

Case No. 17ZONE1045 Binding Elements

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, **ON CONDITION** that the plan is updated to show the sidewalk extension along the frontage road up to Smyrna Pkwy, and **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. 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 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 legal instrument shall be recorded creating the property lines as shown on the development plan. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.

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 materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the March 15, 2018 Planning Commission meeting.

PRELIMINARY DETENTION CALCULATION

VOLUME REQUIRED:
 $2.8/12 \times (0.85 - 0.26) \times 10.6 \text{ AC} \times 1.5 \text{ (POND CREEK)} = 2.189 \text{ AC-FT OR } 95,349 \text{ C.F.}$

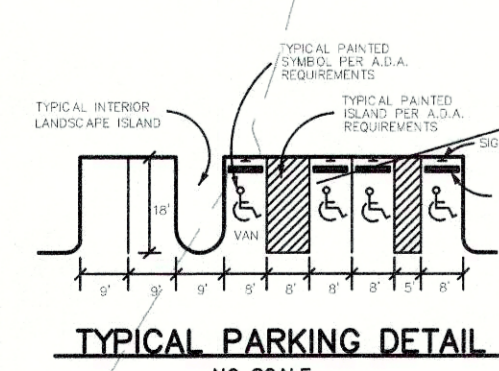
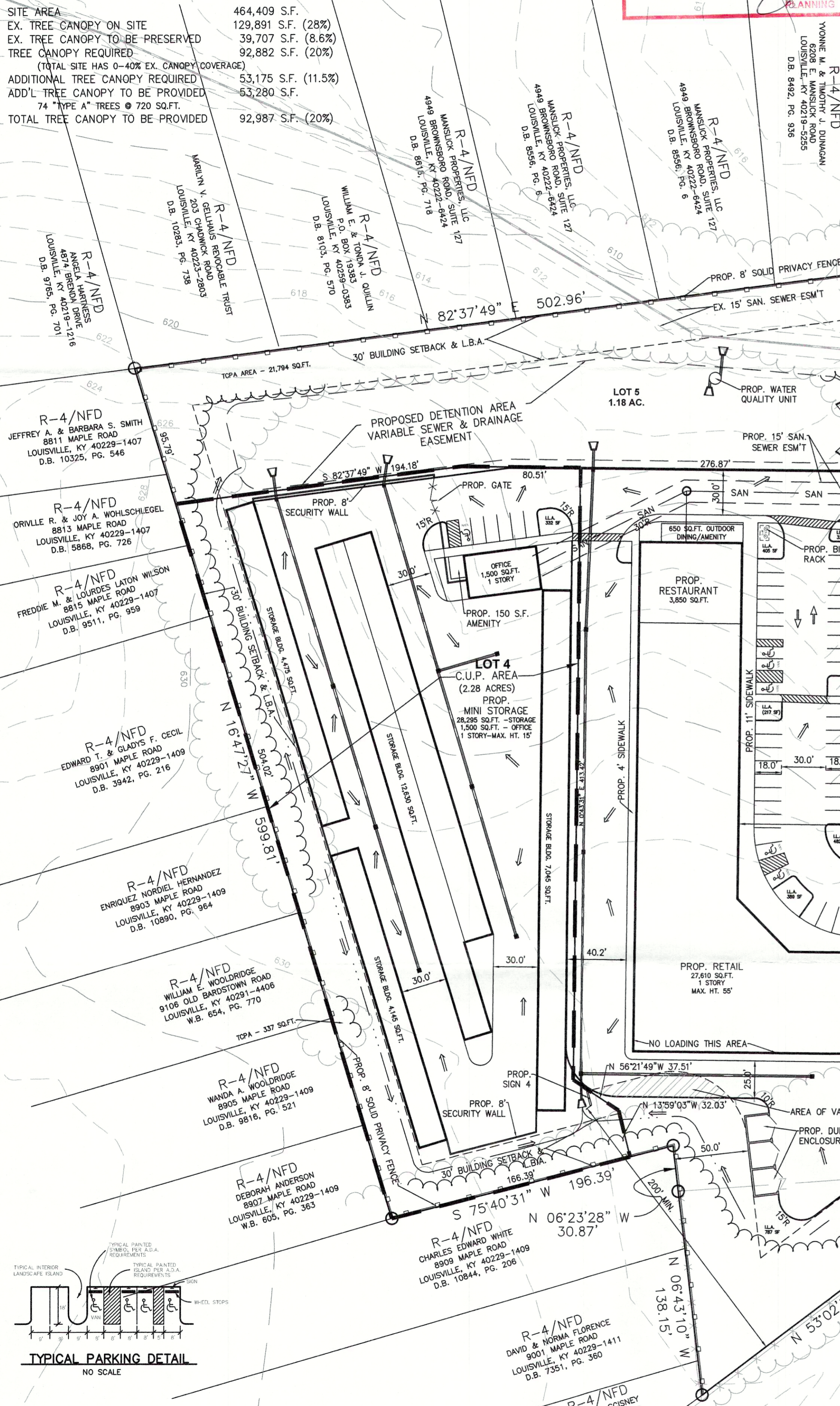
APPROXIMATE VOLUME PROVIDED:
 $25,643 \text{ SQ.FT.} \times 4' \text{ DEPTH} = 102,572 \text{ C.F.}$

TREE CANOPY CALCULATIONS

TREE CANOPY CATEGORY CLASS C

SITE AREA	464,409 S.F.
EX. TREE CANOPY ON SITE	129,891 S.F. (28%)
EX. TREE CANOPY TO BE PRESERVED	39,707 S.F. (8.6%)
TREE CANOPY REQUIRED	92,882 S.F. (20%)
(TOTAL SITE HAS 0-40% EX. CANOPY COVERAGE)	
ADDITIONAL TREE CANOPY REQUIRED	53,175 S.F. (11.5%)
ADD'L TREE CANOPY TO BE PROVIDED	63,280 S.F.
74" TYPE "A" TREES @ 720 SQ.FT.	
TOTAL TREE CANOPY TO BE PROVIDED	92,987 S.F. (20%)

METRO
 APPROVED PRELIMINARY DEVELOPMENT PLAN
 DOCKET NO. 1720-1004
 APPROVAL DATE: March 15, 2018
 EXPIRATION DATE: May 7, 2020
 SIGNATURE OF PLANNING COMMISSION
 DATE: 02/01/18



SITE DEVELOPMENT PLAN

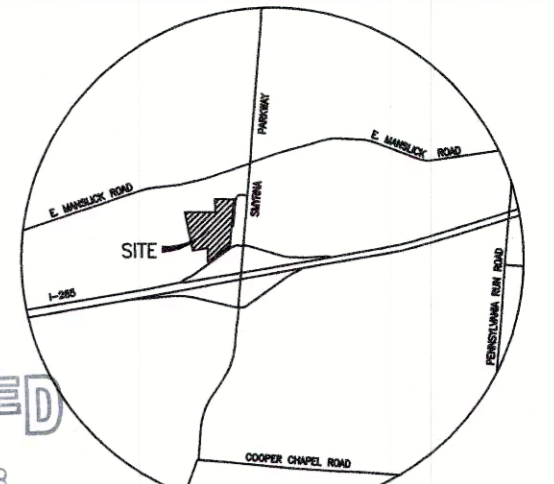
GRAPHIC SCALE SUPERCEDES NUMERIC SCALE
 0 25' 50' 100'
 SCALE: 1" = 50'

As shown on the Kentucky Geologic Survey's online map, Karst Potential on, and in proximity to the subject property is medium, and there are mapped sinkholes shown approximately 4500 feet to the southwest along the Gene Snyder (I-265) corridor. According to the Geologic Map of the Brooks Quadrangle, Bullitt and Jefferson Counties, Kentucky (Kepler, 1972), the subject property is underlain by middle to upper portions of the Louisville Limestone. On that map, the Louisville Limestone is described as a very fine grained dolomitic limestone, in which outcrop areas are locally marked by narrow, steep-walled solution cavities and small sinkholes, and water for domestic and farm use is readily obtained from wells. An on-site field inspection of the subject property was conducted on January 3, 2018. There were no sinking streams, springs, or outcrops observed; however, there was one minor surface depression with standing water (frozen at the time) noted in a wooded area along the southerly property line. Further investigation will be required to determine if this feature is indicative of a dissolution sinkhole.

LINE	BEARING	DISTANCE
L1	N 04°37'06" E	139.41'
L2	N 79°48'01" W	14.90'
L3	N 04°12'21" E	167.13'

GENERAL NOTES

- DRAINAGE PATTERN DEPICTED BY ARROWS IS FOR CONCEPT PURPOSES ONLY. FINAL CONFIGURATION AND DESIGN OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- AN APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATION TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY METRO'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMP'S SHALL BE INSTALLED PRE THE PLAN AND MSD STANDARDS.
- ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO PUBLIC ROADWAY SHALL BE REMOVED DAILY.
- SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES AND CATCH BASINS. STOCKPILES SHALL BE SEED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.
- WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF THE SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
- ALL BUILDING DESIGN SHALL BE IN ACCORDANCE WITH CHAPTER 5.5 & 5.6 OF THE LAND DEVELOPMENT CODE.
- THERE SHALL BE NO INCREASE IN DRAINAGE RUN-OFF TO THE RIGHT-OF-WAY.
- 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.
- CONSTRUCTION PLANS, ENCROACHMENT PERMIT AND BOND WILL BE REQUIRED BY KYTC AND METRO PUBLIC WORKS FOR ALL WORK DONE WITHIN STREET RIGHT-OF-WAY.
- NO INCREASE IN VELOCITY AT POINT OF DISCHARGE AT PROPERTY LINE.
- VERGE AREAS WITHIN PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER METRO PUBLIC WORKS.
- COMPATIBLE UTILITY LINES (ELECTRIC, TELEPHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATED AGENCIES.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING DEMOLITION AND CONSTRUCTION ACTIVITIES TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- BOUNDARY INFORMATION TAKEN FROM SURVEY BY ALAN HARTLEY LAND SURVEYING DATED 2-3-2017.
- SANITARY SEWERS TO BE PROVIDED BOTH LATERAL EXTENSION AND PSC AND IS SUBJECT TO ANY APPLICABLE FEES OR CHARGES.
- 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.
- ON-SITE DETENTION IS PROVIDED. POST DEVELOPED PEAK FLOWS WILL BE LIMITED TO PRE-DEVELOPED PEAK FLOWS FOR THE 2, 10, AND 100 YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE.
- ALL SIGNAGE WILL COMPLY WITH LAND DEVELOPMENT CODE, CHAPTER 8.
- A GENERAL CROSSOVER AND SHARED PARKING AGREEMENT IS REQUIRED PRIOR TO CONSTRUCTION APPROVAL.
- ALL DUMPSTERS AND SERVICE STRUCTURES TO BE SCREENED PER CHAPTER 10 REQUIREMENTS.
- ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OIL AND GREASE POLICY.
- KYTC APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
- SITE IS SUBJECT TO REGIONAL FACILITY FEE X 1.5 FOR INCREASED RUN OFF VOLUME.
- MSD DRAINAGE BOND REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL.
- THRU DRAINAGE EASEMENT PLAT WILL BE REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.



SITE DATA

NO.	BY	DESCRIPTION	DATE	CHK	NO.	DATE	CHK	NO.
1	DHS	PRE-APPLICATION SUBMITTAL	9-1-17	JMA	1	9-1-17	JMA	1
2	DHS	FORMAL APPLICATION SUBMITTAL	12-4-17	JMA	2	12-4-17	JMA	2

TOTAL SITE AREA	10.66 ACRES (464,409.11 SQ.FT.)
EXISTING ZONING	R-4
EXISTING FORM DISTRICT	NFD
EXISTING USE	VACANT
PROPOSED ZONING w/C.U.P.	C-2
PROPOSED C.U.P. AREA	2.28 ACRES
PROPOSED USES	RETAIL, RESTAURANT, MINI STORAGE

LOT #	DESCRIPTION	AREA	VEHICLE USE AREA	PARKING
LOT 1	RESTAURANT A	1.35 ACRES	5,900 SQ.FT.	118 SPACES
LOT 2	RESTAURANT B	0.77 ACRES	5,100 SQ.FT.	102 SPACES
LOT 3	RESTAURANT C	5.09 ACRES	35,200 SQ.FT.	321 SPACES
LOT 4	MINI STORAGE	2.28 ACRES	29,795 SQ.FT.	6 SPACES
LOT 5	DETENTION/OPEN SPACE	1.18 ACRES	289 SQ.FT.	0 SPACES

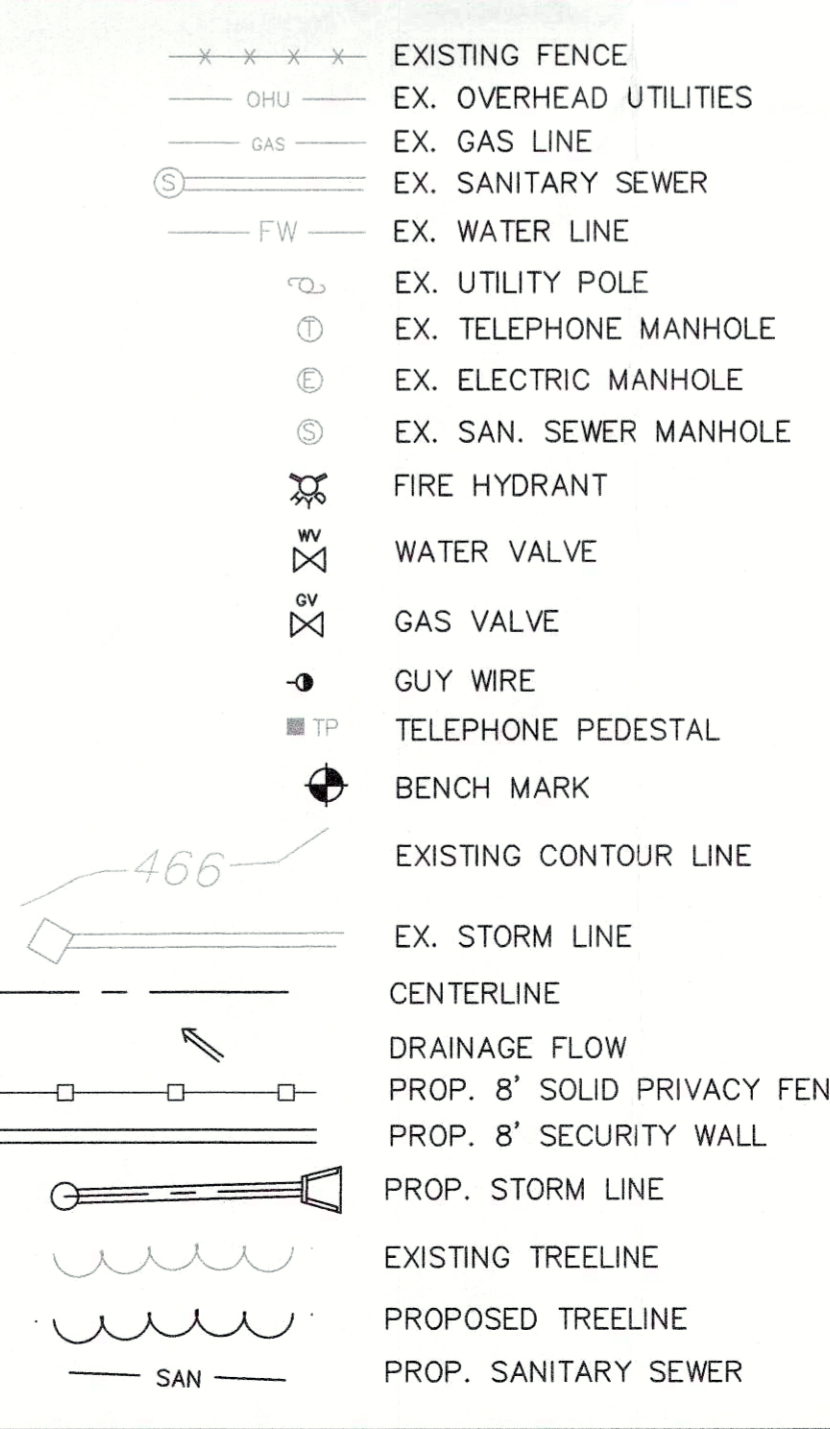
SIGN SCHEDULE

- SIGN 1 - 26' HIGH, 120 SQ.FT.
- SIGN 2 - 26' HIGH, 120 SQ.FT.
- SIGN 3 - 26' HIGH, 120 SQ.FT.
- SIGN 4 - 20' HIGH, 80 SQ.FT.

LANDSCAPE REQUIREMENTS

OUTDOOR AMENITY REQUIREMENT	4,600 SQ.FT.
10% OF TOTAL BLDG. AREA (46,000 SQ.FT.)	
OUTDOOR AMENITY PROVIDED	4,703 SQ.FT.

LEGEND



WAIVER AND VARIANCE REQUESTS

- WAIVER OF CHAPTER 10.2.4B OF THE LAND DEVELOPMENT CODE TO ALLOW UTILITY EASEMENTS TO ENCR OACH MORE THAN 50% INTO THE REQUIRED LANDSCAPE BUFFER AREAS.
- WAIVER OF CHAPTER 6.2.6.B TO OMIT REQUIRED SIDEWALK ALONG A PORTION OF SMYRNA PARKWAY.
- WAIVER OF CHAPTER 10.3.A.1 TO REDUCE THE REQUIRED 30' PARKWAY BUFFER TO 15' ALONG A PORTION OF SMYRNA PARKWAY.
- VARIANCE OF CHAPTER 5.3.1.C.5 TO ALLOW PRIMARY RETAIL BUILDING TO EXCEED THE MAXIMUM SETBACK OF 150'.
- VARIANCE OF CHAPTER 8 FOR SIGNAGE. SEE SIGN SCHEDULE.
- VARIANCE OF CHAPTER 5.3.1.C.5 TO ALLOW PAVEMENT WITHIN A PORTION OF A 50' SETBACK FROM RESIDENTIAL TO NON-RESIDENTIAL.

C.U.P. & RELIEF REQUEST

A CONDITIONAL USE PERMIT UNDER CHAPTER 4.2.35 OF THE LAND DEVELOPMENT CODE TO ALLOW MINI-WAREHOUSES IN THE PROPOSED C-2 COMMERCIAL DISTRICT WITH RELIEF FROM LISTED REQUIREMENT "H" REGARDING SIGNAGE.

CASE # 17ZONE1045
MSD WM #6274

BTM Engineering, Inc.
 Consulting Engineers, Surveyors, Planners & Surveyors
 "Serving the Bluegrass and Beyond"
 3001 Taylor Springs Drive, Louisville, Kentucky 40220
 (502) 459-8402 www.btmeng.com

DATE

SIGNATURE

BTM PROJECT NO. 170181

SITE INFORMATION:
 BEED BOOK 1083X PAGE 876
 I.E. 653 LOT 18E

DEVELOPER:
 DAVID WILL
 5815 ROUND HILL ROAD
 LOUISVILLE, KY 40222-5954

OWNER:
 DAVID WILL
 5815 ROUND HILL ROAD
 LOUISVILLE, KY 40222-5954

TITLE:
 DETAILED DEVELOPMENT & C.U.P. PLAN
 8912 SMYRNA PARKWAY
 LOUISVILLE, KY 40229

DRAWING:
 170181-DOP

SCALE:
 1" = 50'

SHEET
 1.00

NOT FOR CONSTRUCTION