

ORDINANCE No. 185, SERIES 2016

AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO OR OFFICE/RESIDENTIAL AND C-1 COMMERCIAL ON PROPERTY LOCATED AT 4524-4528 CANE RUN ROAD CONTAINING 5.64 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1039).

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. 15ZONE1039; and


WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning changes in Case No. 15ZONE1039 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records;

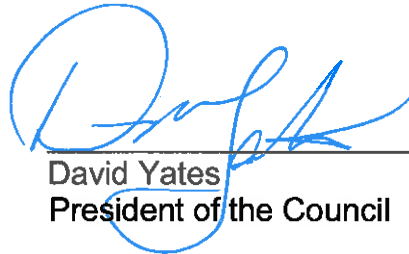
NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

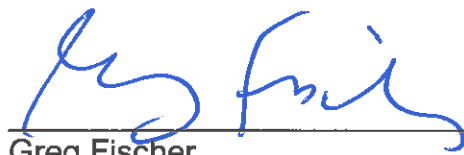
Section I: That the zoning of the property located at 4524-4528 Cane Run Road containing 5.64 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 15ZONE1039, is hereby changed from R-4 Residential Single Family to OR Office/Residential and C-1 Commercial; provided, however, said property shall be

subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 15ZONE1039.

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


H. Stephen Ott
Metro Council Clerk PRO - TEM


David Yates
President of the Council


Greg Fischer
Mayor

Approved: 10/26/16
Date

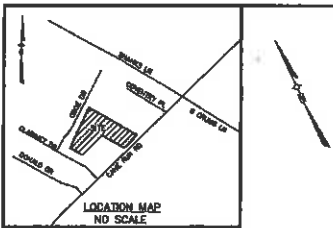
APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

**LOUISVILLE METRO COUNCIL
READ AND PASSED
October 20, 2016**

O-363-16



- VARIANCE(S) REQUESTED**
- A VARIANCE IS REQUESTED FROM TABLE 6.3.3.2 OF THE LDC TO ALLOW PARKING IN THE 60' HIGH-RESIDENTIAL TO RESIDENTIAL SETBACK.
- WAVAR(S) REQUESTED**
- A WAVAR IS REQUESTED FROM SECTION 6.3.2 TO REDUCE THE REQUIRED BY LBA TO 5'
- A WAVAR IS REQUESTED FROM SECTION 6.3.1 TO REDUCE THE REQUIRED RIGHT OF WAY 80' TO 60'
- A WAVAR IS REQUESTED FROM TABLE 10.2.2 TO REDUCE THE REQUIRED CI/OR LBA TO 5' EACH SIDE OF THE PROPERTY LINE, AND 0' THROUGH THE PROPOSED BUILDING & PARKING

INCREASED RUNOFF CALCULATIONS

Cover = 0.23
 C_{pond} = 0.62
 AREA = 0.84 AC
 (0.84 - 0.23) X 2.8/12 X 0.84 AC = 0.813 AC-FT

TREE CANOPY CALCULATIONS

CLASS 1st 70%+10% COVERED
 SITE AREA 8.96 AC (243,053 S.F.)
 TREE CANOPY REQUIRED 50,330 S.F. (2+3)
 REQUIRED NEW TREE CANOPY 43,702 S.F. (180)
 EXISTING TREE CANOPY PRESERVED 14,024 S.F. (183)
 NEW TREE CANOPY PROVIDED 43,702 S.F. (180)
 81=1 3/4" TYPE A TREES
 TOTAL TREE CANOPY PROVIDED: 58,338 S.F. (248)

BIKE RACK CALCULATIONS

LOT-1 RETAIL (10,000 S.F.)
 REQUIRED:
 (2) LONG TERM (WITHIN BUILDING)
 (2) SHORT TERM
 LOT-2 OFFICE BUILDING(S) (47,030 S.F.)
 REQUIRED:
 (2) LONG TERM (WITHIN BUILDING)
 (2) SHORT TERM

PARKING SUMMARY

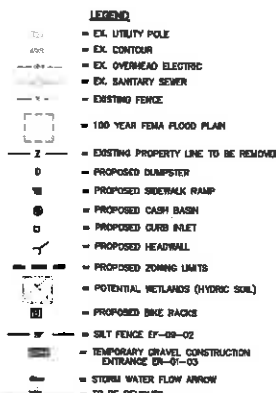
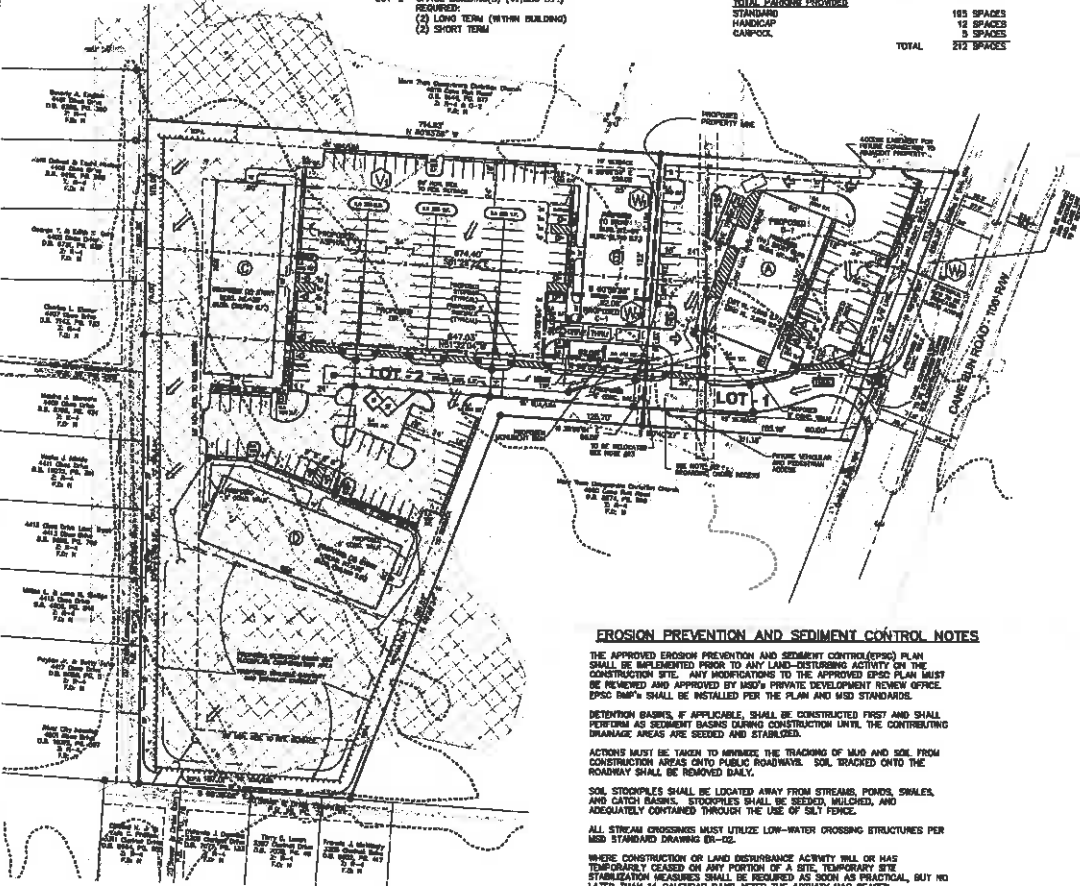
MEDICAL OFFICE (10,000 S.F.) MIN. (1 SPACE/250 S.F.) MAX. (1 SPACE/150 S.F.) DRIVE THRU (3 QUEUE SPACES - NOT IN TOTALS)	180 SPACES 314 SPACES
RETAIL (10,000 S.F.) MIN. (1 SPACE/250 S.F.) MAX. (1 SPACE/150 S.F.) DRIVE THRU (3 QUEUE SPACES - NOT IN TOTALS)	40 SPACES 20 SPACES
TOTAL PARKING PROVIDED MIN. MAX.	228 SPACES 364 SPACES
10K TARG. CREDIT MEDICAL OFFICE MIN. RETAIL MIN.	168 SPACES 38 SPACES 206 SPACES
TOTAL PARKING PROVIDED STANDARD HANDICAP CANPOOL	183 SPACES 12 SPACES 3 SPACES 202 SPACES

PROJECT SUMMARY

EXISTING ZONE EXISTING FORM DISTRICT EXISTING USE PROPOSED ZONE PROPOSED BUILDINGS FOOTPRINT PROPOSED BUILDINGS TOTAL S.F. PROPOSED BUILDING MAX. HEIGHT SITE ACREAGE I/A REQUIRED (7.5%) I/A PROVIDED F.A.R.	R-4 HIGH-DENSITY HOOD VACANT MEDICAL OFFICE & RETAIL C-1 & O-1 57,030 S.F. 34,770 S.F. 2-STORY+35 FT. 60,827 S.F. 6.06 ACRES 11,848 S.F. 0.23
LOT-1 (BUILDING A) PROPOSED ZONE PROPOSED BUILDING(S) S.F. PROPOSED ACREAGE I/A I/A REQUIRED (7.5%) I/A PROVIDED F.A.R.	RETAIL C-1 10,000 S.F. 1.18 ACRES 1,840 S.F. 0.24 1,840 S.F. 0.24
LOT-2 (BUILDINGS B, C & D) PROPOSED ZONE PROPOSED BUILDING(S) S.F. PROPOSED ACREAGE I/A I/A REQUIRED (7.5%) I/A PROVIDED F.A.R.	MEDICAL OFFICE O-1 & O-1 47,030 S.F. 4.43 ACRES 64,729 S.F. 4.88 ACRES 0.24

GENERAL NOTES

1. (---) DEPICTS DIRECTION OF STORM WATER FLOW FOR SCHEMATIC PURPOSES ONLY. A DETAILED DRAINAGE PLAN WILL BE SUBMITTED TO MSD FOR FINAL APPROVAL PRIOR TO CONSTRUCTION.
2. ALL LUMINAIRES SHALL BE AIMED, DIRECTED, OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROTECTED OPEN SPACES (I.E. CONSERVATION EASEMENTS, GREENWAYS, PARKWAYS) ON ADJACENT OR NEARBY PARCELS, OR CREATE GLARE PERCEPTIBLE TO PERSONS OPERATING MOTOR VEHICLES ON PUBLIC STREETS AND RIGHT-OF-WAYS. IF IT DOES, IT SHOULD BE RE-AIMED, SHIELDED OR TURNED OFF.
3. CONSTRUCTION FENCING SHALL BE ERRECTED AT THE EDGE OF THE AREA OF DEVELOPMENT PRIOR TO ANY DRIVING OR CONSTRUCTION TO PROTECT THE EXISTING TREE STANDS AND THEIR ROOT SYSTEMS FROM CONSTRUCTION. 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 AREA.
4. ALL DUMPSTERS AND SERVICES STRUCTURES SHALL BE SCREENED IN ACCORDANCE WITH CHAPTER 10 OF THE LAND DEVELOPMENT CODE.
5. CONSTRUCTION PLANS, BOND AND ENCROACHMENT PERMIT ARE REQUIRED BY KYTC AND/OR METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL, OR ANY WORK BEING PERFORMED IN THE LOUISVILLE METRO RIGHT-OF-WAY.
6. THERE SHOULD BE NO COMMERCIAL SIGNS IN THE RIGHT-OF-WAY.
7. THERE SHOULD BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
8. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
9. ANY SITE LIGHTING SHALL COMPLY WITH THE LOUISVILLE METRO LDC.
10. ALL CONSTRUCTION AND SALE TRAILERS MUST BE PERMITTED BY THE DEVELOPMENT OF PUBLIC HEALTH AND WELLNESS IN ACCORDANCE WITH CHAPTER 115 OF THE LOUISVILLE JEFFERSON COUNTY METRO ORDINANCE.
11. HOURS OF CONTROL IN ACCORDANCE WITH CHAPTER 98 OF THE LOUISVILLE JEFFERSON COUNTY METRO ORDINANCE.
12. PRIOR TO CONSTRUCTION APPROVAL, AN AGREEMENT ADDRESSING PARKING, ACCESS & UTILITIES WILL BE PREPARED AND RECORDED PRIOR TO CONSTRUCTION APPROVAL.
13. ALL SIDEWALKS SHOWN SHALL HAVE A MINIMUM WIDTH OF 5 FEET.
14. ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTION PER MSD'S FATI, OR AND GREASE POLICY.
15. THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
16. ON-SITE DETENTION WILL BE PROVIDED. POSTDEVELOPED PEAK FLOWS WILL BE LIMITED TO PREDEVELOPED PEAK FLOWS FOR THE 2, 10, 25, AND 100 YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICH EVER IS MORE RESTRICTIVE.
17. LOTS TO BE CONSOLIDATED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
18. LATEST FINISHED FLOORS SHALL BE AT OR ABOVE 442.1.
19. MSD DRAINAGE BOND REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL.
20. ROOM AND ACCESS APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
21. FLOODPLAIN COMPENSATION WILL BE DONE AT A RATIO OF 1:1.
22. SANITARY SEWERS TO BE PROVIDED BY A LATERAL EXTENSION AND INSTALLATION OF PSC'S SUBJECT TO ANY APPLICABLE FEES.
23. THE EXISTING SANITARY SEWER AND FASEMENT SHALL BE REMOVED AND/OR RELOCATED AT THE APPLICANT'S EXPENSE PRIOR TO OBTAINING SITE CONSTRUCTION APPROVAL.
24. ALL PROPOSED INTERIOR WALLS ARE A MINIMUM OF 5 FEET.
25. THE APPLICANT SHALL PROVIDE A VEHICULAR CONNECTION TO THE ADJACENT PROPERTY TO THE NORTH WITHIN THE AREA LABELED ON THE APPROVED PLAN AS "ACCESS EASEMENT FOR FUTURE CONNECTION TO ADJACENT PROPERTY" AT SUCH TIME AS THE ADJACENT PROPERTY TO THE NORTH IS READY FOR DEVELOPMENT/REDEVELOPMENT REQUIRING PLANNING COMMISSION OR TRANSPORTATION APPROVAL. THE EXACT LOCATION OF THE VEHICULAR CONNECTION SHALL BE DETERMINED BY THE PLANNING COMMISSION OR TRANSPORTATION WITH INPUT FROM THE AFFECTED PROPERTY OWNERS DURING THE PRELIMINARY PLANNING STAGE OF THE DEVELOPMENT/REDEVELOPMENT OF THE ADJACENT PROPERTY. AT THE TIME OF CONSTRUCTION ON THE ADJACENT PROPERTY, THE APPLICANT SHALL BE REQUIRED TO CONSTRUCT ALL PORTIONS OF THE VEHICULAR CONNECTION THAT EXIST ON THE PROPERTY THAT IS THE SUBJECT OF THIS APPROVED PLAN. THE APPLICANT SHALL ENTER INTO A RECORDING, ACCESS AND CROSSING AGREEMENT WITH THE ADJACENT PROPERTY OWNER IN THE ACCEPTABLE TO PLANNING COMMISSION LEGAL COUNSEL. A COPY OF THE RECORDED INSTRUMENT SHALL BE SUBMITTED TO THE DIVISION OF PLANNING AND DESIGN SERVICES. TRANSMITTAL OF ADJACENT PROPERTY APPROVED PLANS TO THE OFFICE RESPONSIBLE FOR PERMIT ISSUANCE WILL OCCUR ONLY AFTER RECEIPT OF SAID INSTRUMENT. FAILURE OF THE APPLICANT TO COMPLY WITH THESE REQUIREMENTS SHALL RESULT IN THE DEVELOPMENT BEING OUT OF COMPLIANCE WITH THE APPROVED PLAN, AND THEREFORE SUBJECT TO APPROPRIATE ENFORCEMENT ACTION.



EROSION PREVENTION AND SEDIMENT CONTROL NOTES

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DESTROYING 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.

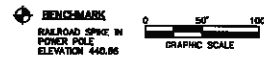
ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADEQUATELY CONTAINED THROUGHOUT THE USE OF SILT FENCE.

ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING 8R-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 PRACTICAL, 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.



CASE #15ZONE1039
DISTRICT DEVELOPMENT PLAN
 OSA MEDICAL OFFICE PARK
 4524, 4526 & 4528 CANE RUN ROAD
 LOUISVILLE, KENTUCKY 40216

FOR OWNER/APPLICANT
 NUSTREAM, LLC
 4200 GARDNERVIEW AVE. SUITE 105
 LOUISVILLE, KENTUCKY 40213
 C/O: 10000 FIVE OAKS
 15, 10TH, LOT 25, 9' & 128

MSD #11245
 15023bdr.dwg

milestone

108 Davenport Lane
 Suite 300
 Louisville, Ky 40223
 t: (502) 327-7073
 f: (502) 327-7086

OSA MEDICAL OFFICE PARK
 4524, 4526 & 4528 CANE RUN ROAD

DATE: 1/12/16
 DRAWN BY: J.L.M.
 CHECKED BY: J.L.M.
 SCALE: 1"=50' (HORIZ)
 SCALE: N/A (VERT)

REVISIONS

- ▲ PREPAP COMMENTS 0/2/15
- ▲ AGENCY COMMENTS 10/20/15
- ▲ MS4 COMMENT 02/17/15
- ▲ AGENCY COMMENTS 3/16/15
- ▲ AGENCY COMMENTS 4/16/15
- ▲ AGENCY COMMENTS 6/17/15

RECEIVED

SEP 08 2016
 DESIGN SERVICES

DEVELOPMENT PLAN

JOB NUMBER 16029

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