

## Case No. 19-ZONE-0079 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.
  - 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. 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.
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 permitted on the site.
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. The multi-family units shall be age restricted to 55 years of age and older to comply with the Fair Housing Act and the Housing for Older Persons Act.

**DRAINAGE CALCULATIONS**

DISTURBED AREA - 37,824SF  
EXISTING IMPERVIOUS- 51,072SF NEW IMPERVIOUS-19,474SF TOTAL- 70,546SF

**FLOODPLAIN NOTE**

PORTIONS OF THE SITE ARE WITHIN THE 100 YEAR FLOODPLAIN PER FEMA PANEL 21111C079E, DATED DECEMBER 5, 2005.

**SURVEY NOTE**

BOUNDARY PER SURVEY BY DUKES ASSOCIATES DATED 8-11-2006.

PRELIMINARY APPROVAL  
Condition of Approval: \_\_\_\_\_  
Date: February 20, 2020  
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**EROSION PREVENTION AND SEDIMENT CONTROL NOTES:** The approved erosion prevention and sediment control (EPSC) plan shall be implemented prior to any land disturbing activity on the construction site. Any modifications to the approved EPSC plan must be reviewed and approved by MSD's Private Development Review office. EPSC BMPs shall be installed per the plan and MSD's standards.

Detention basins, if applicable, shall be constructed first and shall perform as sediment basins during construction until the contributing drainage areas are seeded and stabilized. Actions must be taken to minimize the tracking of mud and soil from construction areas onto public roadways. Soil stockpiles shall be located away from streams, ponds, swales and catch basins. Stockpiles shall be seeded, mulched and adequately contained through the use of silt fence. All stream crossings must utilize low-water crossing structures per MSD Standard Drawing ER-02. Where construction or land disturbing activity will or has temporarily ceased on any portion of a site, temporary site stabilization measures shall be required as soon as practicable, but no later than 14 calendar days after the activity has ceased. Sediment-laden groundwater encountered during trenching, boring or other excavation activities shall be pumped to a sediment trapping device prior to being discharged into a stream, pond or catch basin.

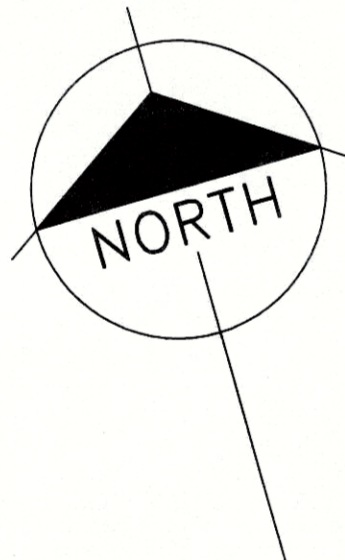
**PRELIMINARY APPROVAL DEVELOPMENT PLAN**

**CONDITIONS:**

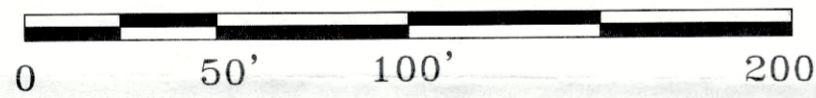
BY: [Signature]  
DATE: 2/12/20  
LOUISVILLE/ JEFFERSON COUNTY METRO PUBLIC WORKS

**NOTICE**

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

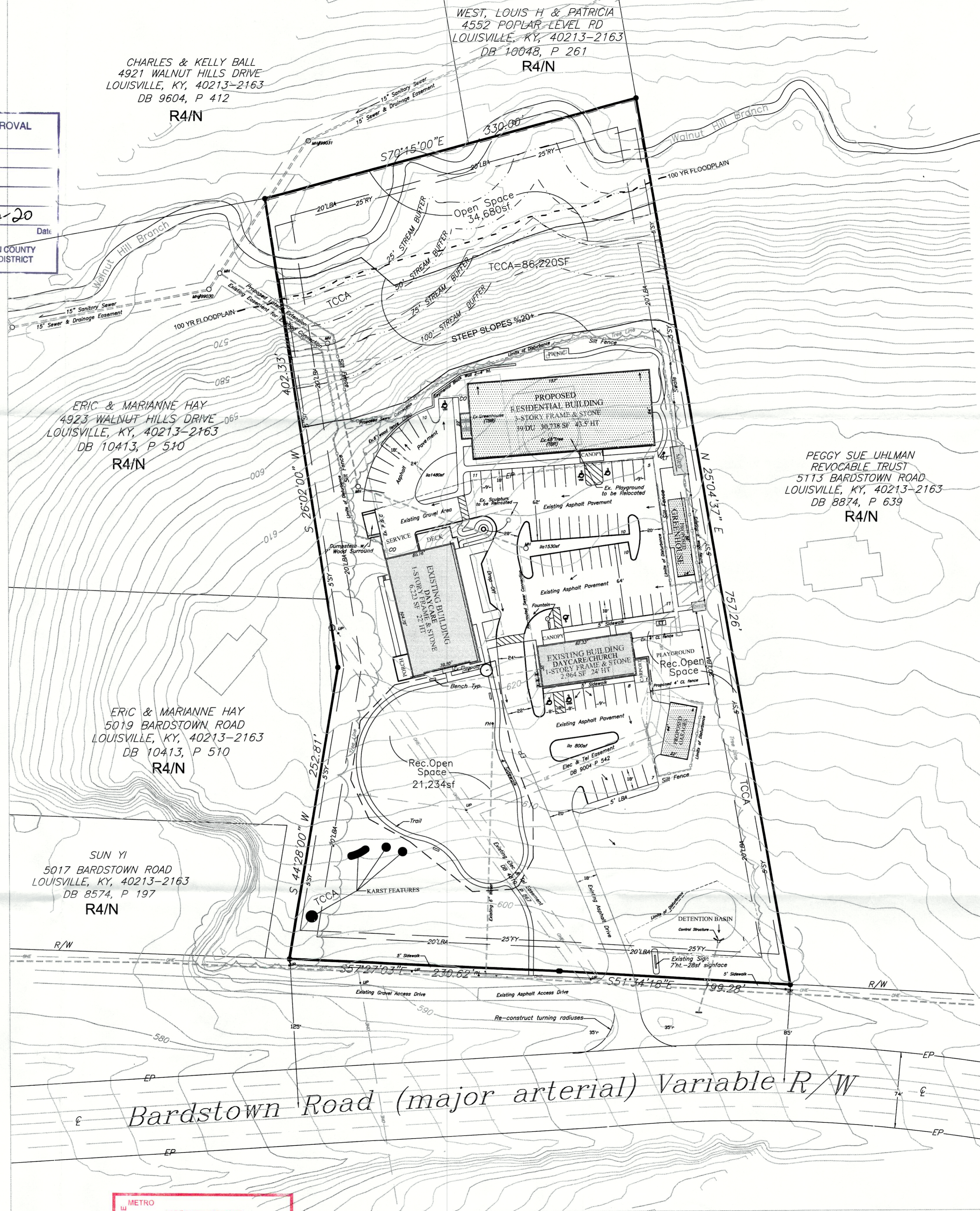


GRAPHIC SCALE : 1" = 50'



**LEGEND**

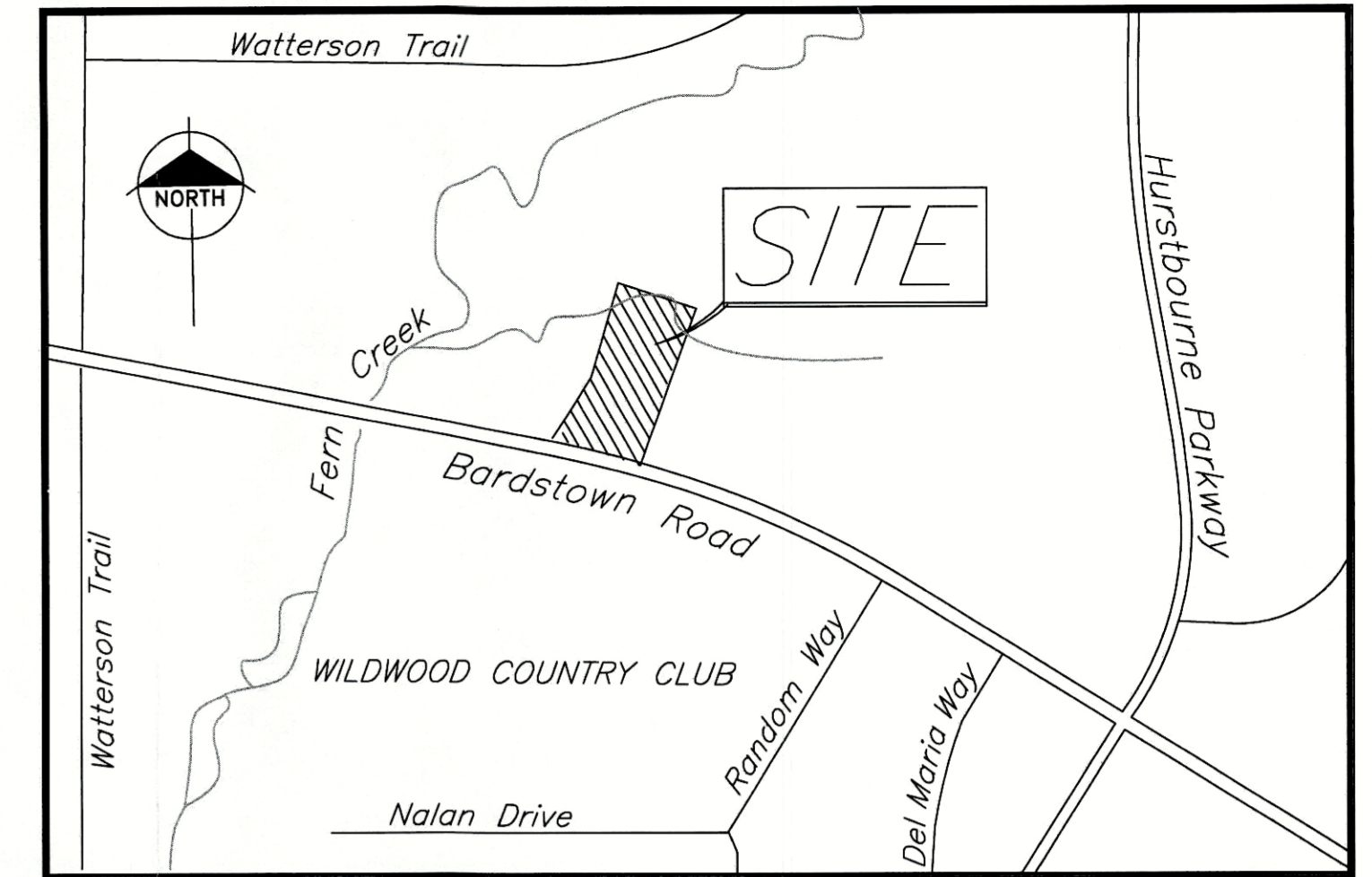
Symbols	Abbreviations
○ <sup>UP</sup> Utility Pole	EP Edge of Pavement
○ <sup>MH</sup> Manhole	R/W Right of Way
□ <sup>CB</sup> Catch Basin	Ex. Existing
○ <sup>FH</sup> Fire Hydrant	TBR To Be Removed
Light Standard	Line types
Electrical Transformer	-580- Existing Contour
Air Condenser	- - - - - Silt Fence
○ <sup>CP</sup> Communications Pedestal	- - - - - Sewer (as noted)
Gas Meters	- - - - - Overhead Electric
Electric Meters	- - - - - Fenceline
	- - - - - Existing Treeline



METRO LOUISVILLE APPROVED DISTRICT DEVELOPMENT PLAN  
DOCKET NO. 19-ZONE-0079  
APPROVAL DATE Feb. 20, 2020  
EXPIRATION DATE \_\_\_\_\_  
SIGNATURE OF PLANNING COMMISSION \_\_\_\_\_  
PLANNING COMMISSION

**MILLER•WIIHRY**  
MWGLLC  
Land Planners • Engineers • Surveyors  
1387 South Fourth Street, Louisville, KY 40208 (502)636-5501

REVISIONS	SCALE
	1"=50'
DR.	
CK.	
DATE	
2-10-2020	



LOCATION MAP

**PROJECT DATA**

EXISTING ZONING : R4 PROPOSED ZONING : R5A  
EXISTING FORM DISTRICT : NEIGHBORHOOD  
TOTAL SITE AREA : 5.664 ACRES  
EXISTING AND PROPOSED USE : SENIOR DAYCARE, SENIOR LIVING FACILITY & CHURCH  
EXISTING BUILDING AREA : 9,187sf (Does not include lower level space)  
PROPOSED BUILDING AREA : Residential Building 30,738 SF (footprint 10,246sf x 3)  
TOTAL BUILDING AREA : 39,925 sf (9,187 existing + 30,738sf proposed) MAXIMUM HEIGHT: 45'  
FAR : 0.17 MAXIMUM ALLOWED DENSITY : 12.1 DU/AC PROPOSED DENSITY : 6.9 DU/AC  
PROPOSED PARKING 78 SPACES (Includes 6 handicapped accessible spaces)  
REQUIRED PARKING 72 SPACES MINIMUM - 138 SPACES MAXIMUM  
SENIOR LIVING FACILITY 39 UNITS @ .5 SPACES (Minimum) 20 SPACES + 4 spaces for employees  
39 UNITS @ 1.5 SPACES (Maximum) 59 SPACES + 4 spaces for employees  
DAY CARE FACILITY 20 SPACES (Minimum) 2 each for 10 employees  
40 SPACES (Minimum) 4 each for 10 employees  
CHURCH FACILITY 28 SPACES (Minimum) 1,400sf assembly space / 50  
35 SPACES (Maximum) 28 x 125%

VEHICLE USE AREA :46,172 SF  
LANDSCAPE CALCULATIONS : PROPOSED INTERIOR LANDSCAPING : 3,710 SF  
REQUIRED LANDSCAPING : (TOTAL VEHICLE USE AREA 46,172SF x 7.5% = 3,463SF)  
TREE CANOPY CALCULATIONS : SITE AREA : 246,724SF CLASS 'C' 15% TREE CANOPY REQUIRED  
EXISTING TREE CANOPY 86,670 SF or 35% EXISTING TREE CANOPY TO BE PRESERVED 86,220 SF or 35%  
OPEN SPACE AREA :246,724 SF @ %15 REQUIRED - 37,009SF  
OPEN SPACE PROVIDED : 55,914 SF (Recreational Open Space : 21,234sf + Natural Protection Open Space 34,680sf @ 50%)

**PLANNING NOTES:**

1. Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
2. Wheelstops or protective curbing at least 6" high and 6" wide shall be provided to prevent vehicles from overhanging sidewalks, properties or public rights of ways to protect landscaped areas and adjacent properties. Such wheelstops or curbing shall be at least three feet from any adjacent property line, woody vegetation or structure.
3. Karst survey conducted by Greenbaum Associates, Sandor Greenbaum, PE, dated Dec. 9, 2019.

**TRANSPORTATION NOTES**

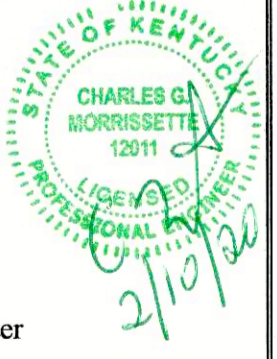
1. Construction plans, bond and permit are required by Metro Public Works prior to construction approval.
2. Construction approval from KYTC and encroachment permit will be required.
3. Upon development or redevelopment of adjacent properties, a unified access and circulation system shall be developed 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 the Planning Commission legal counsel shall be recorded prior to construction approval for the adjacent property to be developed.

**APCD NOTES**

1. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.

**MSD NOTES**

1. Drainage pattern depicted by arrows (→) is for information purposes only, all areas of the site are to be paved or finish graded in a manner that results in sheet flow as depicted. No areas of ponding water will be accepted.
2. Construction plans and documents shall comply with the Louisville & Jefferson County Metropolitan Sewer Districts' Design Manual and Standard Specifications and other local, state and federal ordinances.
3. MSD Drainage bond required prior to construction plan approval.
4. KYTC approval required prior to MSD construction plan approval for increase run off to the State right-of-way.
5. Sanitary sewer service provided by lateral extension, subject to fees and any applicable charges.
6. Run off volume impact fee required, calculation based on RFF x 1.5.
7. KDOW approval required for any work in the FEMA floodplain and any required fill in the floodplain must be compensated for on site at a ratio of 1.5 : 1.
8. This site is subject to MS4 Water Quality Regulations once the incremental area of disturbance sums equal to or greater than 1 acre. Per this preliminary development plan the area of disturbance is 31,924 SF.



**District Development Plan**

Case #19-ZONE-0079  
Related Cases :#19-ZONEPA-0033, #3-38-08 & #L12778  
**FREEDOM SENIOR CENTER**  
5101 Bardstown Road, Louisville, KY 40291  
Deed Book 11379 Page 869 Parcel #004400430000

Owner/Developer  
**SANVI REALTY LLC**  
4511 Bardstown Road Louisville, KY 40218  
502-957-5111  
RECEIVED  
FILE NO. **DP**