

## Case No. 22-ZONE-0128 Binding Elements

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Revised Detailed District Development Plan and Amendment to Binding Elements, **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. 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.
3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. 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.
  - c. A Minor Plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to those shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
  - e. A license agreement shall be in place with Louisville Metro Public Works prior to requesting a Certificate of Occupancy for the portions of the development within the public right-of-way.
4. 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.
5. 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.

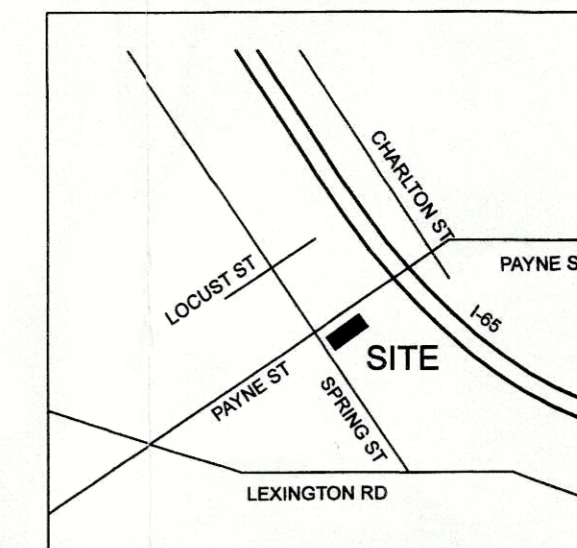
**PRELIMINARY APPROVAL  
DEVELOPMENT PLAN**

CONDITIONS:

BY: *Bow Doob*  
DATE: 1/10/23  
LOUISVILLE/ JEFFERSON COUNTY  
METRO PUBLIC WORKS

**PLANNING & DESIGN SUMMARY**

**22-ZONEPA-0036**  
**22-WAIVER-0217**  
VARIANCE REQUESTED FOR ALLOWING ENCRoACHMENT OF SECOND FLOOR ADDITION OF 223 S. SPRING STREET TO BE BUILT WITHIN 5'-0" OF SIDE YARD SET BACK PER SECTION 5.2.2



**OWNER**

SHELBY MARKET PROPERTIES LLC  
223 SOUTH SPRING STREET  
LOUISVILLE KY 40206  
ANNE FULLER 502 836 4250  
anne.fuller@icloud.com

**ARCHITECT**  
ARCHITECTURAL ARTISANS INC  
213 SOUTH SHELBY STREET  
LOUISVILLE KY 40202  
JEFF RAWLINS 502 582 3907  
jr@architecturalartisans.net

2127

ARCHITECTURAL ARTISANS INC  
213 SOUTH SHELBY STREET LOUISVILLE KY 40202 502 582 3907

**LOCATION MAP**

NOT TO SCALE NORTH

**PROPERTY INFO**

address	223	225
PARCEL ID	069L 0012 0000	069L 0160 0000
ZONING (EXISTING)	R6	C1
ZONING (PROPOSED)	C1	NO CHANGE
FORM DISTRICT	TN	TN
OVERLAY DISTRICT	NO	NO
HISTORIC DISTRICT	NONE	NONE
ENTERPRISE ZONE	YES	YES
PLAN CERTAIN	NONE	NONE
USE (EXISTING)	S.F. RESIDENTIAL	RESTAURANT
USE (PROPOSED)	SHORT TERM RES. RENTAL / RESTAURANT	NO CHANGE

HEIGHT OF STRUCTURE TWO STORY ONE STORY  
SITE AREA (ACRES) .0879 ACRES .1245 ACRES

**SITE CALCULATIONS (PROPOSED)  
223 & 225 S SPRING STREET**

GROSS SITE AREA	9296 SQ FT
TOTAL GROSS FLOOR AREA	4260 SQ FT
FLOOR AREA RATIO	0.46 FAR
IMPERVIOUS AREA	8341 SQ FT
DISTURBED AREA	
PROPOSED RESTAURANT ADDITION	835 SF
PROPOSED OUTDOOR DINING ADDITION	580 SF
PROPOSED NEW SIDEWALKS	330 SF
PROPOSED NEW BIKE PARKING	24 SF
EXG. CONCRETE PATIO REMOVED	132 SF
TOTAL AREA DISTURBED	1901 SF

PROPOSED VEHICULAR USE AREA	2187 SQ FT
REQUIRED ILA (0% VJA < 8000 SQ FT)	0 SQ FT
PROPOSED INTERIOR LANDSCAPE AREA	0 SQ FT
EXISTING RESTAURANT AREA	2180 SQ FT
EXISTING OUTDOOR DINING AREA	230 SQ FT
PROPOSED RESTAURANT ADDITION	835 SQ FT
PROPOSED OUTDOOR DINING ADDITION	580 SQ FT
PROPOSED GROSS RESTAURANT AREA	3825 SQ FT
SHORT TERM RESIDENTIAL UNIT	1050 SQ FT

**PARKING SUMMARY**

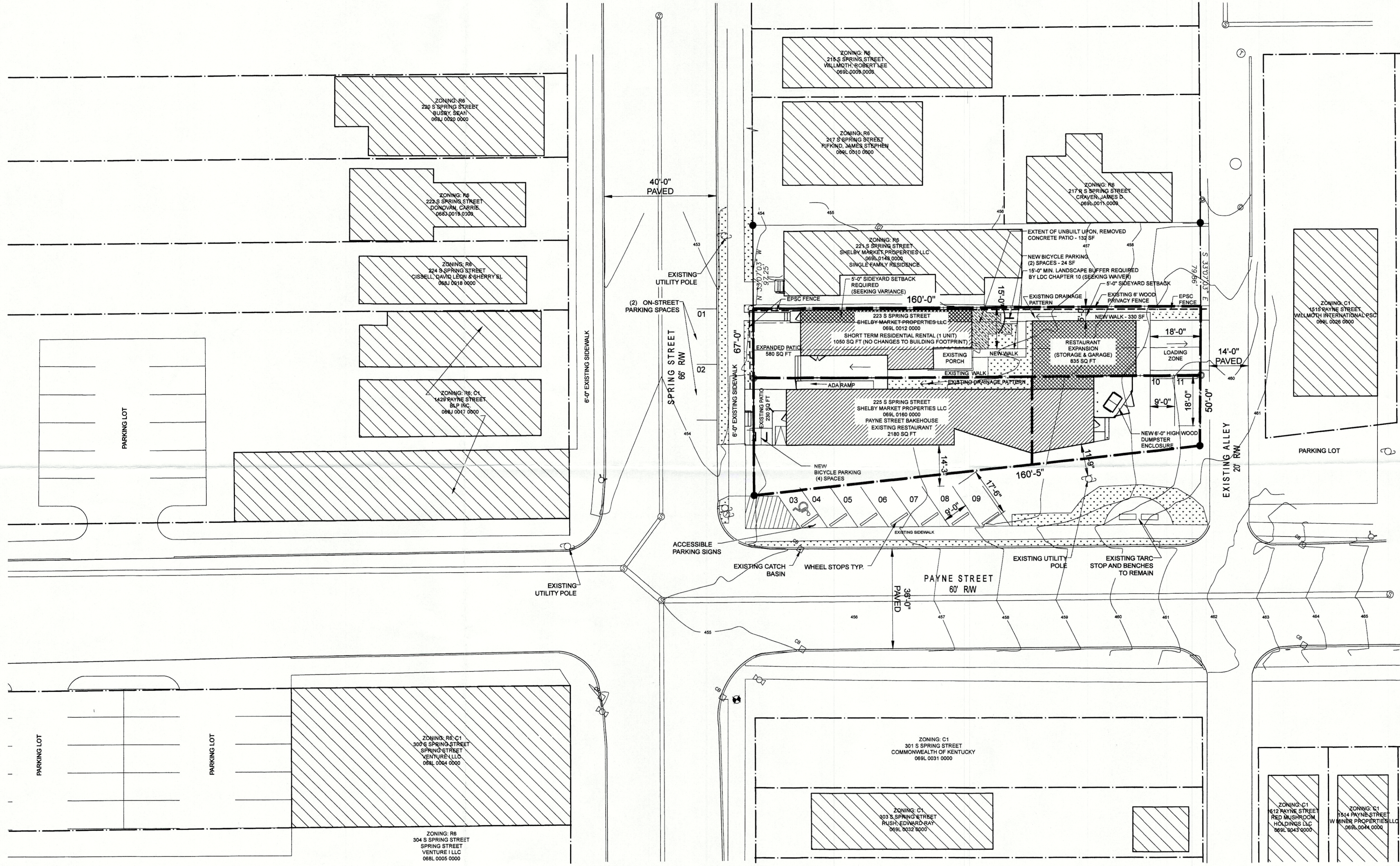
223 & 225 S SPRING STREET	MINIMUM	MAXIMUM
GROSS RESTAURANT (3825 SF)	@1/1000 4 SPACES	@1/1000 35 SPACES
TRANSIENT LIVING UNIT (1)	EXEMPT	@1/ROOM 1 SPACE
TOTAL PARKING REQUIRED	4 SPACES	36 SPACES
TOTAL PARKING PROVIDED	11 SPACES	

6 BICYCLE SPACES REQUIRED - 6 BICYCLE SPACES PROVIDED

LICENSE AGREEMENT 18RL-1497, DATED 24 APRIL 2018, ALLOWS FOR PARKING IN THE EASEMENT BETWEEN THE PROPERTY LINE OF 225 S. SPRING AND THE PAYNE STREET SIDEWALK

**GENERAL NOTES**

- MSD SANITARY SEWERS AVAILABLE BY EXISTING CONNECTION. DOWNSPOUTS FROM NEW BUILDINGS TO OUTLET ON SURFACE.
- ALL FOOD SERVICE ESTABLISHMENTS (FSE) SHALL COMPLY WITH ALL REQUIREMENTS OF THE WDR AND FOG MANAGEMENT POLICY AND ARE SUBJECT TO ENFORCEMENT ACTIONS IN THE MSD ENFORCEMENT RESPONSE PLAN (ERP).
- MSD OR AN AUTHORIZED REPRESENTATIVE SHALL INSPECT ALL MULTI-UNIT RETAIL AND COMMERCIAL DEVELOPMENTS WITH FOOD SERVICE ESTABLISHMENTS (FSE) FOR PROPER INSTALLATION OF GREASE INTERCEPTORS (GI).
- IWD APPROVAL REQUIRED.
- ALL CONSTRUCTION AND SALES TRAILERS MUST BE PERMITTED BY THE DEPARTMENT OF PUBLIC HEALTH & WELLNESS IN ACCORDANCE W/ CHAPTER 115 OF LOUISVILLE JEFFERSON COUNTY METRO ORDINANCES.
- MOSQUITO CONTROL IN ACCORDANCE W/ CHAPTER 96 LJCMO
- ANY & ALL FOOD ESTABLISHMENTS MUST BE IN ACCORDANCE W/ 902 KAR 45:005 REGULATIONS.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- AN ENCROACHMENT PERMIT WILL BE REQUIRED FOR ALL WORK PERFORMED IN THE RIGHT-OF-WAY.
- AN ENCROACHMENT PERMIT WILL BE REQUIRED FOR ALL WORK WITHIN THE RIGHT-OF-WAY.
- LONG TERM EMPLOYEE BIKE PARKING PROVIDED IN SECURED FENCED AREA IN AT THE REAR OF THE BUILDING. BELONGINGS AND GEAR TO BE STORED INSIDE THE RESTAURANT.
- IT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN ALL LANDSCAPE AREAS AND ASSOCIATED PLANT MATERIAL REQUIRED UNDER LAND DEVELOPMENT CODE REGULATIONS.
- THE PROPERTY OWNER WILL BE RESPONSIBLE FOR MAINTAINING THE VERGE AND ASSOCIATED TREES WITHIN THE VERGE UNLESS THE AGENCY HAVING JURISDICTION OVER THAT VERGE ASSUMES THAT RESPONSIBILITY.
- ALL SERVICE STRUCTURES SHALL BE SCREENED IN ACCORDANCE WITH CHAPTER 10 OF LAND DEVELOPMENT CODE.
- STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCE.
- STREET TREES TO BE PROVIDED IN ALL ADJACENT RIGHTS OF WAY PER LDC SECTION 10.2.8. FINAL LOCATION AND TYPE SHOWN ON APPROVED LANDSCAPE PLAN
- ALL UNHEALTHY OR DEAD PLANT MATERIAL SHALL BE REPLACED WITHIN (1) YEAR, OR BY THE NEXT PLANTING PERIOD, WHICHEVER COMES FIRST, WHILE OTHER DEFECTIVE PLANT MATERIAL SHALL BE REPLACED OR REPAIRED WITHIN (3) MONTHS
- ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OILS, AND GREASE POLICY
- MSD SINGLE FAMILY, DEMOLITION, OR SMALL COMMERCIAL PERMIT REQUIRED PRIOR TO ISSUE OF BUILDING PERMIT



**SYMBOL LEGEND**

	SUBJECT BUILDING		PROJECT PROPERTY LINE
	NEIGHBORING BUILDING		ADJACENT PROPERTY LINE

**SITE PLAN**

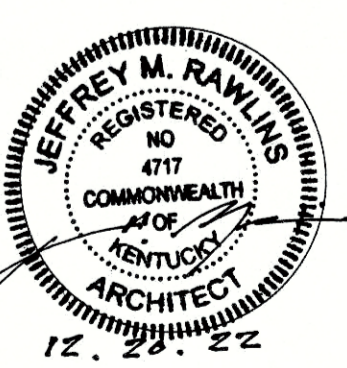
SCALE: 1" = 20'-0"



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

22-ZONEPA-0036

PAYNE ST BAKEHOUSE & GUESTHOUSE  
223 & 225 SOUTH SPRING STREET LOUISVILLE KENTUCKY 40206



REVISIONS

DATE	18 MAY 2022
DATE	20 DECEMBER 2022
SHEET	1 OF 1

22-ZONE-0128