

Case No. 14ZONE1058 – Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10.2.4 to permit the encroachment of an existing building into an LBA along the west property line **AND** the requested 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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 building permit. 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.
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 property owner shall provide a cross over access easement if the property to the east and west are ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

PROJECT SUMMARY

EXISTING FORM DISTRICT	NEIGHBORHOOD
EXISTING ZONE	R-4
PROPOSED ZONE	OR-1
EXISTING USE	RESIDENCE
PROPOSED USE	PROFESSIONAL OFFICE
EXISTING BUILDING	2,133 SQ. FT. ±
SITE ACREAGE	0.965 AC ±
SITE AREA	42,036 SQ. FT. ±

GENERAL NOTES

- THIS IS NOT A SURVEY, AND IS NOT INTENDED FOR LAND TRANSFER.
- THIS PROPERTY IS LOCATED IN ZONE "X" PER REVIEW OF FIRM MAP PANEL #21111CO077E, EFFECTIVE DECEMBER 5, 2006.
- NO NEW OUTDOOR LIGHTING IS PROPOSED.
- ALL SERVICE STRUCTURES IF NEEDED SHALL BE SCREENED IN ACCORDANCE WITH L.D.C. CHAPTER 10 TRASH SERVICE BY 90 GALLON CAN AT THIS TIME.
- CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS OR KENTUCKY DEPARTMENT OF TRANSPORTATION PRIOR TO CONSTRUCTION APPROVAL.
- SITE IS SUBJECT TO MSD'S REGIONAL FACILITY FEE x 1.5.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- APPROVAL FROM THE DEPARTMENT OF PUBLIC HEALTH AND WELLNESS WILL BE REQUIRED FOR THE ONSITE SEPTIC SYSTEM.
- KYTC APPROVAL FOR INCREASED STORM WATER RUNOFF PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.

EPSC 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 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 AS SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY 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 UTILIZED LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.

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.

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.

WAIVERS REQUESTED

- A REQUEST TO WAIVE THE REQUIREMENTS OF LPC 10.2 AND ALLOW AN EXISTING BUILDING TO ENCR OACH 24.97' INTO THE 25' LBA.

LANDSCAPE REQUIREMENTS

- EAST SIDE YARD: R4 TO OR1 - 25 FEET
- WEST SIDE YARD: R4 TO OR1 - 25 FEET
- REAR YARD: R5 TO OR1 - 25 FEET

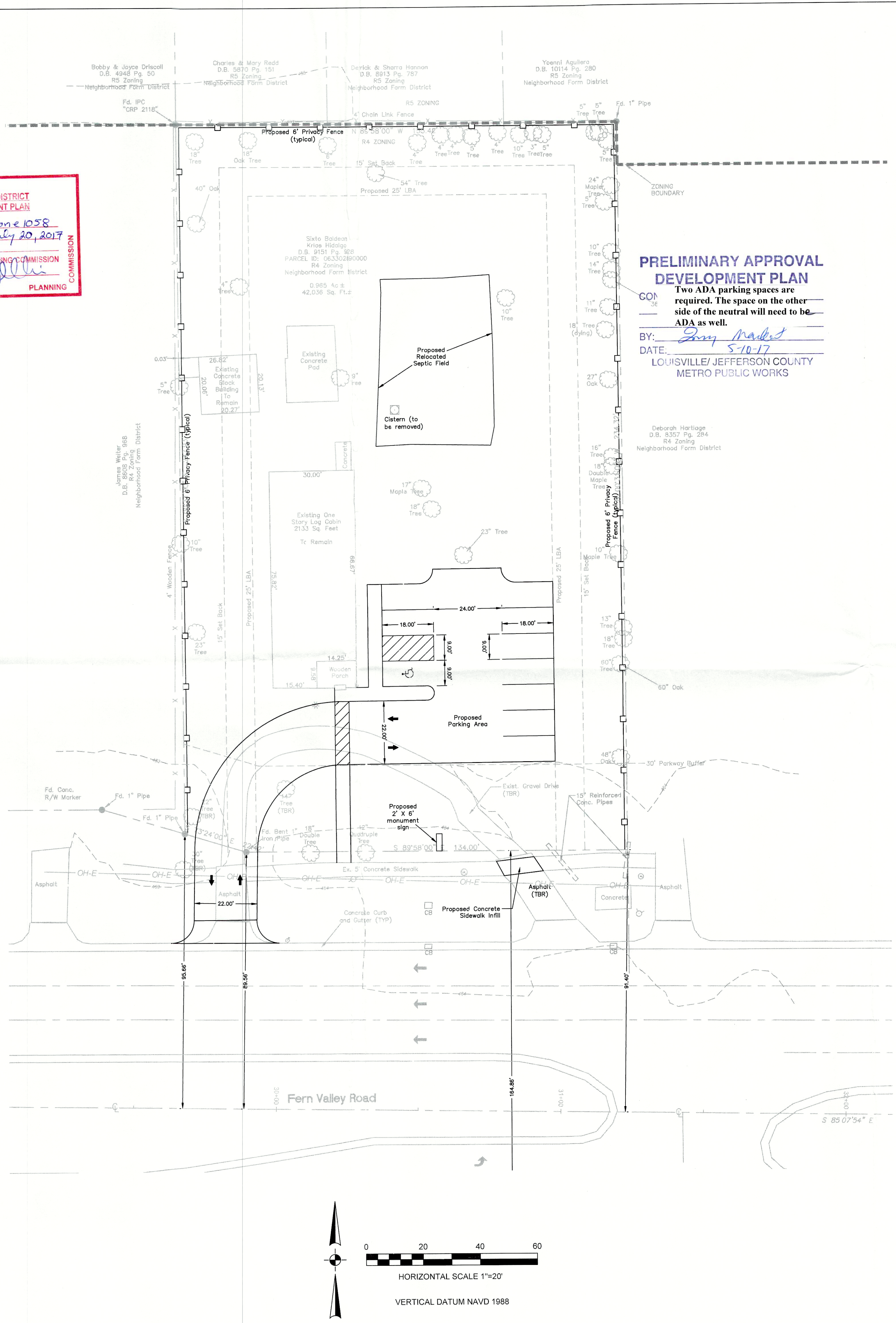
THE L.B.A. WILL BE MET, A SIX FOOT PRIVACY FENCE WILL BE ERECTED. EXISTING FENCE LINE TREES WILL BE PRESERVED.

TREE CANOPY - CATEGORY CLASS "C"

GROSS SITE AREA	42,036 S.F. ±
PRESERVED TREE CANOPY	16,814 S.F. ± - 40%
5 TYPE "A" @10" CAL. OR GREATER	1200 S.F. X 5 = 6000 S.F.
5 TYPE "A" @3"-10" CAL.	960 S.F. X 5 = 4800 S.F.
5 TYPE "B" @10" CAL. OR GREATER	720 S.F. X 5 = 3600 S.F.
17 TYPE "C" @3"-10" CAL.	142 S.F. X 5 = 2414 S.F.
TOTAL	= 16814 S.F.
REQUIRED TREE CANOPY 48036 S.F. X 15%	= 7205 S.F.
PROVIDED TREE CANOPY	= 16814 S.F. - 40%

LEGEND

	Existing Sanitary Sewer Manhole
	Existing Utility Pole
	Existing Down Guy
	Existing Sign
	Existing Water Meter
	Existing Water Valve
	Existing Gas Valve
	Existing Fire Hydrant
	Existing Light Pole
	Drainage Flow Direction
	Existing Fence (As Noted)
	Existing Overhead Utility Line
	Existing Sanitary Sewer Line
	Proposed T CPA Fencing
	Proposed Wheelstop
	Proposed Catch Basin
	Proposed Handicapped Parking Spot
	Existing Tree (As Noted)
	Proposed Type "A" Tree
	Proposed Type "B" Tree



PRELIMINARY APPROVAL DEVELOPMENT PLAN

Two ADA parking spaces are required. The space on the other side of the neutral will need to be ADA as well.

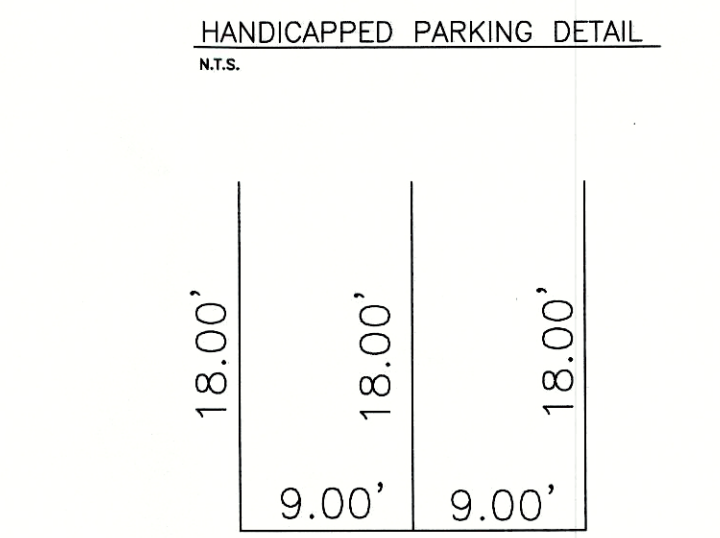
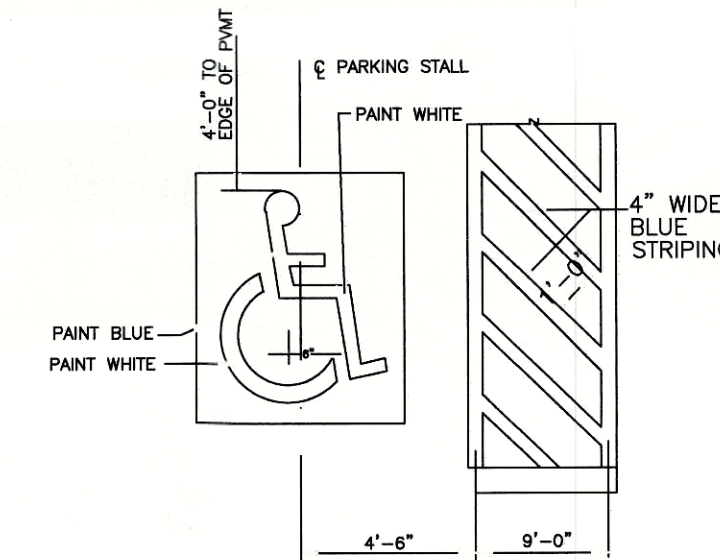
BY: *Gary Markel*
DATE: *5-10-17*
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

IMPERVIOUS AREA

Existing Impervious Surface	4,839 sq. ft.
Proposed Impervious Surface	9,218 sq. ft.
Total Area of Site	42,036 sq. ft.
Existing Percent Impervious	12%
Proposed Percent Impervious	22%
TOTAL DISTURBED AREA	8984 SQ.FT

PARKING - GENERAL/PROFESSIONAL OFFICES

TOTAL BUILDING AREA	2133 S.F. ±
MINIMUM PARKING (1/350 SF)	6 SPACES
MAXIMUM PARKING (1/200 SF)	11 SPACES
PROVIDED PARKING	10 SPACES
V.U.A.	4,575 S.F. ±
I.L.A. REQUIRED (< 6000 SF)	NONE
I.L.A. PROVIDED	NONE
TYP. PARKING SPACE	9' X 18'



PARKING DETAIL

CURRENT PROPERTY OWNERS

ESTHER BALDEON
SIXTO BALDEON
KRLOS HIDALGO
4011 FERN VALLEY ROAD
LOUISVILLE, KY 40219

PROPERTY ADDRESS:
4011 FERN VALLEY ROAD
LOUISVILLE, KY 40219
D.B. 9151 PG. 928
PARCEL ID. 063302890000

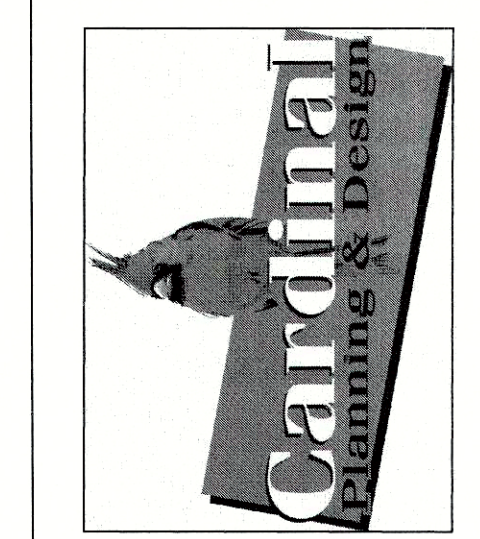
DOCKET # 14ZONE1058
PRE-APPLICATION FOR ZONING CHANGE
DETAIL DISTRICT DEVELOPMENT PLAN
ORIGINAL PLAN DATE: 10/15/2014
WM # 11079



REVISIONS

NO.	DATE	DESCRIPTION
1	7/21/15	AGENCY COMMENTS
2	9/19/16	AGENCY COMMENTS
3	4/24/17	AGENCY COMMENTS
4	5/5/17	AGENCY COMMENTS

CARDINAL PLANNING & DESIGN, INC.
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info@cardinalplanning.com
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DETAIL DISTRICT DEVELOPMENT PLAN
APPLICATION FOR ZONING CHANGE

4011 FERN VALLEY ROAD
LOUISVILLE, KY 40219

FOR
ESTHER BALDEON
6417 SADDLEVIEW CT.
LOUISVILLE, KY 40228

SCALE: 1"= 20'
SHEET 1 OF 1