

Development Review Committee

Staff Report

November 16, 2022



Case No:	22-DDP-0043
Project Name:	Billtown Commercial Development
Location:	6503 Billtown Road
Owner(s):	Donald & Linda Rogers
Applicant:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- Waivers:
 1. Waiver from section 5.6.1.C.1 to waive the required 50% clear windows and doors on facades facing the public right of way (22-WAIVER-0181)
 2. Waiver from section 8.2.1.D.6 to permit a changing image sign to be located within 300ft of a residential zone or residential use and to allow it changing image area to be more than 30% (22-WAIVER-0211)
 3. Waiver from section 10.3.7 to reduce the 50 ft Gene Snyder Freeway Buffer from 50 ft to 5 ft (22-WAIVER-0212)
 4. Waiver from section 10.2.4 to reduce the 25 ft property perimeter LBA from 20 ft to 5 ft (22-WAIVER-0213)
- Revised Detailed District Development Plan with amended binding elements

CASE SUMMARY/BACKGROUND

This site is zoned C1 commercial in the Neighborhood form district. The applicant is proposing a 7,000 sf gas station with a convenience store and liquor store. The applicant is also proposing a 2,200 sf coffee shop with a drive thru.

This site is related to a rezoning from R-4 to C-1 under case number 15ZONE1057 that included a gas station, restaurant with a drive thru and proposed retail.

SIGN STANDARDS

Freestanding Sign <i>Neighborhood Form District</i> <i>Minor Arterial Roadway</i>	Permitted	Proposed
Total Sign Area	Maximum 80 sf	72 sf
Changing Image Area	Maximum 30% of total area	36 sf (50% of total area)
Overall Height	Maximum 10 ft	9 ft

The remaining LDC standards will apply to a changing image sign on this site:

- No more than one changing image sign is permitted on the site.
- Rate of message change shall not exceed once per 20 seconds.

- Must be equipped with out automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions in order to decrease the light level output from a daytime level to a night time level, which is typically 0.3 footcandles above ambient light levels.
- Video display method not permitted.

STAFF FINDING

Staff finds that the Revised Detailed District Development Plan is in order and that waiver requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None Received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.6.1.C.1 to waive the required 50% clear windows and doors on facades facing the public right of way (22-WAIVER-0181):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners since the applicant is proposing to plant all the required plantings along all the landscape buffers along both Gellhaus Road and Billtown Road that will create screening from the road.

- (b) The waiver will not violate specific guidelines of Plan 2040;

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is proposing to plant all the required plantings along all the landscape buffers along both Gellhaus Road and Billtown Road that will create screening from the road.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant is proposing to plant all the required plantings along all the landscape buffers along both Gellhaus Road and Billtown Road that will create screening from the road.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to permit a changing image sign to be located within 300ft of a residential zone or residential use and to allow the size to be 50% of the sign instead of the maximum 30% (22-WAIVER-0211):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners in that the sign will include a sensor that shuts the changing image panel off from dusk until dawn.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4) and impacts on quality of life must be considered (Community Form 16). The design of the proposed sign will lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20).

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the total sign area and height that proposed by the applicant are less than would be permitted.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The proposed sign has incorporated other design measures that exceed the minimums of the district and result in a net beneficial effect in that the sign is significantly smaller in area than would otherwise be permitted.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to reduce the required 50 ft Gene Snyder Freeway Buffer from 50 ft to 5 ft (22-WAIVER-0212)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the site is over 800 feet from the actual freeway.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the actual freeway is over 800 feet away from the proposed development. The freeway buffer on the plan would not be screening from the actual freeway.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the actual freeway is over 800 feet away from the proposed development. The freeway buffer on the plan would not be screening from the actual freeway.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to reduce the property perimeter landscape buffer from 25 ft to 5 ft and to not provide all the required plantings. (22-WAIVER-0213):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since there is already a 20 ft buffer on the R4 property next door at Ramsey Middle School. The applicant is also providing additional screening along the backs of the proposed buildings and the middle school with a 13,000 sf tree preservation area.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there is already a 20 ft buffer on the R4 property next door at Ramsey Middle School. The applicant is also providing additional screening along the backs of the proposed buildings and the middle school with a 13,000 sf tree preservation area.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since there is already a 20 ft buffer on the R4 property next door at Ramsey Middle School. The applicant is also providing additional screening along the backs of the proposed buildings and the middle school with a 13,000 sf tree preservation area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver** of section 5.6.1.C.1 to waive the required 50% clear windows and doors on facades facing the public right of way (22-WAIVER-0181)
- **APPROVE** or **DENY** the **Waiver** of section 8.2.1.D.6 to permit a changing image sign to be located within 300ft of a residential zone or residential use (22-WAIVER-0211)
- **APPROVE** or **DENY** the **Waiver** of section 10.3.7 to reduce the 50 ft Gene Snyder Freeway Buffer from 50 ft to 5 ft (22-WAIVER-0212)
- **APPROVE** or **DENY** the **Waiver** of section 10.2.4 to reduce the 25 ft property perimeter LBA from 20 ft to 5 ft (22-WAIVER-0213)
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan with Amended Binding Elements**

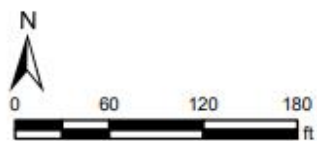
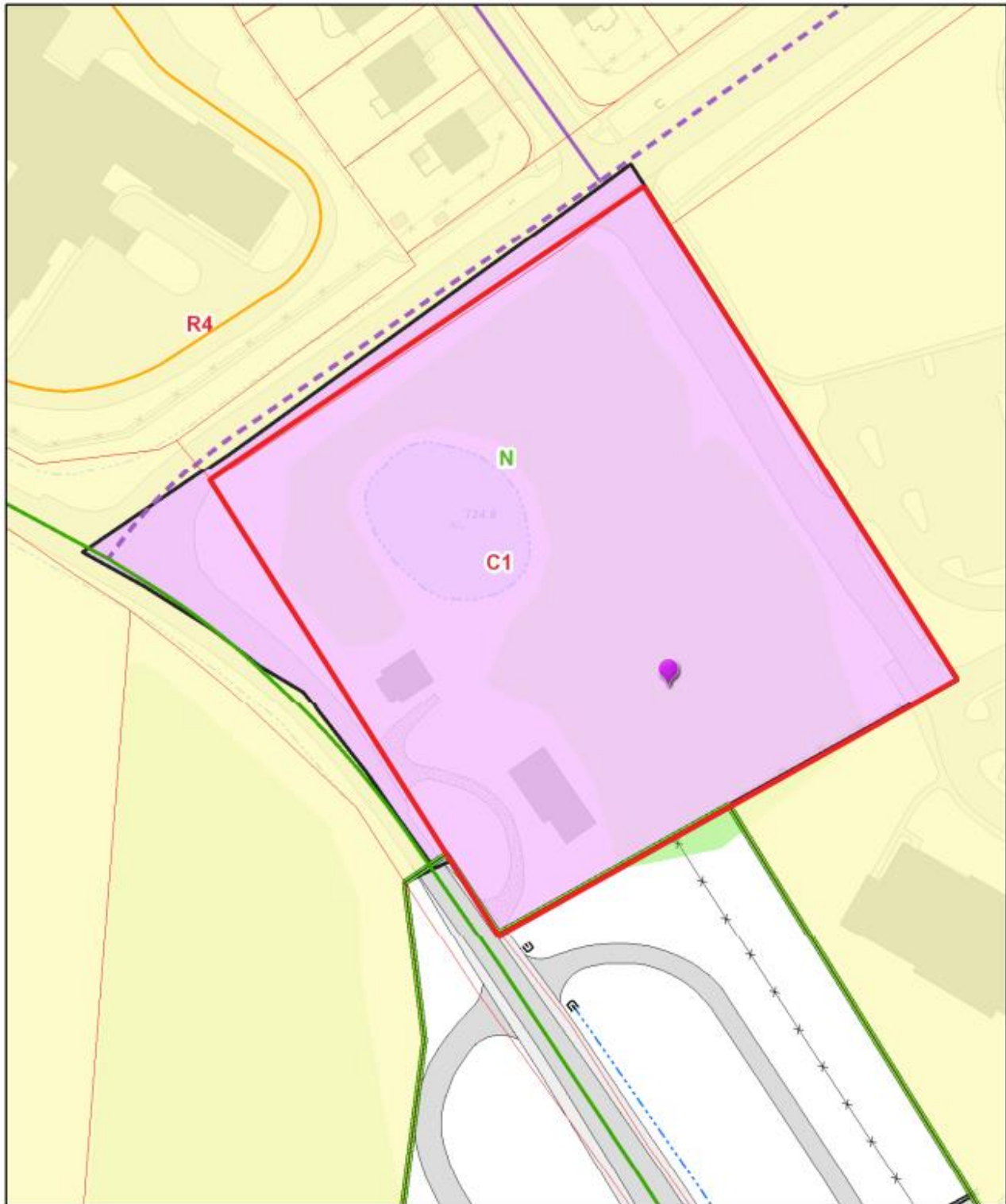
NOTIFICATION

Date	Purpose of Notice	Recipients
11/1/22	Hearing before DRC	1 st tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**



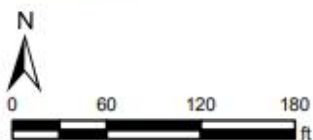
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2. Aerial Photograph



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3. Existing Binding Elements

15ZONE1057

1. The development shall be in accordance with the approved district development plan, all applicable sections of 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 15,820 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 or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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 façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.~~
10. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on-site.
11. The Gellhaus Lane access shall be right-in only unless Metro Public Works approves either a full-cut at this point of access or a right-in/right-out. If a right-in/right-out, such access should be constructed in concert with a deceleration right-turn lane into the

- adjoining Jefferson County Public School property, thereby assuring that any right-turns out intending to make a U-turn back in the direction of the Gellhaus Lane/Billtown Road intersection are unlikely to make that U-turn using Longview Farm Drive.
12. Developer shall work with MSD and JCPS to better define the ditch along the JCPS frontage on Gellhaus Lane to improve the flow of stormwater entering the existing storm pipe.
 - ~~13. An 8-foot high vinyl privacy fence shall be installed along the east and south property lines adjoining the JCPS and Brown properties as shown on the color site plan accompanying the presentation shown at the April 7, 2016 Planning Commission public hearing.~~
 - ~~14. Landscaping shall be in accordance with the concept landscape plan presented at the April 7, 2016 Public Hearing and shall include along Gellhaus Lane 2-2 1/2 inch caliper trees 8 ft in height at time of planting, all otherwise in compliance with the LDC Landscape Regulation.~~
 - ~~15. Lighting shall be in accordance with the lighting plan presented at the April 7, 2016 Public Hearing and shall include maximum 16 ft tall light poles with shoebox-style fixtures and a 90 degree cutoff with lighting not in excess of 0.5 foot candles at the property lines.~~
 16. Hours of operation shall be limited from 5:00 a.m. to midnight.
 17. Freestanding signage shall be limited to monument, not pylon, style, otherwise in accordance with the sign regulations of the LDC. Gas prices shall be advertised with LED lighting, not manually changed pricing numbers.
 18. There shall be no exterior access to bathrooms.
 19. Trash receptacles shall be placed for ease of use at multiple points under the gas canopy and along the front facades of the retail and restaurant buildings.
 20. Dumpsters shall be fully enclosed with a solid fence screen.
 21. Commercial use on the site shall not permit ~~liquor stores~~, check cashing stores, laundromats, pawn shops, medical labs, hotel/motels, funeral homes and homeless shelters.
 22. The developer shall prohibit construction access and construction and maintenance vehicles from using Billtown Farms subdivision streets.
 23. Developer shall contribute \$10,000 for the future construction of a right-turn lane from Billtown Road to Gellhaus Lane. Developer shall post a bond with Metro Public Works prior to full construction approval for the site, to be used for the road construction project. Developer's bond will be released on April 7, 2026 if the turn lane has not been constructed.
 24. Property Owner/Developer shall pre-grade the rights-of-way along the site's frontage with both Billtown and Gellhaus for preparation of constructing a future right turn lane, which will be installed at a later time. Property Owner/Developer shall include within its construction plans the full design of the right turn lane and the pre-grading specifications to be completed as part of the site development. Area shall be graded, seeded and strawed prior to the issuance of Certificate of Occupancy for the gas station construction plans; bond and encroachment permit shall be required by KTC for work in the Billtown Road right-of-way and from Louisville Metro Public Works for work within the Gellhaus right-of-way.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of 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 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.
8. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on-site.
9. The Gellhaus Lane access shall be right-in only unless Metro Public Works approves either a full-cut at this point of access or a right-in/right-out. If a right-in/right-out, such access should be constructed in concert with a deceleration right-turn lane into the adjoining Jefferson County Public School property, thereby assuring that any right-turns out intending to make a U-turn back in the direction of the Gellhaus Lane/Billtown Road intersection are unlikely to make that U-turn using Longview Farm Drive.

10. Developer shall work with MSD and JCPS to better define the ditch along the JCPS frontage on Gellhaus Lane to improve the flow of stormwater entering the existing storm pipe.
11. Hours of operation shall be limited from 5:00 a.m. to midnight.
12. Freestanding signage shall be limited to monument, not pylon, style, otherwise in accordance with the sign regulations of the LDC. Gas prices shall be advertised with LED lighting, not manually changed pricing numbers.
13. There shall be no exterior access to bathrooms.
14. Trash receptacles shall be placed for ease of use at multiple points under the gas canopy and along the front facades of the retail and restaurant buildings.
15. Dumpsters shall be fully enclosed with a solid fence screen.
16. Commercial use on the site shall not permit check cashing stores, laundromats, pawn shops, medical labs, hotel/motels, funeral homes and homeless shelters.
17. The developer shall prohibit construction access and construction and maintenance vehicles from using Billtown Farms subdivision streets.
18. Developer shall contribute \$10,000 for the future construction of a right-turn lane from Billtown Road to Gellhaus Lane. Developer shall post a bond with Metro Public Works prior to full construction approval for the site, to be used for the road construction project. Developer's bond will be released on April 7, 2026 if the turn lane has not been constructed.
19. Property Owner/Developer shall pre-grade the rights-of-way along the site's frontage with both Billtown and Gellhaus for preparation of constructing a future right turn lane, which will be installed at a later time. Property Owner/Developer shall include within its construction plans the full design of the right turn lane and the pre-grading specifications to be completed as part of the site development. Area shall be graded, seeded and strawed prior to the issuance of Certificate of Occupancy for the gas station construction plans; bond and encroachment permit shall be required by KTC for work in the Billtown Road right-of-way and from Louisville Metro Public Works for work within the Gellhaus right-of-way.