

Case No. 19ZONE1011 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan with the removal of the existing General Plan Binding Elements, and **SUBJECT** to the following binding elements:

General Plan Binding Elements (proposed to be removed)

- ~~1. Prior to development of each phase of the project, a detailed district development plan shall be submitted to the Planning Commission for approval. The plan shall be in adequate detail for the Commission to assess the impact of the development in the surrounding area. Each development plan shall be subject to additional binding elements.~~
- ~~2. The gross square footage for the portion of the development southwardly of the proposed road bisecting the property shall be 235,685 square feet including no more than 10,785 square feet for out parcels one and two. The total square footage for the portion of the property lying northwardly of the proposed road bisecting the property shall be 146,500 square feet.~~
- ~~3. No additional development or expansion shall take place unless additional parking is provided.~~
- ~~4. Any change in use of the building space shall receive certificate of occupancy permits only if no great deficit in parking is created.~~
- ~~5. Before a building permit is issued:
 - ~~a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
 - ~~b) The property owners or developers must obtain approval from the Planning Commission, in business session, of a screening, buffering and landscaping plan for the site. Landscape along Hurstbourne Parkway shall include berms, and sufficient plantings to establish a "park way character" in the area zoned C-1 and sufficient plantings to establish a compatible "park way character" in the area zoned C-2. The buffer to be constructed along the southwest and southeast property lines shall provide a substantial and solid barrier between the residential uses to the south and the commercial uses on the site.~~~~
- ~~6. There shall be no direct access to Hurstbourne Lane except as shown on the approved district development plan. Primary access will be via the new public street constructed to serve this site.~~
- ~~7. The developer shall construct and dedicate to public use the roadway shown on~~

~~the approved district development plan and preliminary subdivision plan (Docket 10-5-85) prior to occupancy of any structure on this site.~~

- ~~8. Off-site traffic improvements shown on the approved district development plan shall be constructed prior to occupancy of any structure on this site.~~
- ~~9. No freestanding signs shall be erected until a plan showing their location, height, and size has been submitted to and approved by the Planning Commission.~~
- ~~10. The screening (buffering/landscaping) shown on the approved district development plan shall be implemented prior to occupancy and maintained thereafter. Detailed planting plans shall be submitted prior to construction.~~
- ~~11. If a building permit is not issued within one year of the date of approval of the plan or rezoning, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~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 applicant guarantees payment of the cost of constructing the portion of the proposed new roadway crossing the first tract located easterly of the subject property as shown on Sheet 2 of the proposed road plan entitled "Preliminary Council Crest Drive Extension from Bunsen Way to Hurstbourne Lane" that is part of the record in this case. Payment of such cost will be paid as construction of that portion of the proposed new roadway progresses.~~
- ~~14. On the portion of the subject property located northerly of the proposed new road that divides the subject property, that is the auto sales part, the applicant will not place pennants nor will the applicant utilize outdoor loud speakers in connection with the auto sales agencies.~~
- ~~15. The following uses are prohibited on the portion of the subject property located southerly of the proposed new road that divides the subject property:
 - ~~a) Restaurants of the type known as "fast food" restaurants, characterized by freestanding buildings with drive-in facilities or drive-through windows to allow food and drink to be sold outside the building. This restriction shall not prohibit a café with sidewalk seating used in conjunction with indoor food service nor shall it prohibit a food court located within the shopping center where food may be served by a variety of vendors~~~~

- ~~b) Automobile service stations~~
- ~~c) Beer depots~~
- ~~d) Bowling alleys~~
- ~~e) Business schools, but not to be construed to prevent teaching activities related to the products sold in retail stores~~
- ~~f) Car washes~~
- ~~g) Exceptional residential uses h) Funeral homes~~
- ~~i) Retail nurseries, but this restriction is not intended to prohibit the sale of items such as potted plants in connection with a florist shop~~
- ~~j) Towers (radio/TV receiving or transmitting)~~

~~16. A landscaping plan must be submitted for approval by the full Commission in business session which meets Article 12.~~

~~17. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

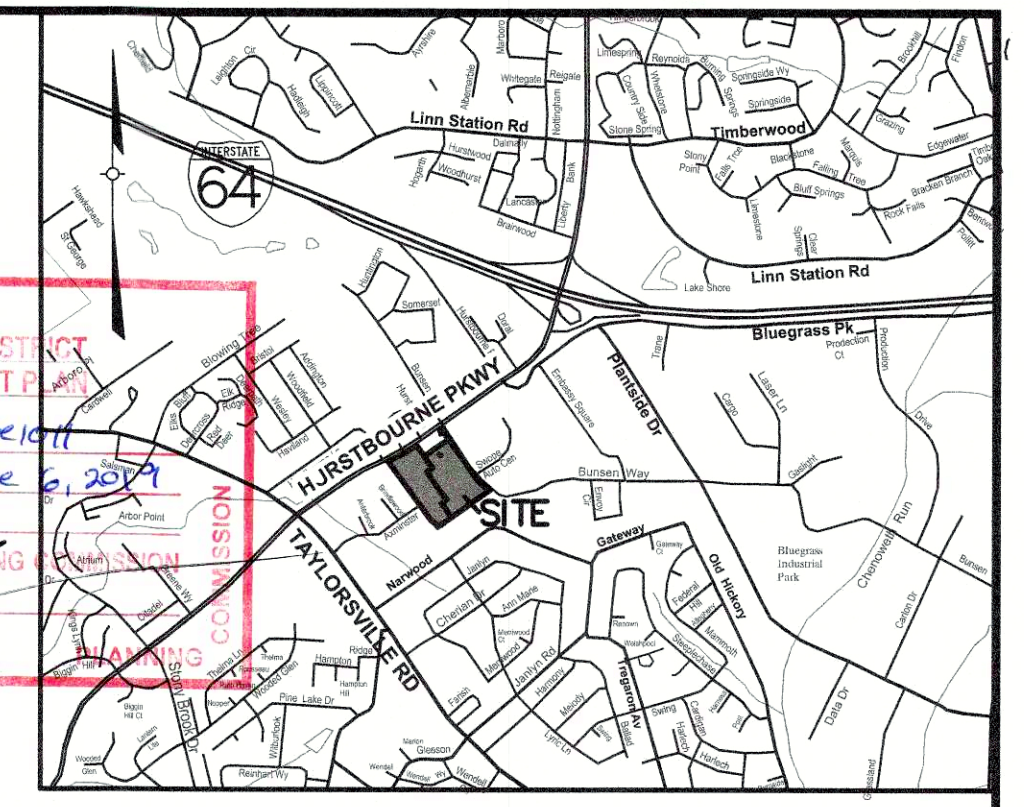
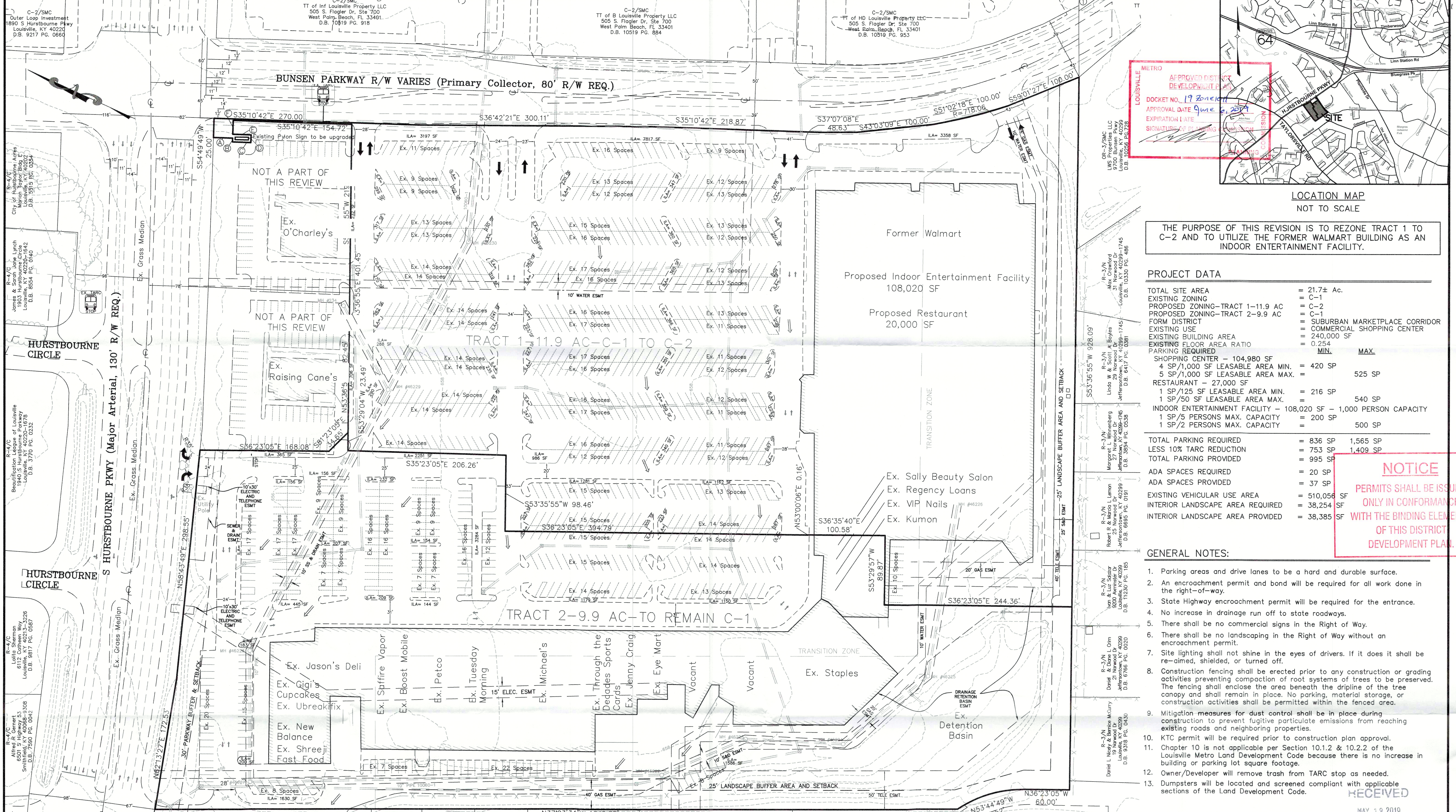
Proposed Binding Elements

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-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. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed .5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy.

Such certification shall be maintained on site at all times thereafter.

9. A change of use to auto rental, repair service, or sales shall require a traffic impact study to be reviewed and approved by Develop Louisville. Road improvements and traffic mitigation identified in the traffic impact study shall be constructed prior to the issuance of certificate of occupancy.
10. The site shall not be used for the following uses:
 - a. Public Passenger Transportation Terminals.
 - b. Boat sales with outside storage.
 - c. Bingo Halls and Parlors.



LOUISVILLE METRO APPROVED DISTRICT DEVELOPMENT PLAN
 DOCKET NO. 19 ZONE
 APPROVAL DATE June 6, 2019
 EXPIRATION DATE
 SIGNATURE OF PLANNING & DESIGN SERVICES

THE PURPOSE OF THIS REVISION IS TO REZONE TRACT 1 TO C-2 AND TO UTILIZE THE FORMER WALMART BUILDING AS AN INDOOR ENTERTAINMENT FACILITY.

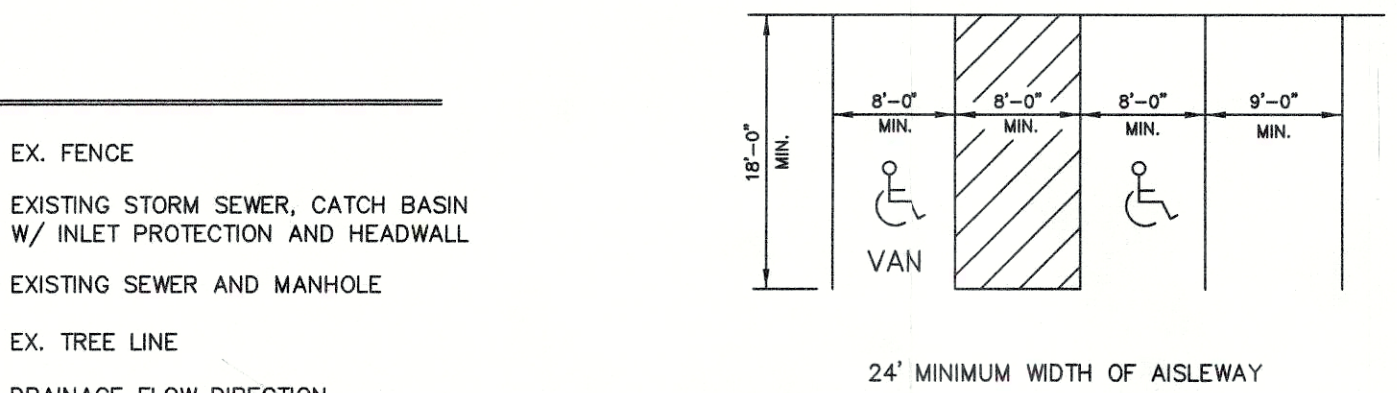
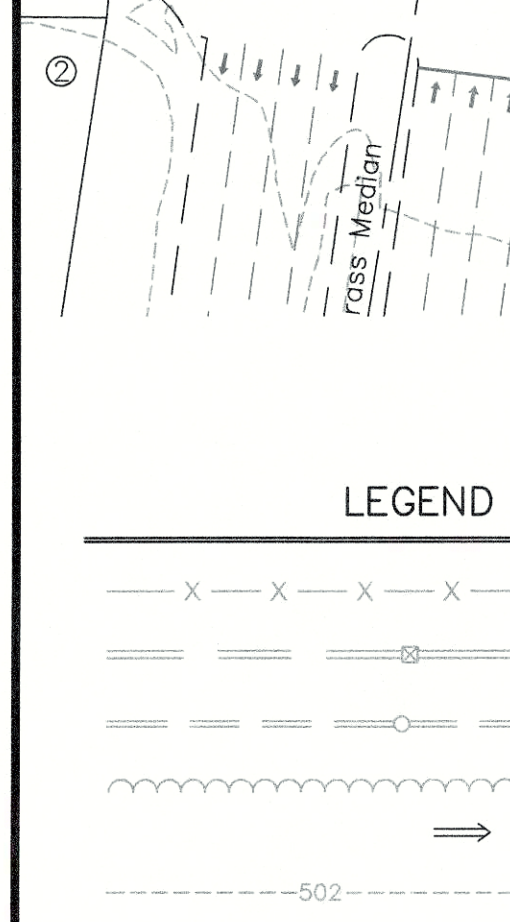
PROJECT DATA

TOTAL SITE AREA	= 21.7± Ac.
EXISTING ZONING	= C-1
PROPOSED ZONING—TRACT 1—11.9 AC	= C-2
PROPOSED ZONING—TRACT 2—9.9 AC	= C-1
FORM DISTRICT	= SUBURBAN MARKETPLACE CORRIDOR
EXISTING USE	= COMMERCIAL SHOPPING CENTER
EXISTING BUILDING AREA	= 240,000 SF
EXISTING FLOOR AREA RATIO	= 0.254
PARKING REQUIRED	MIN. MAX.
SHOPPING CENTER — 104,980 SF	
4 SP/1,000 SF LEASABLE AREA MIN.	= 420 SP
5 SP/1,000 SF LEASABLE AREA MAX.	= 525 SP
RESTAURANT — 27,000 SF	
1 SP/125 SF LEASABLE AREA MIN.	= 216 SP
1 SP/50 SF LEASABLE AREA MAX.	= 540 SP
INDOOR ENTERTAINMENT FACILITY — 108,020 SF — 1,000 PERSON CAPACITY	
1 SP/5 PERSONS MAX. CAPACITY	= 200 SP
1 SP/2 PERSONS MAX. CAPACITY	= 500 SP
TOTAL PARKING REQUIRED	= 836 SP, 1,565 SP
LESS 10% TARC REDUCTION	= 753 SP, 1,409 SP
TOTAL PARKING PROVIDED	= 995 SP
ADA SPACES REQUIRED	= 20 SP
ADA SPACES PROVIDED	= 37 SP
EXISTING VEHICULAR USE AREA	= 510,056 SF
INTERIOR LANDSCAPE AREA REQUIRED	= 38,254 SF
INTERIOR LANDSCAPE AREA PROVIDED	= 38,385 SF

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

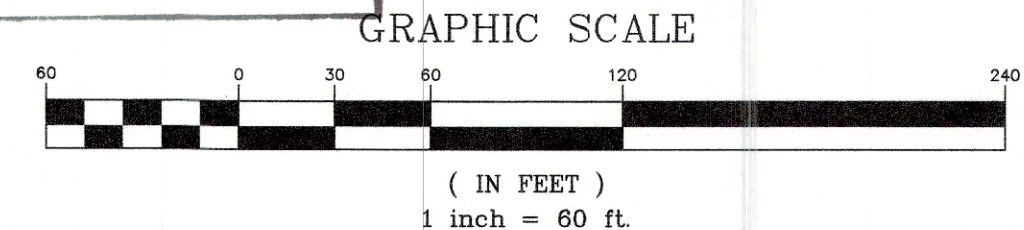
- GENERAL NOTES:**
- Parking areas and drive lanes to be a hard and durable surface.
 - An encroachment permit and bond will be required for all work done in the right-of-way.
 - State Highway encroachment permit will be required for the entrance.
 - No increase in drainage run off to state roadways.
 - 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 dripline 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.
 - Chapter 10 is not applicable per Section 10.1.2 & 10.2.2 of the Louisville Metro Land Development Code because there is no increase in building or parking lot square footage.
 - Owner/Developer will remove trash from TARC stop as needed.
 - Dumpsters will be located and screened compliant with applicable sections of the Land Development Code.

- MSD NOTES:**
- Sanitary sewer service is provided by connection. A downstream capacity request has been approved.
 - No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0063 D 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 plan design process. Drainage facilities shall conform to MSD requirements.
 - Erosion & Silt Control: Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
 - Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
 - No site construction is proposed as a result of this zoning application.



PRELIMINARY APPROVAL
 Condition of Approval:
 [Signature] 5-22-19
 Date
 LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

PRELIMINARY APPROVAL DEVELOPMENT PLAN
 CONDITIONS:
 BY: [Signature] 5/22/19
 DATE:
 LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS



① C-2/SMC
 TT of B Louisville Property LLC
 505 S. Flagler Dr, Ste 700
 West Palm Beach, FL 33401
 D.B. 10519 PG. 889

② C-2/SMC
 Taylorhurst Assoc
 12949 Shelbyville Rd Ste 102
 Louisville, KY 40243
 D.B. 5607 PG. 0013

- Ⓐ S35°10'42"E 25.00'
- Ⓑ S54°49'49"W 5.00'
- Ⓒ S35°10'42"E 23.80'
- Ⓓ N54°49'49"E 10.00'
- Ⓔ N35°10'42"W 23.80'
- Ⓕ N54°49'49"E 18.00'

SITE ADDRESS:
 1927 S HURSTBOURNE PKY LOUISVILLE, KY 40220
 TAX BLOCK 2492, LOT 0023
 D.B. 10215 PG. 786

SITE ADDRESS:
 1915 S HURSTBOURNE PKY LOUISVILLE, KY 40220
 TAX BLOCK 2492, LOT 0022
 D.B. 10215 PG. 786

RELATED CASES:
 18833
 B-253-99
 9621
 9-87-85

COUNCIL DISTRICT - 18
FIRE PROTECTION DISTRICT - JEFFERSONTOWN - MCMAHAN
WM#10825

REVISIONS

NO.	DATE	DESCRIPTION
1	4/7/19	AGENCY COMMENTS
2	5/10/19	REVISED REZONING AREA

BY: [Signature]
 DATE: 5/11/19
 CHECKED BY: MH
 SCALE: AS SHOWN
 DRAWN BY: JH/ARH

PROJECT DATA
 FILE NAME: 12103-DOOP-2019
 DATE: 5-11-19
 CHECKED BY: MH

LD&D
 LAND DESIGN & DEVELOPMENT, INC.
 ENGINEERING • LAND SERVICES • LANDSCAPE ARCHITECTURE
 507 WICKLIFFE BLVD, SUITE 100
 FAYETTEVILLE, KY 40424
 FAX: 502.344.2424
 WEB SITE: WWW.LD&D.COM

REVISED DETAILED DISTRICT DEVELOPMENT PLAN
TOWNFAIR SHOPPING CENTER
 OWNER/DEVELOPER
HURSTBOURNE TOWNFAIR STATION LLC
 11501 NORTHLAKE DR
 CINCINNATI, OH 45249

JOB NO. 12103
 SHEET 1 OF 1