

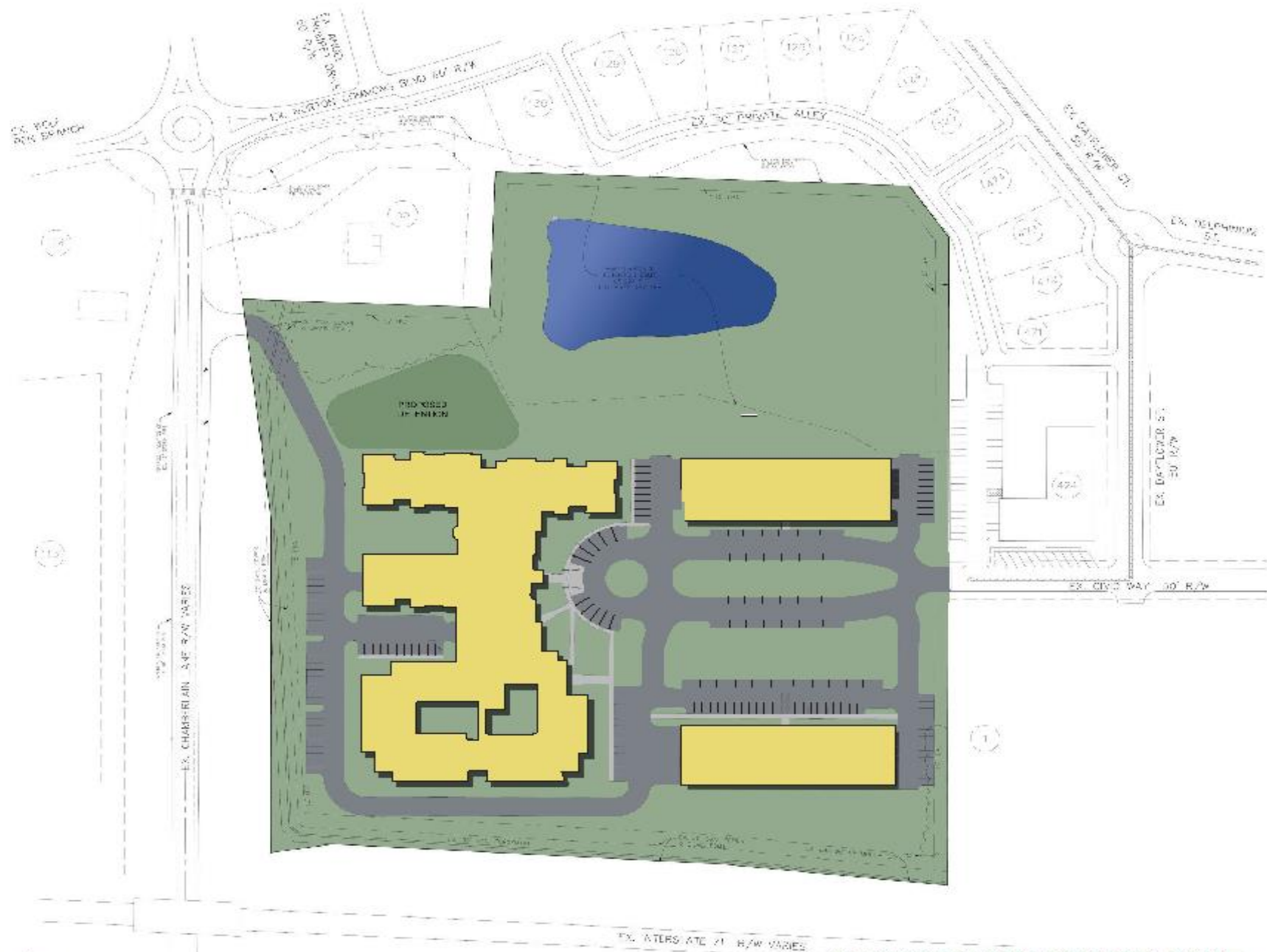
NORTON COMMONS, LLC
OPPOSITION TO ELEMENTS OF CHAMBERLAIN
SENIOR LIVING PLAN

Michael F. Tigue

Law Office of Michael Tigue, PLLC

1.2 CONTINGENCIES OF GENERAL RELEASE. Norton Commons agrees to withdraw any objection to the New Project and New Project Plans to be submitted for review by Chamberlain, Hills Company and Senior Care subject to the following:

a. Approval of the New Project and the New Project Plans by all applicable agencies in substantially the same form as they exist on the date of this Agreement. It is expressly understood and agreed if the New Project or the New Project Plans are materially modified, or otherwise altered, at any time, that Norton Commons reserves the right to oppose at law or otherwise the modified project and any modifications or alterations to the New Project Plans. Further, Chamberlain, Hills Company and Senior Care agree to provide written notification to Norton Commons and Wolf Pen of any proposed modifications, or alterations to the New Project or the New Project Plans at least twenty-one (21) days in advance of applying for any approval by any agency of the modifications, or alterations.



TESTIMONY AT INITIAL
BOZA HEARING
P. 28

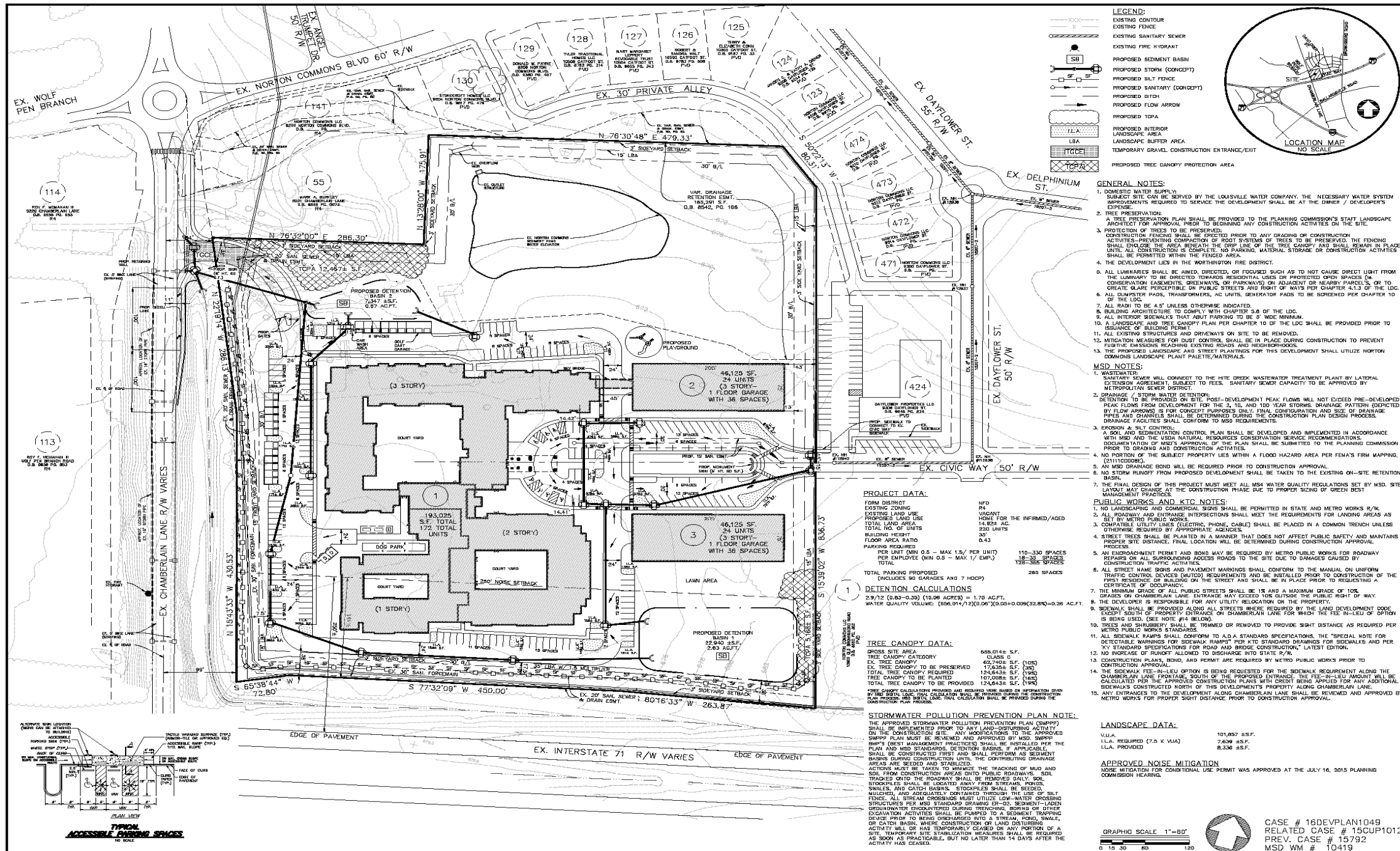
MAY 4, 2015, 8:30 A.M.

- 0028
- I as to the conditions along Chamberlain Lane. **In the**
- **2 final analysis, because they're such low generation and**
- **3 from a senior living facility like this and a high**
- **4 dependency on Civic Way, which goes directly to Highway**
- **5 1694, we were able to actually eliminate a deceleration**
- **6 lane.** Do you want to just mention that, because that
- 7 was an issue, I think?
-
-

EMAIL REGARDING WHY DECELERATION LANE REMOVED

February 1, 2016

- **From:** Bill Bardenwerper [<mailto:wbb@bardlaw.net>]
Sent: Monday, February 01, 2016 3:43 PM
To: Michael Tigie
Cc: Marilyn Patterson; 'Kent Gooatee (kgooatee@mindelscott.com)'; David Mindel; Nick Pregliasco; Anna Curley; Nanci Dively
Subject: Chamberlain Senior Care Plan approved at BOZA
-
- Michael: Sorry 'bout this apparent "misunderstanding" w/re to the decel lane. I forwarded your letter to Kent and just spoke with him. **Neither of us can recall why/when the decel lane was removed from the plan. Kent seems to recall that WPPA didn't want it and that the project didn't generate enough traffic to justify it. But beyond possibly that, he can't recall whether Metro Works, Metro Transportation Engineering and/or BOZA cared one way or another or even what our client's position on it was.** So he's starting a search of his files to try to track the plans from showing the decel land to removing it. I wish I had a recollection of this issue, but I don't. I will let you know pretty quickly though, once Kent presumably figures this out, after which we can together figure out what to do. Okay? Many thanks. BB
-
- Bill Bardenwerper
- Bardenwerper Talbott & Roberts
- BIA of Greater Louisville Bldg, 2d Fl
- 1000 N. Hurstbourne Parkway
- Louisville, KY 40223
- 502-419-7333m/426-6688w
- www.bardlaw.net



LEGEND:

- EXISTING CONTOUR
- EXISTING FENCE
- EXISTING FIRE HYDRANT
- PROPOSED SEDIMENT BASIN
- PROPOSED STORM (CONCEPT)
- PROPOSED SILT FENCE
- PROPOSED SANITARY (CONCEPT)
- PROPOSED DITCH
- PROPOSED FLOW ARROW
- PROPOSED TOPA
- PROPOSED INTERIOR LANDSCAPE AREA
- LANDSCAPE BUFFER AREA
- TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT
- PROPOSED TREE CANOPY PROTECTION AREA

GENERAL NOTES:

- 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.
- 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, OR FENCED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE CONSTRUCTION FENCING SHALL BE PROVIDED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES. PREVENTIVE COMPACTING 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 ON PUBLIC STREETS AND RIGHT OF WAYS PER CHAPTER 4.1.3 OF THE LDC. ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
- ALL LUMINAIRES SHALL BE AIMED, DIRECTED, OR FENCED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARD RESIDENTIAL USES OR PROTECTED OPEN SPACES OR CONSERVATION EASEMENTS, GREENWAYS, OR PARKWAYS ON ADJACENT OR NEARBY PARCELS, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC STREETS AND RIGHT OF WAYS PER CHAPTER 4.1.3 OF THE LDC.
- ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
- ALL RAIN TO BE 4" UNLESS OTHERWISE INDICATED.
- BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.8 OF THE LDC.
- ALL INTERIOR SIDEWALKS THAT ADJUT PARKING TO BE 3' WIDE MINIMUM.
- A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED PRIOR TO RESIGNATURE OF BUILDING PERMITS.
- ALL EXISTING STRUCTURES AND DRIVEWAYS ON SITE TO BE REMOVED.
- MITIGATION MEASURES FOR CONCEPT PURPOSES ONLY. FINAL CONSTRUCTION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD RECOMMENDATIONS.
- THE PROPOSED LANDSCAPE AND STREET LIGHTING FOR THIS DEVELOPMENT SHALL UTILIZE NORTON COMMONS LANDSCAPE PLANT PALETTE/MATERIALS.

MSD NOTES:

- WASTEWATER SEWER WILL CONNECT TO THE HITE GREY WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
- DRAINAGE / STORM WATER DETENTION: DETENTION TO BE PROVIDED ON SITE. POST-DEVELOPMENT PEAK FLOWS WILL NOT EXCEED PRE-DEVELOPED PEAK FLOWS FROM DEVELOPMENT FOR THE 2, 10, AND 100 YEAR STORMS DRAINAGE PATTERNS (DEVELOPED BY FLOW HANDBOOK) FOR CONCEPT PURPOSES ONLY. FINAL CONSTRUCTION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD RECOMMENDATIONS.
- EROSION & SILT CONTROL: EROSION AND SEDIMENTATION CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS. DOCUMENTATION OF MSD'S APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
- NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, CANTONMENT.
- AN MSD DRAINAGE BOND WILL BE REQUIRED PRIOR TO CONSTRUCTION APPROVAL.
- NO STORM RUNOFF FROM PROPOSED DEVELOPMENT SHALL BE TAKEN TO THE EXISTING ON-SITE RETENTION BASIN.
- THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MSA WATER QUALITY REGULATIONS SET BY MSD. SITE LAYOUT MAY CHANGE AT THE CONSTRUCTION PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.

PUBLIC WORKS AND KTC NOTES:

- NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS R/W.
- ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET 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 SITE DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
- AN ENVIRONMENTAL 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.
- ALL STREET NAME SIGNS AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REQUIREMENTS AND BE INSTALLED PRIOR TO CONSTRUCTION OF THE FIRST RESIDENCE OR BUILDING ON THE STREET AND SHALL BE IN PLACE PRIOR TO REQUESTING A CERTIFICATE OF OCCUPANCY.
- THE MINIMUM GRADE OF ALL PUBLIC STREETS SHALL BE 1% AND A MAXIMUM GRADE OF 10% GRADES ON CHAMBERLAIN LANE. ENTRANCE MAY EXCEED 10% OUTSIDE THE PUBLIC RIGHT OF WAY.
- THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELATION ON THE PROPERTY.
- SIDEWALK SHALL BE PROVIDED ALONG ALL STREETS WHERE REQUIRED BY THE LAND DEVELOPMENT CODE (LDC). SIDEWALKS SHALL BE PROVIDED ALONG CHAMBERLAIN LANE FOR WHICH THE FEE-IN-LIEU OF OPTION IS BEING USED. (SEE NOTE #14 BELOW).
- TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SIGHT DISTANCE AS REQUIRED PER METRO PUBLIC WORKS STANDARDS.
- ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATIONS, THE "SPECIAL NOTE FOR RETICULATED WALKWAYS FOR SIDEWALK RAMPS PER KTC STANDARD DRAWINGS FOR SIDEWALKS AND PER KY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION," LATEST EDITION.
- NO INCREASE IN RUNOFF ALLOWED TO DISCHARGE TO STATE R/W.
- CONSTRUCTION PLANS, BOND, AND PERMITS ARE REQUIRED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL.
- THE SIDEWALK FEE-IN-LIEU OPTION IS BEING REQUESTED FOR THE SIDEWALK REQUIREMENT ALONG THE CHAMBERLAIN LANE FRONTAGE, SOUTH OF THE PROPOSED ENTRANCE. THE FEE-IN-LIEU AMOUNT WILL BE CALCULATED PER THE USDA CONSTRUCTION PLANS WITH 20% SOFT SHOULDER ALLOWED FOR ANY ADDITIONAL SIDEWALKS CONSTRUCTED NORTH OF THIS DEVELOPMENT'S PROPERTY ALONG CHAMBERLAIN LANE.
- ANY ENTRANCES TO THIS DEVELOPMENT ALONG CHAMBERLAIN LANE SHALL BE REVIEWED AND APPROVED BY METRO WORKS FOR PROPER SIGHT DISTANCE PRIOR TO CONSTRUCTION APPROVAL.

PROJECT DATA:

FORM DISTRICT	RFD
EXISTING ZONING	MSD
PROPOSED LAND USE	VACANT
TOTAL LAND AREA	14,025 AC.
TOTAL NO. OF UNITS	292 UNITS
BUILDING HEIGHT	30'
FLOOR AREA RATIO	0.43
PARKING REQUIRED PER UNIT (MIN 0.5 - MAX 1.5) PER UNIT	110-330 SPACES
PER EMPLOYEE (MIN 0.5 - MAX 1) EMP/2	18-35 SPACES
TOTAL PARKING PROPOSED (INCLUDES 90 GARAGES AND 7 HDPCP)	128-385 SPACES

DETENTION CALCULATIONS:

2.9/12 (0.83-0.29) (15.06 ACRES) = 1.78 ACFT.
 WATER QUALITY VOLUME: (0.56, 0.14, 7.2) (0.06) (70) (0.05) + 0.099 (32.870) = 0.26 ACFT.

TREE CANOPY DATA:

GROSS SITE AREA	650,014 S.F.
TREE CANOPY CATEGORY	CLASS C
EX. TREE CANOPY TO BE PRESERVED	172,354 S.F. (10%)
TOTAL TREE CANOPY REQUIRED	124,845 S.F. (19%)
TREE CANOPY TO BE PLANTED	107,008 S.F. (16%)
TOTAL TREE CANOPY PROVIDED AND PRESERVED	124,845 S.F. (19%)

STORMWATER POLLUTION PREVENTION PLAN NOTE:

THE APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY OR BEFORE ANY CONSTRUCTION ACTIVITIES BEGIN. THE APPROVED SWPPP PLAN MUST BE REVIEWED AND APPROVED BY MSD. SWPPP BMP'S MUST BE CONSTRUCTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES. SWPPP SHALL BE CONSTRUCTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES. SWPPP SHALL BE CONSTRUCTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES. SWPPP SHALL BE CONSTRUCTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES.

LANDSCAPE DATA:

V.L.A.	10,897 S.F.
L.L.A. PROVIDED (7.5 X 1/4)	7,426 S.F.
L.L.A. PROVIDED	8,336 S.F.

APPROVED NOISE MITIGATION

NOISE MITIGATION FOR CONDITIONAL USE PERMIT WAS APPROVED AT THE JULY 16, 2015 PLANNING COMMISSION HEARING.

GRAPHIC SCALE 1"=80'

**Case # 16DEVPLAN1049
 RELATED CASE # 15CUP1012
 PREV. CASE # 15792
 MSD WM # 10419**

REVISED CONDITIONAL USE PLAN

CHAMBERLAIN SENIOR CARE

OWNER: CHAMBERLAIN SENIOR CARE, LLC
 9545 KENWOOD ROAD, SUITE 402
 CINCINNATI, OH 45246

DEVELOPER: GUTMAN DEVELOPMENT GROUP, LLC
 9545 KENWOOD ROAD, SUITE 402
 CINCINNATI, OH 45246

DATE: 1/27/15
JOB NUMBER: 2866

Vertical Scale: N/A
Horizontal Scale: 1"=60'

Sheet 1