

## Case No. 15ZONE1017 Binding Elements

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and the binding elements as presented by the applicant as well as the Wilson, Jonas email as well as the binding elements listed on pages 17 and 18 of the staff report **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 17,280 square feet of gross floor area.
3. 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.
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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review 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.
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 or permitted on the site).
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 January 21, 2016 Planning Commission public hearing.

#### **Applicant's Proposed Binding Elements**

9. Lighting will be directed down and away from the Morning Pointe property consistent with Chapter 4, Part 1 of the Land Development Code. All display lighting, which is located only in the front of Gordon Motor Sports' showroom and will be limited to "bollard" style lighting fixtures, a maximum of 4 feet in height.
10. **Landscape buffer area (LBA) adjacent to Morning Pointe.** The applicant will provide a 15-foot LBA along the property line shared with Morning Pointe. The LBA will be planted at a Category 3 planting density per Table 10.2.4. This 15-foot LBA will provide a joint planted buffer area of 40 feet between the two properties.
11. The following uses shall not be permitted onsite without a duly noticed public hearing and approval by the planning commission: auction sales, automobile repair garages, billiard parlors and game rooms, bingo halls and parlors, boat sales, book binding, cleaning, pressing and drying establishments, dance halls, fraternities and sororities, exposition building or center, flea market, indoor paint ball ranges, laser tag, tattoo, body art and piercing parlors, package liquor stores, restaurants where dancing or entertainment is allowed, rubber stamp manufacture, skating rinks, taverns, bars and saloons, theaters, automobile service stations, car washes, boarding and lodging houses, and tourist homes.

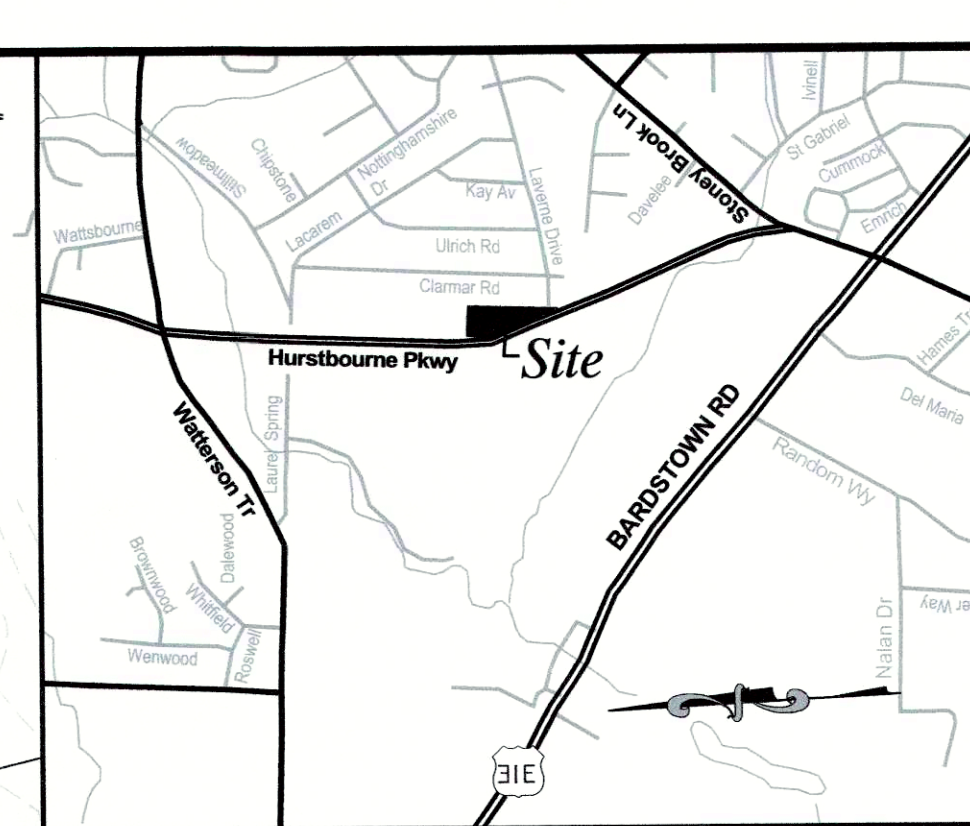


**WAIVERS REQUESTED:**

1. A waiver is requested from Section 9, Table 9.1.2d of the Louisville Land Development Code to waive a reduction in parking provided.
2. A waiver is requested from Section 10.3.5 of the Louisville Land Development Code to waive the berm in the S. Hurstbourne Parkway 30 ft. Parkway Buffer Area.

**VARIANCES REQUESTED:**

1. A variance is requested from Section 5.3.1.C.5, Table 5.3.2 of the Louisville Land Development Code to vary the maximum allowed 80' Hurstbourne Parkway building setback.
2. A variance is requested from Section 5.3.1.C.5, Table 5.3.2 of the Louisville Land Development Code to vary the building height from the 30 ft. maximum allowed to 39'.



**LOCATION MAP NOT TO SCALE**

**PRELIMINARY APPROVAL**

Condition of Approval:

*Tony Kelly* 11/18/15  
Development Reviewer Date

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**PROJECT DATA**

|  |   |
|--|---|
| TOTAL SITE AREA                          | = 2.9± Ac.  |
| R-4 to C-2 AREA                          | = 2.4± Ac.  |
| R-4 TO REMAIN AREA                       | = 0.5± Ac.  |
| FORM DISTRICT                            | = NEIGHBORHOOD  |
| EXISTING ZONING                          | = R-4   |
| PROPOSED ZONING                          | = C-2 & R-4   |
| EXISTING USE                             | = UNDEVELOPED   |
| PROPOSED USE                             | = PRE OWNED CAR SALES & SINGLE FAM. RES.                          |
| BUILDING AREA                            |   |
| CAR SALES (1ST FLOOR)                    | = 11,952 S.F.   |
| SINGLE FAMILY RES. (2ND FLOOR)           | = 5,328 S.F.  |
| TOTAL BUILDING AREA                      | = 17,280 S.F.   |
| OUTDOOR SALES AREA                       | = 14,400 S.F.   |
| F.A.R.                                   | = 0.14 (5.0 MAXIMUM ALLOWED)                                      |
| DENSITY                                  | = 7.24 DU/AC (145 DU/AC MAX. ALLOWED)                             |
| PROPOSED BUILDING HEIGHT                 | = 39' 2 FLOORS (30' MAX. ALLOWED) (VARIANCE REQUESTED)            |
| PARKING REQUIRED                         | MIN. MAX.   |
| OUTDOOR DISPLAY                          | 14,400 SF/7,000 SF MIN/14,400 SF/5,000 SF MAX = 2 SPACES 3 SPACES |
| INDOOR DISPLAY                           | 6,300 SF/250 SF MIN/6,300 SF/150 SF MAX = 25 SPACES 42 SPACES     |
| SINGLE FAMILY RESIDENCE                  | 2 SP/UNIT MIN; 3 SP MAX = 2 SPACES 3 SPACES                       |
| TOTAL PARKING REQUIRED                   | = 29 SPACES 48 SPACES   |
| TOTAL PARKING PROVIDED (WAVAR REQUESTED) | = 9 (2 ACCESSIBLE SPACE INCLUDED) (2 GARAGE SPACES INCLUDED)      |
| BICYCLE PARKING REQUIRED                 | = NONE REQUIRED   |
| TOTAL VEHICULAR USE AREA (VUA)           | = 36,609 S.F.   |
| INTERIOR LANDSCAPE AREA REQUIRED         | = 2,746 S.F. (7.5% OF VUA S.F.)                                   |
| INTERIOR LANDSCAPE AREA PROVIDED         | = 4,815 S.F.  |

**GENERAL NOTES:**

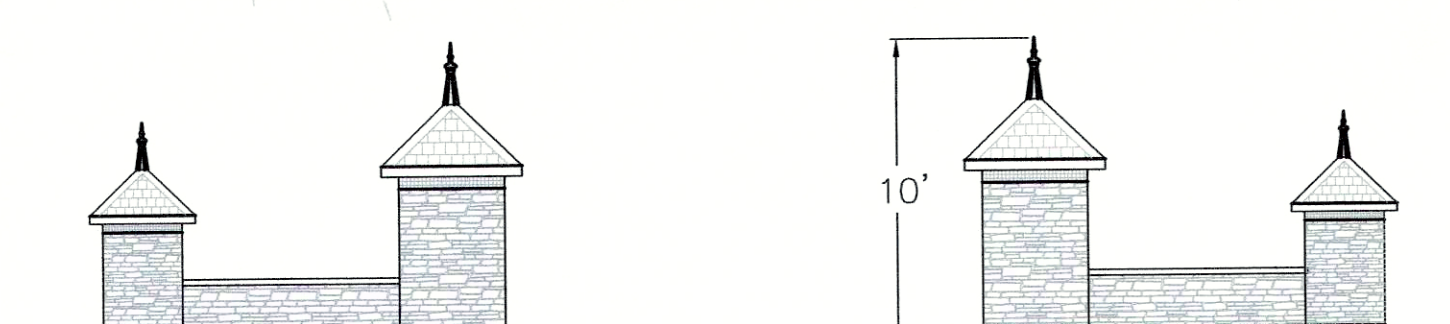
1. Parking areas and drive lanes to be a hard and durable surface.
2. No increase in drainage run off to state roadways
3. There shall be no commercial signs in the right-of-way.
4. There shall be no landscaping in the Right-of-Way without an encroachment permit.
5. Site lighting shall not shine in the eyes of drivers. If it does it shall be re-aimed, shielded, or turned off.
6. 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.
7. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
8. A KY Transportation Cabinet encroachment permit and bond will be required for all work done in the right-of-way, prior to MPW construction approval.
9. All drainage structures within the state Right-of-Way shall be state design.

**MSD NOTES:**

1. Sanitary sewer service will be provided by connection and subject to applicable fees.
2. No portion of the site is within the 100 year flood plain per FIRM map 21111 C 0079 E, dated December 5, 2006.
3. 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.
4. If the site has thru drainage an easement plat will be required prior to MSD granting construction plan approval.
5. 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.
6. 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.
7. A Sanitary Sewer Capacity Request will be submitted to MSD on September 14, 2015.
8. Onsite detention will be provided. Post-developed peak flows will be limited to pre-developed peak flows will be limited to pre-developed peak flows for the 2, 10 and 100 year storms or to the capacity of the downstream system, whichever is more restrictive.
9. Site subject to a MSD drainage bond and shall be posted prior to construction plan approval.

NOV 13 2015  
PLANNING & DESIGN SERVICES

RECEIVED



**GATE COLUMN DETAIL NOT TO SCALE**

**DETENTION BASIN CALCULATIONS**

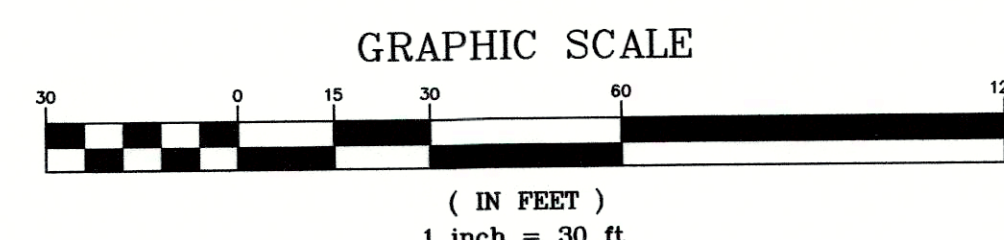
$X = \Delta CRA/12$   
 $\Delta C = 0.75 - 0.23 = 0.52$   
 $A = 2.9 \text{ ACRES}$   
 $R = 2.8 \text{ INCHES}$   
 $X = (0.52)(2.9)(2.8)/12 = 0.52 \text{ AC.}-\text{FT.}$   
 REQUIRED  $X = 15,246 \text{ CU.FT.}$   
 PROVIDED BASIN = 7,700 SQ.FT.

TOTAL = 7,700 SQ.FT. @ APPROX. 2 FT. DEPTH  
 = 15,400 CU.FT. > 15,246 CU.FT.

**TREE CANOPY CALCULATIONS**

SITE CLASS C CANOPY REQUIREMENT (76% - 100% EXISTING COVERAGE)

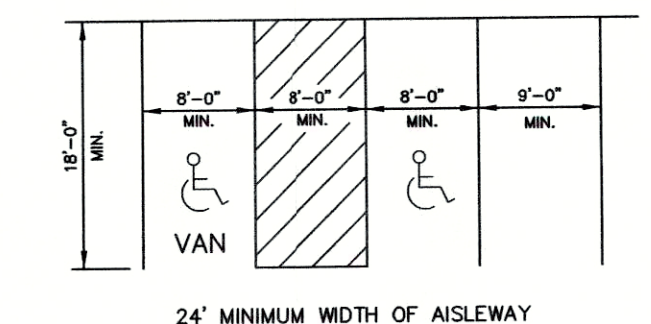
|                                      |                     |
|--------------------------------------|---------------------|
| TOTAL SITE AREA                      | = 127,049 S.F.      |
| TOTAL TREE CANOPY AREA REQUIRED      | = 15% (19,057 S.F.) |
| EXISTING TREE CANOPY TO BE PRESERVED | = 46% (58,098 S.F.) |
| TOTAL TREE CANOPY PROVIDED           | = 15% (19,058 S.F.) |



**TYPICAL PARKING SPACE LAYOUT NO SCALE**

**LEGEND**

- PROPOSED STORM SEWER, CATCH BASIN
- PROPOSED SEWER AND MANHOLE
- PROPOSED SILT FENCE
- EXISTING DRAINAGE SWALE
- PROPOSED STONE BAG INLET PROTECTION



| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
|     |      |             |    |
|     |      |             |    |
|     |      |             |    |

ENGINEER'S SEAL  
SURVEYOR'S SEAL

**PROJECT DATA**

|             |                |
|-------------|----------------|
| FILE NAME:  | 14200_DDPP.dwg |
| DATE:       | 11/18/15       |
| CHECKED BY: | ABJ/AM         |
| SCALE:      | AS SHOWN       |
| SCALE:      | AS SHOWN       |
| SCALE:      | AS SHOWN       |

**LD&D**  
LAND DESIGN & DEVELOPMENT, INC.  
ENGINEERS - LAND SURVEYORS - ARCHITECTS - INTERIORS  
505 WILKINSON BLVD. SUITE 100  
LOUISVILLE, KY 40202  
PHONE: 502.444.9714  
WEB SITE: WWW.LD&D.COM

DETAILED DISTRICT DEVELOPMENT PLAN  
**GORDON MOTOR SPORTS 4901 HURSTBOURNE PARKWAY**  
DEVELOPER  
GORDON MOTOR SPORTS  
5801 BARDSTOWN ROAD  
LOUISVILLE, KY 40291

JOB NO. 14200  
SHEET 1 OF 1

COUNCIL DISTRICT - 22  
FIRE PROTECTION DISTRICT - JEFFERSONTOWN  
PROPERTY OWNER: VANDENBROCK PROPERTIES, LLC. 5801 BARDSTOWN ROAD LOUISVILLE, KY. 40291-1932 PARCEL ID: 00502870000 D.B. 10332, PG. 0595 CASE: 15ZONE1017 MSD WM#: 11178