

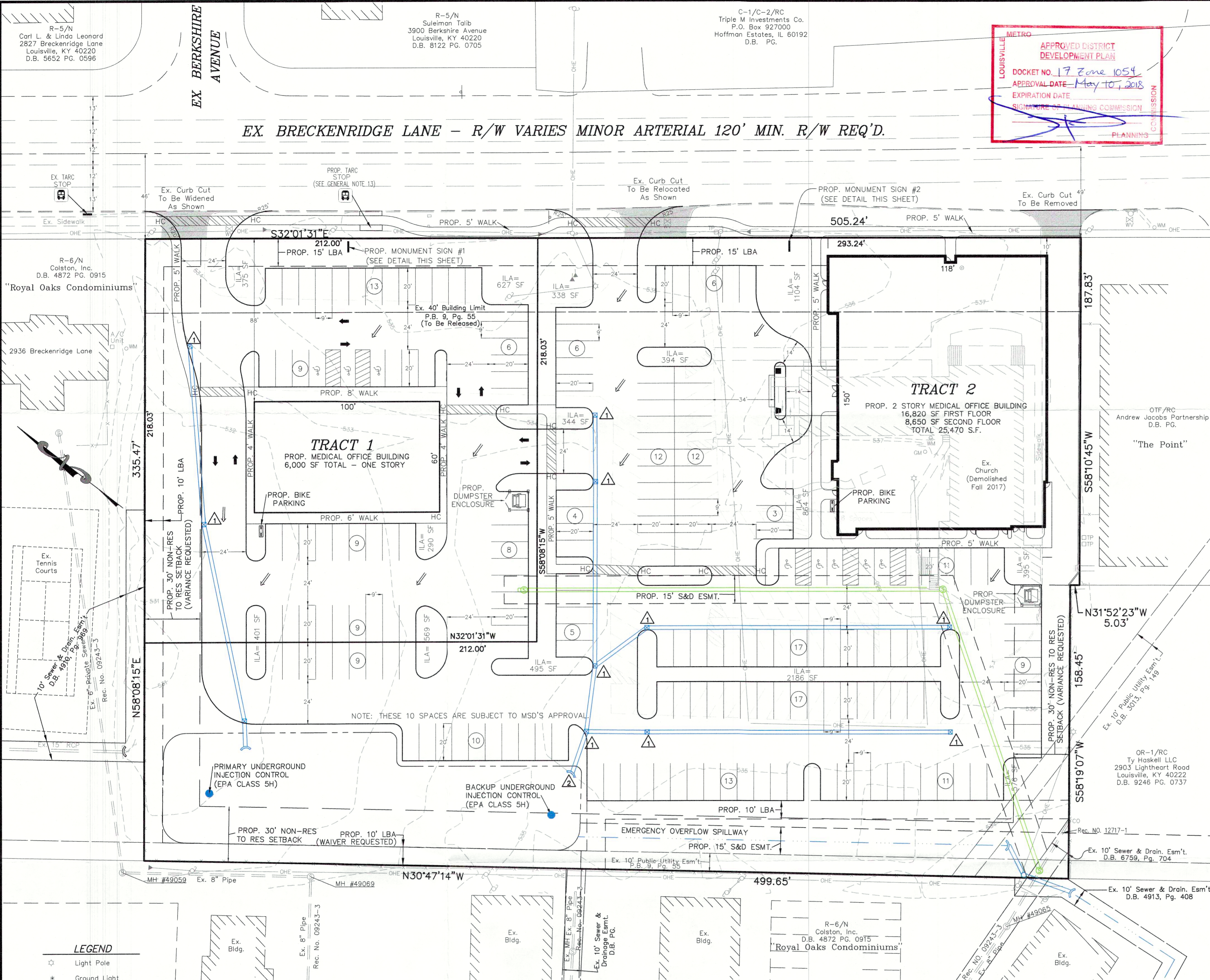
## Case No. 17ZONE1054 Binding Elements

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

1. The development shall be in accordance with the approved district development plan/alternative landscape 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. Except for a banner that may be located on the face of the office building on Tract 2 immediately prior to the installation of an attached sign for a period of time not to exceed 90 days, 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 Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review, and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for all work within the right-of-way.
  - 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 shall be recorded creating the lots as shown on the development plan.
  - e. 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.

5. 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.
6. 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.
7. Office hours for patient visits shall be limited to 6:00 a.m. to 10:00 p.m.
8. Landscaping and screening will be provided on the subject site adjacent to the Royal Oaks Condominium property as required by Chapter 10 of the Land Development Code. A 6 ft tall privacy fence and the required quantity of trees required by Chapter 10 shall be installed on the subject site in the rear property line Landscape Buffer Area.
9. Outdoor lighting shall be directed down and away from residential areas. Lighting fixtures shall have a 90-degree cut-off.
10. Elevations for Tract 1 shall be submitted to Planning and Design staff for review and approval prior to issuance of building permits for Tract 1.



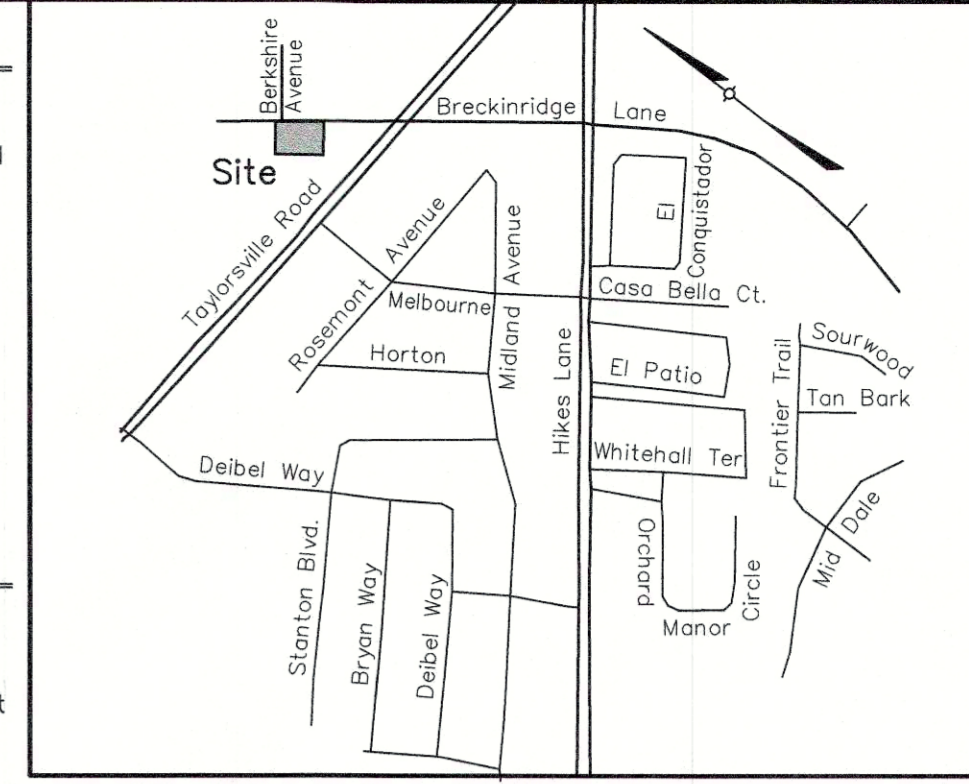


**VARIANCES REQUESTED:**

- Tracts 1 and 2: Variances are requested from Section 5.1.12.B.2.a of the Louisville Metro Land Development Code to vary the Breckenridge Lane Infill Front Setback as shown.
- Tracts 1 and 2: Variances are requested from Section 5.3.1.C.5 Table 5.3.2 of the Louisville Metro Land Development Code to vary the 30 ft. non-residential to residential setback for the encroachment of the pavement adjacent to 2936 Breckenridge Lane and the pavement and dumpster enclosure adjacent to the Ty Hoskell LLC property.
- Tract 2: A Variance is requested from Section 5.3.1.C.5 Table 5.3.2 to vary the proposed building height.

**WAIVER REQUESTED:**

- A Waiver is requested from Section 10.2.4.B.3 of The Louisville Metro Land Development Code to waive the more than 50% encroachment of the 10' Landscape Buffer Area & Utility Easements adjacent to the west (rear) property line.



**TRACT 1 DATA**

TRACT 1 AREA = 1.06 Ac. (46,221 S.F.)  
 EXISTING ZONING = R-2  
 PROPOSED ZONING = OR-3  
 FORM DISTRICT = NEIGHBORHOOD  
 EXISTING USE = VACANT  
 PROPOSED USE = MEDICAL OFFICE  
 BUILDING AREA = 6,000 SF  
 BUILDING HEIGHT = 1 STORY (30 FT. MAX. ALLOWED)  
 F.A.R. = 0.13 (4.0 MAX. ALLOWED)  
 BIKE PARKING REQUIRED/PROVIDED = 2 SHORT TERM & 2 LONG TERM (LONG TERM PROVIDED INDOORS)

**TRACT 2 DATA**

TRACT 2 AREA = 2.87 Ac. (125,156 SF)  
 EXISTING ZONING = R-2/R-5  
 PROPOSED ZONING = OR-3  
 FORM DISTRICT = NEIGHBORHOOD  
 EXISTING USE = VACANT  
 PROPOSED USE = MEDICAL OFFICE  
 BUILDING AREA = 25,470 SF  
 BUILDING HEIGHT = 2 STORY 45 FT. (30 FT. MAX. ALLOWED-VARIANCE REQUESTED)  
 F.A.R. = 0.20 (4.0 MAX. ALLOWED)  
 BIKE PARKING REQUIRED/PROVIDED = 2 SHORT TERM & 2 LONG TERM (LONG TERM PROVIDED INDOORS)

**COMBINED PARKING TRACTS 1 AND 2**

PARKING REQUIRED TRACTS 1 AND 2 = MIN. MAX.  
 1 SP/250 SF (31,470 SF) MINIMUM = 126 SP 210 SP  
 -1 SP/150 SF (31,470 SF) MAXIMUM = 114 SP 210 SP  
 -10% TARC CREDIT = 199 SPACES  
 PARKING PROVIDED TRACTS 1 AND 2 = (8 ADA SPACES INCLUDED)

**GENERAL NOTES:**

- Parking areas and drive lanes to be a hard and durable surface.
- A KTC encroachment permit and bond will be required for all work done in the right-of-way prior to construction plan approval.
- State Highway encroachment permit will be required for the entrances.
- 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 drip line 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.
- A site visit was conducted by Ann Richard RLA on 11-01-17 and no KARST features were evident on the site.
- Upon development or redevelopment of adjacent Colston Inc. property to the north and 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.
- A shared parking and cross access agreement shall be recorded between tracts 1 and 2 shall be recorded prior to Metro Public Works granting construction plan approval.
- The proposed TARC stop shall consist of a 12 ft. wide concrete pad between the walk and curb for the bounding area, 3 ft. deep x 12 ft. wide concrete pad with bench and trash receptacle. TARC stop shall be provided in conjunction with the Tract 1 construction plans.

**MSD NOTES:**

- Construction plans and documents shall comply with the Louisville and Jefferson County Metropolitan Sewer District's Design Manual and Standard Specifications.
- Sanitary sewer service will be provided by lateral extension and subject to applicable fees.
- No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0045 E 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.
- If the site has thru drainage an easement plat will be required prior to MSD granting construction plan approval.
- On-site detention will be provided. Post-developed peak flows will be limited to pre-developed peak flows for the 2,10,25 and 100 year storms or to the capacity of the downstream system, whichever is more restrictive.
- A Downstream Facilities Capacity Request was approved on October 20th, 2017 by MSD.
- 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.
- Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plans.
- All on-site construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
- MSD Drainage Bond required prior to construction plan approval.
- The final design of this project must identify Best Management Practices for the protection of the Underground Injection Controls.
- A long term maintenance agreement shall be submitted and approved prior to MSD construction plan approval for maintenance of proposed class V injection wells.
- The Class V injection wells are subject to an EPA Notice of Rule Authorization prior to MSD construction plan approval.

**PRELIMINARY APPROVAL DEVELOPMENT PLAN CONDITIONS:**

BY: *James W. Hill*  
 DATE: 4/25/18  
 LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

NO.	DATE	DESCRIPTION
1	3/9/18	REVISED PER DEC. 7, 2017 AGENCY COMMENTS
2	3/27/18	REVISED PER 3/18 AGENCIES COMMENTS
3	4/16/18	REVISED PER DESIGN CONNECTION TRACTS 1 & 2

REVISIONS

DATE: 3/9/18  
 3/27/18  
 4/16/18

PROJECT DATA

FILE NAME: 16191-DDOP-3-27-18  
 DATE: 4/16/18  
 SCALE: AS SHOWN  
 CHECKED BY: AER  
 DRAWN BY: AER

**L&D**  
 LAND DESIGN & DEVELOPMENT, INC.  
 LANDSCAPE ARCHITECTURE  
 407 WABURN WEALE, SUITE 101  
 LOUISVILLE, KENTUCKY 40222  
 TEL: 502.446.9258  
 FAX: 502.446.9259  
 WEB SITE: WWW.LD&D.COM

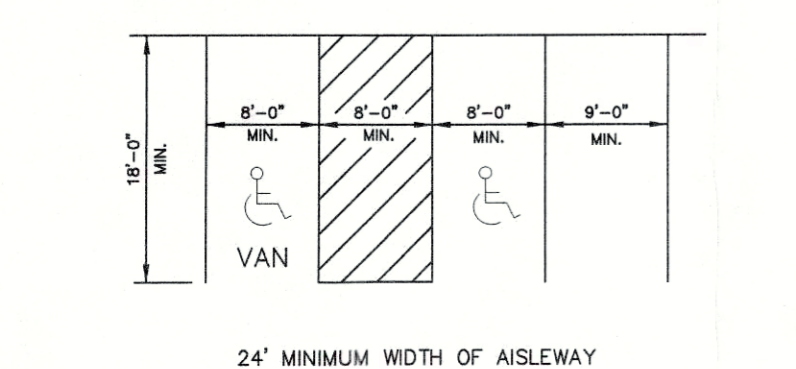
**2944 BRECKENRIDGE LANE**  
 OWNER/DEVELOPER  
 ADVANCED ENT HOLDINGS OF ST. MATTHEWS, LLC  
 4004 DUPONT CIRCLE, STE 200  
 LOUISVILLE, KY 40207

JOB NO. 16191  
 SHEET 1 OF 1

- LEGEND**
- Light Pole
  - Ground Light
  - Sign
  - Sewer Clean-out
  - Guy Anchor
  - Utility Pole
  - Water Meter
  - Water Valve
  - Gas Meter
  - Catch Basin
  - Telecomm. Pedestal
  - Fire Hydrant
  - Sanitary Sewer Manhole
  - A/C Unit
  - RCP
  - Overhead Utility Lines
  - PROPOSED STORM SEWER, CATCH BASIN
  - PROPOSED SEWER AND MANHOLE
  - PROPOSED DRAINAGE SWALE

**MSD STANDARD EROSION CONTROLS**

	STONE BAG CHECK DAM IN CONCRETE FLUMES
	WINGED HEADWALL INLET PROTECTION



**DETENTION BASIN CALCULATIONS**

$X = \Delta CRA / 12$   
 $\Delta C = 0.85 - 0.48 = 0.37$   
 $A = 3.9 \text{ ACRES}$   
 $R = 2.8 \text{ INCHES}$   
 $X = (0.37)(3.9)(2.8) / 12 = 0.34 \text{ AC.-FT.}$   
 REQUIRED X = 14,800 CU.FT.  
 PROVIDED BASIN = 10,890 SQ.FT. (38,500 CU. FT.)  
 TOTAL = 10,890 SQ.FT. @ APPROX. 3.5 FT. DEPTH = 38,500 CU.FT. > 14,800 CU.FT.

**TREE CANOPY CALCULATIONS**

TOTAL SITE AREA = 171,358 SF  
 TOTAL TREE CANOPY AREA REQUIRED = 20% (34,716 SF)  
 EXISTING TREE CANOPY TO BE PRESERVED = 0% (0 SF)  
 PROPOSED TREE CANOPY TO BE PLANTED = 20% (35,280 SF)

