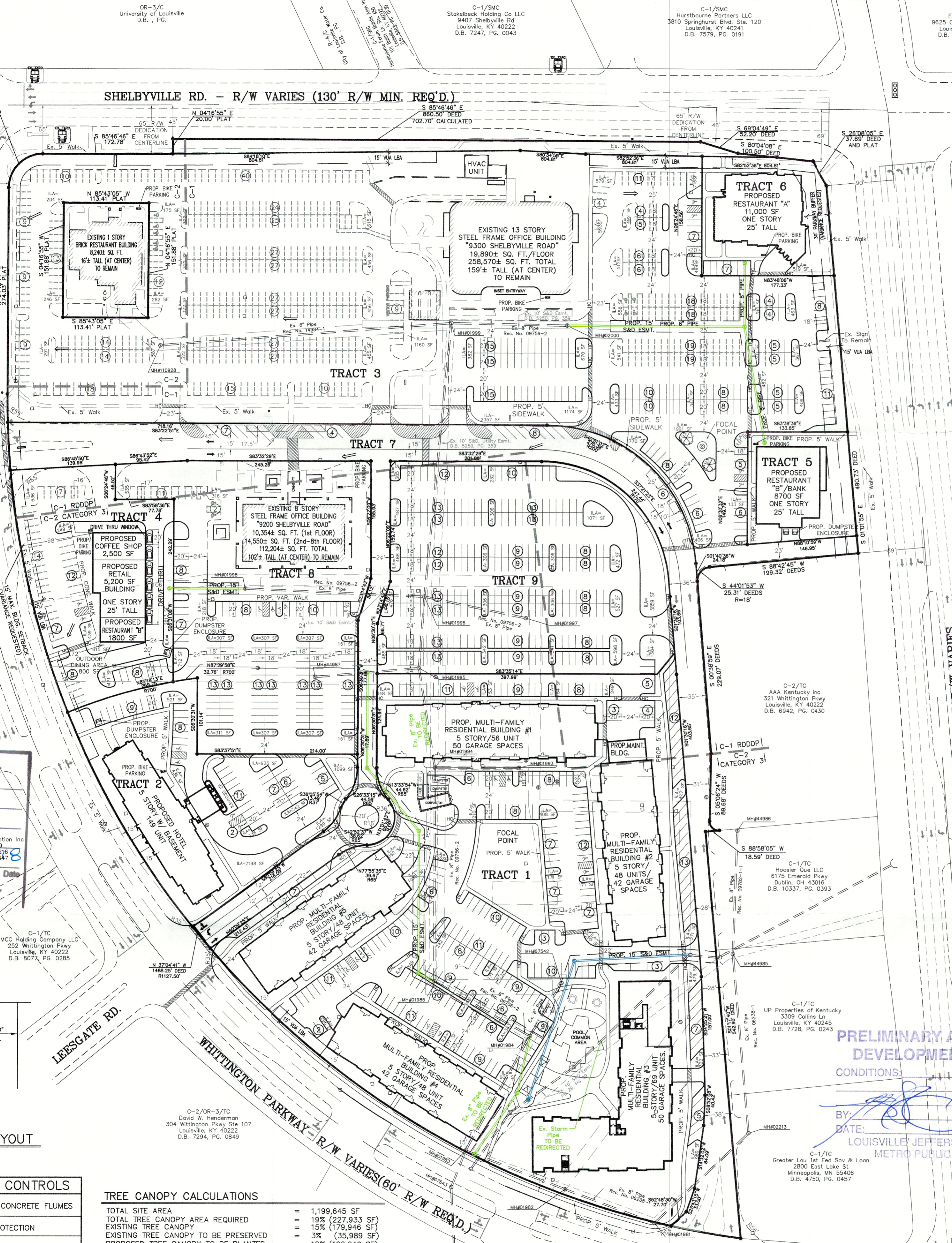


THIS SITE IS LOCATED WITHIN THE CITY OF HURSTBOURNE AND IS SUBJECT TO THE MAY 2011 LAND DEVELOPMENT CODE.

PLANNING
STATEMENT OF PLANNING COMMISSION
EXPIRATION DATE 4/13/18
APPROVAL DATE 4/11/18
PROJECT NO. 17DEVPLAN1127



VARIANCES REQUESTED:

- 1. (TRACTS 1,4 &5) Variances are requested from Section 5.2.4.C.3.a of the Louisville Metro Land Development Code to vary the Whittington Parkway 15 ft. maximum building setback as shown.
(TRACT 6) A Variance is requested from Section 5.5.1.2.2 of the Louisville Metro Land Development Code to permit the proposed building to be built not at the right of way line along Shelbyville Road & Hurstbourne Parkway but rather at the Hurstbourne Parkway Buffer Area 30 ft. building setback.

WAIVERS REQUESTED:

- 1. (TRACTS 2,5&6) A Waiver is requested from Section 5.5.1.1.a of the Louisville Metro Land Development Code to waive the design standard to have the principal building entrance facing the primary street or to a focal point in a public open space.
(TRACT 3) A Waiver is requested from Section 10.3.5.A.1 & 10.2.10 of the Louisville Metro Land Development Code to allow the encroachment of the parking into the Hurstbourne Parkway 30' Parkway Buffer Area and 15' Landscape Buffer Area.
(TRACTS 4,5&6) A Waiver is requested from Section 5.5.1.3.a of the Louisville Metro Land Development Code to permit the parking lots to be located in front of the building (TRACT 4) and closer to the Hurstbourne Parkway right of way than the principal building (TRACTS 5&6).
(TRACT 3) Waivers are requested from Section 5.5.1.3.a of the Louisville Metro Land Development Code to waive the masonry wall between the side parking and Hurstbourne Parkway.

PROJECT DATA

TOTAL SITE AREA = 27.5± Ac. (1,199,690 SF)
R/W DEDICATION AREA = 0.3± Ac. (12,602 SF)
NET SITE AREA = 27.2± Ac. (1,187,088 SF)
EXISTING ZONING = C-1 (11.7± Ac.)
C-2 (15.5± Ac.)
FORM DISTRICT = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = COMMERCIAL/RESIDENTIAL
PROPOSED USE = COMMERCIAL/RESIDENTIAL

TRACT 1 DATA (PROPOSED MULTI-FAMILY RESIDENTIAL)

TRACT 1 AREA = 7.4± Ac. (322,752 SF)
EXISTING ZONING = C-1 (0.44 Ac.)
C-2 (6.96 Ac.)
FORM DISTRICT = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = COMMERCIAL
PROPOSED ROOMS = 87 - 1 BEDROOM
182 - 2 BEDROOM
289 UNITS
DENSITY = C-1 - 20.45 DU/Ac.
C-2 - 37.36 DU/Ac.
C-1 (34.84 DU/Ac. MAX. ALLOWED)
C-2 (145 DU/Ac. MAX. ALLOWED)
F.A.R. C-1 AREA 14,632 SF/19,332 SF
F.A.R. C-2 AREA 370,168 SF/303,178 SF

TRACT 2 DATA (PROPOSED HOTEL)

TRACT 2 AREA = 1.5± Ac. (63,634 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = HOTEL
PROPOSED USE = HOTEL
F.A.R.: 74,375 SF/63,634 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 3 DATA (EXISTING OFFICE AND RESTAURANT)

TRACT 3 AREA = 9.1± Ac. (394,746 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = OFFICE / RESTAURANT
F.A.R.: 286,810 SF/394,746 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 4 DATA (PROPOSED RETAIL/RESTAURANT/COFFEE SHOP)

TRACT 4 AREA = 1.3± Ac. (54,459 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = COMMERCIAL
PROPOSED USE = COMMERCIAL
F.A.R.: 10,300 SF/54,459 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 5 DATA (PROPOSED RESTAURANT "B")

TRACT 5 AREA = 0.5± Ac. (20,218 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = RESTAURANT
PROPOSED USE = RESTAURANT
F.A.R.: 8,700 SF/20,218 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 6 DATA (PROPOSED RESTAURANT "A")

TRACT 6 AREA = 0.6± Ac. (26,345 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = COMMERCIAL
PROPOSED USE = RESTAURANT
F.A.R.: 11,000 SF/19,795 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 7 DATA (ENTRY TRACT)

TRACT 7 AREA = 2.4± Ac. (105,191 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = ROADWAY & PARKING
PROPOSED USE = ROADWAY & PARKING
TRACT 8 DATA (EXISTING OFFICE)
TRACT 8 AREA = 2.3± Ac. (99,539 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = OFFICE
PROPOSED USE = OFFICE
F.A.R.: 112,204 SF/99,539 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 9 DATA (PARKING)

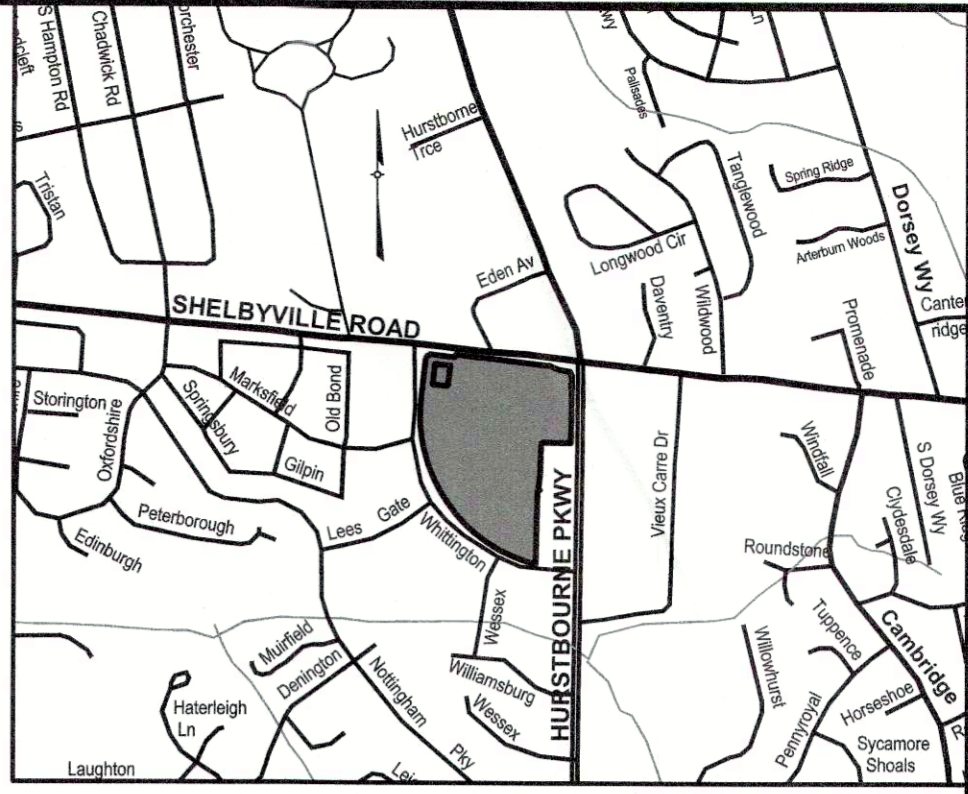
TRACT 9 AREA = 2.3± Ac. (100,210 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = COMMERCIAL
PROPOSED USE = PARKING

SHARED PARKING CALCULATIONS

Table with columns: PARKING REQUIRED, MIN., MAX. Includes calculations for Multi-Family Residential (269 units), Retail, Office, and Hotel.

GENERAL NOTES:

- 1. Parking areas and drive lanes to be a hard and durable surface.
2. An encroachment permit and bond will be required for all work done in the right-of-way.
3. No increase in drainage run off to state roadways.
4. There shall be no commercial signs in the Right of Way.
5. There shall be no landscaping in the Right of Way without an encroachment permit.
6. Site lighting shall not shine in the eyes of drivers. If it does it shall be re-sited, shielded, or turned off.
7. Construction fencing shall be erected prior to any construction or grading 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. No parking, material storage, or construction activities shall be permitted within the fenced area.
8. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
9. A Green Access and Shared Parking Agreement shall be provided prior to construction plan approvals.
10. KY Transportation Cabinet review required.
11. Where existing public sidewalks are not located in the right of ways sidewalk easements shall be recorded prior to Metro Public Works construction plan approval.
MSD NOTES:
1. Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District's Design Manual and Standard Specifications and other local, state and federal ordinances.
2. Sanitary sewer service will be provided by lateral extension and subject to applicable fees.
3. No portion of the site is within the 100 year flood plain per FIRM Map No. 2111 C 0047 E dated December 5, 2006.
4. Drainage pattern depicted by arrows (==) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD.
5. If the site has run drainage on easement plat will be required prior to MSD granting construction plan approval.
6. A Downstream Facilities Capacity Request must be submitted and approved by MSD on February 16th, 2018.
7. The final design of this project must meet all MS4 water quality regulations established by MSD. Site layout may change at the design phase due to proper siting of Green Best Management Practices.
8. Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plans.
9. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
10. Proposed drainage system will utilize existing system.
11. All retail shops shall have individual sewer connections per MSD's Fats, Oils, Grease Policy.
12. A walk-inspection, flush and cleaning will be required prior to MSD accepting through drainage pipe easement. Maintenance on an existing pipe may be required to bring it to MSD specifications.
13. Sewer relocations shown are approximate, 15' Sewer & Drainage Easements will be provided as required.
14. Existing storm lines will be located by survey & a 15' Sewer & Drainage Easmt. will be provided where existing and proposed storm & sewer lines cross proposed & existing property lines.



TRACT 6 DATA (PROPOSED RESTAURANT "A")

TRACT 6 AREA = 0.6± Ac. (26,345 SF)
EXISTING ZONING = C-1
FORM DISTRICT = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = COMMERCIAL
PROPOSED USE = RESTAURANT
F.A.R.: 11,000 SF/19,795 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 7 DATA (ENTRY TRACT)

TRACT 7 AREA = 2.4± Ac. (105,191 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = ROADWAY & PARKING
PROPOSED USE = ROADWAY & PARKING

TRACT 8 DATA (EXISTING OFFICE)

TRACT 8 AREA = 2.3± Ac. (99,539 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = OFFICE
PROPOSED USE = OFFICE
F.A.R.: 112,204 SF/99,539 SF
BUILDING HEIGHT = C-1 1.0 MAX. ALLOWED
C-2 5.0 MAX. ALLOWED
SEE PLAN (120' MAX. ALLOWED)

TRACT 9 DATA (PARKING)

TRACT 9 AREA = 2.3± Ac. (100,210 SF)
EXISTING ZONING = TOWN CENTER (TRADITIONAL FORM DISTRICT)
EXISTING USE = COMMERCIAL
PROPOSED USE = PARKING

REVISIONS table with columns: NO., DATE, DESCRIPTION, BY.

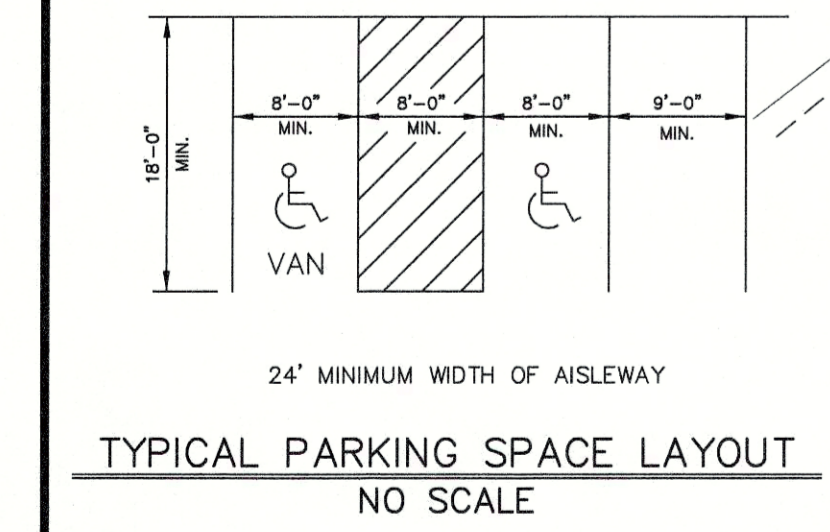
PROJECT DATA table with fields: FILE NAME, DATE, CHECKED BY, DRAWN BY.

PROJECT DATA table with fields: SCALE, CHECKED BY, DRAWN BY.

LD&D LAND DESIGN & DEVELOPMENT, INC. logo and contact information.

HURSTBOURNE TOWN CENTER VIKING PARTNERS HURSTBOURNE 4901 HUNT ROAD STE 102 CINCINNATI, OH 45242

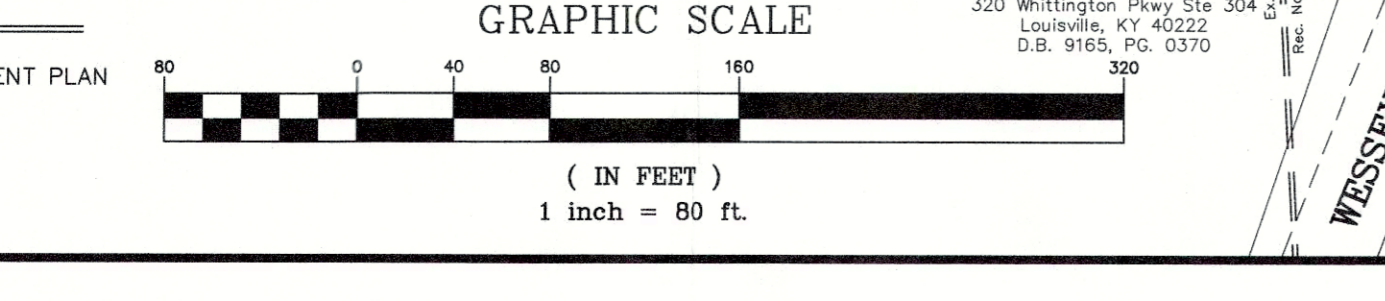
PRELIMINARY APPROVAL stamp with signature and date.



MSD STANDARD EROSION CONTROLS table listing various control measures like stone bag check dam, winged headwall inlet protection, etc.

LEGEND table defining symbols for RDDDP, existing sanitary sewer, existing catch basin, proposed sanitary sewer, and proposed storm sewer.

TREE CANOPY CALCULATIONS table showing total site area, existing tree canopy, and proposed tree canopy.



PRELIMINARY APPROVAL DEVELOPMENT PLAN CONDITIONS stamp with signature and date.

RECEIVED stamp dated JUN 13 2018.

JOB NO. 16233 SHEET 1 OF 2

**CITY OF HURSTBOURNE
MUNICIPAL ORDER 18-26
A MUNICIPAL ORDER RELATING TO THE APPROVAL OF A DETAILED
DISTRICT DEVELOPMENT PLAN ON A PROPERTY LOCATED AT 101
WHITTINGTON PARKWAY CONTAINING 28 ACRES AND BEING IN THE CITY OF
HURSTBOURNE (CASE NO. 17DEVPLAN1127)**

WHEREAS, the City Commission of the City of Hurstbourne has received and reviewed the findings and recommendations made by the Louisville Metro Planning Commission meeting April 5th, 2018,

WHEREAS, the Planning Commission recommended to the City Commission of the City of Hurstbourne that the Applicant's request to approve a Detailed District Development Plan on property located at 101 Whittington Parkway be approved, subject to certain agreed upon Binding Elements in Case No. 17DEVPLAN1127, and,

WHEREAS, the owners of the property herein described have agreed to certain Binding Elements on said property, which are conditions of approval and are set out fully herein,

BE IT ORDAINED BY THE CITY OF HURSTBOURNE:

Section 1: That subject to full compliance with the restrictions contained in all the Binding Elements placed on this site in Section 2 herein, the requested Detailed District Development Plan on property known as 101 Whittington Parkway (that property being more particularly described as a 28 acre tract with legal description as set out in the Planning Commission record of Case Number 17DEVPLAN11270), **BE AND HEREBY IS APPROVED**, subject to the agreed upon Binding Elements set out in Section 2 herein. Further, the City of Hurstbourne Commission does hereby specifically adopt in full (incorporated as if set out in full herein) the Findings set out in the record of Case Number 17DEVPLAN1127, supporting the application.

Section 2: The following shall be Binding Elements which shall be applicable and enforceable concerning the future use of the real property described in Section 1 of this Municipal Order:

Case Number 17DEVPLAN 1127

1. The development shall be in accordance with the approved Detailed 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), or the Detailed District Development Plan, shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Hurstbourne Parkway or Shelbyville Road.
3. There shall be no street parking marked, constructed, or allowed, on Whittington

Parkway and the Detailed District Development Plan shall be revised to remove the street parking that it shows on Whittington Parkway.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit, or demolition permit) is requested for each tract:
 - a. The property owner/developer must obtain approval from Louisville Metro and from the City of Hurstbourne of a detailed plan for screening (buffering/landscaping) as described in Chapter 10.
 - b. A subdivision plat creating the tracts as shown on the approved district development plan shall be recorded, excluding clearing and grading, site disturbance, alteration, or demolition permits.
 - c. Renderings of each building shall be provided to Planning and Design Services and the City of Hurstbourne for review and approval and incorporated into the case file, excluding the renderings for the apartment project on Tract 1, which shall be substantially similar to those presented to the Planning Commission and the City of Hurstbourne in connection herewith.
 - d. A cross access and shared parking agreement shall be recorded for all tracts as shown on the approved detailed district development plan. A blanket cross parking and access easement shall satisfy this requirement.
 - e. The applicant shall receive the approval of MSD that its construction plans comply with current drainage requirements.
5. Except as otherwise permitted by the City of Hurstbourne Sign Ordinance, no outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted. All signs must be in compliance with City of Hurstbourne ordinances and applicant must obtain City of Hurstbourne sign permits for any signage.
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 and the City of Hurstbourne.
7. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The applicant shall provide documentation to Planning and Design Services staff for incorporation into the case file showing that the development complies with the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
9. The applicant, its successors and assigns, shall maintain the apartments and site in a high

- state of repair, including, but not limited to:
- a. Maintenance of exterior finishes, no peeling paint, broken or non-functioning light fixtures, holes in the exterior, windows, and stairways in good condition.
 - b. Maintenance of grounds, including regular mowing, landscape upkeep and replacement of any plant material which might die, sidewalks repaired, exterior light kept functioning, common areas picked up and kept clean.
 - c. Maintenance of parking and all interior access roads, no significant pavement degradation allowed, no abandoned cars allowed to remain in parking area, snow removal, keeping any signage painted and well kept.
10. The applicant, its successors and assigns, shall develop a set of rules and regulations for the residents of the apartments, to help insure that the structures and grounds remain in a high state of repair and provide those rules to the City of Hurstbourne.
 11. The applicant, its successors and assigns, agree that during the construction phase, the site shall be kept mowed and picked up, to the greatest extent possible, given the necessities of the construction operations. Construction vehicles shall not cut through Hurstbourne local access streets and shall be directed to access the site through Whittington Parkway.
 12. The applicant, developer and 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. The applicant agrees that the City of Hurstbourne may also enforce these binding elements along with Louisville Metro.

Section 3: This Municipal Order shall take effect upon its passage and approval as required by law.

