

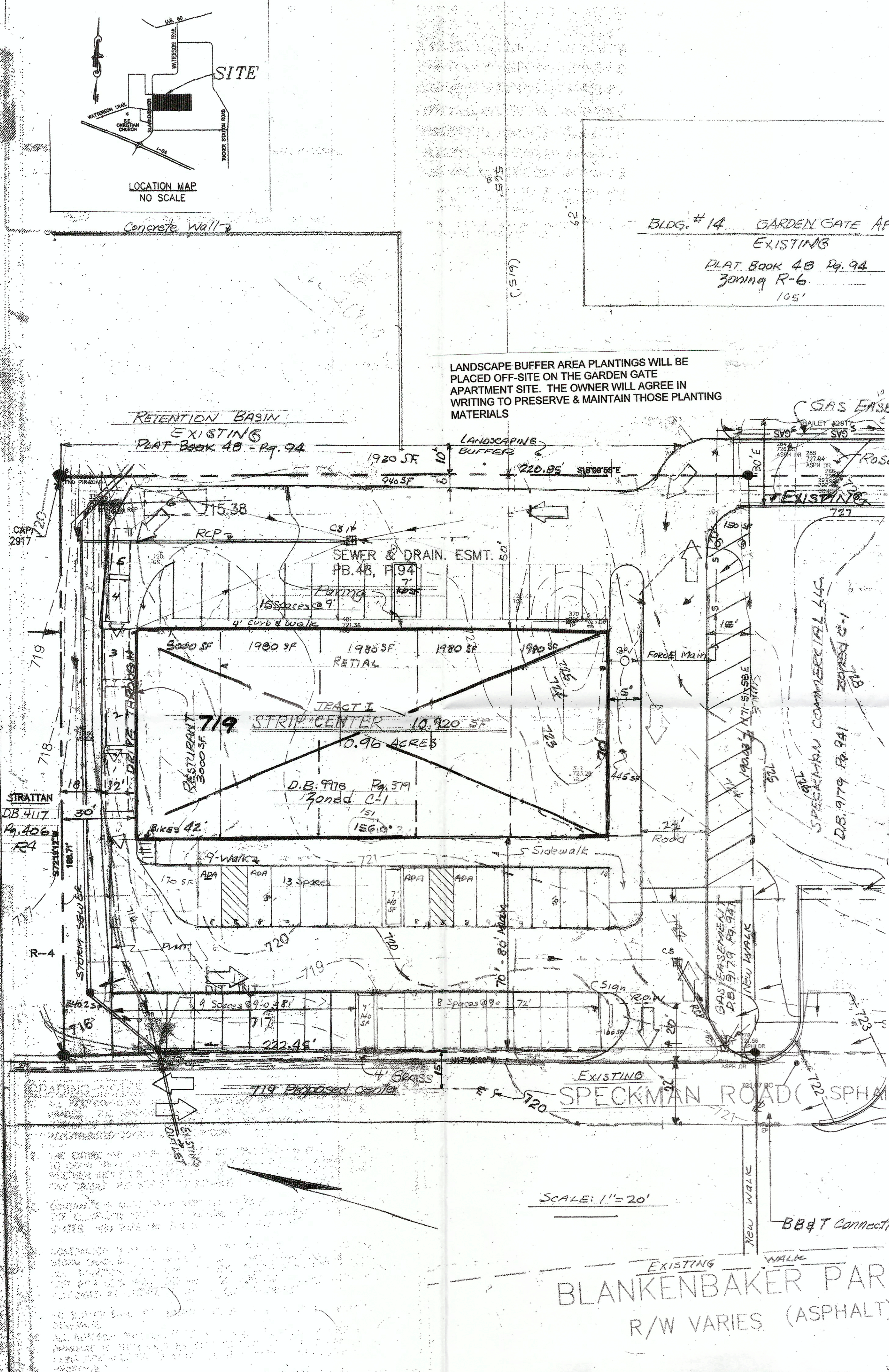
METRO
LOUISVILLE
APPROVED DISTRICT
DEVELOPMENT PLAN
Case
DOCKET NO. 14 DEN PLAN 1145
APPROVAL DATE 3/16/15
EXPIRATION DATE 3/16/17
SIGNATURE OF PLANNING COMMISSION
David C. Kaplan
PLANNING COMMISSION

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

PRELIMINARY APPROVAL
DEVELOPMENT PLAN
CONDITIONS: Providing 56 parking
spaces
BY: *Bruce M. Miller*
DATE: 2-11-15
LOUISVILLE/JEFFERSON COUNTY
METRO PUBLIC WORKS

BLDG. # 14 GARDEN GATE APARTMENTS
EXISTING
PLAT BOOK 48 Pg. 94
Zoning R-6
165'

LANDSCAPE BUFFER AREA PLANTINGS WILL BE
PLACED OFF-SITE ON THE GARDEN GATE
APARTMENT SITE. THE OWNER WILL AGREE IN
WRITING TO PRESERVE & MAINTAIN THOSE PLANTING
MATERIALS



NOTES

- < DEPICTS DIRECTION OF STORM WATER FLOW FOR SCHEMATIC PURPOSES ONLY. A DETAILED DRAINAGE PLAN WILL BE SUBMITTED TO MSD FOR FINAL APPROVAL PRIOR TO CONSTRUCTION.
- SANITARY SEWER SERVICE IS IN ROSE GARDEN ROAD. PROPERTY IS SUBJECT TO APPLICABLE FEES.
- STORM WATER DETENTION IS PROVIDED IN PRESENT BASIN FOR TRACT I.
- A SEDIMENTATION AND EROSION CONTROL PLAN WILL BE PREPARED AND IMPLEMENTED IN ACCORDANCE WITH M.S.D. AND U.S.D.A. NATURAL RESOURCES AND CONSERVATION SERVICES RECOMMENDATIONS.
- FREESTANDING SIGNS WILL COMPLY WITH THE LOUISVILLE JEFFERSON COUNTY DEVELOPMENT CODE.
- A TREE PRESERVATION PLAN WILL BE PREPARED, APPROVED AND IMPLEMENTED PRIOR TO INITIATING CONSTRUCTION ACTIVITY. CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING AND/OR CONSTRUCTION ACTIVITY. FENCING SHALL ENCLOSE THE AREA BENEATH THE DRIPLINE AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN FENCED AREA.
- ALL SITE LIGHTING WILL BE DIRECTED DOWN AND AWAY FROM ADJOINING RESIDENCES.
- ALL PARKING SPACES ARE 9 FEET WIDE BY 18 FEET DEEP UNLESS OTHERWISE NOTED.
- CONSTRUCTION FENCING SHALL BE ERECTED AT THE EDGE OF THE AREA OF DEVELOPMENT PRIOR TO ANY GRADING OR CONSTRUCTION TO PROTECT THE EXISTING TREE STANDS AND THEIR 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.
- MSD IWD APPROVAL REQUIRED.
- ALL WORK WITHIN THE P.O.W. REQUIRES PERMIT AND BOND
- OWNER: SPECKMAN COMMERCIAL, 7410 NEW LAGRANGE RD., STE 100 LOUISVILLE, KY 40222
- TITLE BY DEED: TAX BLOCK 3534 LOT 1, SUB LOT 0000 DISTRICT 22.
- GEM ENGINEERING WAS ON SITE IN FEBRUARY OF 2012 AND NO KARSETS WERE FOUND.

- MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.

WAIVERS

- TO OMIT THE SIDEWALK ALONG SPECKMAN ROAD (LDC SECTION 5.8.1.B)
- TO WAIVE THE 35' LBA, PLANTINGS, AND SCREEN ALONG THE NORTH PROPERTY LINE (LDC SECTION 10.2.4)
- TO WAIVE THE 35' LBA, PLANTINGS, AND SCREEN ALONG THE EAST PROPERTY LINE (LDC SECTION 10.2.4)
- TO WAIVE THE 10' VUA LBA, PLANTINGS, AND SCREEN ALONG WEST PROPERTY LINE (LDC SECTION 10.2.10)

- TO ALLOW THE EASEMENTS TO OVERLAP THE LBA AREAS BY MORE THAN 50% (10.2.4)

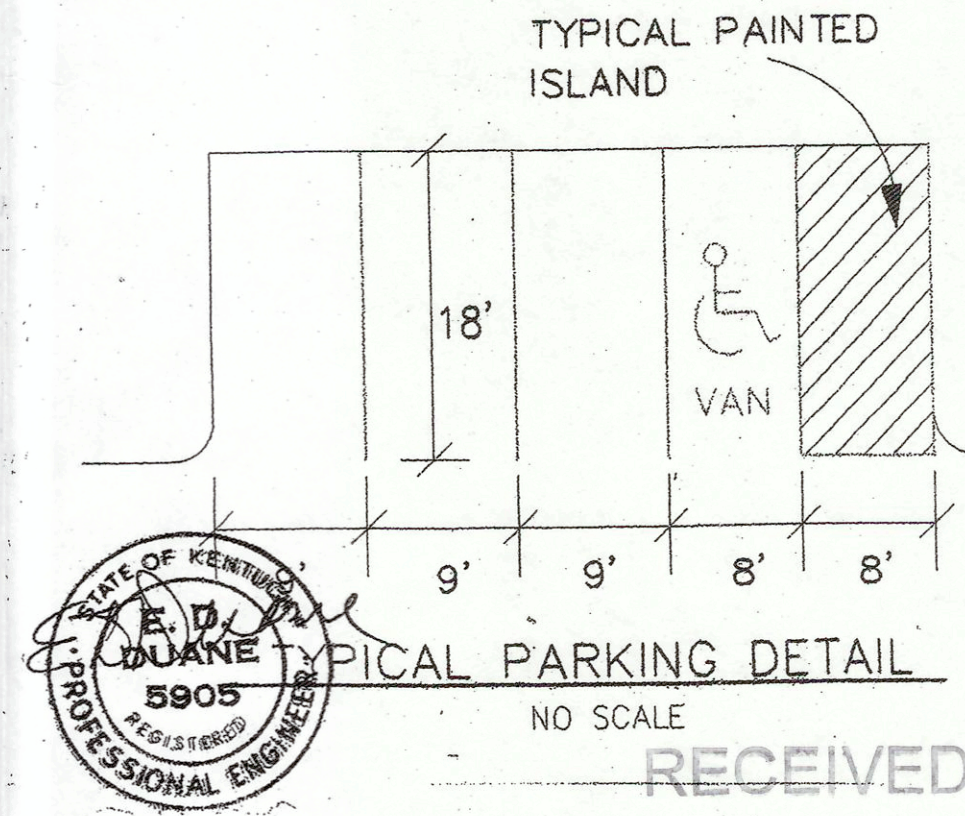
VARIANCES

- TO ALLOW VUA TO BE 4' FROM THE WEST PROPERTY LINE (LDC TABLE 5.3.2)
- TO ALLOW VUA TO BE 18' FROM THE NORTH PROPERTY LINE (LDC TABLE 5.3.2)
- TO ALLOW VUA TO BE 5' FROM THE EAST PROPERTY LINE (LDC TABLE 5.3.2)

PROJECT SUMMARY

FORM DISTRICT	NEIGHBORHOOD
EXISTING ZONE	CJ
EXISTING USE	VACANT
PROPOSED USE	RETAIL & RESTAURANT
BUILDING SQ. FT.	10,920 SQ. FT.
SITE ACREAGE	0.96 AC.
V.U.A.	20,558 SQ. FT.
I.L.A.	1542 SF
GROSS DENSITY	8,990 SQ. FT.
BUILDING HEIGHT	N/A
NUMBER OF UNITS	1 STORY MAX - 30' HIGH
SIGN SQ. FT.	N/A
READER SIGN	60 SQ. FT. - 6' HIGH
PARKING SPACES	25 SQ. FT.
DRIVE THRU WINDOW FOR RESTAURANT	4 EACH ADA; need 56 spaces
LANDSCAPING: 9 AREAS TO PLANT TREES	
SITE AREA 41,818 SF SANDY 8364 SF 20' 90'	
RESTAURANT - 3000 SF	
RETAIL - 7920 SF	

THE PARKING CALCS
RESTAURANT: MIN=24, MAX=80
*RETAIL: MIN=32, MAX=53
TOTAL: MIN=56, MAX=113
PARKING PROVIDED: 58
4 ADA



PRELIMINARY APPROVAL
Condition of Approval:
P. Bruce Miller
Development Review Date
LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT



RECEIVED
FEB 08 2015
PLANNING &
DESIGN SERVICES

REVISED GENERAL AND DETAILED
DISTRICT DEVELOPMENT PLAN

STRIP CENTER
719 Speckman Road
Louisville, KY 40243
SPECKMAN COMMERCIAL - OWNER
SDA 700-0517
DON DURRAN - DEV.
12-16-14
11-25-14
DATE: 10-9-14
5-1

**BINDING ELEMENTS
CASE NO. 14DEVPLAN1145**

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the City of Middletown, **APPROVAL** of the Revised General and Detailed District Development Plan and an amendment to the binding element shown on page 12 of the staff report **ON CONDITION** that the 2 parallel parking spaces shown on the east side are relocated to an area that would comply with the Land Development Code based on the staff report and testimony heard. Unanimously approved.

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
3. The density of the development shall not exceed 15.94 dwelling units per acre (176 units on 11.04 acres).
4. The development shall not exceed 15,500 square feet of gross floor area for Tracts One and two combined.
5. There shall be no direct vehicular access to Blankenbaker Parkway.
6. The only permitted freestanding signs shall be monument style signs, located as shown on the approved detailed district development plan. Each commercial out lot is permitted one, 60 square foot and six feet tall monument sign. Except as permitted under Section 9.1 of the Development Code regarding signature entrance walks, the apartment lot is allowed one, six square foot and six feet tall monument sign. The signs shall not be closer than five feet to the front property lines. No sign shall have more than two sides.
7. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
8. There shall be no outdoor storage on the site.
9. 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 two 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. Lighting fixtures shall be bollard style fixtures only, not to exceed four feet in height.
10. 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.

11. Before any permit (including but not limited to building, parking lot, change of use or alteration 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. 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
12. 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 and City of Middletown.
13. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
14. 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. There 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.
15. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
16. The dumpster shall not be emptied between the hours of 11 p.m. and 7 a.m.
17. The materials and design of proposed structures shall be the same as depicted in the rendering presented at the February 4, 2015 Development Review Committee meeting or as previously approved for the apartments and bank. City of Middletown shall make the final determination as to conformity with structure design elements set for this binding element.
18. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Commission.

