

ORDINANCE No. 060, SERIES 2015

AN ORDINANCE CHANGING THE ZONING FROM R-5 SINGLE FAMILY RESIDENTIAL TO OR OFFICE/RESIDENTIAL ON PROPERTY LOCATED AT 2125/2127 BASHFORD MANOR DRIVE AND 3506 BARDSTOWN ROAD CONTAINING 0.500 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 14ZONE1041).

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. 14ZONE1041; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 14ZONE1041 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 2125/2127 Bashford Manor Drive and 3506 Bardstown Road containing 0.500 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 14ZONE1041, is hereby changed from R-5 Single Family Residential to OR Office/Residential; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 14ZONE1041.

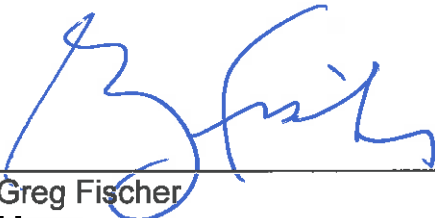
Section II: This Ordinance shall take effect upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David W. Tandy
President of the Council

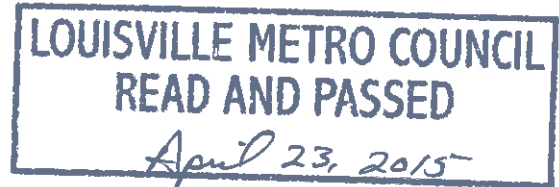


Greg Fischer
Mayor

Approved: 4/29/15
Date

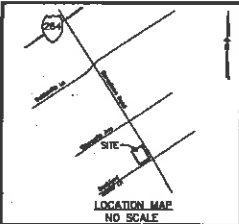
APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



By: 

O-084-15



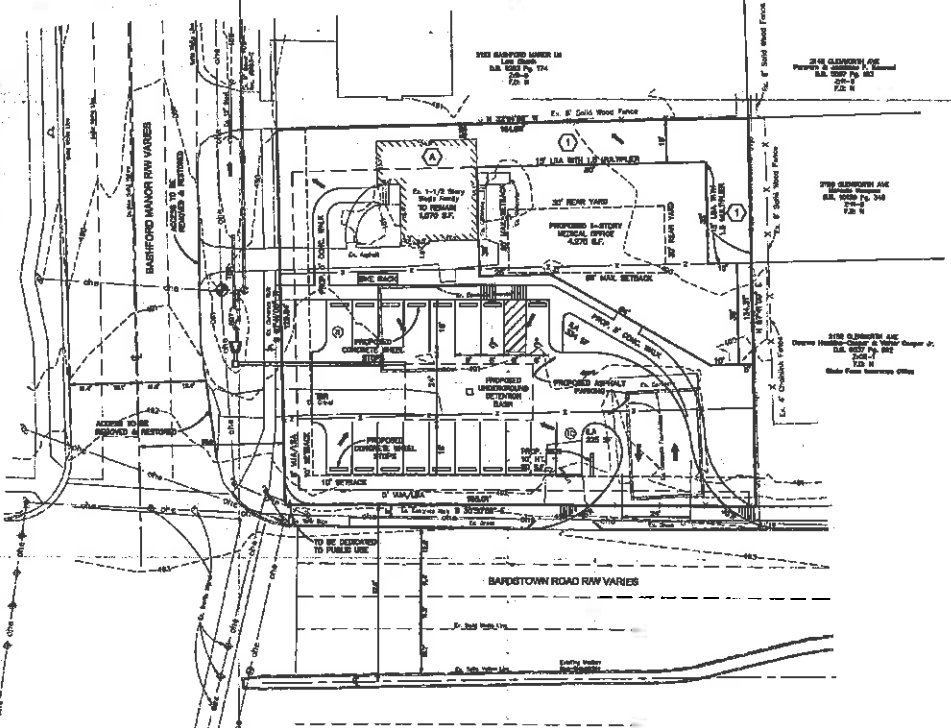
VARIANCE REQUESTED
 (1) VARIANCE REQUESTED TO ENCRoACH 18' INTO THE REQUIRED 30' NON-RESIDENTIAL TO RESIDENTIAL 30' SETBACK FOR TABLE 53.3.2 OF THE LAND DEVELOPMENT CODE.

WAVER REQUESTED
 (A) VARIANCE REQUESTED FOR THE EXISTING 1-1/2 STORY SINGLE FAMILY RESIDENCE TO ENCRoACH INTO THE REQUIRED 15' LBA ALONG THE WEST PROPERTY.

- GENERAL NOTES**
- (1) (1) DEPICTS DIRECTION OF STORM WATER FLOW FOR SCHEMATIC PURPOSES ONLY. A DETAILED DRAINAGE PLAN WILL BE SUBMITTED TO METRO FOR FINAL APPROVAL PRIOR TO CONSTRUCTION.
 - ALL LUMINAIRIES 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 (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 SH-MAIRED, SHIELDED OR TURNED OFF.
 - CONSTRUCTION FENCING SHALL BE ERRECTED AT THE EDGE OF THE AREA OF DEVELOPMENT PRIOR TO ANY DRAINING OR CONSTRUCTION TO PROTECT THE EXISTING TREE STANDS AND THEIR 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 AREA.
 - ALL SHARPCORNER AND EDGED STRUCTURES SHALL BE SMOOTHED IN ACCORDANCE WITH CHAPTER 10 OF THE LAND DEVELOPMENT CODE.
 - CONSTRUCTION PLANS, BOND AND ENCRoACHMENT PERMIT ARE REQUIRED BY KYTD AND/OR METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL, OR ANY WORK BEING PERFORMED IN THE LOUISVILLE METRO RIGHT-OF-WAY.
 - THERE SHOULD BE NO COMMERCIAL SIGNS IN THE RIGHT-OF-WAY.
 - THERE SHOULD BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCRoACHMENT PERMIT. LANDSCAPING ON PLANS WILL NEED TO BE REVIEWED FOR SITE DISTANCE.
 - MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
 - ANY SITE LIGHTING SHALL COMPLY WITH THE LOUISVILLE METRO LDC.
 - ALL CONSTRUCTION AND SALE TRAILERS MUST BE PERMITTED BY THE DEVELOPMENT OF PUBLIC HEALTH AND WELFARE IN ACCORDANCE WITH CHAPTER 119 OF THE LOUISVILLE JEFFERSON COUNTY METRO ORDINANCE.
 - MISSEDUTO CONTROL IN ACCORDANCE WITH CHAPTER 98 OF THE LOUISVILLE JEFFERSON COUNTY METRO ORDINANCE.
 - MSD SANITARY SEWERS AVAILABLE BY EXISTING CONNECTION. THE PROPOSED BUILDING MUST CONNECT TO ITS OWN SANITARY PSC WITH A MINIMUM 8" SANITARY SEWER. OWNER MUST PROVIDE CONNECTION DOCUMENTS.
 - VERIFICATION OF THE CAPACITY OF THE DOWNSTREAM DRAINAGE SYSTEM WILL BE REQUIRED. THERE SHALL BE NO INCREASE IN RUNOFF TO STATE RIGHT OF WAY.
 - A KANST SURVEY IS REQUIRED.
 - ALL DRAINAGE STRUCTURES WITHIN STATE RIGHT OF WAY SHALL BE STATE DESIGN.
 - THE ENTRANCE TO BARDSTOWN ROAD (US 31 E) WILL BE MADE A RIGHT IN/ RIGHT OUT BY USING THE FD 300 CURB SYSTEM IN THE MEDIUM OF BARDSTOWN ROAD IN FRONT OF THE ENTRANCE.
 - COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
 - IF THE ADJACENT PROPERTY TO THE NORTH IS REZONED OR REDEVELOPED, A LIMITED ACCESS AND CIRCULATION SYSTEM SHALL BE DEVELOPED TO ELIMINATE PREEXISTING CURB CUTS AND PROVIDE FOR VEHICULAR MOVEMENT THROUGHOUT ADJACENT SITE AS DETERMINED APPROPRIATE BY THE DEPARTMENT OF PUBLIC WORKS. A CROSS ACCESS AGREEMENT TO RUN WITH THE LAND AND IN A FORM ACCEPTABLE TO THE PLANNING COMMISSION'S LEGAL COUNSEL, SHALL BE RECORDED PRIOR TO THE TIME OF CONSTRUCTION APPROVAL FOR THE ADJACENT PROPERTY.
 - BOUNDARY INFORMATION SHOWN IS TAKEN FROM THE BOUNDARY SURVEY PREPARED BY SCHROLL LAND SURVEYING LLC DATED SEPTEMBER 16, 2014.
 - BEARINGS ARE BASED ON GRID NORTH AS IT RELATES TO KENTUCKY STATE PLANE NORTH ZONE (NAD83).
 - AN MSD DRAINAGE BOND WILL BE REQUIRED.
 - UNDERGROUND DETENTION TO MEET MSD REQUIREMENTS.
 - ON-SITE DETENTION WILL BE REQUIRED. POSTDEVELOPED PEAK FLOWS WILL BE LIMITED TO PREDEVELOPED PEAK FLOWS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE.
 - ALL NEW AND EXISTING SIDEWALKS SHALL BE EITHER BROUGHT UP TO OR BUILT TO ADA CURRENT STANDARDS. TACTILE WARNINGS WILL BE INSTALLED FOR THE INTERSECTION RAMP.
 - A DEED OF CONSOLIDATION IS REQUIRED TO BE RECORDED PRIOR TO PERMITTING.

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

METRO APPROVED DISTRICT DEVELOPMENT PLAN
 DOCKET NO. 14174 (14174) APPROVAL DATE: March 13, 2015
 EXPIRES ON: 03/13/2018
 DATE OF EXPIRED COMMISSION: 03/13/2018
 PLANNING



PARKING CREDITS
 10% TARC CREDIT SECTION 5.1.3.F OF THE LAND DEVELOPMENT CODE.
 10% PARKING CREDIT BEING WITHIN 1/2 MILE OF 10 BASIC SERVICES LISTED IN APPENDIX 5A OF THE LAND DEVELOPMENT CODE.
 * 10% PARKING CREDIT FOR PROVIDING 3 TIMES THE MINIMUM REQUIREMENT OF THE LDC FOR LONG AND SHORT TERM BAY PARKING IN APPENDIX 5A OF THE LAND DEVELOPMENT CODE.

PROJECT SUMMARY

EXISTING ZONE	R-5
PROPOSED ZONE	OR
NEIGHBORHOOD	SINGLE FAMILY/VACANT
EXISTING USE	MEDICAL OFFICE
PROPOSED USE	0.50 ACRES (21,787 SF)
SITE ACRES	1,070 SF (1-1/2-STORY)
EXISTING BUILDING SF	4,870 SF
PROPOSED BUILDING SF	5,340 SF
TOTAL BUILDING	30' MAXIMUM
BUILDING HEIGHT	7,035 SF
VIA	302 SF
GA PROVIDED	559 SF

PARKING SUMMARY

MEDICAL OFFICE (1,340 S.F.)	21 SPACES
MIN. (1 SPACE/250 S.F.)	36 SPACES
MAX. (1 SPACE/150 S.F.)	
PARKING CREDITS MIN.	15 SPACES

PROPOSED PARKING PROVIDED:

PROPOSED STANDARD PARKING	18 SPACES
PROPOSED HANDICAP PARKING	2 SPACES
TOTAL PROPOSED PARKING PROVIDED:	18 SPACES

BIKYLE SPACE REQUIRED:

LONG TERM PARKING	NONE
SHORT TERM PARKING	2
TOTAL SPACES REQUIRED:	2 SPACES

BIKYLE SPACE PROVIDED:

LONG TERM PARKING	NONE
SHORT TERM PARKING	2
TOTAL SPACES PROVIDED:	2 SPACES

- LEGEND**
- EX UTILITY POLE
 - EX CONTOUR
 - EX OVERHEAD ELECTRIC
 - EX SANITARY SEWER
 - DIRECTION OF STORM WATER FLOW
 - PROPOSED SIGN ON POST
 - EXISTING TRAFFIC SIGNAL
 - PROPOSED TACTILE WARNINGS STRIPS

PRELIMINARY APPROVAL
 Condition of Approval:
 [Signature]
 LOUISVILLE JEFFERSON COUNTY METROPOLITAN GOVERNMENT DISTRICT

PRELIMINARY APPROVAL
 DEVELOPMENT PLAN
 CONDITIONS:
 BY: [Signature]
 DATE: 2-17-15
 LOUISVILLE JEFFERSON COUNTY METRO PUBLIC WORKS

TREE CANOPY CALCULATIONS
 SITE AREA: 0.500 AC (21,787 SF)
 EXISTING TREES PRESERVED: 0 SF (0%)
 REQUIRED TREE CANOPY: 4,387 S.F. (20%)
 REQUIRED NEW TREE CANOPY: 4,387 SF (20%)
 NEW TREE CANOPY TO BE PROVIDED:
 7 - 1 3/4" TYPE A TREES (720 SF EACH) = 5,040 SF
 TOTAL TREE CANOPY: 5,040 SF (23%)

INCREASED IMPERVIOUS SURFACE
 PRE-DEVELOPED IMPERVIOUS SURFACE = 3,177 SF
 POST-DEVELOPED IMPERVIOUS SURFACE = 13,023 SF
 NET INCREASE IN IMPERVIOUS SURFACE = 9,846 SF

INCREASED RUNOFF CALCULATIONS
 C_{imp} = 0.23
 C_{imp} = 0.78
 AREA = 0.500 AC
 (0.78 - 0.23) X 2.9/12 X 0.500 AC = 0.082 AQ-FIT

BENCHMARK TEMPORARY BENCHMARKS
 BENCHMARK SPIKE IN POWER POLE
 ELEVATION 480.84 NAV 86 DATUM



108 Davenport Lane
 Suite 300
 Louisville, Ky 40223
 t: (502) 327-7073
 f: (502) 327-7066

HAQ MEDICAL OFFICE

DATE: 2/20/15
 DRAWN BY: JDM
 CHECKED BY: JALE
 SCALE: 1"=20' (HORIZ)
 SCALE: N/A (VERT)

- REVISIONS**
- 1. PREPARE COMMENTS 3/19/15
 - 2. FOR COMMENTS 3/20/15
 - 3. FOR COMMENTS 3/23/15
 - 4. FOR COMMENTS 3/24/15
 - 5. FOR COMMENTS 3/24/15
 - 6. BUILDING REVIEW 3/26/15

RECEIVED
 PPS OR PMS
 PLANNING &
 DESIGN SERVICES

DEVELOPMENT PLAN

JOB NUMBER
14055

1
 OF
 1

CASE #14ZONE1041
DEVELOPMENT PLAN
 (FOR ZONING MAP AMENDMENT)
 OF
HAQ MEDICAL OFFICE
 3506 BARDSTOWN ROAD
 A.K.A.
 2127 BASHFORD MANOR LANE
 LOUISVILLE, KENTUCKY 40218

FOR
 OWNER/DEVELOPER:
 HANS LLC
 203 ASH RUN ROAD
 LOUISVILLE, KENTUCKY 40248
 D.S. 10025, PS. 170
 T.B. 0727, LOT 0076, 0033 & 0070 SUB. LOT 0003

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the District Development Plan and the binding elements for Case No. 14ZONE1041 based on the staff report (pages 3 and 4) and the applicant's statement **SUBJECT** to the following Binding Elements:

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. The development shall not exceed 5,340 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. The existing access point is to be closed and access to the site be made from the new curb cuts as shown on the development plan.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of

the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

7. 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.
8. There shall be no outdoor music live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line.
9. 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.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 5, 2015 Planning Commission meeting.
11. The applicant will work with TARC, during the construction design phase of the proposal, on the location of a concrete pad on Bashford Manor Lane. The pad shall be constructed by the applicant. A Public Facilities Easement will be dedicated to include the portion of the concrete pad that will be within the parcel.