

ORDINANCE NO. 172, SERIES 2019

**AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO PDR PLANNED RESIDENTIAL DISTRICT ON PROPERTY LOCATED AT 9418 PIROUETTE AVENUE CONTAINING 8.92 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE1028)(AS AMENDED).**

**SPONSORED BY: COUNCILWOMAN MADONNA FLOOD**

**WHEREAS**, The Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning commission and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 19ZONE1028; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 19ZONE1028 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional and two amended binding elements.

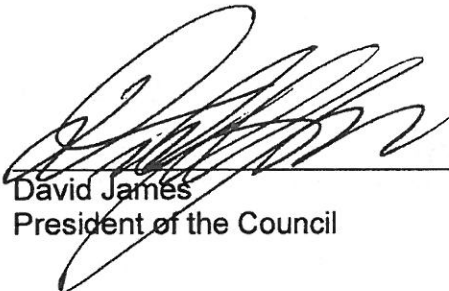
**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

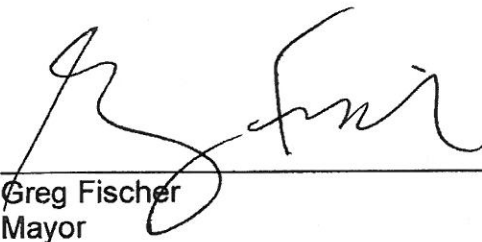
**SECTION I:** That the zoning of the property located at 9418 Pirouette Avenue containing 8.92 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 19ZONE1028, is hereby changed from R-4 Residential Single Family to PDR Planned Residential District; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 19ZONE1028, with the following amended binding elements and the addition of binding element 11:

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~~ require a public hearing by the Planning Commission or the Planning Commission's designee for review and approval with final approval by the Louisville Metro Council; any changes/additions/alterations not so ~~referred~~ approved shall not be valid.
  
10. An 8 foot privacy-style fence shall be provided and maintained in good condition along the rear of lots 1-10 and lots 16-24.
  
11. Any substantial change in the development plan i.e. density, elevation of units, or change in use shall require approval of the Louisville Metro Council after a public hearing by the Planning Commission.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

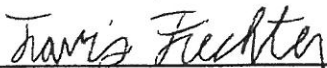
  
 H. Stephen Ott  
 Metro Council Clerk

  
 David James  
 President of the Council

  
 Greg Fischer  
 Mayor

11/14/19  
 Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
 Jefferson County Attorney  
 By: 

**LOUISVILLE METRO COUNCIL  
 READ AND PASSED  
 November 7, 2019**

### Case No. 19ZONE1028 Binding Elements

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the District Development/Preliminary Subdivision Plan **ON CONDITION** that a note is added to the face of the plan that a damage bond will be required prior to issuance of the work order for the subdivision construction, and subject proposed 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits, except that grading/clearing and foundation only permits may be issued to ensure the accuracy of property lines as they relate to common side walls for residential units.
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 19, 2019 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. 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. Covenants, Conditions, and Restrictions (“CCRs”) shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision’s Record Plat, for consistency with any binding elements that mandate inclusion in the CCRs, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association (“HOA”); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and (d) where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.
8. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
9. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.
10. An 8 foot privacy-style fence shall be provided along the rear of lots 1-10.

**PRELIMINARY APPROVAL  
DEVELOPMENT PLAN**

CONDITIONS:

BY: *E. J. Smith*  
DATE: 9/11/19  
LOUISVILLE/JEFFERSON COUNTY  
METRO PUBLIC WORKS

LOUISVILLE METRO  
APPROVED DISTRICT  
DEVELOPMENT PLAN  
DOCKET NO. 19ZONE1028  
APPROVAL DATE: 8/19/2019  
EXPIRATION DATE: NOV 7, 2021  
SIGNATURE OF PLANNING COMMISSIONER: *[Signature]*

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

**PRELIMINARY APPROVAL**  
Condition of Approval:  
*[Signature]*  
Date: 9/11/19  
LOUISVILLE & JEFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT

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

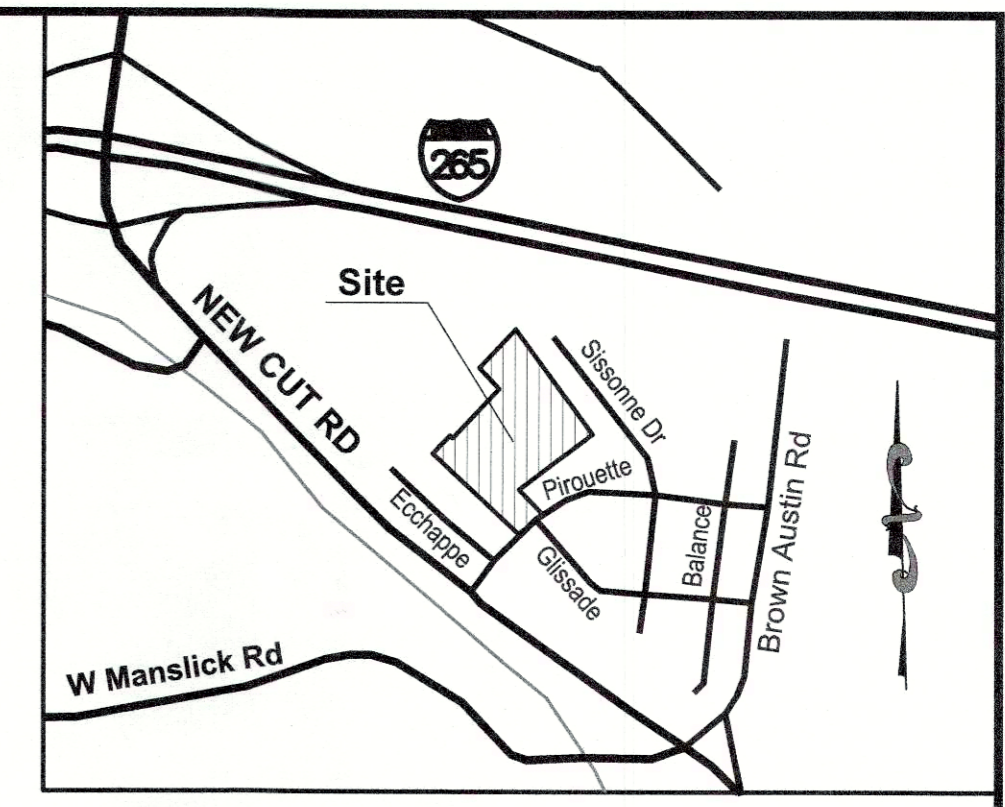
**LEGEND**

- - - - - EXISTING CONTOUR
- - - - - EXISTING SEWER AND MANHOLE
- - - - - PROPOSED SEWER AND MANHOLE
- - - - - EXISTING DRAINAGE SWALE
- - - - - EXISTING TREE LINE
- - - - - PROPOSED STORM SEWER, CATCH BASIN W/ INLET PROTECTION AND HEADWALL
- - - - - EXISTING STORM SEWER
- - - - - LOCAL REGULATORY FLOODPLAIN
- - - - - FEMA FLOODPLAIN

TOTAL SITE AREA	=	388,593 S.F.
EXISTING TREE CANOPY	=	272,606 S.F.
TOTAL TREE CANOPY AREA REQUIRED	=	20% (77,719 S.F.)
EXISTING TREE CANOPY TO BE PRESERVED	=	0% (0 S.F.)
PROPOSED TREE CANOPY TO BE PLANTED	=	20% (77,760 S.F.)

**WAIVER REQUESTED:**

1. A Waiver is requested from Section 5.3.1.D.1.b.vi of the Louisville Metro Land Development Code to waive the maximum of 4 contiguous units.



LOCATION MAP  
NOT TO SCALE

**PROJECT DATA**

TOTAL SITE AREA	=	8.92± Ac. (388,593 SF)
EXISTING ZONING	=	R-4
PROPOSED ZONING	=	PRD
FORM DISTRICT	=	VILLAGE
EXISTING USE	=	UNDEVELOPED
PROPOSED USE	=	SINGLE FAMILY RESIDENTIAL ATTACHED
TOTAL # OF LOTS	=	51 LOTS
DENSITY PROVIDED (51/8.92)	=	5.72 DU/ACRE (7.26 DU/ACRE MAX. ALLOWED)
BUILDING HEIGHT	=	2 STORY (45' MAX. ALLOWED)
BUILDING AREA	=	144,840 SF (72,420 SF FOOTPRINT)
F.A.R.	=	0.37 (2.0 MAX. ALLOWED)
DENSITY	=	5.72 (7.26 MAX. ALLOWED)

OPEN SPACE REQUIRED	=	52,228 SF (14%)
OPEN SPACE PROVIDED	=	58,438 SF (15%)

**PARKING REQUIRED**

1.5 SP/UNIT MIN. (51 UNITS)	=	77 SP
3 SP/UNIT S.F. MAX. (51 UNITS)	=	153 SP

TOTAL PARKING PROVIDED	=	102 SPACES (2 PER UNIT)
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TOTAL VEHICULAR USE AREA	=	15,717 SF
INTERIOR LANDSCAPE AREA REQUIRED	=	1,178 SF
INTERIOR LANDSCAPE AREA PROVIDED	=	22,517 SF

EXISTING IMPERVIOUS	=	4,637 SF
PROPOSED IMPERVIOUS	=	218,761 SF (4,618% INCREASE)

**REQUIRED YARDS**

FRONT YARD & STREET SIDE YARD	=	15'
SIDE YARD	=	5' or 0'
REAR YARD	=	25'

**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 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.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- The Wetlands delineation are based on the February 13, 2018 Redwing Ecological Services Inc. Water/Wetland Reconnaissance Report.
- Proposed drive length shall be 25 feet in length from garage to back of sidewalk.

**MSD NOTES:**

- 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.
- Sanitary sewer service will be provided by lateral extension and subject to applicable fees. A downstream facilities capacity request was approved by MSD on June 18th, 2018.
- A portion of the site is within Zone A and the 100 year flood plain per FIRM Map Number 21111 C 0107E dated December 5, 2006.
- Drainage pattern depicted by arrows (→) is for conceptual purposes.
- The site has thru drainage an easement plat. It will be required prior to MSD granting construction plan approval.
- 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.
- 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.
- MSD drainage bond required prior to construction plan approval.
- 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.
- A Downstream Capacity Request was approved by MSD by letter dated July 23, 2018.
- KDOW and ACOE approval required prior to MSD construction plan approval.
- Any required fill in the floodplain shall be compensated on site at a ratio of 1.5 to 1.
- Lowest finished floor and lowest machinery to at or above 460.00.
- Entire roof line to be graded and drained into the proposed drainage system.
- MSD Base Flood Elevation determination dated July 30, 2019. FEMA Base Flood Elevation is 457 ft and Local Regulatory Base Flood Elevation is 458 ft.

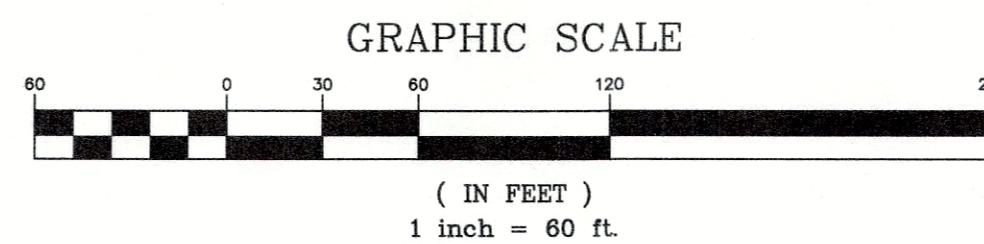
**FLOODPLAIN COMPENSATION REQUIRED @ 1.5:1.0**

REQUIRED = 27,000 SF @ 0.5 DEPTH
= 13,500 CF X 1.5 = 20,250 CF
PROVIDED = 16,400 SF @ 1.25 = 20,500 CF

**DETENTION BASIN CALCULATIONS**

X = Δ CRA/12
ΔC = 0.50 - 0.23 = 0.27
A = 8.9 ACRES
R = 2.8 INCHES
X = (0.27)(8.9)(2.8)/12 = 0.56 AC.-FT.
REQUIRED X = 24,400 CU.FT.
PROVIDED BASIN = 16,400 SQ.FT.

TOTAL = 16,400 SQ.FT. @ APPROX. 1.5 FT. DEPTH
= 24,600 CU.FT.



SITE ADDRESS:  
9418 PIROUETTE AVE  
TAX BLOCK 1477, LOT 073  
D.B. 11173, PG. 288  
D.B. 31, PG. 41

CASE: 19ZONE1028  
COUNCIL DISTRICT - 13  
FIRE PROTECTION DISTRICT - FAIRDALE  
MUNICIPALITY - LOUISVILLE

SUB #355

**REVISIONS**

NO.	DATE	DESCRIPTION
1	7/22/19	REVISED PER AGENCY COMMENTS
2	8-5-19	MSD COMMENTS
3	8/30/19	REVISED PER AGENCY COMMENTS

**PROJECT DATA**

FILE NAME: 18048-DROP.DWG	SCALE: AS SHOWN	DATE: 7/2/19	CREATED BY: BB/BJ/HJ
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**ENGINEER'S SEAL**

DATE: 7/2/19  
CHECKED BY: KY

**LD&D**  
LAND DESIGN & DEVELOPMENT, INC.  
ENGINEERING - LAND SERVICES - LANDSCAPE ARCHITECTURE  
627 WATSON AVENUE, SUITE 101  
LOUISVILLE, KENTUCKY 40222  
TEL: 502.426.0975  
FAX: 502.426.0976  
WEB SITE: WWW.LD&D-KY.COM

PLANNED RESIDENTIAL DEVELOPMENT  
**9418 PIROUETTE AVENUE**  
OWNER/DEVELOPER  
CORCORAN HOME BUILDING & REMODELING  
644 PHILLIPS LANE STE 2003  
LOUISVILLE, KY 40209

JOB NO. **18048**  
SHEET **1** OF **1**

19ZONE1028