Case No. 22-ZONE-0140 Binding Elements

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

- 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 (commonly referred to as billboards or off-premises signs pursuant to Louisville Metro Code of Ordinances section 155.08), small freestanding signs, pennants, balloons, or banners shall be permitted on the site. Signs in compliance with Chapter 8 of the Land Development Code shall be permitted.
- 3. Prior to development (includes clearing and grading) of any portion of the remaining areas of the site, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. Notwithstanding this binding element, removal of the existing structures on the site and any commercially necessary tree removal for the purpose of structure removal shall be permitted, as allowed by MSD. In no event shall clear-cutting of the site be permitted without prior approval of a detailed district development plan.
- 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Preston Highway 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 certificate of occupancy. 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.

- e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 30, 2023 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro 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. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
- 8. 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.
- 9. 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.

GENERAL NOTES: 1. DOMESTIC WATER SUPPLY:

- SUBJECT SITE CAN BE SERVED BY THE LOUISVILLE WATER COMPANY. THE NECESSARY WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER/DEVELOPER'S EXPENSE. 2. TREE PRESERVATION:
- A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES ON THE SITE.
- PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION 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 UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
- 4. A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED AS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
- THE DEVELOPMENT LIES IN THE OKOLONA FIRE DISTRICT. 6. ALL LUMINAIRES SHALL BE AIMED, DIRECTED OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROJECTED OPEN SPACES (IE. CONSERVATION EASEMENTS, GREENWAYS OR PARKWAYS) ON ADJACENT OR NEARBY PARCEL'S, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC STREETS AND RIGHT-OF-WAYS PER CHAPTER 4.1.3. OF THE LDC.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.
- 8. ALL EXISTING STRUCTURES AND EXISTING ENTRANCES SHALL BE REMOVED, EXCEPT AS NOTED ON THE PLAN. 9. IN ACCORDANCE WITH CHAPTER 4.9 OF THE LDC, A KARST SURVEY WAS PERFORMED BY TRAVIS BROWN ON 01/04/23 AND NO KARST TOPOGRAPHY WAS FOUND. A REVIEW OF PUBLISHED
- GEOLOGIC INFORMATION FROM THE KY GEOLOGICAL SURVEY CONTAINED NO INDICATION OF SINKHOLES ON THE SUBJECT PROPERTY. 10. ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
- 11. BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.6 OF THE LDC.
- 12. ALL INTERIOR SIDEWALKS THAT ABUT PARKING TO BE FIVE (5) FEET WIDE MINIMUM. 13. 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 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. 14. STREET TREES ARE REQUIRED AND SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCE.

MSD_NOTES: 1. CONSTRUCTION PLANS & DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS. WASTEWATER:

- SANITARY SEWER WILL CONNECT TO THE CEDAR CREEK WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT. SITE WILL EITHER CONNECT TO THE EXISTING SANITARY SEWER IN FRONT OF MENARDS VIA, GRAVITY LINE OR SINGLE USER PUMP STATION, OR BY GRAVITY LINE THROUGH KYTC RIGHT-OF-WAY TO THE NEW PUBLIC SEWER IN FRONT OF THE PROPOSED CHICKFILA. DRAINAGE/STORMWATER DETENTION:
- 3.1. DETENTION FOR DRIVE THRU FACILITY TO BE COMPENSATED THROUGH REGIONAL FACILITY FEES X 1.5 , DRAINAGE PATTERN (DEPICTED BY FLOW ARROWS) IS FOR CONCEPT PURPOSES ONLY. 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. SUBJECT TO KYTC APPROVAL PRIOR TO MSD CONSTRUCTION PLAN APPROVAL
- 3.2. DETENTION FOR FUTURE DEVELOPMENT IN THE REAR TO BE PROVIDED ON SITE AS DEPICTED ON THE PLAN. POST-DEVELOPMENT PEAK FLOWS WILL NOT EXCEED PRE-DEVELOPED PEAK FLOWS FROM DEVELOPMENT FOR THE 2, 10, 25, AND 100 YEAR STORMS OR TO DOWNSTREAM CAPACITY, WHICH IS MORE RESTRICTIVE. DRAINAGE PATTERN (DEPICTED BY FLOW ARROWS) IS FOR THE CONCEPT PURPOSES ONLY. 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. EROSION AND SILT CONTROL:
- A SOIL AND SEDIMENTATION CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS.
- 5. NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING (21111C0111E).
- THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES. 7. ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OILS, AND GREASE
- POLICY. PUBLIC WORKS AND KTC NOTES:
- NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS RIGHT-OF-WAY RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO SITE
- CONSTRUCTION APPROVAL BY PUBLIC WORKS OR WITH ASSOCIATED RECORD PLAT AS REQUIRED BY METRO PUBLIC WORKS.
- COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES. STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION
- APPROVAL PROCESS. AN ENCROACHMENT PERMIT AND BOND MAY BE REQUIRED BY METRO PUBLIC WORKS FOR ROADWAY REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES.
- THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY. TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SITE DISTANCE AS
- REQUIRED PER METRO PUBLIC WORKS STANDARDS. ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATION, THE "SPECIAL NOTE FOR DETECTABLE WARNING FOR SIDEWALK RAMPS" PER KTC STANDARD DRAWING FOR SIDEWALKS AND PER 'KENTUCKY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION," LATEST EDITION.
- THE 35' PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT IS TO BE GRANTED UPON THE DEVELOPMENT OF THE ADJACENT KYTC LOTS, AND IS TO ALIGN WITH THE PROPOSED DRIVE IN FRONT OF STERN COMMERCIAL CENTER PHASE 1. 15. THE APPLICANT SHALL INSTALL SIGNS, APPROVED BY THE METRO PUBLIC WORKS DEPT, SUCH
- SIGNS SHALL BE INSTALLED PRIOR TO RELEASE OF BONDS FOR THE INSTALLATION OF THE STREET INFRASTRUCTURE.
- 16. ALL PROPOSED PROPERTY SIGNAGE SHALL MEET THE REQUIREMENTS OF CHAPTER 8 OF THE LDC. WAIVER REQUESTS
- A WAIVER OF 10.2.4 OF THE LDC IS REQUESTED TO REMOVE THE PROPERTY PERIMETER LANDSCAPE BUFFER
- AREA REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE A WAIVER OF 10.2.11 OF THE LDC IS REQUESTED TO ALLOW
- PAVEMENT TO ENCROACH INTO THE 10' VUA LBA ALONG THE WESTERN PROPERTY LINE.

15,352± S.F.

*TREE CANOPY DEPICTED ON PLAN PER MSD LOJIC MAPPING, AERIAL PHOTO

OR FIELD SURVEY. TREE CANOPY CALCULATIONS BASED UPON TREE AREAS

A WAIVER OF TABLE 9.1.3.B OF THE LDC IS REQUESTED TO PERMIT GREATER THAN THE MAXIMUM REQUIRE PARKING

SITE DATA: OVERALL EXISTING FORM DISTRICT EXISTING ZONING PROPOSED ZONING EXISTING LAND USE PROPOSED LAND USE

NEIGHBORHOOD R4 SINGLE FAMILY & VACANT COMMERCIAL 4.95± AC.

IMPERVIOUS AREA: OVERALL EXISTING IMPERVIOUS AREA ,175± S.F. 13,964± S.F. PROPOSED IMPERVIOUS AREA TOTAL 21,139± S.F.

LANDSCAPE DATA: V.U.A.

TOTAL LAND AREA

I.L.A. REQUIRED (7.5% X V.U.A.) 1,151 S.F. 1,434± S.F. I.L.A. PROVIDED TREE CANOPY DATA: OVERALL

GROSS SITE AREA LAND USE EXISTING TREE CANOPY

TOTAL TREE CANOPY REQUIRED

SHOWN.

TOTAL TREE CANOPY TO BE PLANTED

EXISTING TREE CANOPY REQUIRED TO BE PRESERVED EXISTING TREE CANOPY TO BE PRESERVED

215,622± S.F. COMMERCIAL 128,467± S.F. (59%) 25,693± S.F. (20%) 26,905 (21% OF EXISTING) (12% OVERALL) 75,467± S.F. (35%) 48,562± S.F. (23%)

SITE DATA: LOT 1 EXISTING FORM DISTRIC EXISTING ZONING PROPOSED ZONING

EXISTING LAND USE PROPOSED LAND USE TOTAL LAND AREA BUILDING AREA RESTAURANT STORAGE

OFFICE

TOTAL FLOOR AREA RATIO (MAX. ALLOWED 5.0) BUILDING HEIGHT (MAX ALLOWED 25') PARKING REQUIRED

MINIMUM (1 SPACE/500 S.F.) MAXIMUM (1 SPACE/100 S.F.) PARKING PROVIDED CAR PARKING (INCLUDES 1 ACCESSIBLE)

BICYCLE PARKING REQUIRED/PROVIDED

SITE DATA: LOT 2 EXISTING FORM DISTRICT EXISTING ZONING PROPOSED ZONING EXISTING LAND USE PROPOSED LAND USE TOTAL LAND AREA

SITE DATA: LOT 3 EXISTING FORM DISTRIC

EXISTING ZONING PROPOSED ZONING EXISTING LAND USE

PROPOSED LAND USE TOTAL LAND AREA

NEIGHBORHOOD R4 C2

SINGLE FAMILY & VACANT COMMERCIAL 0.62± AC.

554± S.F. 284± S.F. 838± S.F. 0.03 25'

2 SPACES 8 SPACES

13 SPACES **3 SPACES**

NEIGHBORHOOD R4 C2 SINGLE FAMILY & VACANT

COMMERCIAL 2.10± AC. NEIGHBORHOOD

SINGLE FAMILY & VACANT COMMERCIAL 2.23± AC.

