

Case No. 15ZONE1070 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variances from Chapter 5 part 3 to permit encroachments into the 15' rear yard setback and 50' side yard setback; a Variance from 5.7.1.B.1 to allow the proposed building to be 60' instead of the required 45' maximum building height; a Waiver from Chapter 10 to permit encroachments into the required 20' LBA along the east property line; and a 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. The development shall not exceed 315,000 square feet of gross floor area.
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 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. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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. 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2016 Planning Commission meeting.
8. Fence for privacy and noise abatement:
 - a. Developer will replace the current 6' cedar plank fence with a new solid double sided cedar plank fence. An 8' fence will run from the corner starting behind 4211 Hartwick Village Pl and continue for approximately 240 feet running south behind 4201 Hartwick Village Pl. At this location (starting at north edge of 4123 Hartwick Village Pl the fence will transition over an 8' span to 6' in height

- and continue running south for approximately 550 feet to the current corner in front of the tennis center parking lot. The entire length of the fence including that portion in front of the tennis center is included to ensure consistent appearance for all homes backing up to Simcoe Ln. Fence construction will be completed within 30 days of start of initial site clearing and preparation for construction.
- b. The 8' fence will be a solid double sided privacy fence on 6x6 treated posts with 4 2x4 stringers per section. The 6' fence will be a solid double sided solid privacy fence on 4x4 6 x 6 treated posts with 3 2x4 stringers per section.
9. Landscaping for privacy and additional noise abatement and beautification:
 - a. The area behind the Hartwick Village fence and in the Simcoe Ln Right of Way starting at east edge of Simcoe Ln. and extending for approximately 12' to the utilities easement will be planted with 2 rows 7-8' Arborvitae or other Evergreens. These plantings will run continually to a point on the opposite side of Simcoe Ln that marks the end of subject development property. Each row will have trees on 10' centers with the 2nd row staggered and 5' behind the first row.
 - b. All plantings will be maintained and if a tree dies it will be replaced by the owner of Simcoe Apartments no later than next growing season.
 - c. The owner of Simcoe Ln Apartments will also mow and maintain the grassy area between the fence and edge of Simcoe Ln for the length of the subject development property.
 - d. The trees will be planted within 60 days after the completion of the curb and gutter upgrade on the west side of Simcoe Ln. or the next growing season.
 10. Lighting:
 - a. All outdoor lighting will be positioned in such a matter that no lights will shine directly onto the residential property of Hartwick Village.
 - b. Where needed to prevent lights from shining in the direction of Hartwick Village, shades and/or deflectors will be installed around the light fixture to prevent direct beams of light shining toward Hartwick Village.
 - c. Exterior lighting to be low level landscaping type lighting or architectural highlighting shining only on building.
 11. Water run-off and storm sewer control: Developer will install curb and gutter on both sides of Simcoe Lane the length of the subject development property.
 12. Building Design and layout: Developer agrees to limit the height of the front wing of the building facing Simcoe Ln to 48' with no more than three stories above grade. The final plans for this will be filed and approved prior to the start of any construction or clearing of property.
 13. No outdoor advertising or free standing signs will be allowed except for those specifically approved and in compliance with LDC. No pennants, balloons or banners shall be permitted on the site except for a 60 day period immediately following first day of opening or apartment showings.
 14. Construction hours will be limited to the hours from 7am to 7pm Mon-Sat.
 15. No construction staging or construction parking will take place on Simcoe Ln. All trucks will use an entrance to the construction site that has been prepared (graded and with adequate rock base) for construction trucks and equipment.
 16. If construction requires the use of explosives or pile drivers, the homeowners of Hartwick Village and Abbeywood will be notified at least 24 hours in advance with notices provided to designated Home Owner Association Representatives. The use of explosives will be limited to 2 scheduled times a day between the hours of 9am – 4pm Mon-Sat. Pile driving will be limited to the hours between 9am-4pm Mon-Sat.
 17. If explosives or pile-driving is used in the construction of Simcoe Apartments, Developer agrees that any sub-contractors or contractors performing such work will be fully qualified, licensed and fully

insured and capable of paying full repair cost to the property owners in Hartwick Village and Abbeywood for any damages to the property that may be caused by those activities.

18. Developer agrees to control dust during construction periods and to take appropriate actions to mitigate dust as necessary.
19. These binding elements will be a permanent record of case 15ZONE1070 and included as part of the case approval and survivable to any owners, current or future, of the property known as Simcoe Ln Apartments as stated in case 15ZONE1070.
20. The developer will engage a signal qualified consulting firm (on the KYTC's Qualification List for this type of work) to be responsible for completing a formal Traffic Signal Timing Report for 5 signalized intersections along KY Highway 22. Metro Public Works will be responsible for supplying 12 hour turning movement counts at each intersection. The developer's consultant will be responsible for performing travel time analysis based on the counts provided; providing 4 separate signal timing plans at each intersection (typical weekday representing AM, noon, PM and Evening periods); and a formal Traffic Signal Timing Report. Metro Public Works will be responsible for the implementation of the signal timing plans and any subsequent testing and in-service adjustment. Five signalized intersections will be included in the study, being:
 - 1) KY 22 & N. Hursbourne Pkwy/Springdale Rd
 - 2) KY 22 & Summit Plaza Dr
 - 3) KY 22 & interstate I-265 SB on ramp
 - 4) KY 22 & Norton Healthcare Blvd
 - 5) KY 22 & Chamberlain Ln
 - 6) Hurstbourne and Springhurst Boulevard**

The Traffic Signal Timing Report shall be completed prior to the issuance of building permits.

21. Developer shall construct intersection improvements at KY 22 & Simcoe Ln to prohibit left turn traffic from Simcoe to KY 22. Construction plans, bond & permit for the intersections improvements shall be completed prior to the issuance of building permit. Intersection improvements shall be constructed prior to the issuance of certificate of occupancy.

The vote was as follows:

YES: Commissioners Howard, Lewis, Jarboe, Brown, Smith, and Kirchdorfer.

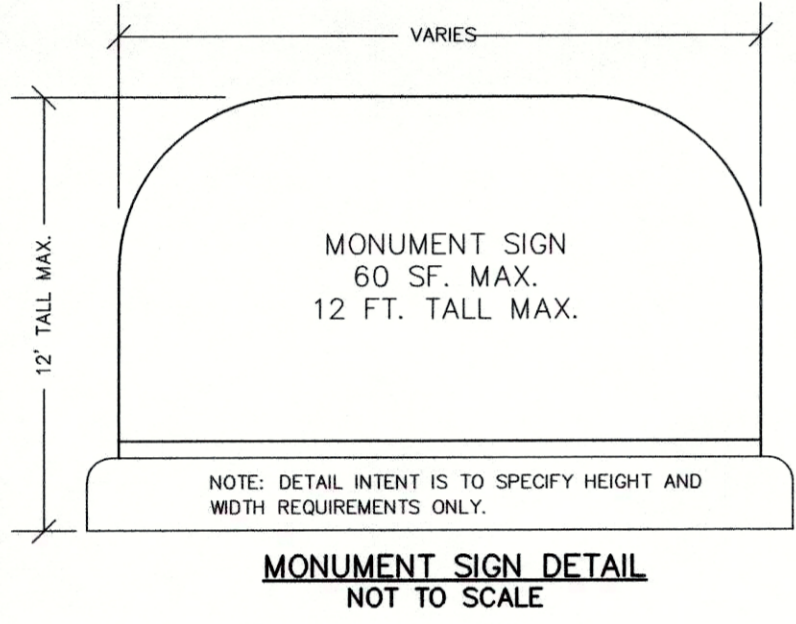
NO: No one.

NOT PRESENT: Commissioners Turner and Peterson.

ABSTAINING: Commissioner Tomes.

RECEIVED
MAY 18 2016
PLANNING &
DESIGN SERVICES

PRELIMINARY APPROVAL
Condition of Approval:
Tony Kelly 5/18/16
Date
LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

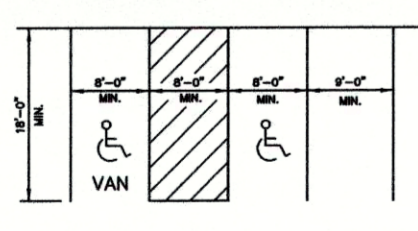


DETENTION BASIN CALCULATIONS

X = Δ CRA/12
ΔC = 0.80 - 0.23 = 0.62
A = 3.91 ACRES
R = 2.8 INCHES
X = (0.62)(3.91)(2.8)/12 = 6.79 AC./FT.
REQUIRED (X) = 24,829 CU.FT.
PROVIDED BASIN = 5,000 SQ.FT.
TOTAL = 5,000 SQ.FT. @ APPROX. 5 FT. DEPTH
= 25,000 CU.FT. > 24,829 CU.FT.

TREE CANOPY CALCULATIONS

TOTAL SITE AREA = 184,540 S.F.
EX. TREE CANOPY AREA = 5%
TOTAL TREE CANOPY AREA REQ. = 20% (36,908 S.F.)
EX. TREE CANOPY TO BE PRESERVED = 0% (S.F.)
PROP. TREE CANOPY TO BE PLANTED = 20% (37,440 S.F.)

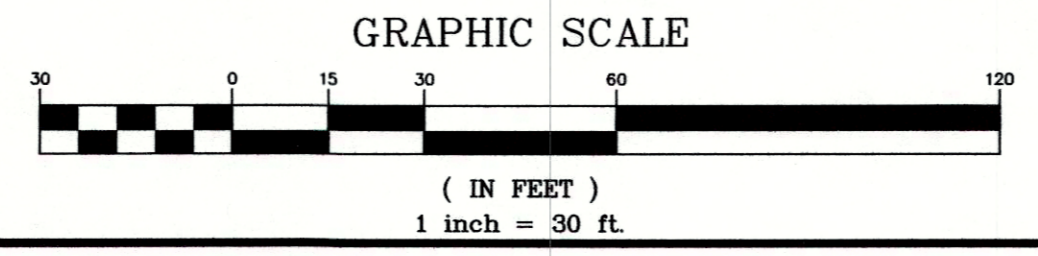


LEGEND

- PROPOSED STORM SEWER, CATCH BASIN
- PROPOSED SEWER AND MANHOLE
- PROPOSED DRAINAGE SWALE
- FIRE HYDRANT
- GUY ANCHOR
- TELEPHONE PEDESTAL
- WATER VALVE
- WATER METER
- POWER POLE
- CATCH BASIN
- SANITARY SEWER MANHOLE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- OVERHEAD ELECTRIC LINE
- OVERHEAD ELECTRIC, TELEPHONE & CABLE LINES

MSD STANDARD EROSION CONTROLS

	STONE BAG CHECK DAM
	WINGED HEADWALL INLET PROTECTION
	SILTY FENCE



OWNER: BETTE M KAEHLIN 4206 SIMCOE LANE LOUISVILLE, KY 40241
OWNER: FRED J & LINDA CALDWELL 4200 SIMCOE LANE LOUISVILLE, KY 40241
OWNER: RAYMOND J BORCHERT 4113 SIMCOE LANE LOUISVILLE, KY 40241
SITING ADDRESS: 4206 SIMCOE LANE T.B. WOOD, LOT 0028 D.B. 9745, PG. 0551
SITING ADDRESS: 4190 SIMCOE LANE T.B. WOOD, LOT 0045 D.B. 4807, PG. 0848
SITING ADDRESS: 4200 SIMCOE LANE T.B. WOOD, LOT 0054 D.B. 4807, PG. 0848
SITING ADDRESS: 4113 SIMCOE LANE T.B. WOOD, LOT 0044 D.B. 5191, PG. 0700

EROSION PREVENTION & SEDIMENT CONTROL NOTES

- The approved erosion and sediment control (EPC) plan shall be implemented prior to any land-disturbing activity on the construction site. Any modifications to the approved EPC plan must be reviewed and approved by MSD's private development review office. EPC BMP's shall be installed per the plan and MSD 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 tracking into the roadway system shall be removed daily.
- 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 disturbance 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, swale or catch basin.
- All storm drainage shall conform to MSD standard specifications.
- 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 dripline of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.

GENERAL NOTES:

- Parking areas and drive lanes to be a hard and durable surface.
- An encroachment permit and bond will be required for all work done in the right-of-way.
- 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 dripline of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- Entire site is within a Neighborhood Form District Transition Zone.
- Right of Way Dedication by deed or minor plat must be recorded prior to construction approval by Transportation Planning.
- Secured Bike Parking facilities shall be provided in the parking garage. The number of bike parking spaces to be determined.
- Cross Access Agreement, for vehicular connection to the property to the west, will be provided prior to construction plan approval.
- Kentucky State Historic Preservation Office (SHPO) documentation of the existing residence located on 4113 Simcoe Lane shall be submitted to SHPO prior to the issuance of a demolition permit.

MSD NOTES:

- Sanitary sewer service will be provided by lateral extension and subject to applicable fees.
- No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0018 E dated December 5, 2006.
- Drainage pattern depicted by arrows (→) is for conceptual purposes. 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.
- If the site has thru drainage an easement plat will be required prior to MSD granting construction plan approval.
- 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 downstream system, whichever ever is more restrictive.
- A Downstream Facilities Capacity Request has been approved by MSD by letter dated January 20, 2016.
- The final design of this project must meet all MS4 water quality regulations established by MSD. Site layout may change at the design phase due to proper sizing of Green Best Management Practices.
- Erosion & Silt Control plan is conceptual only and final design will be determined on construction plans. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
- If the pool is going to use a sand filter a PSC will be required if a cartridge system is utilized no PSC will be required. Underground detention basins must meet the requirements of Section 10.3.8.4 of the MSD design manual.

VARIANCE REQUESTED

- A Variance is requested from Table 5.3.1 of the Louisville Metro Land Development Code to vary the 15' Rear Setback for the encroachment of the proposed pavement.
- A Variance is requested from Table 5.7.1.B.2 of the Louisville Metro Land Development Code to vary the building height to 60'.
- A variance is requested from Table 5.3.2 to encroach into the required east property line 50' side yard setback.

WAIVER REQUESTED

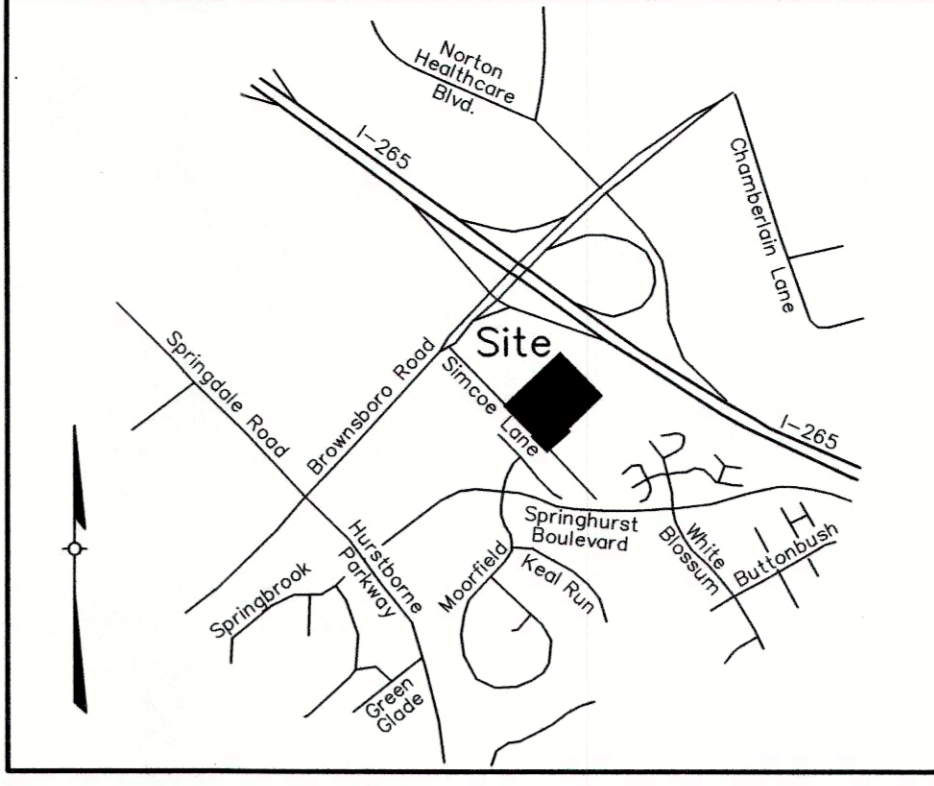
- A waiver is requested from Chapter 10, Part 2 to encroach into the required 20' landscape buffer area along the East property line.

PROJECT DATA

TOTAL SITE AREA = 4.5± ACRES
R/W DEDICATION AREA = 0.3± ACRES
NET SITE AREA = 4.2± ACRES
EXISTING ZONING = R-4
PROPOSED ZONING = OR-3
EXISTING FORM DISTRICT = NEIGHBORHOOD
PROPOSED FORM DISTRICT = REGIONAL CENTER
EXISTING USE = SINGLE FAMILY RESIDENTIAL
PROPOSED USE = MULTI-FAMILY RESIDENTIAL
BUILDING AREA = 314,737 S.F. (5 FLOORS)
TOTAL PARKING GARAGE AREA = 108,868 S.F. (4 FLOORS)
BUILDING FOOTPRINT = 423,605 S.F.
RESIDENTIAL & LEASING OFFICE FOOTPRINT = 72,486 S.F.
PARKING GARAGE FOOTPRINT = 26,473 S.F.
TOTAL BUILDING FOOTPRINT = 98,959 S.F.
BUILDING HEIGHT = 60' (45' MAX. ALLOWED)(SECTION 5.7.1.B.2)
RESIDENTIAL GARAGE = 4 FLOORS
TOTAL # OF UNITS = 249 UNITS
F.A.R. (RESIDENTIAL BUILDING AREA ONLY) = 1.71 (4.0' MAX. ALLOWED)
PARKING REQUIRED = 392 SPACES 783 SPACES
TOTAL PARKING PROVIDED = 393 SPACES (8 ACCESSIBLE SPACES INCLUDED)
DENSITY = 137 ONE BEDROOM UNITS = 32.62 DU/AC. (217 DU/AC. MAX. ALLOWED)
112 TWO OR MORE BEDROOM UNITS = 26.67 DU/AC. (145 2 OR MORE BEDROOM DU/AC. MAX. ALLOWED)
249 TOTAL UNITS = 58.28 DU/AC.
VEHICULAR USE AREA = 6,275 S.F.
DRIVE LANE = 2,787 S.F.
TOTAL VEHICULAR USE AREA = 9,062 S.F.
INTERIOR LANDSCAPE AREA (ILA) = NO ILA REQUIRED
6 SPACE SURFACE LOT = 314 S.F.
DRIVE LANE PROVIDED (LA) = 465 S.F.
OPEN SPACE (O.S.) REQUIRED = 5% OPEN SPACE REQUIRED
>35 DU/AC. = 9,227 S.F.
OPEN SPACE PROVIDED = 4,613 S.F. (50% OF 9,227 S.F.)
GENERAL OPEN SPACE PROVIDED = 26,005 S.F.
RECREATIONAL O.S. PROVIDED = 8,702 S.F.
TOTAL OPEN SPACE PROVIDED = 34,707 S.F.

METRO
LOUISVILLE
APPROVED DISTRICT
DEVELOPMENT PLAN
DOCKET NO. 15 ZONE 10 70
APPROVAL DATE Sept. 12, 2016
EXPIRATION DATE
SIGNATURE OF PLANNING COMMISSION
Jane O'Neil
PLANNING COMMISSION

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



REVISIONS

NO.	DATE	DESCRIPTION	BY

PROJECT DATA
FILE NAME: 15099-DDDP
SCALE: AS SHOWN
DATE: 5-18-16
DRAWN BY: JY/ABS
CHECKED BY: KY/AR

ENGINEER'S SEAL
SURVEYOR'S SEAL

LD&D
LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING - LANDSCAPE ARCHITECTURE
609 HUNTERS LANE, SUITE 100
LOUISVILLE, KY 40241
PHONE: 502.444.9774
WEB SITE: WWW.LD-D.COM

DETAILED DISTRICT DEVELOPMENT PLAN
CITYSCAPE SIMCOE LANE
OWNER/DEVELOPER
CITYSCAPE RESIDENTIAL
8335 KEYSTONE CROSSING, STE 106
INDIANAPOLIS, IN 46240

JOB NO. 15099
SHEET 1 OF 1
COUNCIL DISTRICT - 17
FIRE PROTECTION DISTRICT - WORTHINGTON
WATER #9888
CASE: 15ZONE1070