Case No. 22-ZONE-0075 Binding Elements (March 30, 2023 public hearing)

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** 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. 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.
- 3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Prior to Certificate of Occupancy, the applicant shall file an application seeking designation of the Basil Doerhoefer House as an individual landmark
 - 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 shared parking, access and crossover agreement in a form acceptable to Planning Commission legal counsel shall be created between the sites and recorded. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services prior to requesting a certificate of occupancy.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 4. 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.

- 5. 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.
- 6. The development shall be in accordance with a Certificate of Appropriateness approved by the Historic Landmarks and Preservation District Commission and/or Historic Preservation Staff. The development shall follow all associated Conditions of Approval.

- ALL DUMPSTERS AND SERVICE STRUCTURES ARE TO BE SCREENED PER CHAPTER 10.
- ANY PROPOSED LIGHTING TO NOT SURPASS 0.5 FOOT CANDLES PAST THE PROPERTY LINE, PER CODE. SITE LIGHTING SHOULD NOT SHINE IN THE EYES OF DRIVERS. IF IT DOES, IT SHOULD BE RE-AIMED, SHIELDED, OR
- TURNED OFF.
- THE DEVELOPER WILL BE RESPONSIBLE FOR ANY UTILITY RELOCATION COMPLETED ON THIS PROPERTY THE LOUISVILLE WATER COMPANY WILL PROVIDE DOMESTIC WATER TO THE SITE. THE EXPENSES FOR ANY IMPROVEMENTS REQUIRED TO PROVIDE SERVICE TO THE SITE WILL BE THE RESPONSIBILITY OF THE
- OWNER/DEVELOPER.
- AN ENCROACHMENT PERMIT AND BOND WILL BE REQUIRED FOR ALL WORK DONE IN THE RIGHT-OF-WAY. CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED METRO PUBLIC WORKS PRIOR TO CONSTRUCTION
- COMPATIBLE UTILITIES, IF NEEDED, SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- SIGNAGE TO COMPLY WITH LOCAL ZONING REQUIREMENTS CONSTRUCTION PLANS AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY
- AND FEDERAL ORDINANCES. EXISTING SIDEWALK RECONSTRUCTION AND REPAIRS SHALL BE REQUIRED, AS NECESSARY, TO MEET CURRENT

METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS AND OTHER LOCAL, STATE,

- MPW STANDARDS AND SHALL BE INSPECTED PRIOR TO FINAL BOND RELEASE. ALL NEW AND EXISTING SIDEWALKS SHALL EITHER BE BROUGHT UP TO OR BUILT TO CURRENT ADA STANDARDS.
- 15. ALL CONSTRUCTION AND SALES TRAILERS MUST BE PERMITTED BY THE DEPARTMENT OF PUBLIC HEALTH AND WELLNESS IN ACCORDANCE WITH CHAPTER 115 OF LOUISVILLE JEFFERSON COUNTY METRO ORDINANCES.
- 6. MOSQUITO CONTROL SHALL BE IN ACCORDANCE WITH CHAPTER 96 OF LOUISVILLE JEFFERSON COUNTY METRO
- PLANS MUST BE SUBMITTED TO THE HEALTH DEPARTMENT PRIOR TO CONSTRUCTION.
- 8. EXISTING PROPERTY LINE BETWEEN THE TWO SUBJECT PROPERTIES IS TO BE REMOVED AND THE PROPERTIES CONSOLIDATED INTO ONE PROPERTY. CURRENTLY BOTH PROPERTIES ARE OWNED BY THE SAME ENTITY. NO CONSTRUCTION ACTIVITY WILL BE COMPLETED PRIOR TO A REVISED PLAT BEING COMPLETED.
- 9. UPON APPROVAL OF THE ZONING CHANGE, A CROSSOVER ACCESS AGREEMENT WILL BE RECORDED BETWEEN THE TRHEE PARCELS CONCURRENT WITH THE CREATION OF THE PLAT CREATING SAID PARCELS.

- THE SITE IS LABELED AS ZONE "X" WITHIN THE 100-YEAR FLOODPLAIN AND IS BEING PROTECTED FROM THE 1 PERCENT-ANNUAL-CHANCE OR GREATER FLOOD HAZARD BY A LEVEE SYSTEM PER FIRM MAPS No. 21111C0023F & 21111C0039F, DATED FEBRUARY 26TH, 2021.
- DRAINAGE PATTERN DEPICTED BY ARROW () 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 REQUIREMENTS.
- THERE ARE NO WETLANDS OR FLOODPLAIN RECORDED ON THIS PROPERTY SANITARY SEWER SERVICE WILL BE PROVIDED BY PROPERTY SERVICE CONNECTION. WASTE WATER TREATMENT PROVIDED BY MORRIS FORMAN TREATMENT PLANT.
- EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES ON SITE. ALL
- DISTURBED AREAS NOT INDICATED TO RECEIVE A SPECIFIC SURFACE TREATMENT WILL BE SEEDED. AN EPSC PLAN SHALL BE DEVELOPED AND APPROVED IN ACCORDANCE WITH MSD DESIGN MANUAL AND STANDARD
- SPECIFICATIONS PRIOR TO CONSTRUCTION PLAN APPROVAL. NO NEW SANITARY CONNECTIONS ARE PROPOSED WITH THIS DEVELOPMENT. SANITARY SEWER SERVICE TO BE
- PROVIDED BY EXISTING 6" PSC'S. 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 SIZING OF GREEN BEST MANAGEMENT
- SITE DISCHARGES INTO THE COMBINED SANITARY SEWER SYSTEM AND SHALL LIMIT THE 100-YEAR POST DEVELOPED DISCHARGE TO THE 10-YEAR PRE-DEVELOPED DISCHARGE PER SECTION 10.3.1.2 OF THE MSD DESIGN MANUAL. PRE-DEVELOPED DRAINAGE AREA AND FLOW RATE TO BE EVALUATED AND DOWNSTREAM CAPACITY TO BE VERIFIED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
- 10. UNDERGROUND DETENTION BASIN MUST MEET THE REQUIREMENTS OF SECTION 10.3.8.4 OF MSD'S DESIGN 1. KYTC APPROVAL MAY BE REQUIRED PRIOR TO MSD CONSTRUCTION.
- 2. SITE MUST UTILIZE THE EXISTING ONSITE PSC'S TO TIE INTO THE 126" SEWER LINE. STORM CONNECTION AND
- SANITARY SEWER CONNECTION SHALL CONNECT SEPARATELY. PSC'S SHALL BE FIELD LOCATED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.

EROSION PREVENTION & SEDIMENT CONTROL NOTES

CONSTRUCTION PLANS AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS AS WELL AS OTHER LOCAL, STATE, AND FEDERAL

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.

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

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 THROUGH THE USE OF SILT FENCE.

ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-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 PRACTICABLE, 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.

UTILITIES NOTE

ALL UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. INDIVIDUAL SERVICE LINES ARE NOT SHOWN. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER, "KENTUCKY 811" (TOLL FREE PHONE NO. 1-800-752-6007 OR LOCAL NO. 502-266-5123) FORTY EIGHT HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. THIS NUMBER WAS ESTABLISHED TO PROVIDE ACCURATE LOCATION SO EXISTING BELOW GROUND UTILITIES (I.E. CABLES, ELECTRIC WIRES, GAS AND WATERLINES). WHEN CONTRACTING THE "KENTUCKY 811" CALL CENTER, PLEASE STATE THAT THE WORK TO BE DONE IS FOR A PROPOSED MSD SEWER OR DRAINAGE FACILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UTILITY REQUIREMENTS SET FORTH ON THE PLANS IN THE TECHNICAL SPECIFICATIONS AND SPECIAL PROVISIONS.

STORMWATER CALCULATIONS

TOTAL SITE AREA	. 191,034 SF, OR 4.39 AC
TOTAL SITE DISTURBANCE	46,900 SF, OR 1.08 AC
EXISTING IMPERVIOUS SURFACE (WHOLE SITE)	101,475 SF
PROPOSED IMPERVIOUS SURFACE (WHOLE SITE)	123,969 S
NET CHANGE IN IMPERVIOUS	SF, OR 22.17% INCREASI

TREE CANOPY REQUIREMENTS

NO TREE CANOPY IS REQUIRED PER LDC TABLE 10.1.1, AS THIS SITE IS LOCATED IN A TRADITIONAL FORM DISTRICT.

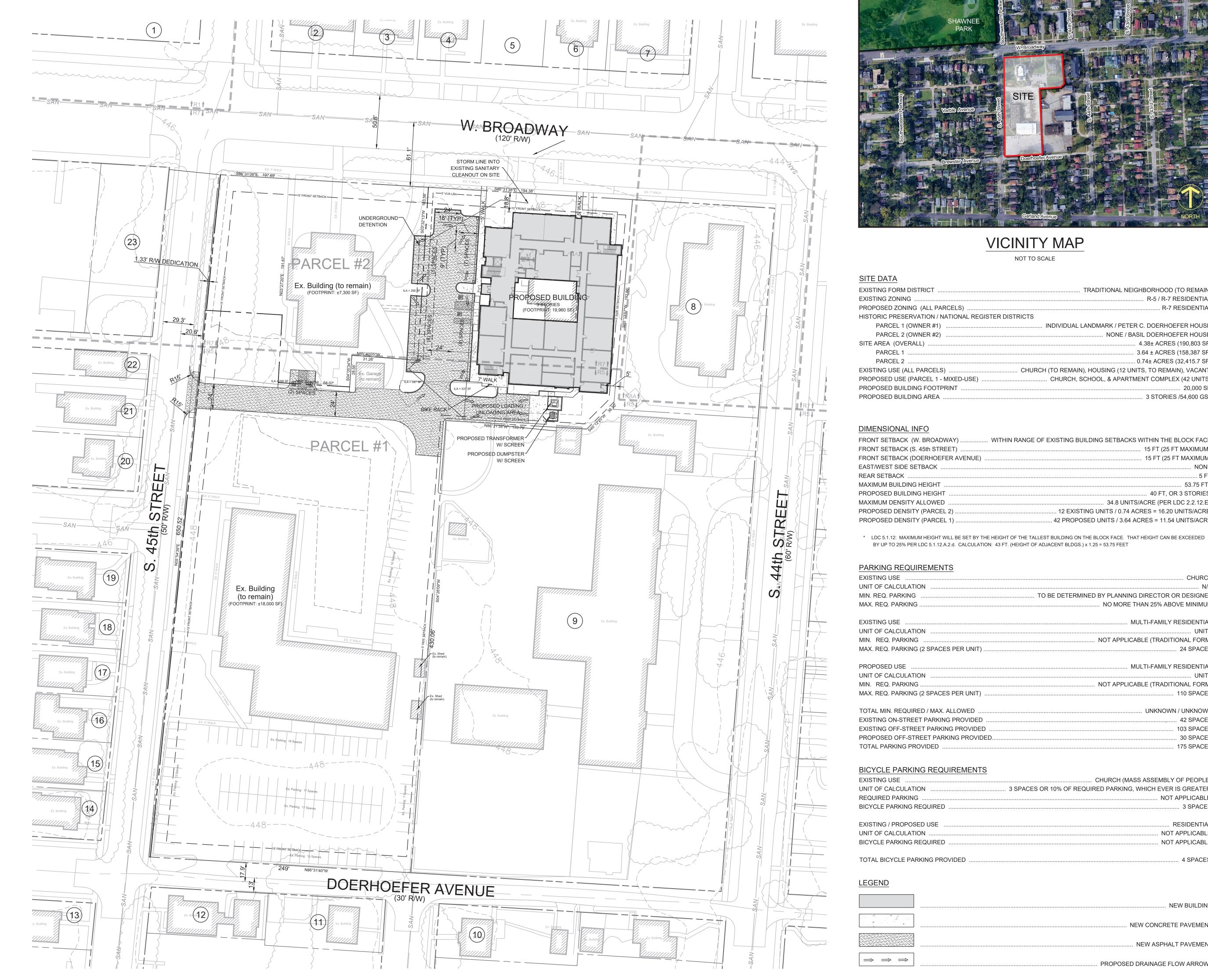
LANDSCAPE REQUIREMENTS

- 1	LANDSCAFE REQUIREMENTS	
1	APPLICABILITY	SEE LDC 10.2.2.A.2
1	PERIMETER LANDSCAPE BUFFERS	NONE*
1	VEHICLE USE AREA	
1	REQUIRED BUFFER	5 FT
1	INTERIOR LANDSCAPE AREAS (ILA'S) REQUIRED	5% (978 SF)
1	ILA'S PROVIDED	
1	ILA TREES REQUIRED	5 MEDIUM OR LARGE TREES
1	STREET TREES REQUIRED (200' FRONTAGE ON BROADWAY)	4 LARGE TREES**

NO BUFFER IS REQUIRED BETWEEN R7 & R5 PER LDC 10.2.4.B.5. THE USE ON THE ADJACENT R5 PROPERTY IS A CHURCH.

** 4 EXISTING TREES ALREADY EXIST IN THIS VICINITY.

WAIVER REQUESTS 1. A LANDSCAPE WAIVER IS REQUESTED TO NOT PROVIDE THE REQUIRED VUA LANDSCAPE BUFFER AREA TO SCREEN THE VUA FROM THE ADJACENT PARCEL LOCATED TO THE SOUTHEAST OF PARCEL 1.



1	ADDRESS:	008K00020000 Louisville Metro Parks 4501 W. Broadway Not Available TN / R1	2		006D00550000 B&T Express LLC 695 Southwestern Parkway 8372 / 595 TN / R7	(
7	PARCEL: OWNER: ADDRESS:	006D00600000 West End Church of Christ 4401 W. Broadway	8	OWNER:	043B01220000 Housing Partnership Inc. 700 S. 44th Street	(

(19) OWNER: Jerome & Teresa Perry (20) OWNER: Patrick Caldwell

1st TIER ADJOINING PROPERTY OWNERS

DB / PG: Not Available

ZONING: TN / R7

PARCEL: 043B00170000 OWNER: Robert English

ZONING: TN / R5

DB / PG: 10631 / 345

PARCEL: 043B00630000

DB / PG: 7212 / 138

ZONING: TN / R5

ADDRESS: 800 S. 45th Street

ADDRESS: 722 S. 45th Street

301220000 sing Partnership Inc. ADDRESS: 700 S. 44th Street DB / PG: 11080 / 124 ZONING: TN / R8A

PARCEL: 043B00580000

DB / PG: 5438 / 69

ZONING: TN / R5

PARCEL: 043B00740000

DB / PG: 10981 / 280

ZONING: TN / R5

(14) OWNER: Clarence Calloway II

ADDRESS: 732 S. 45th Street

ADDRESS: 720 S. 45th Street

PARCEL: 043B01230000 (9) OWNER: Roman Catholic Bishop of Louisville ADDRESS: 718 S. 44th Street DB / PG: Not Available ZONING: TN / R5 PARCEL: 043B00590000 (15) OWNER: Christopher Wallace ADDRESS: 730 S. 45th Street

DB / PG: 8777 / 972

ZONING: TN / R5

PARCEL: 043B00750000 OWNER: John Anderson

DB / PG: 9209 / 682

ZONING: TN / R5

ADDRESS: 718 S. 45th Street

PARCEL: 006D00560000

DB / PG: 4691 / 278

ADDRESS: 4419 W. Broadway

(3) OWNER: James Medlin Jr.

ZONING: TN / R7 ZONING: TN / R7 > PARCEL: 043B00900000 10) OWNER: Gregory Crowe ADDRESS: 741 Loretto Avenue DB / PG: 9939 / 931

ZONING: TN / R5 PARCEL: 043B00600000 (16) OWNER: Astron Hardin ADDRESS: 728 S. 45th Street DB / PG: 6782 / 276 ZONING: TN / R5 PARCEL: 043B00760000

PARCEL: 006D000570000

DB / PG: 12275 / 170

(22) OWNER: All World Kentucky

DB / PG: 10686 / 260

ZONING: TN / R5

ADDRESS: 716 S. 45th Street

Hospitality LLC

ADDRESS: 4413 W. Broadway

PARCEL: 043B00290000 (11) OWNER: Equity Trust Company Custodian FOB O ADDRESS: 742 Loretto Avenue DB / PG: 11006 / 689 ZONING: TN / R5

PARCEL: 043B00610000 (17) OWNER: Kisha Calloway ADDRESS: 726 S. 45th Street DB / PG: 11079 / 634 ZONING: TN / R5

PARCEL: 043B00870000

DB / PG: 5043 / 627

ZONING: TN / R7

(23) OWNER: William & Margaret Mitchell

ADDRESS: 4500 W. Broadway

PARCEL: 006D00580000

DB / PG: 6577 / 412

ZONING: TN / R7

ADDRESS: 4411 W. Broadway

PARCEL: 043B00620000 (18) OWNER: Cynthia Brooks ADDRESS: 724 S. 45th Street DB / PG: 6149 / 456 ZONING: TN / R5

4 OWNER: 4413 Revocable Living Trust 5 OWNER: West End Church of Christ 6 OWNER: Aaron Cole ADDRESS: 4409 W. Broadway DB / PG: 8117 / 774 ZONING: TN / R7 PARCEL: 043B00250000 (12) OWNER: Hazel Calloway

ADDRESS: 801 S. 45th Street DB / PG: 7392 / 938 OWNER #1 ZONING: TN / R5 CHRIST TEMPLE APOSTOLIC CHURCH INC. 723 S. 45th STREET LOUISVILLE, KY 40211

> SOURCE OF TITLE PARCEL 043B01100000 DB 4725 / PG 705

NORTH

DEVELOPER BWI, LLC 1630 N. MERIDIAN STREET, SUITE 350 INDIANAPOLIS, IN 46202

Renaissance on Broadway

GRAPHIC SCALE SUPERCEDES NUMERIC SCALE

GRAPHIC SCALE

DEVELOPMENT PLAN

VICINITY MAP

NOT TO SCALE

TRADITIONAL NEIGHBORHOOD (TO REMAIN)

NONE / BASIL DOERHOEFER HOUSE

INDIVIDUAL LANDMARK / PETER C. DOERHOEFER HOUSE

CHURCH, SCHOOL, & APARTMENT COMPLEX (42 UNITS)

CHURCH (TO REMAIN), HOUSING (12 UNITS, TO REMAIN), VACANT

WITHIN RANGE OF EXISTING BUILDING SETBACKS WITHIN THE BLOCK FACE

R-5 / R-7 RESIDENTIAL

4.38± ACRES (190,803 SF)

3.64 ± ACRES (158,387 SF)

. 0.74± ACRES (32,415.7 SF)

3 STORIES /54,600 GSF

15 FT (25 FT MAXIMUM)

15 FT (25 FT MAXIMUM

40 FT, OR 3 STORIES

34.8 UNITS/ACRE (PER LDC 2.2.12.E)

NO MORE THAN 25% ABOVE MINIMUM

NOT APPLICABLE (TRADITIONAL FORM)

NOT APPLICABLE (TRADITIONAL FORM)

CHURCH (MASS ASSEMBLY OF PEOPLE)

3 SPACES OR 10% OF REQUIRED PARKING, WHICH EVER IS GREATER

MULTI-FAMILY RESIDENTIAL

MULTI-FAMILY RESIDENTIAL

UNKNOWN / UNKNOWN

24 SPACES

110 SPACES

42 SPACES

103 SPACES

30 SPACES

175 SPACES

NOT APPLICABLE

NOT APPLICABLE

NOT APPLICABLE

3 SPACES

RESIDENTIAL

4 SPACES

NEW BUILDING

NEW CONCRETE PAVEMENT

PROPOSED DRAINAGE FLOW ARROWS

NEW ASPHALT PAVEMENT

. 12 EXISTING UNITS / 0.74 ACRES = 16.20 UNITS/ACRE

.. 42 PROPOSED UNITS / 3.64 ACRES = 11.54 UNITS/ACRE

TO BE DETERMINED BY PLANNING DIRECTOR OR DESIGNEE

R-7 RESIDENTIAL

SITE ADDRESS 4440 & 4422 W. BROADWAY LOUISVILLE, KY 40211

CHRIST TEMPLE CHRISTIAN LIFE CENTER 723 S. 45th STREET LOUISVILLE, KY 40211

> PARCEL 043B01190000 DB 10899 / PG 406 22-ZONE-0075

SOURCE OF TITLE

WM# 124444

SCALE SHOWN TO ENSURE REPRODUCTION ACCURACY

OWNER #2

2022.021 CRP MDG 05/27/2022

DEVELOPMENT PLAN DP-101