

Case No. 21-DDP-0045 Binding Elements

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised General/Detailed District Development and Major Preliminary Subdivision Plan, **SUBJECT** to the following binding elements, and **with an amendment to binding element #11C that references Ordinance 195, Series 2005 for the process of dedicating a private road as a public right-of-way**:

1. The development shall be in accordance with the approved district development plan 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 except for land uses permitted in the established zoning district.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The following uses, although permitted generally in the C-2 Commercial District, are prohibited uses within the C-2 areas of Stony Brook South: adult entertainment, automobile repair garages, bookbinding facilities, kennels, monument sales, plumbing and heating shops, sign painting, skating rinks, taverns, theaters, used car sales unless in connection with a new car sales dealership, advertising signs (billboards). The remainder of the C-2 Commercial uses (being those that are not specifically listed in the C-1 District) shall be allowed in the C-2 areas of Stony Brook South, but only to the extent of one-third of the allowable commercial square footage allowed $113 \times 620,670 = 206,890$ square feet).
4. There shall be no direct vehicular access to Watterson Trail from Outlots 3 and 1. Access to Hurstbourne Parkway shall be as shown on the approved Detailed District Development Plan.
5. Signs shall be in accordance with Chapter 8 of the Land Development Code
6. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
7. There shall be no outdoor storage on the site.
8. Outdoor lighting shall be directed down and away from surrounding residential properties.
9. The western boundary of the site (Outlots 3, 4, 5 and the Meijer lot) shall contain a buffer transition area 40 feet in width which shall contain berming and landscaping as approved by the Commission staff. This 40 foot buffer transition area shall remain residentially zoned. Structures shall be no more than one-story, not to exceed 35 feet in height.
10. Within 60 days of the provision of transit service on Hurstbourne Parkway, the owner shall construct two (2) transit shelters in locations to be determined in consultation with the Transit Authority. The Owner / Developer will maintain the transit stops on an as needed basis.
11. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.

- c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits, per **Ordinance 195, Series 2005 for the process of dedicating a private road as a public right-of-way:**
 - d. 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.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. Where sidewalk easements are shown on the approved development plan, sidewalk easement agreements in forms acceptable to the Planning Commission legal counsel shall be reviewed and approved in consultation with the Louisville Metro Department of Public Works and recorded with the record subdivision plat. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
12. 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.
13. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
14. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
15. Improvements required by KYTC within the Hurstbourne Parkway right-of-way ("J-turn") shall be made prior to allowing any access from adjacent property to the proposed public roadways.

GENERAL NOTES

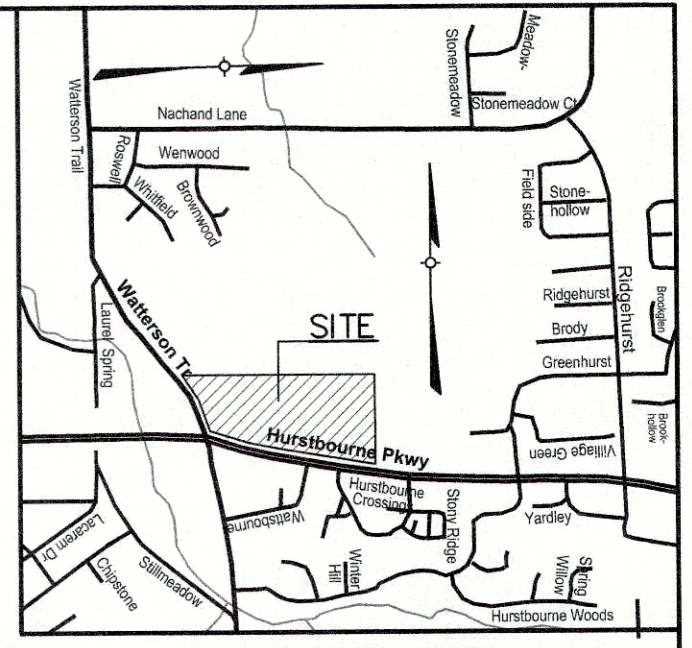
- No lots shown hereon may be subdivided or resubdivided resulting in the creation of a greater number of lots than originally approved by the planning commission.
- Construction fencing shall be erected at the edge of the limits of disturbance areas prior to any grading or construction activities. The fencing is to remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced areas.
- Benchmark and topographical information shown hereon were derived from Lojic data. Boundary information was taken from deers.
- Compatible on-site utilities, (electric, phone, cable) shall be placed in a common trench unless otherwise required by appropriate agencies.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.

SEWER & DRAINAGE NOTES

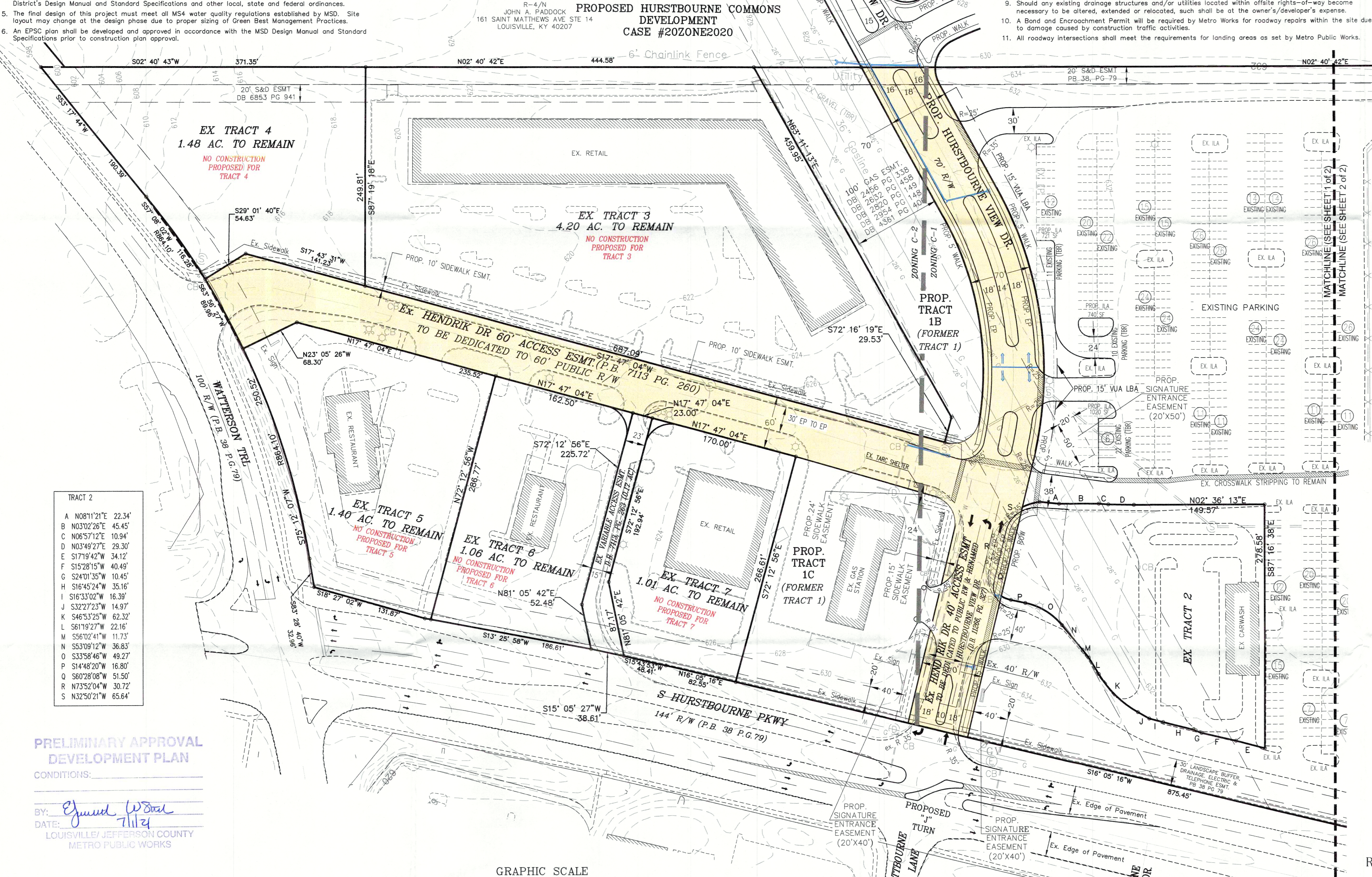
- Detention will be provided on proposed Hurstbourne Commons Development. Post-developed peak flows will be limited to pre-developed peak flows for the 2, 10, 25 and 100-year storms or to the capacity of the downstream system, whichever is more restrictive. Additional offsite easements and or downstream improvements may be required.
- No portion of the site is located in a floodplain per FIRM map 21111C0034 E dated December 5, 2006.
- All proposed sewer and drain easements shall be 15' unless otherwise indicated.
- Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District's Design Manual and Standard Specifications and other local, state and federal ordinances.
- 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 siting of Green Best Management Practices.
- An EPC plan shall be developed and approved in accordance with the MSD Design Manual and Standard Specifications prior to construction plan approval.

STREETS & SIDEWALKS NOTES

- All roads within the development shall have curb and gutters. All roads shall be 24 feet in width with a 35 foot radius at intersections.
- Sidewalks shall be provided in accordance with Table 6.2.1 of the Land Development Code.
- Street grades shall not be less than 1% (Min.) or 10% (max.).
- A Bond & Encroachment Permit is required by KY Department of Transportation for all work within the South Hurstbourne Parkway Right-Of-Way, and for roadway approaches on all surrounding access roads to the site due to damages caused by construction traffic.
- Verges shall be provided as required by Metro Public Works.
- All streets, intersections, loop roads, cul-de-sacs, bulbs, traffic circles and rights-of-way shall be in accordance with the Development Code and Metro Public Works' standards and approved at the time of construction.
- All street name signs shall conform with the MUTCD requirements and shall be installed prior to the recording of the applicable subdivision plat or prior to obtaining the first certificate of occupancy and shall be in place at time of bond release.
- The location and type of plantings within the street right-of-way will be evaluated for roadway safety and sight distance requirements by Metro Public Works which reserves the right to remove them without the property owner's approval. Final location of street trees will be determined during construction approval process.
- Should any existing drainage structures and/or utilities located within offsite rights-of-way become necessary to be altered, extended or relocated, such shall be at the owner's/developer's expense.
- A Bond and Encroachment Permit will be required by Metro Works for roadway repairs within the site due to damage caused by construction traffic activities.
- All roadway intersections shall meet the requirements for landing areas as set by Metro Public Works.



LOCATION MAP
NOT TO SCALE



PRELIMINARY APPROVAL
Condition of Approval:

MEJER FOR TR 6-30-21
Development Review Date
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

PROP. TRACT 1A
(FORMER TRACT 1)
EX. MEIJER

PROJECT DATA

EX. TRACT 1	= 30.70 AC
R/W DEDICATION TRACT 1	= 2.68 AC
PROP. TRACT 1A	= 25.85 AC
PROP. TRACT 1B	= 0.97 AC
PROP. TRACT 1C	= 1.20 AC
EX. TRACT 2	= 1.46 AC
R/W DEDICATION TRACT 2	= 0.05 AC
TRACT 2 NET	= 1.41 AC
EXISTING ZONING	= C-1/C-2
FORM DISTRICT	= SMC
EXISTING USE TO REMAIN	= COMMERCIAL
MEIJER EX. BLDG AREA	= 231,049 SF
MEIJER PARKING	= MIN. 432 SP
MIN. 1 SP EACH 500 SF	= MAX. 921 SP
PARKING SPACES TO BE REMOVED	= 43 SPACES
EXISTING PARKING SPACES TO REMAIN	= 1,181 SPACES
NEW PARKING SPACES	= 6 SPACES
TOTAL PARKING PROVIDED	= 1,187 SP (INCLUDES 24 ADA SP)
MEIJER VEHICULAR USE AREA	= 527,328 SF
PROPOSED IMPERVIOUS (+2,210SF)	= 885,925 SF (0.25% INCREASE)

METRO
APPROVED PROJECT DEVELOPMENT PLAN
DOCKET NO. 21-88p-0045
APPROVAL DATE 6/30/21
EXPIRATION DATE 6/30/23
SIGNATURE OF PLANNING COMMISSIONER

THE ONLY REVISIONS PROPOSED ARE THE DEDICATION OF RIGHT OF WAYS, THE CONSTRUCTION OF HURSTBOURNE VIEW DRIVE & THE REMODEL OF THE EXISTING MEIJER PARKING LOT AS SHOWN.

MEIJER

REVISED GENERAL AND DETAILED DISTRICT DEVELOPMENT PLAN

DEVELOPER: R J THIENEMAN
12488 La Grange Road
Louisville, KY 40245
PHONE: (502) XXX-XXXX

PREPARED BY: LAND DESIGN & DEVELOPMENT, INC.
503 WASHBURN AVENUE, SUITE 101
LOUISVILLE, KENTUCKY 40222
PHONE: (502) 428-9374
FAX: (502) 426-9375

JOB: 17043-1
DATE: 06/24/21 RECEIVED

COUNCIL DISTRICT - 11
FIRE PROTECTION DISTRICT - JEFFERSONTOWN
MUNICIPALITY - LOUISVILLE

CASE: 21-DDDP-0045
RELATED CASE: 09-039-94
WM# 12107

JUN 24 2021
PLANNING & DESIGN SERVICES

SHEET 1 OF 2

TRACT 2

A	N08°11'21"E	22.34'
B	N03°02'26"E	45.45'
C	N06°57'12"E	10.94'
D	N03°49'27"E	29.30'
E	S17°19'42"W	34.12'
F	S15°28'15"W	40.49'
G	S24°01'35"W	10.45'
H	S16°45'24"W	35.16'
I	S16°33'02"W	16.39'
J	S32°27'23"W	14.97'
K	S46°53'25"W	62.32'
L	S61°19'27"W	22.16'
M	S56°02'41"W	11.73'
N	S53°09'12"W	36.83'
O	S33°58'46"W	49.27'
P	S14°48'20"W	16.80'
Q	S60°28'08"W	51.50'
R	N73°52'04"W	30.72'
S	N32°50'21"W	65.64'

PRELIMINARY APPROVAL DEVELOPMENT PLAN CONDITIONS:

BY: *E. J. ...*
DATE: 7/1/21
LOUISVILLE & JEFFERSON COUNTY METRO PUBLIC WORKS

LEGEND

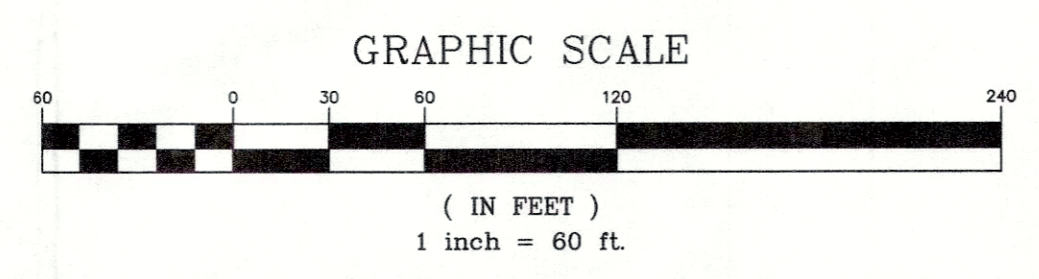
- = EXISTING CONTOUR
- = RW DEDICATION ON MEIJER'S PROPERTY
- = RW DEDICATION ON TRACT 2
- = PROPOSED STORM SEWER, CATCH BASIN W/ INLET PROTECTION AND HEADWALL
- = EXISTING STORM SEWER
- = EXISTING SEWER AND MANHOLE
- = PROPOSED SEWER AND MANHOLE
- = EXISTING LIGHT POLE
- = EXISTING CATCH BASIN
- = EXISTING FIRE HYDRANT
- = PROPOSED WATER LINES
- = EXISTING GAS LINES

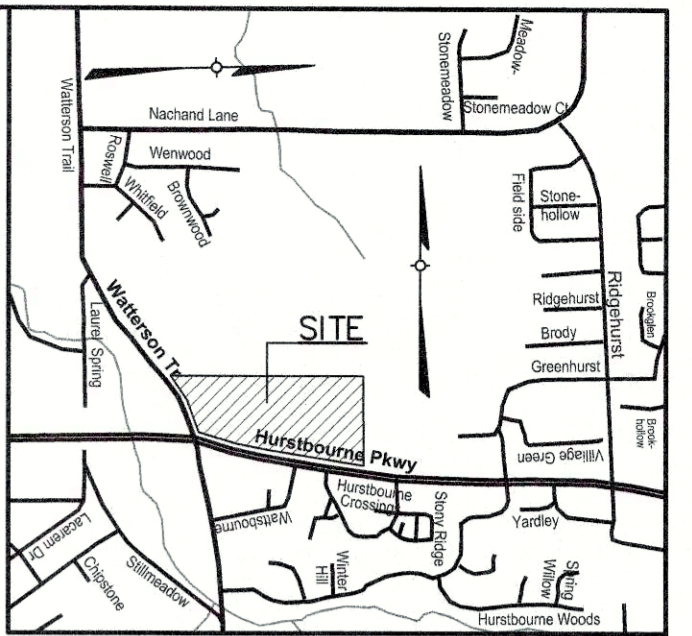
SITE ADDRESSES

TRACT 1: 4500 S HURSTBOURNE PKWY LOUISVILLE, KY, 40299 TAX BLOCK 44, LOT 477 D.B. 11266, PG. 318	TRACT 3: 4600 HENDRIK DR LOUISVILLE, KY, 40299 TAX BLOCK 44, LOT 497 D.B. 10578, PG. 297	TRACT 5: 4630 S HURSTBOURNE PKWY LOUISVILLE, KY, 40299 TAX BLOCK 44, LOT 478 D.B. 8822, PG. 176	TRACT 7: 4610 S HURSTBOURNE PKWY LOUISVILLE, KY, 40299 TAX BLOCK 44, LOT 478 D.B. 11610, PG. 179
TRACT 2: 4590 S HURSTBOURNE PKWY LOUISVILLE, KY, 40299 TAX BLOCK 44, LOT 512 D.B. 11548, PG. 290	TRACT 4: 4660 HENDRIK DR LOUISVILLE, KY, 40299 TAX BLOCK 44, LOT 498 D.B. , PG.	TRACT 6: 4620 S HURSTBOURNE PKWY LOUISVILLE, KY, 40299 TAX BLOCK 44, LOT 479 D.B. 11632, PG. 898	

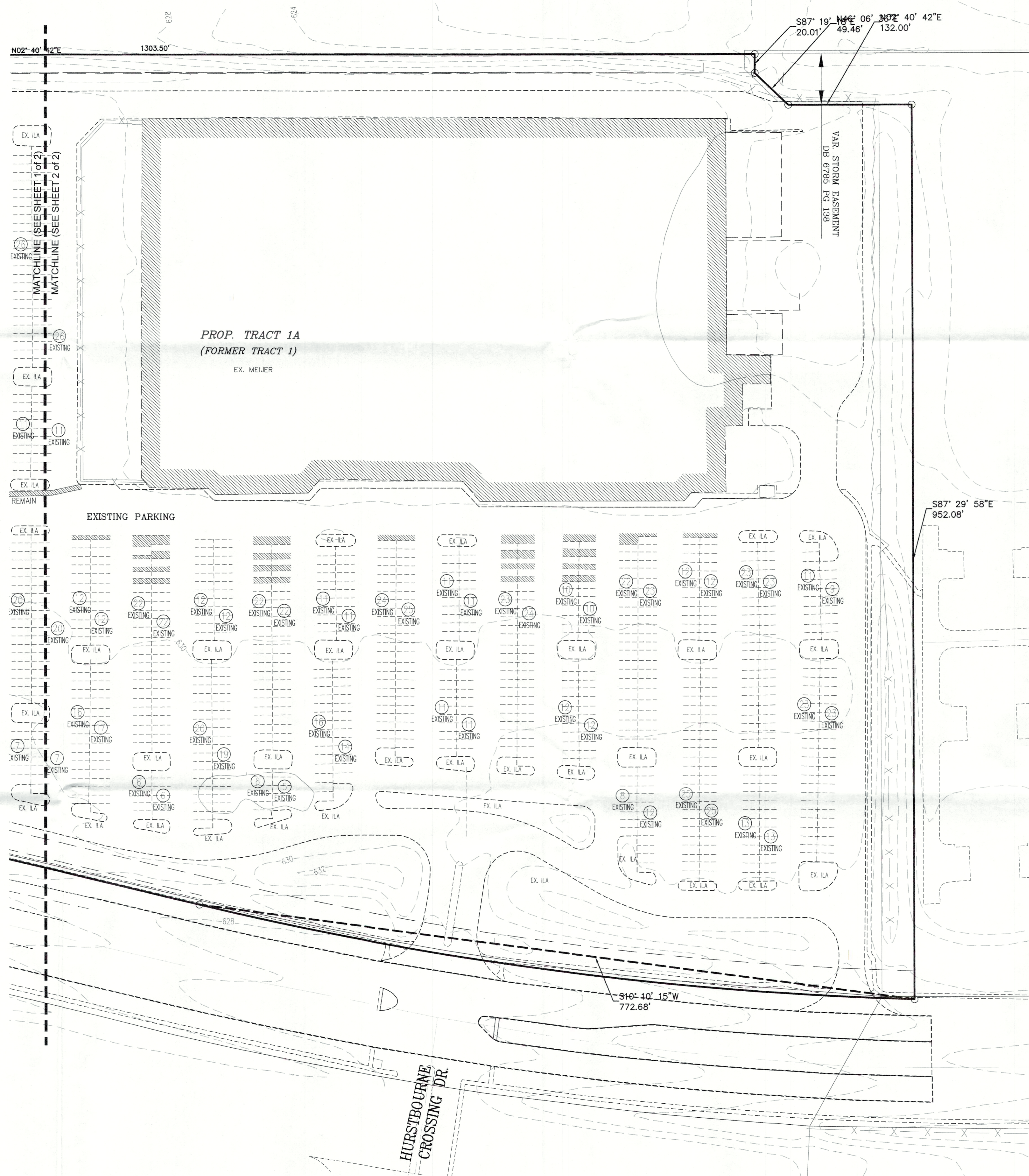
OWNERS

TRACT 1: MEIJER STORES LTD PARTNERSHIP 2929 WALKER AVE NW GRAND RAPIDS, MI, 49544	OWNER TRACT 3: HENDRIK PROPERTIES LLC 333 E MAIN ST STE 200 LOUISVILLE, KY, 40202	OWNER TRACT 5: SCOOPS HOLDINGS LLC 4630 S HURSTBOURNE PKWY LOUISVILLE, KY 40299	OWNER TRACT 7: VETNET HOLDINGS LLC 11401 OAKHURST RD LOUISVILLE, KY 40245
TRACT 2: GETTY, LEASING INC 292 MADISON AVE NEW YORK, NY 10017	OWNER TRACT 4: MEIJER STORES LTD PARTNERSHIP 2929 WALKER AVE NW GRAND RAPIDS, MI, 49544	OWNER TRACT 6: J.M.E. PROPERTIES LLC 3420 FISHERVILLE WOODS CT FISHERVILLE, KY 40023	





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NOT TO SCALE



LOUISVILLE METRO
APPROVED DISTRICT
DEVELOPMENT PLAN
DOCKET NO. 21-DDP-0045
APPROVAL DATE 6/30/21
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SIGNATURE OF PLANNING COMMISSION
PLANNING COMMISSION

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2 OF 2