

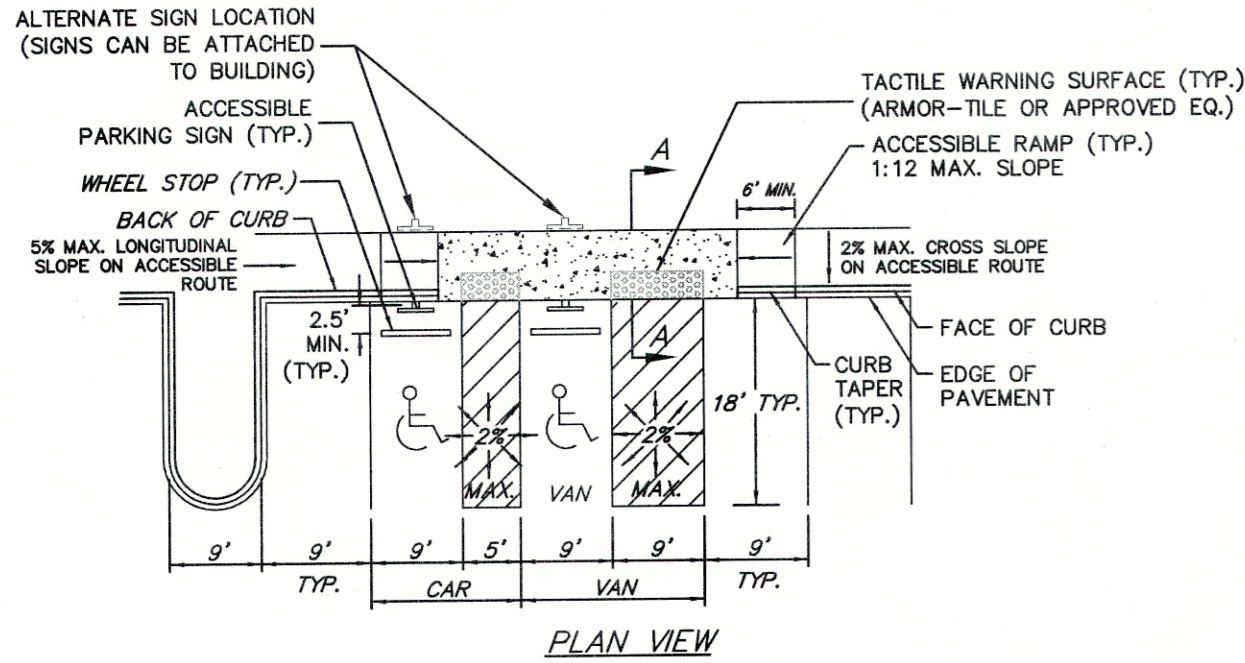
### Case No. 15ZONE1064 Binding Elements

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **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 14,000 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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works 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.
  - 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. 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

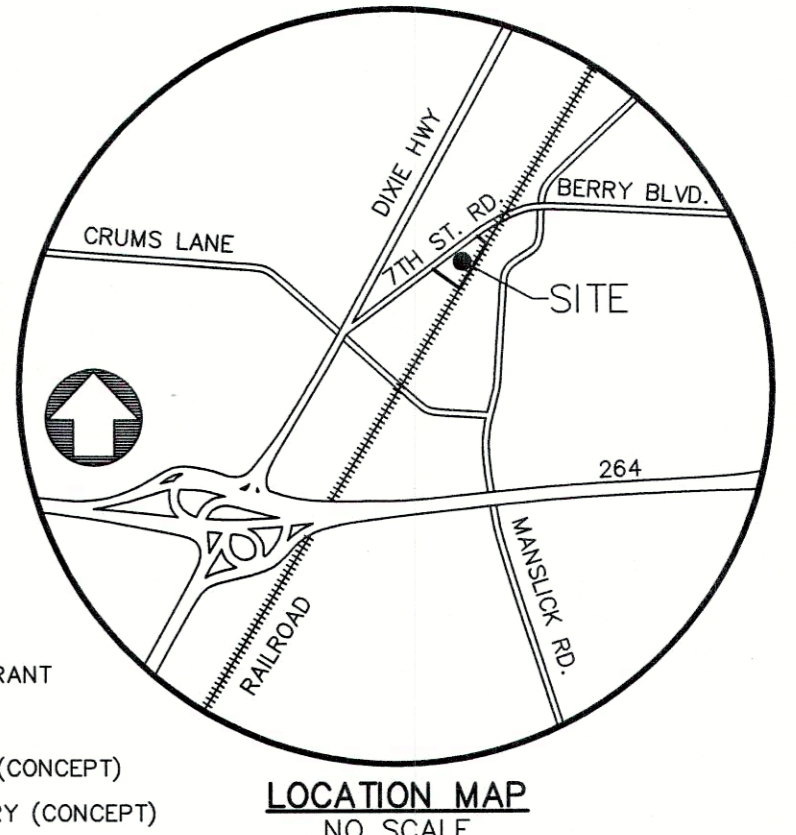
specifically waived by the Planning Commission.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The property owner shall provide a cross over access easement if the property to the south is ever re- developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 21, 2016 Planning Commission meeting.
11. No idling of trucks between the rear of the shopping center and adjacent single-family residences. No overnight idling of trucks shall be permitted on-site.
12. No idling of trucks shall take place within 200 feet of residential development. No overnight idling of trucks shall be permitted on-site.



TYPICAL ACCESSIBLE PARKING SPACES  
NO SCALE

LOUISVILLE METRO  
APPROVED DISTRICT DEVELOPMENT PLAN  
DOCKET NO. 1530NE1064  
APPROVAL DATE April 21, 2016  
EXPIRATION DATE  
SIGNATURE OF PLANNING COMMISSION  
[Signature]



- LEGEND**
- EXISTING CONTOUR
  - EXISTING FIRE HYDRANT
  - EXISTING SANITARY
  - PROPOSED STORM (CONCEPT)
  - PROPOSED SANITARY (CONCEPT)
  - PROPOSED FLOW ARROW
  - PROPOSED REQUIRED YARD
  - PROPOSED DUMPSTER LOCATION
  - SF PROPOSED EROSION CONTROL

- 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.
  - PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERRECTED PRIOR TO ANY GRADING OR CONSTRUCTION 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 UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
  - THE DEVELOPMENT LIES IN THE LOUISVILLE #3 FIRE DISTRICT.
  - IDENTIFICATION SIGN SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING STAFF PRIOR TO CONSTRUCTION PLAN APPROVAL AND SHALL MEET THE REQUIREMENTS OF CHAPTER 8 OF THE LDC.
  - ALL LUMINAIRES SHALL BE AIMED, DIRECTED, OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROTECTED OPEN SPACES (i.e. 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.
  - ALL RADII TO BE 4.5' UNLESS OTHERWISE INDICATED.
  - BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.6 OF THE LDC.
  - ALL INTERIOR SIDEWALKS THAT ADJUT PARKING TO BE 5' WIDE MINIMUM.
  - A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.
  - ALL EXISTING STRUCTURES AND DRIVEWAYS ON SITE TO BE REMOVED.
  - MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.

- MSD NOTES:**
- WASTEWATER: SANITARY SEWER WILL CONNECT TO THE MORRIS FOREMAN WASTEWATER TREATMENT PLANT BY CONNECTION, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
  - DRAINAGE / STORM WATER DETENTION: SITE DISCHARGE INTO THE COMBINED SANITARY SEWER SYSTEM SHALL LIMIT THE 100 YEAR POST-DEVELOPED DISCHARGE TO THE 10 YEAR PRE-DEVELOPED DISCHARGE PER SECTION 10.3.1.2 OF THE MSD DESIGN MANUAL.
  - EROSION & SILT CONTROL: A SOILS 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.
  - NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, (211110050E).
  - 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.
  - KYTC APPROVAL FOR DRAINAGE REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
  - ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OILS AND GREASE POLICY.
  - UNDERGROUND DETENTION BASINS MUST MEET THE REQUIREMENTS OF SECTION 10.3.8.4 OF MSD'S DESIGN MANUAL.

- PUBLIC WORKS AND KYTC NOTES:**
- NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS R/W.
  - RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY PUBLIC WORKS OR WITH ASSOCIATED 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 AND KYTC.
  - COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
  - AN ENCROACHMENT PERMIT AND BOND SHALL BE REQUIRED FOR ALL WORK IN PUBLIC RIGHT-OF-WAY.
  - THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
  - ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A STANDARD SPECIFICATIONS, THE "SPECIAL NOTE FOR DETECTABLE WARNING" FOR SIDEWALK RAMPS" PER KYC STANDARD DRAWINGS FOR SIDEWALKS AND PER "KY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION," LATEST EDITION.
  - CALCULATIONS WILL BE REQUIRED FOR ANY RUNOFF DEEMED NECESSARY TO BE TAKEN TO THE STATE RIGHT-OF-WAY.
  - A WAIVER TO REDUCE THE REQUIRED RIGHT-OF-WAY ALONG 7TH STREET ROAD FROM 65' TO 45' FROM CENTERLINE WAS APPROVED JAN. 11, 2016 BY THE DIRECTOR OF PUBLIC WORKS & PLANNING & DESIGN SERVICES.
  - UPON REDEVELOPMENT OF ADJACENT PROPERTIES, A UNIFIED ACCESS AND CIRCULATION SYSTEM SHALL BE DEVELOPED TO ELIMINATE PRE-EXISTING CURB CUTS AND PROVIDE FOR VEHICULAR MOVEMENT THROUGHOUT ADJACENT SITES AS DETERMINED APPROPRIATE BY THE DEPARTMENT OF PUBLIC WORKS. A CROSS ACCESS AGREEMENT TO RUN WITH THE LAND AND IN A FORM ACCEPTABLE TO PLANNING COMMISSION LEGAL COUNSEL SHALL BE RECORDED PRIOR TO THE TIME OF CONSTRUCTION APPROVAL FOR THE ADJACENT PROPERTY TO BE DEVELOPED.

- WAIVER REQUESTS**
- A WAIVER OF 10.2.4.B OF THE LDC IS REQUESTED TO ALLOW A 100% OVERLAP OF THE LANDSCAPE BUFFER AREA WITH A UTILITY EASEMENT.
  - A WAIVER OF 10.2.13 OF THE LDC IS REQUESTED TO ALLOW A SMALL TYPE "C" TREE TO BE USED TO MEET THE INTERIOR LANDSCAPE AREA TREE REQUIREMENT.
  - A WAIVER OF 8.3.3.6.6 OF THE LDC IS REQUESTED TO ALLOW A FREESTANDING SIGN ON LOT FRONTAGE WHERE THE PROPOSED BUILDING IS BEING SITUATED LESS THAN (15) FEET FROM THE STREET RIGHT-OF-WAY LINE.

- VARIANCE REQUESTS**
- A VARIANCE OF 5.1.8.B OF THE LDC IS REQUESTED TO ALLOW LESS THAN 60% OF THE SITE'S FRONTAGE TO BE OCCUPIED BY THE BUILDINGS ON THE SITE.
  - A VARIANCE OF 5.2.4.C.3.F OF THE LDC IS REQUESTED TO ALLOW PARKING TO ENCOACH THE 5' REAR YARD AS MUCH AS 3' AND AS SHOWN ON THE DEVELOPMENT PLAN.

- TREE CANOPY DATA:**
- |                                      |                   |
|--------------------------------------|-------------------|
| GROSS SITE AREA                      | 40,429± S.F.      |
| TREE CANOPY CATEGORY                 | CLASS C           |
| EXISTING TREE CANOPY                 | 4,828± S.F. (12%) |
| EXISTING TREE CANOPY TO BE PRESERVED | 0± S.F. (0%)      |
| TREE CANOPY TO BE PLANTED            | 8,086± S.F. (20%) |
| TOTAL TREE CANOPY REQUIRED           | 8,086± S.F. (20%) |

\*TREE CANOPY CALCULATIONS PROVIDED AND REQUIRED WERE BASED ON INFORMATION GIVEN BY MSD DIGITAL LOGIC. FINAL CALCULATION SHALL BE PROVIDED DURING THE CONSTRUCTION PLAN PROCESS. MSD DIGITAL LOGIC. FINAL CALCULATION SHALL BE PROVIDED DURING THE CONSTRUCTION PLAN PROCESS.

**PROJECT DATA:**

FORM DISTRICT	TC & TW
PROPOSED FORM DISTRICT	C1
EXISTING ZONING	TC & M2
PROPOSED ZONING	C1
EXISTING LAND USE	VACANT
PROPOSED LAND USE	RETAIL
TOTAL LAND AREA	12,452± S.F.
TOTAL BUILDING AREA	0,922± AC
FLOOR AREA RATIO	0.34
BUILDING HEIGHT (ALLOWED 120')	28'
PARKING SPACES REQUIRED	28-110 SPACES
(WITH 10% TARC ROUTE REDUCTION)	25-99 SPACES
1SP./500 S.F. MIN.	
1SP./125 S.F. MAX	
PARKING SPACES PROVIDED	26 SPACES
(INCLUDES 2 HDPC SPACES)	
BICYCLE PARKING	2 SPACES
LONG TERM (PROVIDED IN BLDG.)	
SHORT TERM	2 SPACES

**LANDSCAPE DATA:**

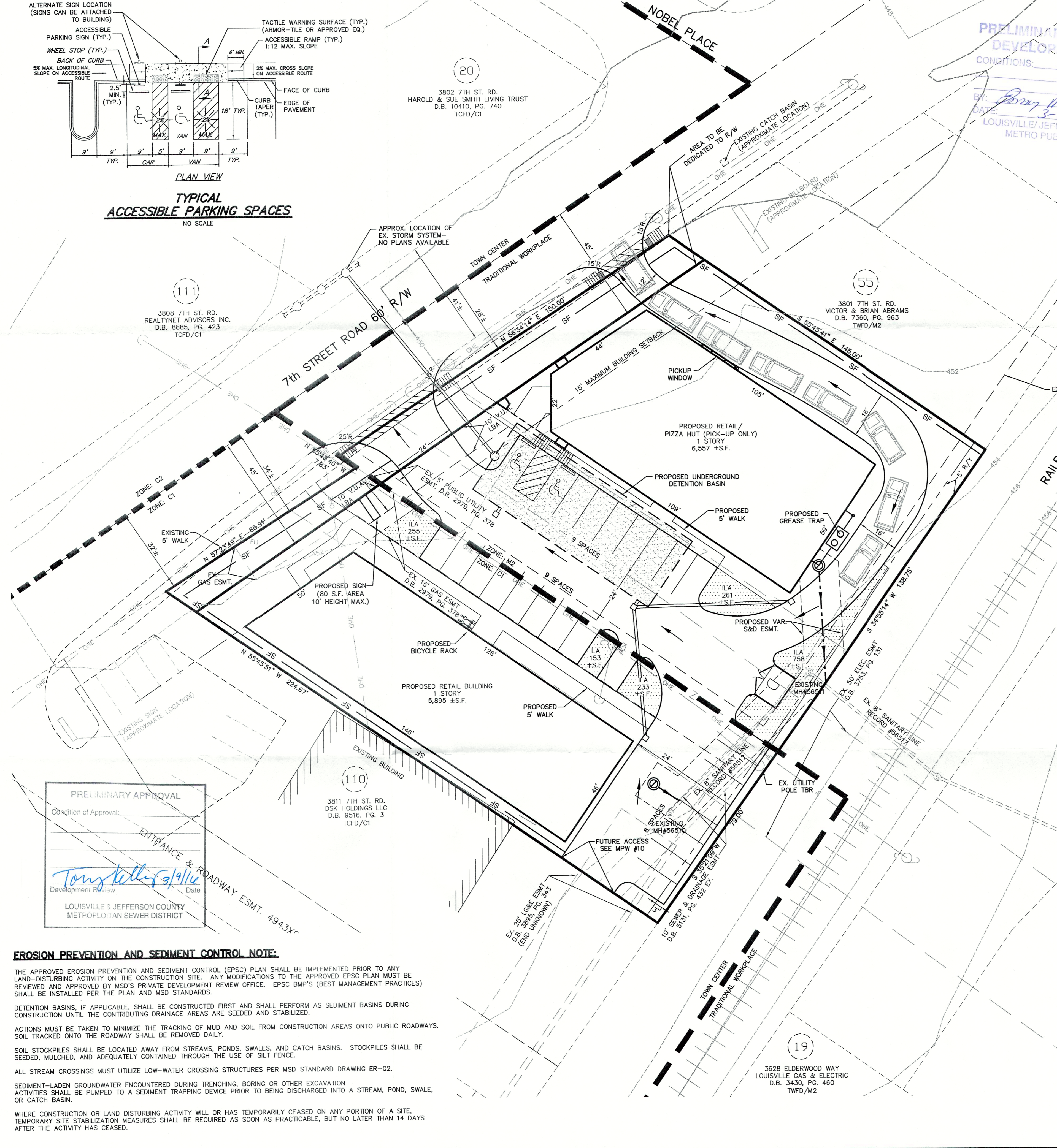
V.U.A.	14,992 S.F.
L.A. REQUIRED (7.5% X VUA)	1,124 S.F.
L.A. PROVIDED	1,660± S.F.

**DETENTION CALCULATIONS**

2.9/12 (0.83-0.35) (0.92) = 0.11 AC.FT.  
PROPOSED IMPERVIOUS AREA: 25,889 ± S.F.

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

PRELIMINARY APPROVAL DEVELOPMENT PLAN CONDITIONS:  
BY: [Signature]  
DATE: 3-9-16  
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS



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

**EROSION PREVENTION AND SEDIMENT CONTROL NOTE:**

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPCS) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPCS PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPCS 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 DAILY.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEEDDED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.

ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.

SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE 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.

DEVELOPER: APEX RESTAURANTS LLC  
305 TOWNPARK CIR. STE. 101  
LOUISVILLE, KY. 40243

OWNER: LJC TRUST LLC  
822 S. 1ST STREET  
LOUISVILLE, KY. 40203

DETAILED DISTRICT DEVELOPMENT PLAN  
PIZZA HUT  
3803, 3805 & 3809 7TH STREET RD.  
LOUISVILLE, KENTUCKY. 40216  
T.B: 90E LOT: 98, T.B: 65G LOTS: 53 & 54  
D.B. 9995 PG. 350

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Horizontal Scale: 1"=20'  
Date: 01/25/16  
Job Number: 3280  
Sheet: 1 of 1

Mindel, Scott & Associates, Inc.  
Planning - Engineering - Surveying - Landscape Architecture  
Utility Consulting - Property Management  
MSA

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