

### **Case No. 22-ZONE-0147 – Binding Elements**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **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 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 Bardstown Road 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 16, 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.

5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. 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.
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.

PRELIMINARY APPROVAL  
DEVELOPMENT PLAN

CONDITIONS:

BY: *Quinn W. Stull*  
DATE: *3/2/23*  
LOUISVILLE/JEFFERSON COUNTY  
METRO PUBLIC WORKS

PRELIMINARY APPROVAL

Condition of Approval:

*med. b. t. k. 3.29.23*  
Development Review Date

LOUISVILLE & JEFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT

NOTICE

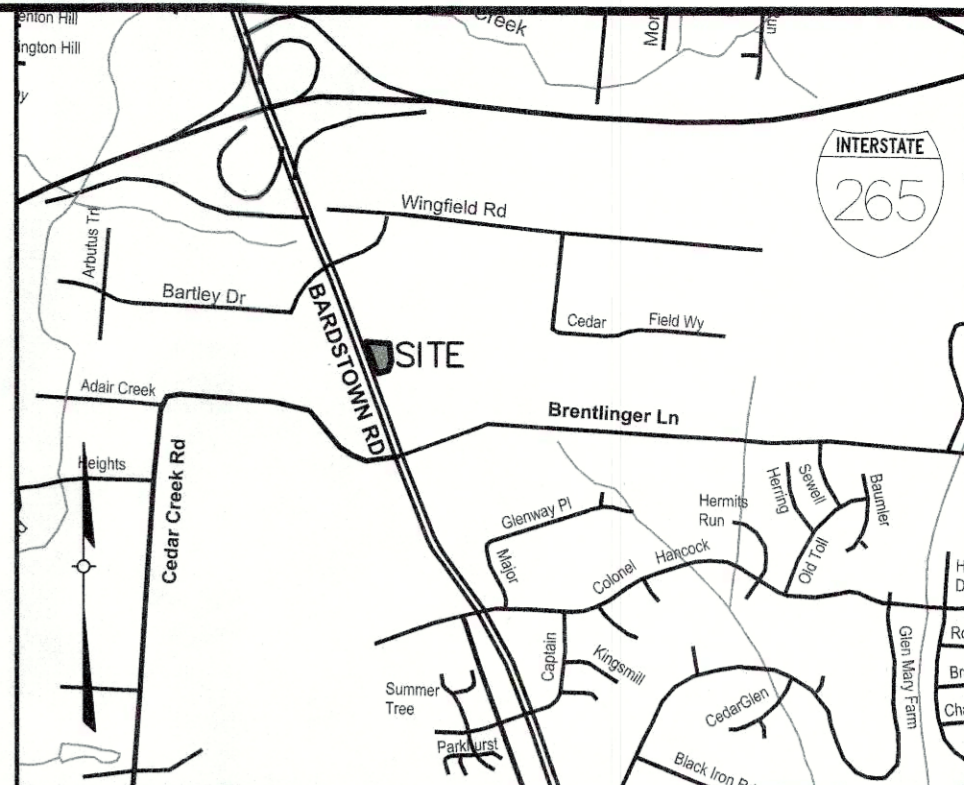
PERMITS SHALL BE ISSUED  
ONLY IN CONFORMANCE  
WITH THE BINDING ELEMENTS  
OF THIS DISTRICT  
DEVELOPMENT PLAN.

LOUISVILLE METRO  
APPROVED DISTRICT  
DEVELOPMENT PLAN  
DOCKET NO. *22-ZONE-0147*  
APPROVAL DATE *March 16, 2023*  
EXPIRATION DATE  
SIGNATURE OF PLANNING COMMISSION  
*[Signature]*  
COMMISSION  
PLANNING

C-2 & R-4/RC & N  
JEFFERSON COUNTY SCHOOLS  
DISTRICT FINANCE CORPORATION  
3332 NEWBURG RD  
LOUISVILLE, KY 40218  
D.B. 7472, PG. 643

WAIVER REQUESTED

1. A Waiver is requested from Section 9.1.3B of the Louisville Metro Land Development Code to exceed the maximum parking allowed.
2. A Waiver is requested from Section 10.2.4 of the Louisville Metro Land Development Code to vary the landscape buffer area on the east property line.
3. A Waiver is requested from Section 5.5.2 of the Louisville Metro Land Development Code to not provide connection to adjacent properties.



LOCATION MAP  
NOT TO SCALE

PROJECT DATA

TOTAL SITE AREA = 0.84± Ac. (36,702 SF)  
EXISTING ZONING = R-4  
PROPOSED ZONING = C-1  
FORM DISTRICT = NEIGHBORHOOD  
EXISTING USE = UNDEVELOPED  
PROPOSED USE = RESTAURANT  
BUILDING HEIGHT = 20'  
BUILDING AREA = 510 SF  
F.A.R. = 0.02 (1.0 MAX. ALLOWED)

PARKING REQUIRED MIN. MAX.  
1/500 S.F. MIN. = 1 SP  
1/100 S.F. MAX. = 5 SP

TOTAL PARKING REQUIRED = 1 SP 5 SP  
TOTAL PARKING PROVIDED = 12 SP  
(1 ADA SP INCLUDED)

BIKE PARKING REQUIRED = 3 SP  
BIKE PARKING PROVIDED = 3 SP

TOTAL VEHICULAR USE AREA = 14,602 SF  
INTERIOR LANDSCAPE AREA REQUIRED = 1,095 SF (7.5%)  
INTERIOR LANDSCAPE AREA PROVIDED = 1,095 SF

EXISTING IMPERVIOUS = 0 SF  
PROPOSED IMPERVIOUS = 16,145 SF

GENERAL NOTES:

1. Parking areas and drive lanes to be a hard and durable surface.
2. An encroachment permit and bond will be required for all work done in the right-of-way.
3. No increase in drainage run off to state roadways.
4. There shall be no commercial signs in the right-of-way.
5. Site lighting shall not shine in the eyes of drivers. If it does it shall be re-aimed, shielded, or turned off.
6. 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.
7. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
8. Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
9. Wheel stops or curbing, at least six inches high and wide, shall be provided to prevent vehicles from overhanging abutting sidewalks, properties or public right-of-ways, to protect landscaped areas and adjacent properties. Wheel stops shall be located at least (3) feet from any adjacent wall, fence, property line, woody vegetation, walkway or structure.
10. Benchmark and topographical information shown hereon were derived from Lojic data. Boundary information was taken from deeds.
11. Street trees to be provided in all adjacent rights-of-way. Final location and type to be shown on the approved landscape plan.
12. No Karst features were observed on site during a site visit on August 24, 2022, by Mike Hill, AICP.
13. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval.
14. 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.

MSD NOTES:

1. All retail shops must have individual connections per MSD's fats, oils and grease policy.
2. Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District Design Manual and Standard Specifications and other local, state and federal ordinances.
3. Sanitary sewer service will be provided by connection and subject to applicable fees. A Downstream Facilities Capacity request will be submitted to MSD. Private offsite sewer easement required.
4. No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0097 E dated December 5, 2006.
5. Drainage pattern depicted by arrows (==>) is for conceptual purposes.
6. If the site has thru drainage an easement plat will be required prior to MSD granting construction plan approval.
7. On-site detention will be provided. Post-developed peak flows will be limited to pre-developed peak flows for 2,10,25, and 100 year storms or to the capacity of the down-stream system, whichever is more restrictive.
8. All drainage, EPSC and Water Quality practices shown on this plan are for conceptual purposes only. Final design of these elements will be determined prior to construction plan approval and shall comply with all MS4 and MSD Design Manual requirements.
9. This project is not subject to MS4 Water Quality Regulations until the incremental area of disturbance sums equal to or greater than 1 acre of disturbance. Per this preliminary development plan, the area of disturbance is 16,972 S.F.

DETENTION BASIN CALCULATIONS

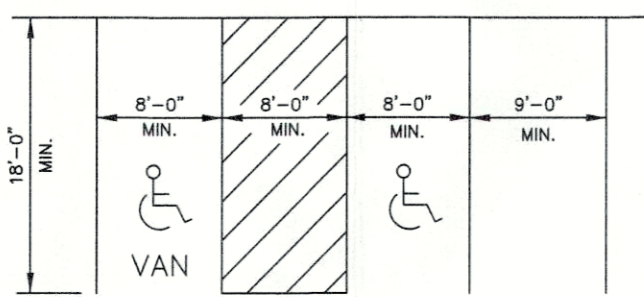
X = Δ CRA/12  
ΔC = 1.01-0.30=0.71  
A = 0.84 ACRES  
R = 2.8 INCHES  
X = (0.71)(0.84)(2.8)/12 = 0.14 AC.-FT  
REQUIRED X = 6,098 CU.FT.

PROVIDED BASIN = 2,656 SQ.FT.

TOTAL = 2,656 SQ.FT. @ APPROX. 2.5 FT. DEPTH  
= 6,640 CU.FT. > 6,098 CU.FT.

LEGEND

- PROPOSED STORM SEWER, CATCH BASIN
- PROPOSED SEWER AND MANHOLE
- PROPOSED DRAINAGE SWALE

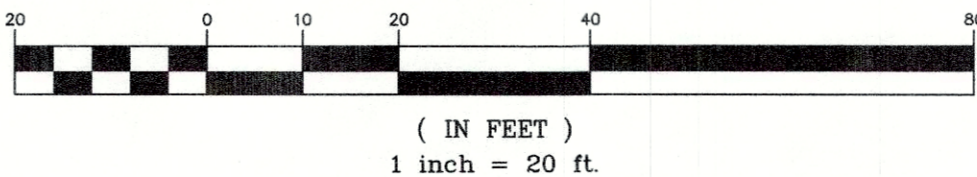


TYPICAL PARKING SPACE LAYOUT  
NO SCALE

TREE CANOPY CALCULATIONS

TOTAL SITE AREA = 0.84± Ac. (36,702 S.F.)  
EXISTING TREE CANOPY AREA = 0% (0 S.F.)  
EXISTING TREE CANOPY TO BE PRESERVED = 0% (0 S.F.)  
TOTAL TREE CANOPY AREA REQUIRED = 35% (12,846 S.F.)  
TOTAL TREE CANOPY AREA TO BE PROVIDED = 35% (12,846 S.F.)

GRAPHIC SCALE



OWNER:  
RIDGE WILLIAM C JR ESTATE OF  
8610 WESTOVER DR  
PROSPECT, KY 40059

SITE ADDRESS:  
7609 BARDSTOWN ROAD  
LOUISVILLE, KY 40291  
TAX BLOCK 56, LOT 4  
W.B. 756, PG. 431

COUNCIL DISTRICT - 22  
FIRE PROTECTION DISTRICT - FERN CREEK  
MUNICIPALITY - LOUISVILLE

RECEIVED

FEB 06 2023  
PLANNING & DESIGN  
SERVICES  
CASE #22-ZONE-0147  
WM#12500

DEVELOPER  
7609 BARDSTOWN ROAD

HOGAN REAL ESTATE  
9300 SHELBYVILLE ROAD, SUITE 1300  
LOUISVILLE, KY 40222

JOB NO. 22105

SHEET 1 OF 1

LD&D  
LAND DESIGN & DEVELOPMENT, INC.  
ENGINEERS • LAND SURVEYING • LANDSCAPE ARCHITECTURE  
909 WESTERN AVENUE, SUITE 101 LOUISVILLE, KENTUCKY 40202  
TEL: 502.261.1234 FAX: 502.261.1234 WWW.LD&D.COM

PROJECT DATA

FILE NAME: 22105 - DDDP  
DATE: 8/29/22  
SCALE: AS SHOWN  
DRAWN BY: TF  
CHECKED BY: MH

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	10/17/22	PER AGENCY COMMENTS	TF
2	11/21/22	PER AGENCY COMMENTS	JH
3	12/12/22	PER AGENCY COMMENTS	TF
4	1/25/23	PER AGENCY COMMENTS	MH

SURVEYOR'S SEAL

ENGINEER'S SEAL