

## Case No. 17ZONE1018 Binding Elements

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Waiver of Section 10.2.4** to reduce the 25' LBA to 15' along the western property line (Waiver #1); the requested **Waiver of Section 5.5.2.B.1.a and 5.9.2.A.1.b.ii** to not provide vehicular and pedestrian connections to adjacent developments (Waiver #2); the requested **Waiver of Section 5.6.1.B.1** to not provide animating features along 60% of the building façade facing a public street (Waiver #3); and the requested **Detailed District Development Plan, SUBJECT** to the following binding elements, and **including an additional binding element (5 D) requiring lot consolidation**:

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 84,725 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 Louisville Metro Department of Inspections, Permits and Licenses, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 17, 2017 Planning Commission hearing.

**ADJACENT PROPERTY OWNERS**

NO.	DEED BK / PG	OWNER	TAX BLOCK & LOT
1	8397 / 417	CLARITY OF VISION, INC.	2759 / 0159
2	4838 / 751	LOUISVILLE GAS & ELECTRIC CO.	0090 / 0098
3	5659 / 565	JADCOE PROPERTIES, INC.	0090 / 0161
4	5696 / 48	CECIL HOLDINGS, INC.	0090 / 0047
5	6330 / 188	NOLTEMEYER CAPITAL, LTD.	0090 / 0013

**PUBLIC WORKS AND KYTC NOTES**

- NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS RIGHT-OF-WAY.
- RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY PUBLIC WORKS OR SHALL BE RECORDED AS PART OF RECORD PLAT AS REQUIRED BY METRO PUBLIC WORKS.
- ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
- VERGE AREA WITH PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER METRO PUBLIC WORKS.
- COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
- AN ENCROACHMENT PERMIT AND BOND MAY BE REQUIRED BY METRO PUBLIC WORKS FOR ROADWAY REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES.
- THE MINIMUM GRADE OF ALL STREETS SHALL BE ONE (1%) PERCENT AND A MAXIMUM GRADE OF TEN (10%) PERCENT.
- THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
- TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SITE DISTANCE AS REQUIRED PER METRO PUBLIC WORKS STANDARDS.
- ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATION, THE "SPECIAL NOTE FOR DETECTABLE WARNING FOR SIDEWALK RAMPS" PER KYTC STANDARD DRAWING FOR SIDEWALKS AND PER "KENTUCKY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION," LATEST EDITION.
- NO INCREASE OF RUNOFF ALLOWED TO DISCHARGE INTO STATE RIGHT-OF-WAY.

**EROSION PREVENTION & SEDIMENT CONTROL NOTES**

- THE APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE IMPLEMENTED PRIOR TO ANY LAND DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED SWPPP PLAN MUST BE REVIEWED AND APPROVED BY MSD. SWPPP BMP'S (BEST MANAGEMENT PRACTICES) 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 SEEDDED 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.
- SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEEDDED, MULCHED, AND ADEQUATELY CONTAINED THROUGHOUT THE USE OF SILT FENCE.
- ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02-03.
- SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICES PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE OR CATCH BASIN.
- WHERE CONSTRUCTION OR LAND DISTURBING 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 DAYS AFTER THE ACTIVITY HAS CEASED.

**MSD NOTES**

- WASTEWATER:**  
SANITARY SEWER WILL CONNECT TO THE DEREK R GUTHRIE WQTC WASTEWATER TREATMENT PLANT BY EXISTING PSC. SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
- DRAINAGE/STORMWATER DETENTION:**  
DETENTION TO BE PROVIDED ON SITE AS DEPICTED ON THE PLAN. POST-DEVELOPED PEAK FLOWS WILL BE LIMITED TO PRE-DEVELOPED PEAK FLOWS FROM DEVELOPMENT FOR THE 2, 10, 25 AND 100 YEAR STORMS OR TO THE CAPACITY OF THE DOWNSPREAD SYSTEM, WHICHEVER IS MORE RESTRICTIVE. DRAINAGE PATTERNS (DIRECTED BY FLOW ARROWS) IS FOR CONCEPTUAL PURPOSES ONLY. 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 AND SILT CONTROL:**  
A SOIL AND SEDIMENTATION CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS. DOCUMENTATION OF MSD'S APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
- THE SUBJECT PROPERTY LIES IN ZONE X, WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 100-YR FLOOD PLAIN PER FEMA FIRM PANEL NO. 21111C0128E, REVISION DATE OF APRIL 5, 2016.
- THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL M54 WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.

**GENERAL NOTES**

- DOMESTIC WATER SUPPLY: SUBJECT SITE CAN BE SERVED BY THE LOUISVILLE WATER COMPANY. THE NECESSARY WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER/DEVELOPER'S EXPENSE.
- TREE PRESERVATION:** A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES ON THE SITE.
- A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED AS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
- STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SITE DISTANCE; FINAL LOCATION WILL BE DETERMINED DURING THE CONSTRUCTION APPROVAL PROCESS.
- THE DEVELOPMENT LIES IN THE OKOLONA FIRE DISTRICT.
- ALL LUMINARIES SHALL BE AIMED, DIRECTED OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINARIES TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROJECTED OPEN SPACES (IE. CONSERVATION EASEMENTS, GREENWAYS OR PARKWAYS) ON ADJACENT OR NEARBY PARCELS, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC STREETS AND RIGHT-OF-WAYS PER CHAPTER 4.1.3. OF THE LDC.
- ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
- BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.4 OF THE LDC.
- ALL INTERIOR SIDEWALKS THAT ABUT PARKING TO BE FIVE (5) FEET WIDE MINIMUM.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- ALL EXISTING STRUCTURES AND EXISTING ENTRANCES SHALL BE REMOVED, EXCEPT AS NOTED ON THE PLAN.
- EXISTING SIDEWALK RECONSTRUCTION AND REPAIRS SHALL BE REQUIRED, AS NECESSARY, TO MEET CURRENT MPW STANDARDS AND SHALL BE INSPECTED PRIOR TO FINAL BOND RELEASE.
- ALL DRIVING AND PARKING SURFACES WILL BE HARD, DURABLE SURFACES.
- MSD DRAINAGE BOND REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL.
- IF THRU DRAINAGE EASEMENT PLAT WILL BE REQUIRED PRIOR TO MSD GRANTING CONSTRUCTION PLAN APPROVAL.
- COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.

**IMPERVIOUS AREA DATA**

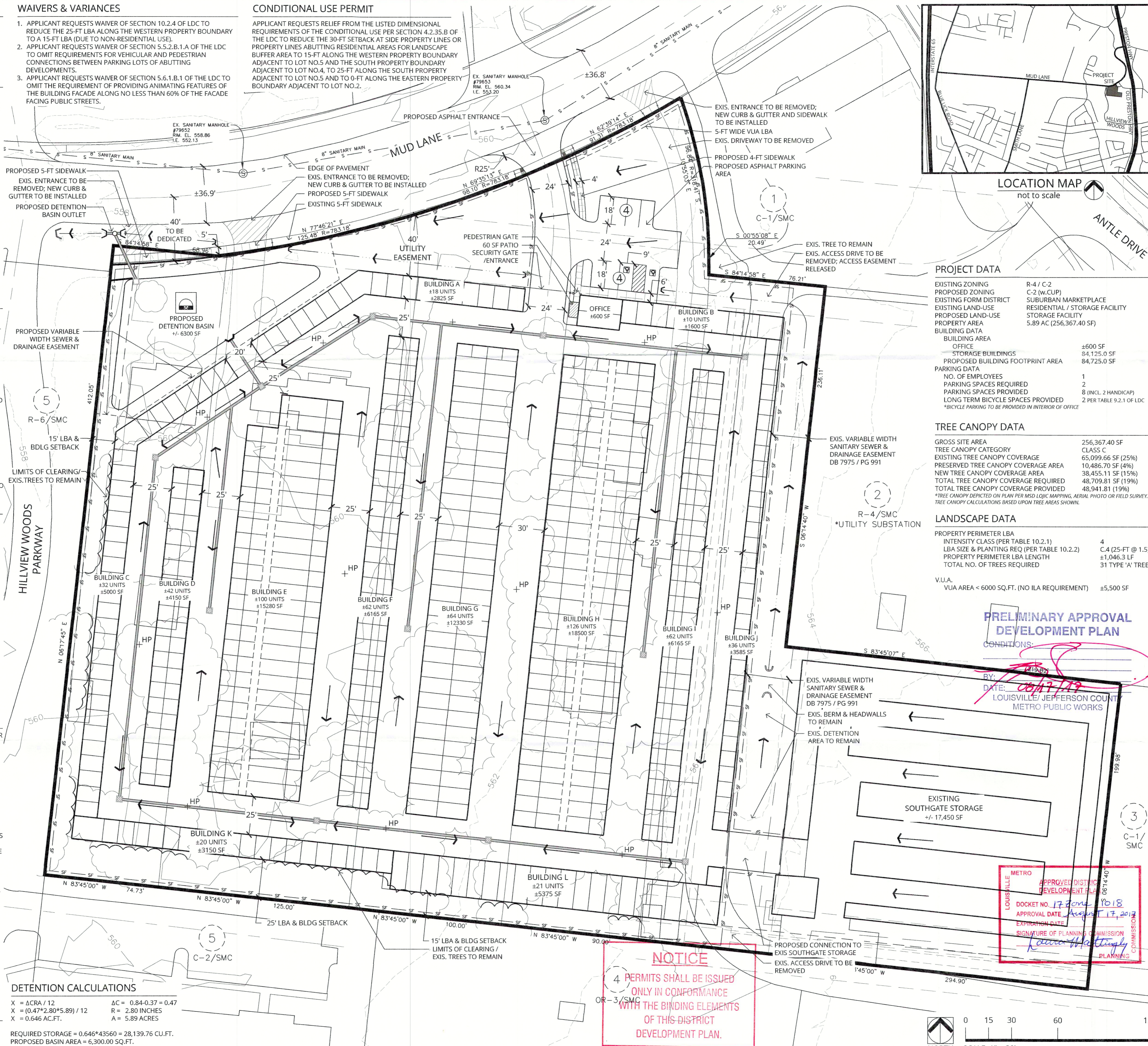
EXISTING IMPERVIOUS AREA	70,501.73 SF (1.62 AC)
PROPOSED IMPERVIOUS AREA	163,163.64 SF (3.75 AC)
INCREASE	92,661.91 SF (2.13 AC)

**WAIVERS & VARIANCES**

- APPLICANT REQUESTS WAIVER OF SECTION 10.2.4 OF LDC TO REDUCE THE 25-FT LBA ALONG THE WESTERN PROPERTY BOUNDARY TO A 15-FT LBA (DUE TO NON-RESIDENTIAL USE).
- APPLICANT REQUESTS WAIVER OF SECTION 5.5.2.B.1.A OF THE LDC TO OMIT REQUIREMENTS FOR VEHICULAR AND PEDESTRIAN CONNECTIONS BETWEEN PARKING LOTS OF ADJUTING DEVELOPMENTS.
- APPLICANT REQUESTS WAIVER OF SECTION 5.6.1.B.1 OF THE LDC TO OMIT THE REQUIREMENT OF PROVIDING ANIMATING FEATURES OF THE BUILDING FACADE ALONG NO LESS THAN 60% OF THE FACADE FACING PUBLIC STREETS.

**CONDITIONAL USE PERMIT**

APPLICANT REQUESTS RELIEF FROM THE LISTED DIMENSIONAL REQUIREMENTS OF THE CONDITIONAL USE PER SECTION 4.2.35.B OF THE LDC TO REDUCE THE 30-FT SETBACK AT SIDE PROPERTY LINES OR PROPERTY LINES ADJUTING RESIDENTIAL AREAS FOR LANDSCAPE BUFFER AREA TO 15-FT ALONG THE WESTERN PROPERTY BOUNDARY ADJACENT TO LOT NO.5 AND THE SOUTH PROPERTY BOUNDARY ADJACENT TO LOT NO.4, TO 25-FT ALONG THE SOUTH PROPERTY BOUNDARY ADJACENT TO LOT NO.5 AND TO 0-FT ALONG THE EASTERN PROPERTY BOUNDARY ADJACENT TO LOT NO.2.



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CLIENT



802 LILY CREEK RD, SUITE 201  
LOUISVILLE, KENTUCKY 40253

PROJECT NAME & ADDRESS

**MUD LANE MINI-STORAGE**  
4910, 4912, 4914 & 4916 MUD LANE  
AND 11212 PRESTON HIGHWAY  
LOUISVILLE, KENTUCKY 40229

PROJECT TITLE

**DETAILED DISTRICT DEVELOPMENT PLAN**

STAMP: PRELIMINARY APPROVAL  
Condition of Approval: \_\_\_\_\_  
Date: 08/17/17  
BY: [Signature]  
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

DATE ISSUED	JUNE 5, 2017
DRAWN BY	KWR
CHECKED BY	KWR
PROJECT NUMBER	17-ZONE-1018
MSD WM NO.	7739
REVISIONS	DATE
1. AGENCY COMMENTS	06.26.2017
2. BASIN OUTLET PER MSD	07.20.2017
<b>RECEIVED</b>	
AUG 09 2017	
PLANNING & DESIGN SERVICES	

SHEET NUMBER

1.01

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