

Case No. 15ZONE1057 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed 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 15,820 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 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/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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line
8. 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.
9. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.

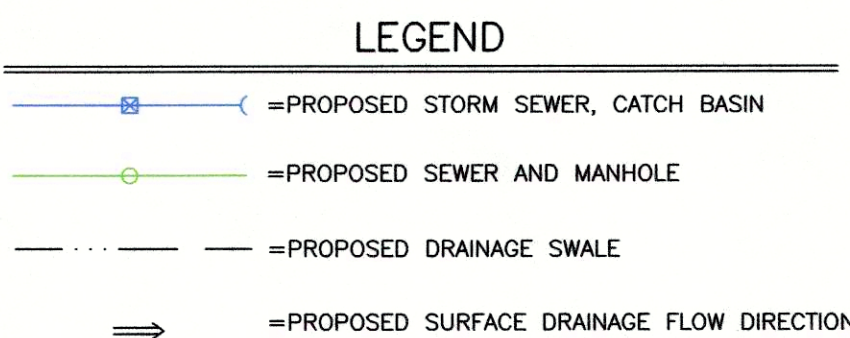
10. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on-site.
11. The Gellhaus Lane access shall be right-in only unless Metro Public Works approves either a full-cut at this point of access or a right-in/right-out. If a right-in/right-out, such access should be constructed in concert with a deceleration right-turn lane into the adjoining Jefferson County Public School property, thereby assuring that any right-turns out intending to make a U-turn back in the direction of the Gellhaus Lane/Billtown Road intersection are unlikely to make that U-turn using Longview Farm Drive.
12. Developer shall work with MSD and JCPS to better define the ditch along the JCPS frontage on Gellhaus Lane to improve the flow of stormwater entering the existing storm pipe.
13. An 8-foot high vinyl privacy fence shall be installed along the east and south property lines adjoining the JCPS and Brown properties as shown on the color site plan accompanying the presentation shown at the April 7, 2016 Planning Commission public hearing.
14. Landscaping shall be in accordance with the concept landscape plan presented at the April 7, 2016 Public Hearing and shall include along Gellhaus Lane 2-2 ½ inch caliper trees 8 ft in height at time of planting, all otherwise in compliance with the LDC Landscape Regulation.
15. Lighting shall be in accordance with the lighting plan presented at the April 7, 2016 Public Hearing and shall include maximum 16 ft tall light poles with shoebox-style fixtures and a 90 degree cutoff with lighting not in excess of 0.5 foot candles at the property lines.
16. Hours of operation shall be limited from 5:00 a.m. to midnight.
17. Freestanding signage shall be limited to monument, not pylon, style, otherwise in accordance with the sign regulations of the LDC. Gas prices shall be advertised with LED lighting, not manually changed pricing numbers.
18. There shall be no exterior access to bathrooms.
19. Trash receptacles shall be placed for ease of use at multiple points under the gas canopy and along the front facades of the retail and restaurant buildings.
20. Dumpsters shall be fully enclosed with a solid fence screen.
21. Commercial use on the site shall not permit liquor stores, check cashing stores, laundromats, pawn shops, medical labs, hotel/motels, funeral homes and homeless shelters.
22. The developer shall prohibit construction access and construction and maintenance vehicles from using Billtown Farms subdivision streets.
23. Developer shall contribute \$10,000 for the future construction of a right-turn lane from Billtown Road to Gellhaus Lane. Developer shall post a bond with Metro Public Works prior to full construction approval for the site, to be used for the road construction project. Developer's bond will be released on April 7, 2026 if the turn lane has not been constructed.

LONGVIEW FARM DR

GELLHAUS LANE - R/W VARIES (80' MIN. REQ'D.)

BILLTOWN ROAD - R/W VARIES (130' MIN. REQ'D.)

MSD STANDARD EROSION CONTROLS	
	STONE BAG CHECK DAM
	WINGED HEADWALL INLET PROTECTION
	STONE BAG INLET PROTECTION
	SILT FENCE

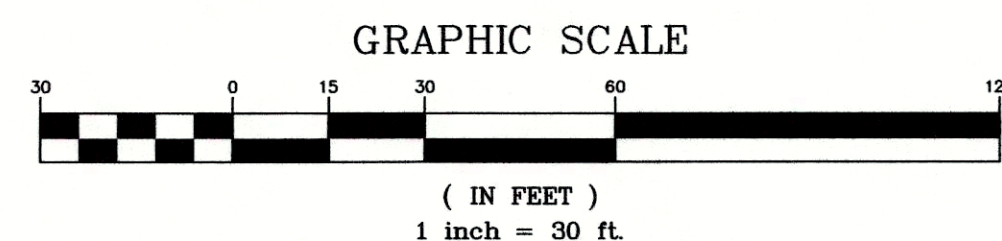
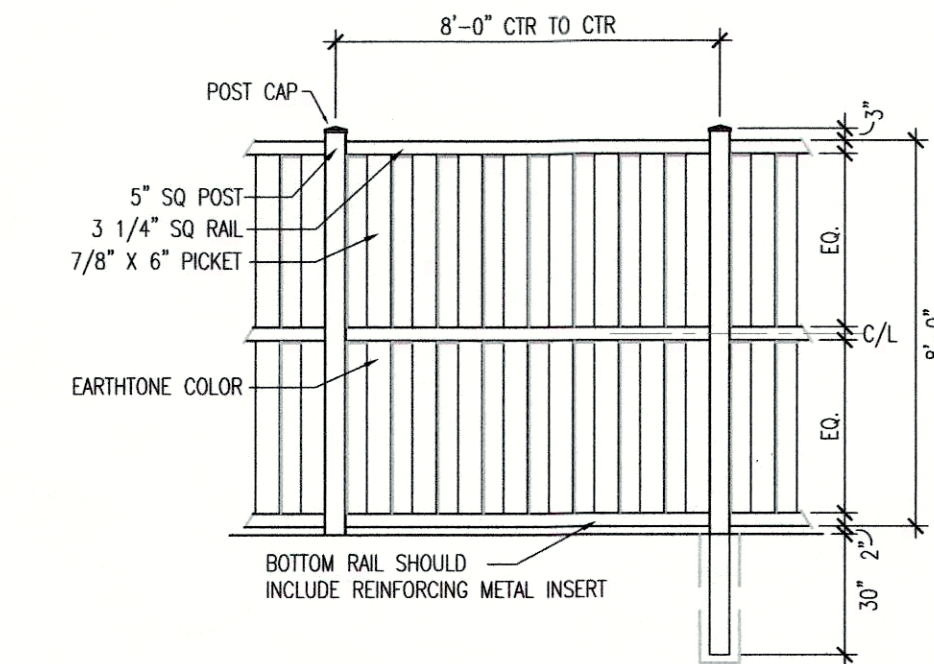
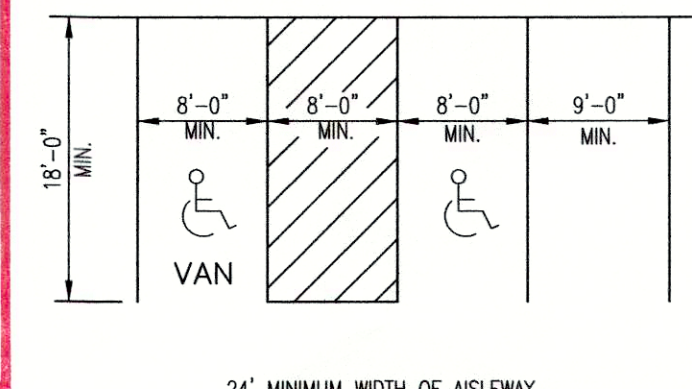


DETENTION BASIN CALCULATIONS

$X = \Delta CRA/12$
 $AC = 0.75 - 0.23 = 0.52$
 $A = 4.0$ ACRES
 $R = 2.8$ INCHES
 $X = (0.52)(4.0)(2.8)/12 = 0.48$ AC.-FT.
 REQUIRED $X = 21,141$ CU.FT.
 PROVIDED BASIN = 8,957 SQ.FT.
 TOTAL = 7,898 SQ.FT. @ APPROX. 3 FT. DEPTH
 = 23,694 CU.FT. > 21,141 CU.FT.

TREE CANOPY CALCULATIONS

TOTAL SITE AREA = 155,945 S.F.
 EXISTING TREE CANOPY AREA = APPROX. 70% (109,880 S.F.)
 CANOPY REQUIREMENT CLASS = CLASS C / 41%-75% COVERAGE
 TOTAL TREE CANOPY AREA REQUIRED = 30% (46,784 S.F.)
 EXISTING TREE CANOPY TO BE PRESERVED = 0% (0 S.F.)
 PROPOSED TREE CANOPY TO BE PLANTED = 46,784 S.F. (30%)



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

WAIVER REQUEST

- A WAIVER IS REQUESTED FROM THE LAND DEVELOPMENT CODE, CHAPTER 10, PART 3, SECTION 7: PARKWAY SETBACKS, BUFFERING, AND LANDSCAPING REQUIREMENTS, TO REDUCE THE REQUIRED 50 FOOT GENE SNYDER FREEWAY BUFFER FROM 50 FEET TO 15 FEET.
- A WAIVER IS REQUESTED FROM THE LAND DEVELOPMENT CODE, CHAPTER 10, PART 2, SECTION 4: PROPERTY PERIMETER LANDSCAPE BUFFER AREA, TO REDUCE THE REQUIRED 25 FOOT PROPERTY PERIMETER LANDSCAPE BUFFER TO 5 FEET DUE TO THE EXISTING 20 FOOT LANDSCAPE BUFFER AREA ON THE ADJACENT PROPERTIES.
- A WAIVER IS REQUESTED FROM THE LAND DEVELOPMENT CODE, CHAPTER 8, PART 2, SECTION 1.D.6.: SIGN ILLUMINATION AND MOVEMENT, TO ALLOW A LED SIGN TO BE CLOSER THAN 300 FEET TO NEIGHBORING RESIDENTIAL PROPERTY.



PROJECT DATA

TOTAL SITE AREA	= 4.00± ACRES
R/W DEDICATION AREA	= 0.66± ACRES
NET SITE AREA	= 3.34± ACRES
EXISTING ZONING	= R-4
PROPOSED ZONING	= C-1
FORM DISTRICT	= NEIGHBORHOOD
EXISTING USE	= RESIDENTIAL
PROPOSED USE & BUILDING AREAS	
SERVICE STATION	= 4,000 S.F.
RESTAURANT 1	= 1,500 S.F.
RESTAURANT 2	= 1,820 S.F.
RETAIL	= 1,820 S.F.
TOTAL BUILDING AREA	= 15,820 S.F.
F.A.R.	= 0.10 (1.0 MAXIMUM ALLOWED)
PROPOSED BUILDING HEIGHTS	
SERVICE STATION	= ONE STORY (25' MAXIMUM ALLOWED)
RESTAURANT 1	= ONE STORY (25' MAXIMUM ALLOWED)
RESTAURANT 2	= ONE STORY (25' MAXIMUM ALLOWED)
RETAIL	= ONE STORY (30' MAXIMUM ALLOWED)
PARKING REQUIRED	
SERVICE STATION	MIN. 25 SPACES 50 SPACES
RESTAURANT 1	1,500/200S.F. (MIN.); 1,500/50S.F. (MAX.) = 12 SPACES 30 SPACES
RESTAURANT 2	1,820/125S.F. (MIN.); 1,820/50S.F. (MAX.) = 15 SPACES 36 SPACES
RETAIL	1,820/300S.F.; 1,820/200S.F. = 28 SPACES 43 SPACES
TOTAL PARKING REQUIRED	= 80 SPACES 159 SPACES
TOTAL PARKING PROVIDED	= 94 SPACES (6 ACCESSIBLE SPACES INCLUDED)
BICYCLE PARKING	
RETAIL	SHORT TERM 1 SPACE LONG TERM (PROVIDED INDOORS) 1 SPACE
RESTAURANT	1 SPACE 1 SPACE
SERVICE STATION	1 SPACE 1 SPACE
TOTAL VEHICULAR USE AREA (VUA)	= 73,196 S.F.
INTERIOR LANDSCAPE AREA REQUIRED	= 5,490 S.F. (7.5% OF VUA)
GENERAL LANDSCAPE AREA PROVIDED	= 11,375 S.F. (15% OF VUA)

PRELIMINARY APPROVAL

Condition of Approval:

Tony Kelly 3/23/16
Date

LOUISVILLE/JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

PRELIMINARY APPROVAL DEVELOPMENT PLAN CONDITIONS

Tony Kelly 3/23/16
DATE

LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

GENERAL NOTES:

- Parking areas and drive lanes to be a hard and durable surface.
- An encroachment permit and bond will be required for all work done in the right-of-way.
- State Highway encroachment permit will be required for the entrance.
- 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.
- KTC permit will be required prior to construction plan approval.
- All drainage structures within the State Right of Way shall be state design.
- All new and existing sidewalks shall be built or brought up to ADA current standards.
- Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
- No karst features were evident on the site per site visit by Kevin Young, RLA of LD&D, Inc.
- The LDC Section 5.1.9 Maximum Setback Alternatives for Suburban Form Districts is being applied to meet the Front Minimum and Maximum Setback requirement.
- If a right turn lane is constructed onto Gellhaus Lane from the subject site, it will extend to Farmer Elementary School's Entrance.
- Access to the Brown property, via KY-6326, shall remain open and unobstructed at all times during construction.

MSD NOTES:

- Sanitary sewer service will be provided by lateral extension and subject to applicable fees.
- No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0098 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 design process. Drainage facilities shall conform to MSD requirements.
- If the site has thru drainage an easement plat will be required prior to MSD granting construction plan approval.
- On-site detention will be provided. Post-developed peak flows will be limited to pre-developed peaks for 2, 10, 25, & 100 year storms, to the capacity of the downstream system whichever is more restrictive.
- A Downstream Facilities Capacity Request was approved by MSD per letter dated 11/16/2015.
- 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 Management Practices.
- Erosion & Silt Control plan 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.
- A letter from Jefferson County Public Schools allowing off-site work for the detention basin outlet connection will be required prior to MSD construction plan approval.
- MSD Sanitary Sewer Department approval is required prior to MSD storm water construction plan approval.
- MSD Construction Bond required prior to construction plan approval.
- All retail shops must have individual connections per MSD's fats, oils, and grease policy.
- Site Geotechnical Report is required to fill existing pond for building prior to MSD construction plan approval.
- A 15' off-site Sanitary and Drainage Easement will be provided to connect the existing MSD easements for the site's through drainage.

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- The approved erosion prevention and sediment control (EPPC) plan shall be implemented prior to any land-disturbing activity on the construction site. Any modifications to the approved EPPC plan must be reviewed and approved by MSD's private development review office. EPPC 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 streams, 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 discharged 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 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.

OWNER:
DONALD F. & LINDA ROGERS
6503 BILLTOWN ROAD
JEFFERSONTOWN, KY 40299

SITE ADDRESS:
6503 BILLTOWN ROAD
JEFFERSONTOWN, KY 40299
TAX BLOCK 0052, LOT 0101
D.B. 4130, PG. 0448

COUNCIL DISTRICT - 20
FIRE PROTECTION DISTRICT - JEFFERSONTOWN/FERN CREEK

RECEIVED
MAR 17 2016
PLANNING & DESIGN SERVICES
CASE: 15ZON1057
WM#10199

REVISIONS	
NO.	DESCRIPTION
1	ADD N' GELLHAUS R/W DEDICATION

DATE: 3-1-16

PROJECT DATA
FILE NAME: 15144-DDDP
DATE: 3-1-16
SCALE: AS SHOWN
CHECKED BY: AER
DRAWN BY: JH/SBS

DETAILED DISTRICT DEVELOPMENT PLAN
6503 BILLTOWN ROAD

DEVELOPER
SHALIMAR INVESTMENTS LLC
10412 BLUEGRASS PARKWAY
LOUISVILLE, KY 40299

DEVELOPER
SHALIMAR INVESTMENTS LLC
10412 BLUEGRASS PARKWAY
LOUISVILLE, KY 40299

JOB NO. 15144
SHEET 1 OF 1