACES PROVIDED**

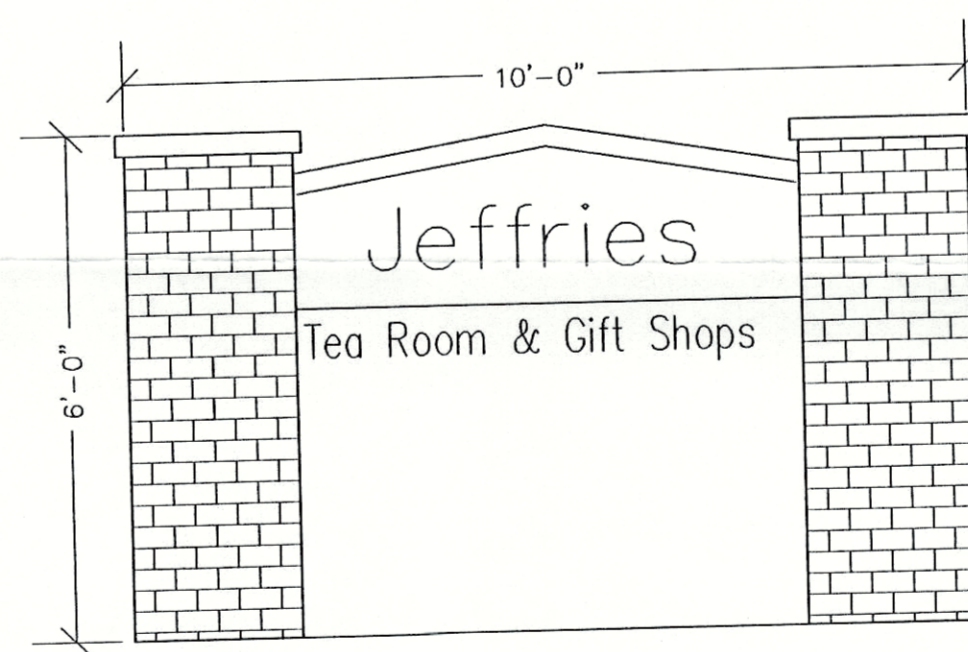
	=	31 SPACES
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**VUA:**

VEHICULAR USE AREA	=	12,579 SF
INTERIOR LANDSCAPE AREA REQUIRED	=	629 SF
11,899 SF X 5%	=	
INTERIOR LANDSCAPE AREA PROVIDED	=	750 SF

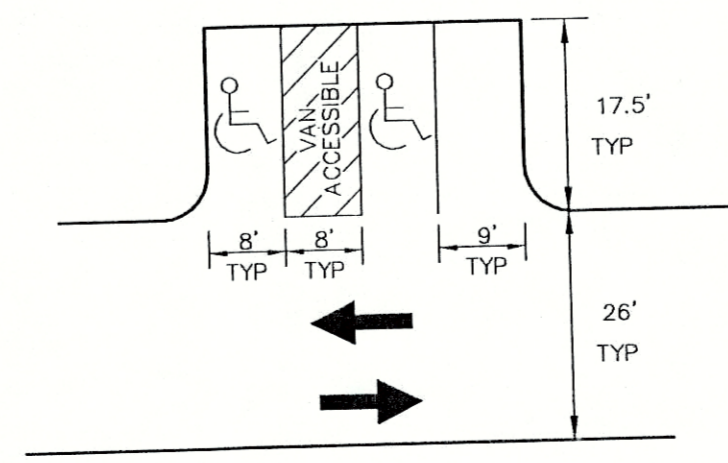
**NOTICE**  
PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
LOUISVILLE METRO PLANNING COMMISSION  
APPROVED DISTRICT DEVELOPMENT PLAN  
DOCKET NO. 9-02-03  
APPROVAL DATE: Nov. 6, 2003  
EXPIRATION DATE: Nov. 6, 2007  
SIGNATURE OF PLANNING COMMISSION: [Signature]  
DATE: 12/27/03  
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

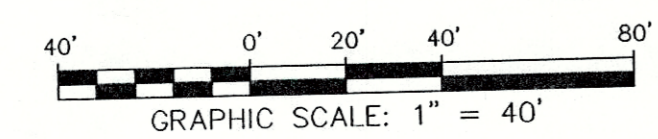
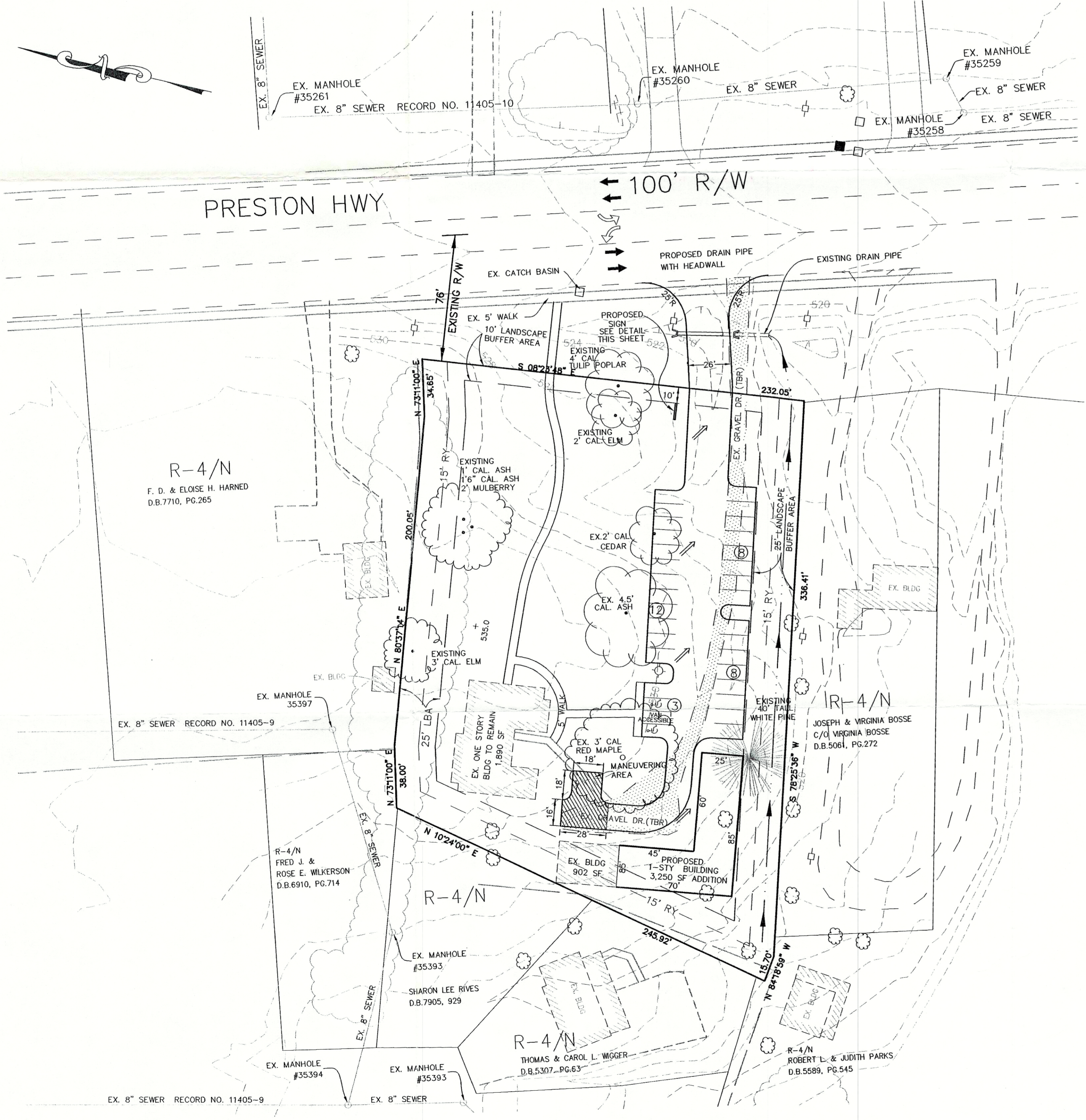


**MONUMENT SIGN DETAIL**  
NOT TO SCALE

NOTE: DETAIL INTENT IS TO SPECIFY HEIGHT AND WIDTH REQUIREMENTS ONLY. ACTUAL DESIGN IS TO BE DETERMINED.



**PARKING DETAIL**  
NOT TO SCALE



**PRELIMINARY APPROVAL**  
Conditions of Approval: [Signature]  
RECEIVED  
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

PROPERTY OWNER:  
SHARON LEE RIVES  
721 SUSSEX TERRACE  
CRETE, IL 77072

PROPERTY OF RECORD IN  
D.B. 7905, PG. 929  
TAX BLOCK 660, LOT 5

W.M. # 8358

NO.	DATE	DESCRIPTION	BY

PROJECT DATA  
FILE NAME: 03102DDDP.DWG  
DATE: 9-2-03  
SCALE: 1" = 40'  
DRAWN BY: PAB  
CHECKED BY: ABR  
SURVEYOR'S SEAL  
ENGINEER'S SEAL

LD&D  
LAND DESIGN & DEVELOPMENT, INC.  
LAND SURVEYING • LANDSCAPE ARCHITECTURE  
ENGINEERING  
800 W. MARKET ST., SUITE 4022  
LOUISVILLE, KENTUCKY 40202  
PHONE: (502) 426-9374 FAX: (502) 426-9375

**JEFFRIES SITE**  
DEVELOPER  
GALE JEFFRIES  
196 BROOKS VIEW CIRCLE  
BROOKS, KY. 40109

DETAILED DISTRICT DEVELOPMENT PLAN  
JEFFRIES SITE  
SITE ADDRESS: 9220 PRESTON HIGHWAY 40229

JOB NO. 03102  
SHEET 1 OF 1