

Case No. 13ZONE1002 Binding Elements

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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. Prior to any site disturbance permit being issued, and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of 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 minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

- e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
- 6. 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.
 - 7. 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.
 - 8. The property owner shall provide a cross over access easement if the property to the north or east, as shown on the development plan, is ever developed. ~~for a nonresidential use.~~ A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
Revised at the 12/05/13 Planning Commission public hearing
 - 9. The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the December 5th, 2013 Planning Commission public hearing.
 - 10. The property owner shall provide an access easement for the flag pole lot between the properties addressed 1251 and 1257 McCawley Road as shown on the development plan. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

ORDINANCE No. 028, SERIES 2013

AN ORDINANCE CHANGING THE ZONING FROM EZ-1 ENTERPRISE ZONE, R-7 RESIDENTIAL MULTI-FAMILY AND R-4 RESIDENTIAL SINGLE FAMILY TO R-6 RESIDENTIAL MULTI-FAMILY ON PROPERTY LOCATED AT 1253-1259 MCCAWLEY ROAD AND 7489 EGYPT LANE CONTAINING A TOTAL OF 52.697 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 13ZONE1002)(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. 13ZONE1002; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 13ZONE1002 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 1253-1259 McCawley Road and 7489 Egypt Lane, containing 52.697 acres, and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 13ZONE1002, is hereby changed from EZ-1 Enterprise Zone, R-7 Residential Multi-Family and R-4 Residential Single Family to R-6 Residential Multi-Family; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 13ZONE1002, and with the addition of the following binding element:

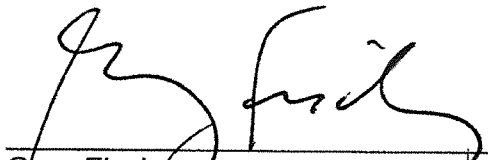
11. Any blasting on the property shall be performed by a certified and bonded blasting contractor after a pre-blast survey of the surrounding residential areas has been

conducted and evaluated. At a minimum, pre-blast surveys shall be conducted on all residential properties that are first and second tier to the portion of the subject property being rezoned. Upon request, a copy of the pre-blast survey, including any photographs and videotapes, shall be provided to the property owner of properties that are surveyed. Additionally, a blasting schedule shall be provided to the owners of all properties that are surveyed, and to anyone else who requests one.

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


H. Stephen Ott
Metro Council Clerk

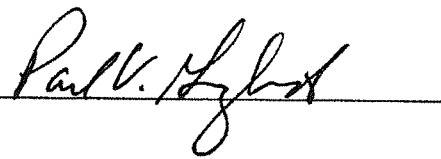

Jim King
President of the Council

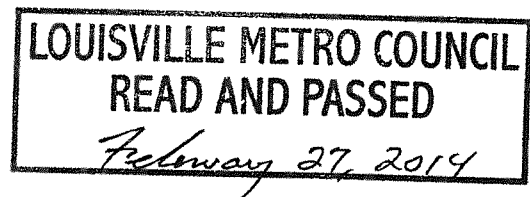

Greg Fischer
Mayor

Approved: 3/3/14
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



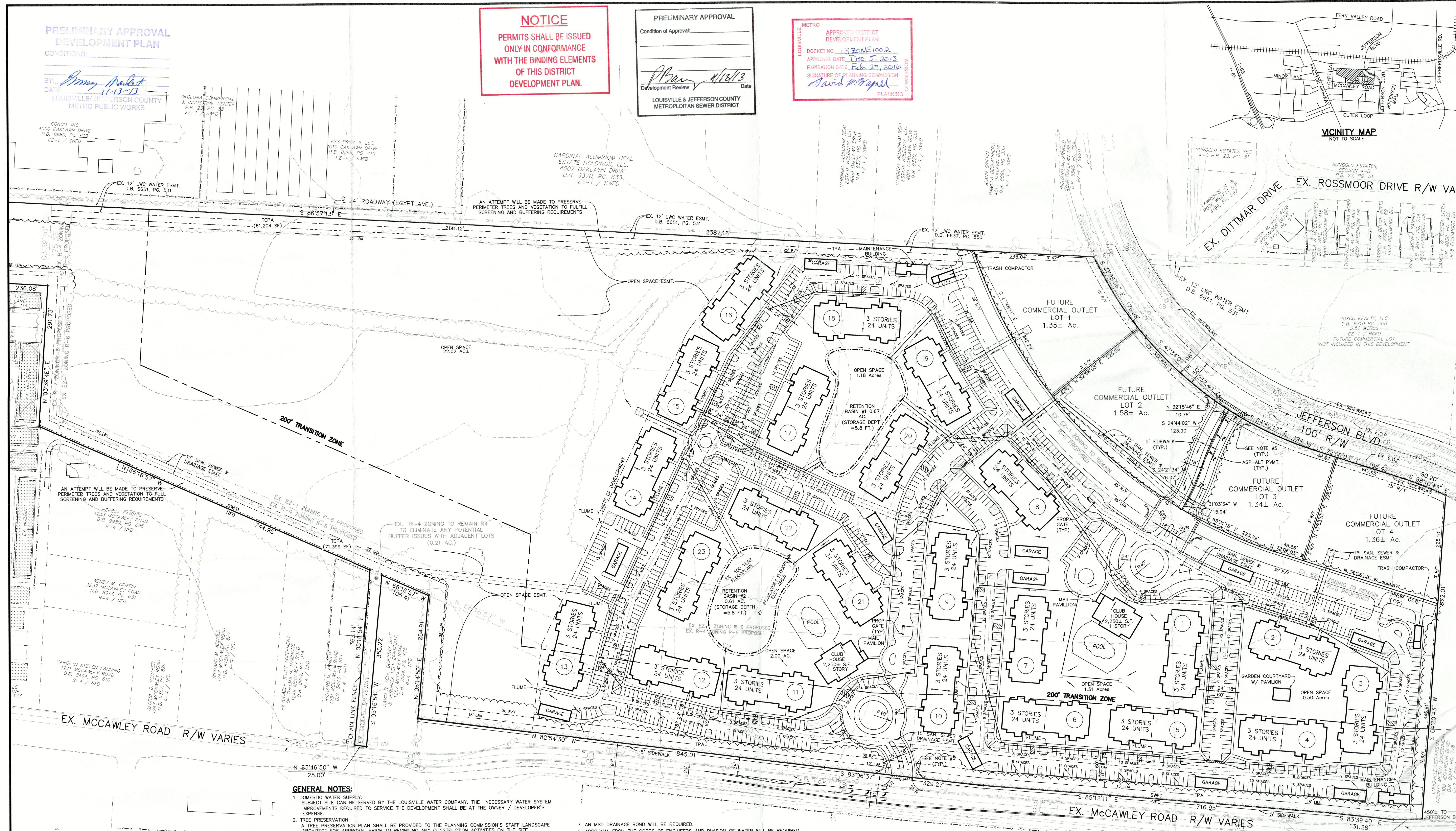
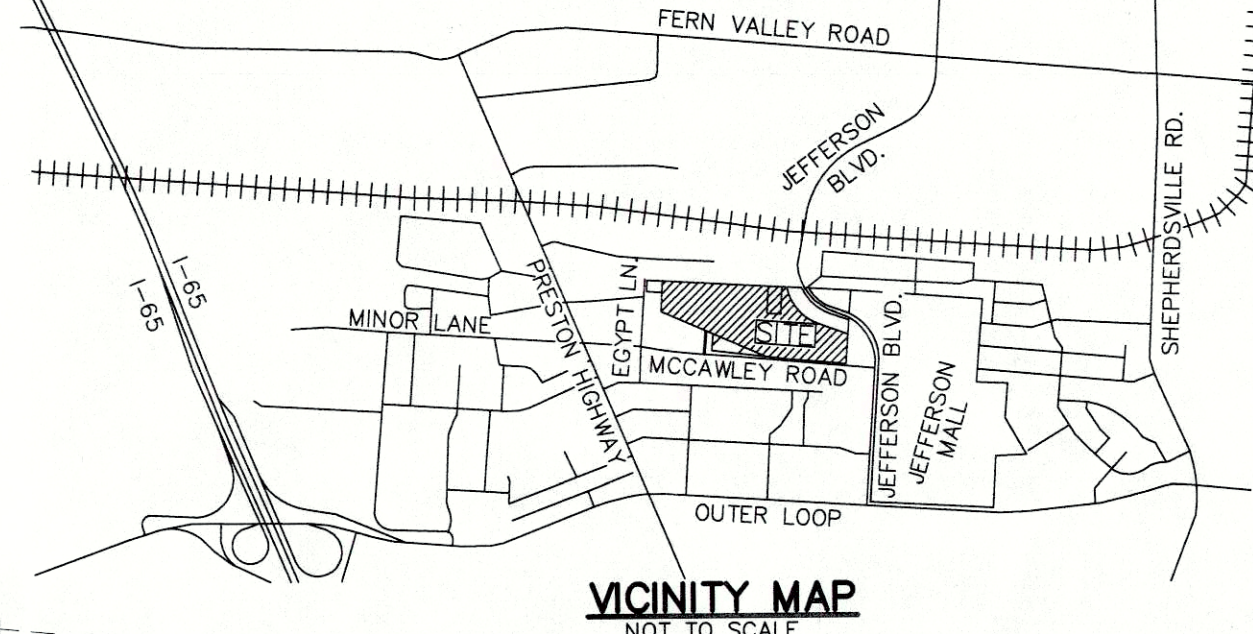
PRELIMINARY APPROVAL
DEVELOPMENT PLAN
CONDITIONS:

BY: *David M. Scott*
DATE: 11-13-13
LOUISVILLE/JEFFERSON COUNTY
METRO PUBLIC WORKS

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

PRELIMINARY APPROVAL
Condition of Approval:
David M. Scott 11/13/13
Date
LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

METRO
APPROVED DISTRICT
DEVELOPMENT PLAN
DOCKET NO. 1330NE1002
APPROVAL DATE: Dec 5, 2013
EXPIRATION DATE: Feb 27, 2016
SIGNATURE OF PLANNING COMMISSION
David M. Scott
PLANNING



GENERAL NOTES:

1. 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'S/DEVELOPER'S EXPENSE.
2. 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.
3. PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION 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 UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
4. THE DEVELOPMENT LIES IN THE OKOLONA FIRE DISTRICT.
5. SIGNATURE ENTRANCE WALLS AND IDENTIFICATION SIGN SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING STAFF PRIOR TO CONSTRUCTION PLAN APPROVAL AND THEY SHALL MEET THE REQUIREMENTS OF CHAPTER 4.4.3 AND 8, RESPECTIVELY OF THE LDC.
6. ALL LUMINAIRES SHALL BE AIMED, DIRECTED, OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROTECTED OPEN SPACES (e.g. 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.
7. ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
8. ALL RADII TO BE 4.5' UNLESS OTHERWISE INDICATED.
9. BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.4 OF THE LDC.
10. ALL INTERIOR SIDEWALKS THAT ADJUT PARKING TO BE 5' WIDE MINIMUM.
11. A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.
12. ALL EXISTING STRUCTURES AND DRIVEWAYS ON SITE TO BE REMOVED.
13. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.

MSD NOTES:

1. WASTEWATER: SANITARY SEWER WILL CONNECT TO THE DERK R. GUTHRIE WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
2. DRAINAGE / STORM WATER DETENTION: DETENTION TO BE PROVIDED ON SITE AS DEPICTED ON THE PLAN. POST-DEVELOPMENT PEAK FLOWS WILL NOT EXCEED PRE-DEVELOPMENT PEAK FLOWS FROM DEVELOPMENT FOR THE 2, 10, AND 100-YEAR STORMS. DRAINAGE PATTERN (DEPICTED BY FLOW ARROWS) IS FOR CONCEPT PURPOSES ONLY. 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.
3. EROSION & SILT CONTROL: A SOIL 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.
4. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, (21111C0094E).
5. LOSS IN FLOODPLAIN STORAGE AS A RESULT OF THIS DEVELOPMENT WILL BE MITIGATED ON SITE AT 1:1 IN THE 22+ AC. OPEN SPACE. INCREASED RUNOFF VOLUME WILL BE COMPENSATED AT 1.5:1 IN THE OPEN SPACE. A DEFINED OUTLET FOR THE MITIGATION AREA WILL BE REQUIRED.
6. THE PROPOSED 22+ AC. OPEN SPACE IS TO BE USED AS A USAGE/KNOX WETLAND MITIGATION AREA AND SHALL BE PERMANENTLY PROTECTED FROM DEVELOPMENT THROUGH A DEED OF RESTRICTION.

7. AN MSD DRAINAGE BOND WILL BE REQUIRED.
8. APPROVAL FROM THE CORPS OF ENGINEERS AND DIVISION OF WATER WILL BE REQUIRED.
9. AN MSD FLOODPLAIN PERMIT WILL BE REQUIRED. ALL PROPOSED BUILDINGS WITHIN THE LOCAL REGULATORY FLOODPLAIN MUST HAVE LOWEST FINISHED FLOORS AND ALL ELECTRICAL AND MECHANICAL ELEVATED AT LEAST ONE FOOT ABOVE THE LOCAL REGULATORY FLOODPLAIN ELEVATION.
10. DETENTION BASINS AND ALL THROUGH DRAINAGE SYSTEMS SHALL BE PLACED IN A DEDICATED MSD EASEMENTS PRIOR TO CONSTRUCTION APPROVAL.

PUBLIC WORKS AND KTC NOTES:

1. NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS R/W.
2. A BLANKET GROSSOVER/SHARED ACCESS AGREEMENT IS PROPOSED BETWEEN ALL LOTS OF THE DEVELOPMENT. THE DEVELOPER SHALL COORDINATE AN AGREEMENT FOR FUTURE ACCESS TO THE PROPERTY TO THE NORTH AND EAST AT THE LOCATIONS SHOWN.
3. ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
4. VERGE AREAS WITH PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER METRO PUBLIC WORKS.
5. COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
6. STREET TREES SHALL BE PLANTED ALONG MCCAWLEY ROAD IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SITE DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
7. CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL.
8. 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.
9. THE MINIMUM GRADE OF ALL STREETS SHALL BE 1% AND A MAXIMUM GRADE OF 10%.
10. THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
11. ALL SIDEWALKS, CURBS AND DRIVEWAYS SHALL BE PROVIDED WITHIN THE R/W. SIDEWALK LOCATIONS AND OFFSETS SHALL BE IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND APPROVED AT THE TIME OF CONSTRUCTION.
12. CURBS AND DRIVEWAYS SHALL BE PROVIDED ALONG ALL STREETS IN THE DEVELOPMENT. SIDEWALKS SHALL BE PROVIDED ALONG ALL STREETS WHERE REQUIRED BY THE DEVELOPMENT CODE.
13. TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SITE DISTANCE AS REQUIRED PER METRO PUBLIC WORKS STANDARDS.
14. ALL SIDEWALKS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATIONS. THE "SPECIAL NOTE FOR DETECTABLE WARNING FOR SIDEWALK RAMPS" PER KTC STANDARD DRAWINGS FOR SIDEWALKS AND PER "KTC STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", LATEST EDITION.
15. ALL PROPOSED ROADS ARE PRIVATE.

DETENTION CALCULATIONS

2.9/12 (0.83 - 0.30) 37.64 ACRES = 4.82 AC/FT. X 1.5 = 7.23 AC.FT.
DEPTH = 5.80 FT

PROJECT DATA:

FORM DISTRICT
EXISTING ZONING
PROPOSED ZONING
EXISTING LAND USE
PROPOSED LAND USE
E21 LAND AREA (RESIDUAL)
LAND AREA (TO REMAIN)
TOTAL LAND AREA
NO. OF DWELLING UNITS
PARKING SPACES REQUIRED
(MIN. 1.5 SP. - MAX. 3 SP./D.U.)
PARKING SPACES PROVIDED
(INCLUDES 72 GARAGE & 25 H/C SPACES)
PARKING AREA RATIO
BUILDING HEIGHT
GROSS FOOTPRINT AREA
TOTAL FLOOR AREA
DENSITY (MAX. ALLOWED 17.42)
FLOOR AREA RATIO (MAX. ALLOWED 0.75)
OPEN SPACE REQUIRED (15% LDC)
OPEN SPACE PROVIDED

SW & N
E21, R4, R7
RE, R4 & E21
VACANT
APARTMENT COMMUNITY.
COMMERCIAL OUTLOTS
5.63± (NIC IN DEV.)
0.21± AC.
53.77± AC.
552 UNITS
828-1656 SPACES
1,030 SPACES
1.87 SP./UNIT
3 STORY/40 FT.
272,550± S.F.
817,650± S.F.
10,272 D.U./AC.
8.07± AC.
27.21± AC.

LANDSCAPE DATA:

V.U.A. REQUIRED (7.5% X V.U.A.)
L.A. PROVIDED

414,545± S.F.
31,091 S.F.
45,551± S.F.

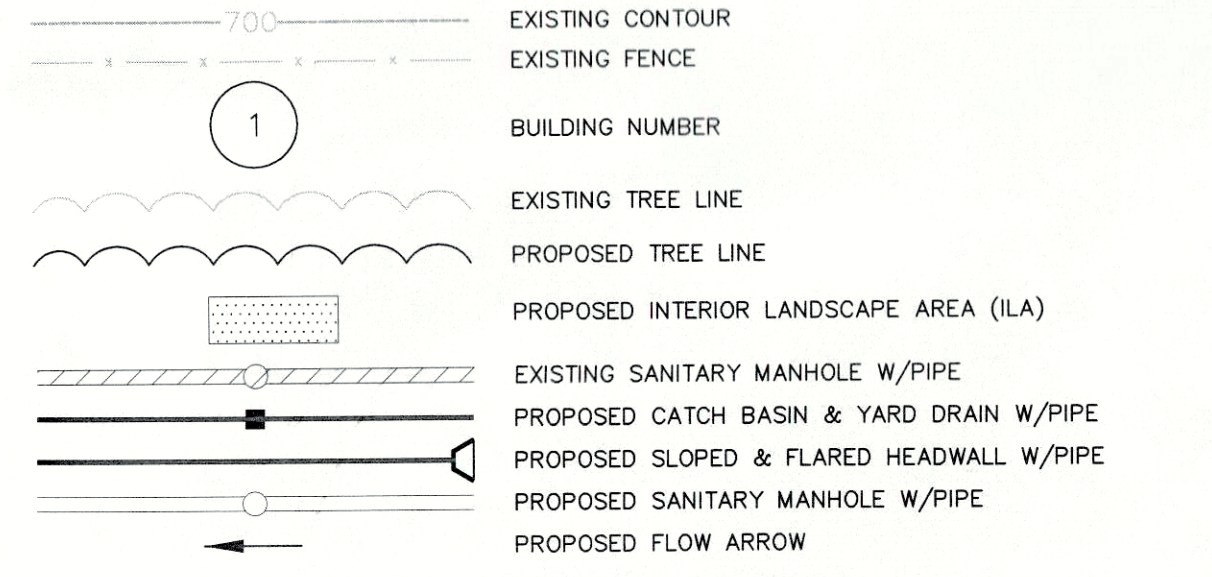
TREE CANOPY DATA

GROSS SITE AREA
TREE CANOPY CATEGORY
EX. TREE CANOPY ON SITE
TREE CANOPY TO BE PRESERVED
TREE CANOPY TO BE PLANTED
TOTAL TREE CANOPY REQUIRED

2,342,221± S.F.
CLASS C2
1,396,459± S.F. (60%)
132,603± S.F. (6%)
218,730± S.F. (9%)
351,333± S.F. (15%)

*TREE CANOPY CALCULATIONS PROVIDED AND REQUIRED WERE BASED ON INFORMATION GIVEN BY MSD DIGITAL LOGIC. FINAL CALCULATION SHALL BE PROVIDED DURING THE CONSTRUCTION PLAN PROCESS.

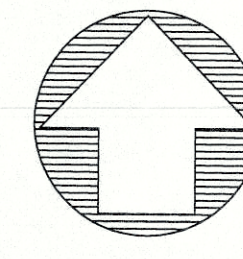
LEGEND



RECEIVED

OCT 29 2013

PLANNING & DESIGN SERVICES



GRAPHIC SCALE: 1" = 80'
80' 40' 0' 80' 160'

VARIANCE REQUEST:

1. REQUEST TO INCREASE ALLOWABLE BUILDING HEIGHT FROM 35 FT. PER TABLE 5.3.1 TO 40 FT. FOR A TOTAL INCREASE OF 5 FT.
2. FROM TABLE 5.3.1 OF TO ENCRoACH INTO THE 25 FT. REAR YARD ALLOWING THE FUTURE COMMERCIAL LOTS.

WAIVER REQUEST:

1. OF SECTION 10.2.4 AND TABLE 10.2.3 TO ENCRoACH INTO THE 35 FT. PERIMETER LANDSCAPE BUFFER BETWEEN THE COMMERCIAL OUTLOTS AND R-6 APARTMENT SITE.

Mindel, Scott & Associates, Inc.
Planning
1101 Jefferson Boulevard, Louisville, KY 40202
Phone: (502) 485-5500 Fax: (502) 485-5500 Email: mindelsa@mindelsa.com



DEVELOPER
FAULKNER REAL ESTATE CORPORATION
9825 ORMSBY STATION ROAD
LOUISVILLE, KENTUCKY 40223
PHONE# (502) 891-8200

OWNER
COXCO REALTY, LLC.
3051 RIO DOSA DR APT 135
LEXINGTON, KY, 40509

DETAILED DISTRICT DEVELOPMENT PLAN
JEFFERSON BLVD. APARTMENTS
1253, 1253R, 1255, 1259, MCCAWLEY ROAD
& 7489 EGYPT LANE
LOUISVILLE, KENTUCKY 40219
DEED BOOK 6710, PAGES 258, 263 & 266
TAX BLOCK 0642, LOTS 30, 57, 93, 221 & 298

DATE	DESCRIPTION
6/10/13	PRELIMINARY SUBMITTAL
7/29/13	1ST AGENCY SUBMITTAL
8/26/13	2ND AGENCY SUBMITTAL
9/16/13	REVISED AGENCY SUBMITTAL
10/8/13	REVISED ZONING BOUNDARY
10/28/13	ADD VARIANCE & WAIVER

Vertical Scale: N/A'

Horizontal Scale: 1" = 80'

Date: 6/03/13

Job Number: 3134

Sheet

1

of 1