Case No. 20-DDP-0024 Binding Elements from March 25, 2021 LD&T:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, subject to the Board of Zoning Adjustment approval; **ON CONDITION** that the pedestrian connection be shifted to pass through the ILA area and not behind the gas pumps as discussed; and **SUBJECT** to the following binding elements:

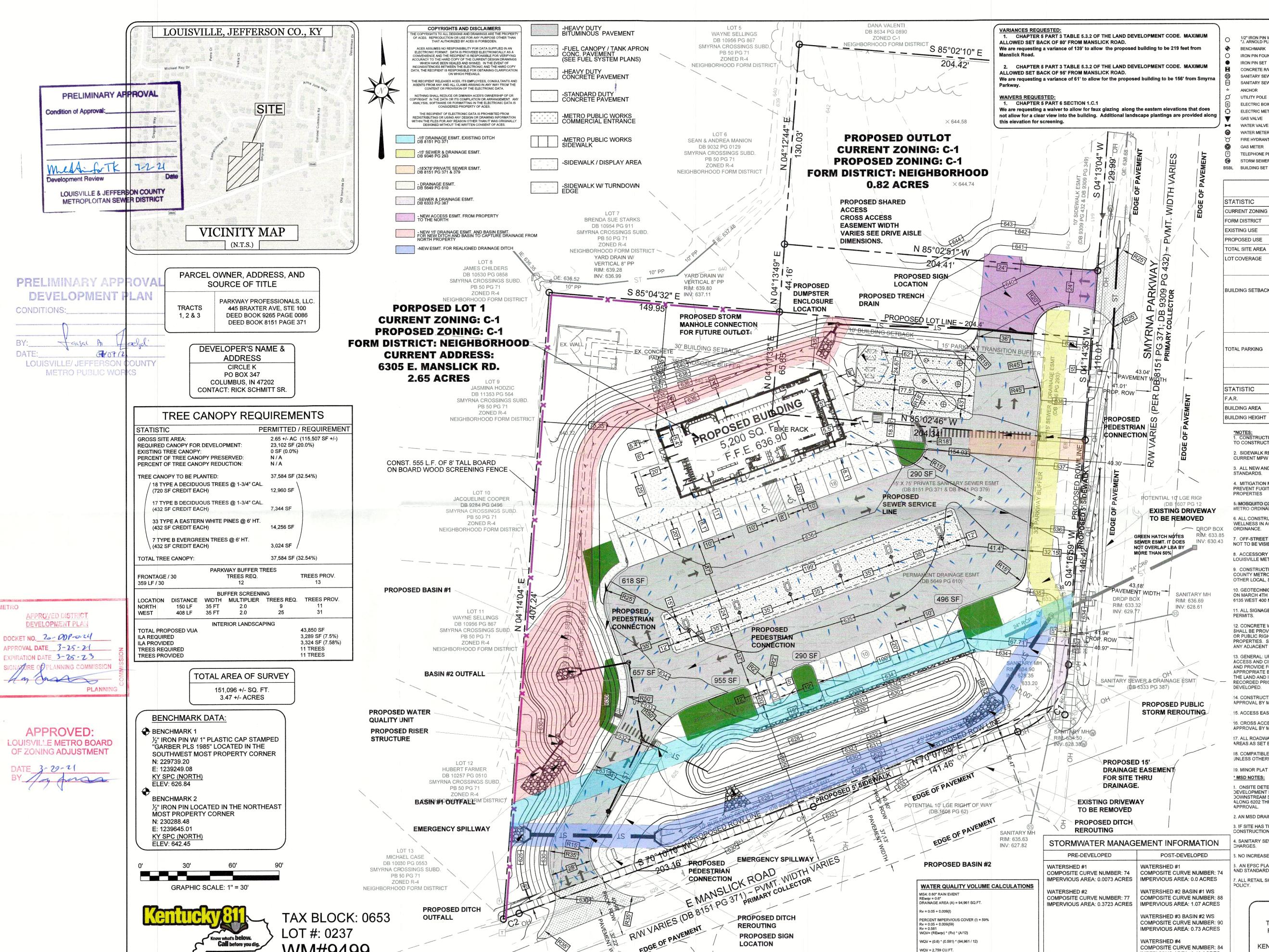
- 1. The development shall be in accordance with the approved plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding elements) shall be submitted to the Planning Commission or the Planning Commission's Designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 2. Signs shall be in accordance with Chapter 8.
- 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, or site disturbance 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. 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.
 - C. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - e. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. 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; A copy of the recorded instrument shallbe submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - g. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 7. A certificate of occupancy must be received from the appropriate code enforcement department 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.

- 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 thissite 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. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unlesssuch certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
- 10. The address number shall be displayed on a structure prior to requesting a certificate ofoccupancy for that structure.
- 11. The development shall not permit the following land uses:
 - a. car washes
 - b. restaurants with drive-through windows
- 12. Service of the dumpster facility shall be permitted only in accordance with the Metro LouisvilleCode of Ordinances.
- 13. The applicant shall install an 8' solid wood screening fence and enhanced landscaping as proposed on the Landscape Exhibit presented to the Land Development and Transportation Committee on March 25, 2021. Final location and type of additional plantings will be shown on the approved landscape plan.
- 14. All landscaping shall be irrigated.
- 15. There shall be no outdoor music, or outdoor entertainment, or outdoor PA system, audible beyond the property line.

Case No. 21-VARIANCE-0006 Condition of Approval from March 29, 2021 BOZA Meeting

1. The applicant shall extend the fence to the north corner of the property line as discussed in today's meeting (March 29, 2021.)



1/2" IRON PIN W/ 1" PLASTIC CAP STAMPED "J. ARNOLD PLS 2934" FOUND UNLESS NOTED IRON PIN FOUND IRON PIN SET CENTERLINE CONCRETE R/W MONUMENT SANITARY SEWER MANHOLE SANITARY SEWER CLEAN OUT UTILITY POLE ELECTRIC BOX ST _____ STORM SEWER LINE ELECTRIC METER FENCE LINE DRAINAGE ARROW WATER METER INGRESS/EGRESS EASEMENT FIRE HYDRANT EXISTING CONTOUR LINE EXISTING INDEX CONTOURS TELEPHONE PEDESTA PROPOSED CONTOUR LINE STORM SEWER MANHOLE PROPOSED INDEX CONTOURS BUILDING SET BACK LINE

	DEVELOPMENT SU	MMARY
STATISTIC	PERMITTED / REQUIREMENT	PROVIDED
CURRENT ZONING	C1 - COMMERCIAL	C1 - COMMERCIAL
FORM DISTRICT	NEIGHBORHOOD	NEIGHBORHOOD
EXISTING USE	VACANT	N/A
PROPOSED USE	CONVENIENCE STORE WITH FUEL SALES	CONVENIENCE STORE WITH FUEL SALES
TOTAL SITE AREA	5,000 S.F. MIN.	2.65 +/- AC (115,507 +/- S.F.)
LOT COVERAGE	MAX. FLOOR AREA RATIO = 1.0	TOTAL FLOOR AREA = 5,200 S.F. FLOOR AREA RATIO = 0.045
BUILDING SETBACKS	FRONT ST.: 80' MAX (SMYRNA PKWY) 30' MIN. PKWY BUFFER SIDE ST.: 80' MAX (E. MANSLICK RD.) 10' MIN. (E. MANSLICK RD.) REAR: 30' (NORTH) REAR: 0' (WEST)	FRONT: 73.51' (SMYRNA PKWY) TO FUEL CANOPY 155.53' TO BUILDING FRONT: 125.5' (E. MANSLICK RD.)* TO FUEL CANOPY 218.5 TO BUILDING (EXCEEDS 80' MAX A WAIVER IS REQUIRED) REAR: 35' (NORTH) REAR: 76.84' (WEST)
TOTAL PARKING	MINIMUM: 26 SPACES 1 SPACE PER 200 SF OF BUILDING MAXIMUM: 52 SPACES 1 SPACE PER 100 SF OF BUILDING 4 BICYCLE PARKING SP. REQ. 2 LONG TERM + 2 SHORT TERM	2 ADA SPACES PROVIDED 26 STANDARD SPACES PROVIDED 28 TOTAL SPACES PROVIDED 4 BICYCLE PARKING SPACES PROVIDED
DEVELOPMENT SUMMARY		

*NOTES:

1. CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS (MPW) PRIOR

PERMITTED / REQUIREMENT

MAXIMUM: 1.0

2. SIDEWALK RECONSTRUCTION AND REPAIRS SHALL BE REQUIRED, AS NECESSARY, TO MEET CURRENT MPW STANDARDS AND SHALL BE INSPECTED PRIOR TO FINAL BOND RELEASE.

3. ALL NEW AND EXISTING SIDEWALKS SHALL BE BROUGHT UP OR BUILT TO CURRENT ADA

MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSION FROM REACHING EXISTING ROADS AND NEIGHBORING

5. MOSQUITO CONTROL IN ACCORDANCE WITH CHAPTER 96 OF LOUISVILLE JEFFERSON COUNTY

PROVIDED

0.045

TOTAL: 5,200 S.F.

1 STORY / 23' - 4"

6. ALL CONSTRUCTION AND SALES TRAILERS MUST BE PERMITTED BY THE DEPT. OF PUBLIC HEALTH & WELLNESS IN ACCORDANCE WITH CHAPTER 115 OF LOUISVILLE JEFFERSON COUNTY METRO ORDINANCE.

OFF-STREET LOADING AND REFUSE COLLECTION AREAS SHALL BE LOCATED AND SCREENED SO AS NOT TO BE VISIBLE FROM ADJACENT PUBLIC STREETS AND RESIDENTIAL USES.
 ACCESSORY STRUCTURES SHALL BE IN COMPLIANCE WITH SECTIONS 5.5.5 AND 10.2.6 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE.

9. CONSTRUCTION PLANS AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS AND OTHER LOCAL, STATE AND FEDERAL ORDINANCES.

10. GEOTECHNICAL SURVEY CONDUCTED BY AP ENGINEERING AND CONSULTING INC.
ON MARCH 4TH 2020. ADAM M. COLLINS SENIOR GEOTECHNICAL ENGINEER.

6135 WEST 400 NORTH, GREENFIELD INDIANA 46140 PHONE: 317-436-7529

11. ALL SIGNAGE SHALL COMPLY WITH LDC CHAPTER 8 REQUIREMENTS AND WILL OBTAIN PROPER

12. CONCRETE WHEEL STOPS OR CURBING AT LEAST SIX (6) INCHES HIGH AND SIX (6) INCHES WIDE SHALL BE PROVIDED TO PREVENT VEHICLES FROM OVERHANGING ABUTTING SIDEWALKS, PROPERTIES OR PUBLIC RIGHTS OF WAY, TO PROTECT LANDSCAPE AREAS AND TO PROTECT ADJACENT PROPERTIES. SUCH WHEEL STOPS OR CURBING SHALL BE LOCATED AT LEAST THREE (3) FEET FROM ANY ADJACENT WALL, FENCE, PROPERTY LINE, WOODY VEGETATION, WALKWAY OR STRUCTURE.

13. GENERAL: UPON DEVELOPMENT OR REDEVELOPMENT OF ADJACENT PROPERTIES, A UNIFIED ACCESS AND CIRCULATION SYSTEM SHALL BE DEVELOPED TO ELIMINATE PREEXISTING 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.

14. CONSTRUCTION PLANS, BOND AND KTC PERMIT WILL BE REQUIRED PRIOR TO CONSTRUCTION APPROVAL BY MPW.

15. ACCESS EASEMENT MUST CONFORM TO ORDINANCE 187, SERIES 2003 AS AMENDED.

16. CROSS ACCESS AGREEMENT OR EASEMENT TO BE RECORDED PRIOR TO CONSTRUCTION

17. ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.

18. COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.

19. MINOR PLAT TO BE EXECUTED PRIOR TO CONSTRUCTION APPROVAL.

1. ONSITE DETENTION WILL BE PROVIDED. POST DEVELOPED PEAK FLOWS WILL BE LIMITED TO PRE DEVELOPMENT PEAK FLOWS FOR THE 2, 10, 25, AND 100 YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE. CAPACITY OF THE REAR YARD DITCH ALONG 6202 THROUGH 6208 SASKATCHEWAN DR. TO BE VERIFIED PRIOR TO CONSTRUCTION PLAN

APPROVAL.

2. AN MSD DRAINAGE BOND WILL BE REQUIRED.

IMPERVIOUS AREA: 0.40 ACRES

PROPOSED BASIN #1 & #2 VOLUMES @ ELEV. 627.30 = 2,882 CU.FT

3. IF SITE HAS THRU DRAINAGE, AN EASEMENT PLAT WILL BE REQUIRED PRIOR TO MSD GRANTING CONSTRUCTION PLAN APPROVAL.

SANITARY SEWER SEWER SERVICE PROVIDED BY PSC, SUBJECT TO FEE'S AND ANY APPLICABLE

5. NO INCREASE IN VELOCITY AT THE POINT OF DISCHARGE AT THE PROPERTY LINE.

3. AN EPSC PLAN SHALL BE DEVELOPED AND APPROVED IN ACCORDANCE WITH MSD DESIGN MANUAL AND STANDARD SPECIFICATIONS PRIOR TO CONSTRUCTION PLAN APPROVAL.

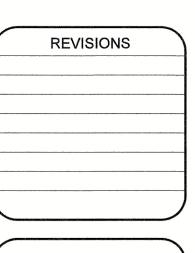
7. ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S EATS OIL AND GREASE

7. ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OIL AND GREASE POLICY.

FLOODPLAIN INFORMATION

THE PROPERTY SHOWN HEREON DOES NOT LIE IN A FLOOD PRONE AREA ACCORDING TO (FIRM) FLOOD INSURANCE RATE MAP FOR JEFFERSON COUNTY, KENTUCKY. SAID AREA IS SHOWN ON MAP #21111C0112E, WITH AN EFFECTIVE DATE OF DECEMBER 5, 2006.

PLANNING & DESIGN



305 E MANSLICK ROA





JOB NUMBER: 19-2140-I DATE: 02-10-2021

SCALE: 1" = 30'

DRAWN: D. WHITLEY

RAWN: D. WHITLEY

FILE PATH:

Z:SITDEV/DP-Development Plan

CHECKED: B. ZACKERY



