

## Case No. 22-ZONE-0012 Binding Elements

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan with 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 for review and approval; any changes/additions/alterations not so referred shall not be valid. The Planning Commission shall be the only body which can review and approve any changes to the binding elements.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the S Hurstbourne Parkway right-of-way.
  - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Such plan shall include, at a minimum, the screening plan for the parkway buffer and building setback encroachments as shown at the November 14, 2022 Planning Commission hearing and located in the case file as Exhibit A.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the site to the south and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and

Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

- f. The materials and design of proposed structures shall be reviewed and approved by the Planning Commission or a committee thereof.
5. 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.
6. 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.
7. A qualified geotechnical consultant's services be retained during construction to call if/when sinkholes are encountered. Care shall be taken during earthwork to investigate and properly remediate potential sinkholes, per the geotechnical engineer's recommendations.
8. Development shall be limited to 199 units until such time as an ungated connection to Bardstown Road through the site at 4900 S Hurstbourne Parkway, is provided. The 199-unit limit shall be shared between the properties described under 22-ZONE-0012 and 22-ZONE-0076.
9. Applicant shall install a 3 ft hedge at end of drive aisle/parking lot at the southwest corner of the development as shown at the January 17, 2023 Planning Commission Public Hearing.
10. Applicant shall construct a 3 ft berm with 6 ft privacy fence along the west property line and Laurel Springs Drive property line, as shown on the January 17, 2023 Planning Commission Public Hearing. Developer/property owner shall maintain the fence in good repair, with any necessary repair or maintenance performed within 30 days of notice that repair or maintenance is needed. The privacy fencing shall be vinyl or wood with a finished side facing out.
11. All property owners within 500 ft of a proposed blasting location shall be notified 30-days before any blasting operation occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided with copies of all materials resulting from that survey, including any photos and/or

videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.

12. Applicant shall preserve the existing fencing and vegetation on Laurel Spring Dr. as shown at the January 17, 2023 Planning Commission Public Hearing.

13. The proposed connection to Laurel Springs Drive shall have an emergency access gate for emergency services and shall not be for resident access. Laurel Springs Drive access shall not be used as a construction entrance. Emergency access shall be coordinated with all responsible emergency service providers and approved by the responsible providers.

14. Lighting:

- a. All exterior lighting, whether freestanding or attached to any structure, including street lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground.
- b. No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin.
- c. No parking lot light fixtures shall be more than fourteen feet high, measured from ground level.



- GENERAL NOTES:**
- 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/DEVELOPER'S EXPENSE.
  - 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.
  - PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERRECTED 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 IN THE PROTECTED AREA.
  - A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED AS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
  - THE DEVELOPMENT LIES IN THE EFFERSON TOWN DISTRICT.
  - ALL LUMINAIRES SHALL BE AIDED, DIRECTED OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROJECTED OPEN SPACES (IE. 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.
  - ALL SUMMER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
  - BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.6 OF THE LDC.
  - ALL INTERIOR SIDEWALKS THAT ABUT PARKING TO BE FIVE (5) FEET WIDE MINIMUM.
  - MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.
  - ALL EXISTING STRUCTURES AND EXISTING ENTRANCES SHALL BE REMOVED, EXCEPT AS NOTED ON THE PLAN (TBR).
  - STREET TREES REQUIRED IN ALL RIGHTS OF WAY. LOCATION AND TYPE TO BE SHOWN ON THE LANDSCAPE PLAN.
  - IN ACCORDANCE WITH CHAPTER 4.9 OF THE LDC, A FULL KARST SURVEY WAS PERFORMED BY SUE GONNETT ON 1/31/22 AND KARST TOPOGRAPHY WAS FOUND. FEATURES ARE MARKED ON THE PLAN.

- MSD NOTES:**
- CONSTRUCTION PLANS & DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND EFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS.
  - WASTEWATER: SANITARY SEWER WILL CONNECT TO THE DEREK R. GUTHRIE WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
  - DRAINAGE/STORMWATER DETENTION: 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, WHICHEVER IS MORE RESTRICTIVE. CAPACITY UNDER WALNUT HILLS DRIVE TO BE VERIFIED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
  - EROSION AND 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.
  - NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING (2111C0079P).
  - THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
  - MSD DRAINAGE BOND REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL. DOWNSPOUTS FROM ALL BUILDINGS ADJACENT TO THE SOUTHERN AND WESTERN PROPERTY LINE SHALL BE TIED INTO PROPOSED STORM SYSTEM AND/OR SPASH ONTO THE PAVEMENT IN A MANNER THAT IT WILL DRAIN INTO THE PROPOSED DRAINAGE SYSTEM. POINT DISCHARGES TO THESE PROPERTY LINES WILL NOT BE PERMITTED.
  - STORMWATER VELOCITY DISSIPATION MAY BE REQUIRED UPON MSD CONSTRUCTION PLAN REVIEW.
  - BUILDINGS 8 & 9 SHALL HAVE INDIVIDUAL SANITARY SEWER PUMP FOR ALL LOWER FLOOR UNITS.

- DETENTION CALCULATIONS:**
- 2.9/12 (TYPICAL "C" - "D" ("AREES") = XX AC-FT  
 2.9/12 (0.85-0.25)(19.71 AC) = 2.85 AC-FT  
 3.4 AC-FT PROVIDED

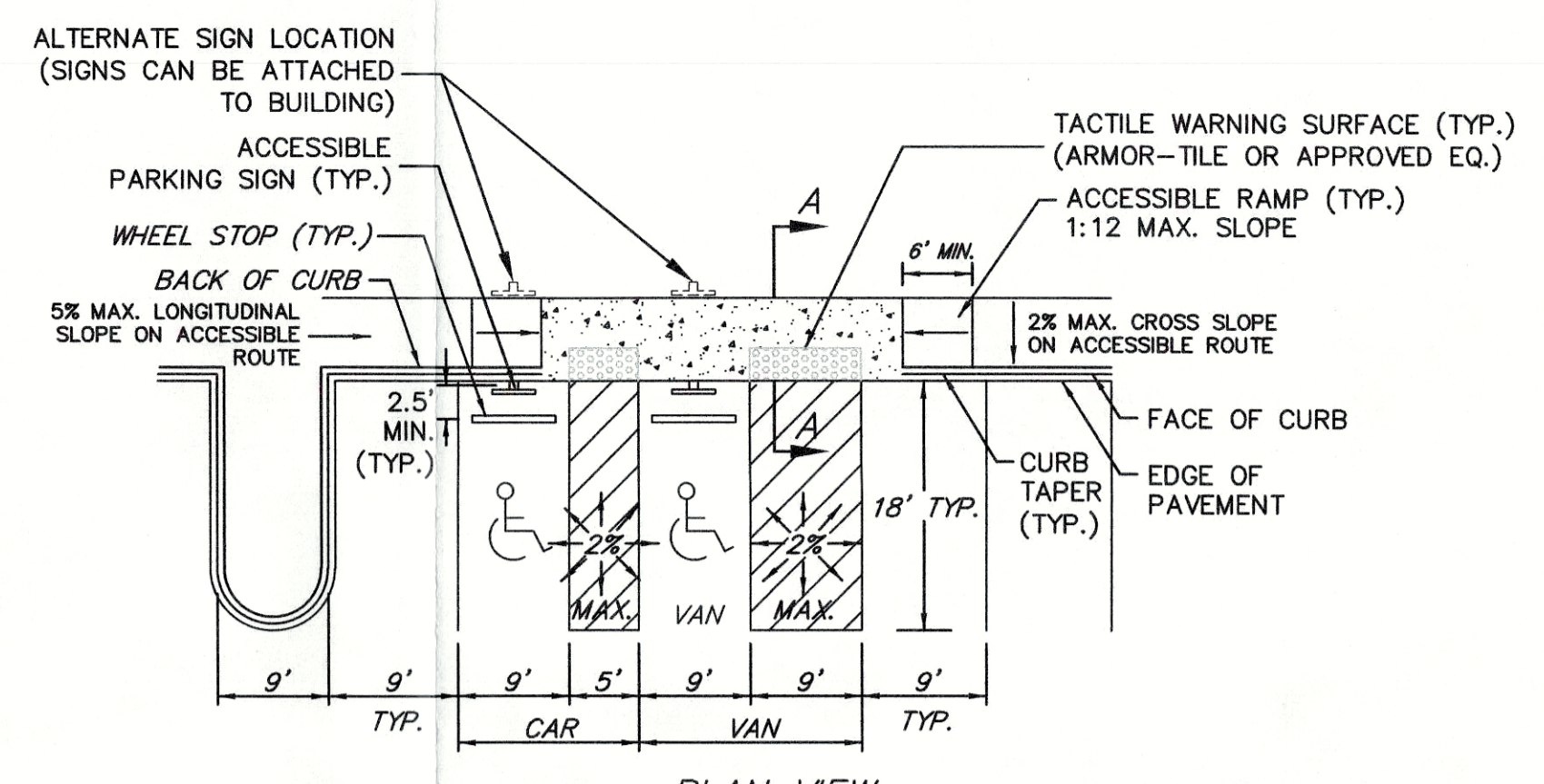
**PUBLIC WORKS AND KTC NOTES:**

- RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO SITE CONSTRUCTION APPROVAL BY PUBLIC WORKS OR WITH ASSOCIATED RECORD PLAT AS REQUIRED BY METRO PUBLIC WORKS.
- ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
- VOEGE AREA WITH PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER METRO PUBLIC WORKS.
- COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
- STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
- AN ENCROACHMENT PERMIT AND BOND MAY BE REQUIRED BY METRO PUBLIC WORKS FOR ROADWAY REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES.
- 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.
- THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY LOCATION ON THE PROPERTY.
- TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SIGHT DISTANCE AS REQUIRED PER METRO PUBLIC WORKS STANDARDS.
- ALL SIDEWALK RAMPERS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATION. THE "SPECIAL NOTE FOR DETECTABLE WARNING FOR SIDEWALK RAMPERS" PER KTC STANDARD DRAWING FOR SIDEWALKS AND PER "KENTUCKY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, SHALL BE IN PLACE.
- THERE SHALL BE NO INCREASE IN DRAINAGE RIGHT-OF-WAY TO THE RIGHT-OF-WAY. CALCULATIONS WILL BE REQUIRED FOR ANY BUMP TO THE STATE RIGHT-OF-WAY.
- THERE SHALL BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
- SITE LIGHTING SHALL NOT SHINE IN THE EYES OF DRIVERS. IF IT DOES, IT SHOULD BE RE-ANGLED, SHIELDED OR TURNED OFF.
- METRO WORKS BOND AND ENCROACHMENT PERMIT WILL BE REQUIRED FOR ALL WORK DONE WITHIN THE PUBLIC RIGHT-OF-WAY.
- FEE-IN-LIEU MAY BE UTILIZED NOT TO BUILD THE SIDEWALKS ALONG LAUREL SPRINGS DRIVE-AND WILL BE DETERMINED DURING THE CONSTRUCTION PLAN REVIEW.

- BENCHMARKS:**
- NOTE: ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM & WERE DERIVED FROM LOCAL BENCHMARKS BY MEANS OF GPS METHODS AND DIFFERENTIAL LEVELING.
- SOURCE BENCHMARK STA019-2001 NAVD 1988 ELEV. 656.39
- FROM THE INTERSECTION OF GONEMOND DRIVE AND KIRBY LANE, TRAVEL EAST ALONG KIRBY TO THE STATION ON THE RIGHT SET IN THE SOUTH CORNER OF A CONCRETE HEADWALL LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION.

**WAIVER REQUEST:**

- A WAIVER OF 10.3.5.A OF THE LDC IS REQUESTED TO ALLOW BUILDINGS #6 AND #7 TO ENDOACH INTO THE 75' PARKWAY SETBACK AND THE ROADWAY CONNECTION TO LAUREL SPRINGS DRIVE TO BE LOCATED IN THE 50' PARKWAY BUFFER.
- A WAIVER OF 4.9.5.B.1 OF THE LDC IS REQUESTED TO PERMIT PRINCIPAL RESIDENTIAL STRUCTURES OVER SINNHOLE COLLAPSE FEATURES.



**SITE DATA:**

FORM DISTRICT	NFD
EXISTING ZONING	R4
PROPOSED ZONING	R7
EXISTING LAND USE	SINGLE-FAMILY RESIDENTIAL
PROPOSED LAND USE	MULTI-FAMILY RESIDENTIAL
NET LAND AREA	19.70± AC.
NO. OF DWELLING UNITS	360
BUILDING HEIGHT (MAX. 45' AT SETBACK)	43' 11"
DENSITY (MAX. 34.8 D.U./AC.)	18.48 D.U./AC.
TOTAL BUILDING SQUARE FOOTAGE	175,364 S.F.
GROSS FLOOR AREA	514,400 S.F.
OPEN SPACE REQUIRED	84,855 S.F. (10%)
OPEN SPACE PROVIDED	87,763 S.F. (17%)
REC. OPEN SPACE REQUIRED	42,427 S.F. (5%)
REC. OPEN SPACE PROVIDED	55,719 S.F. (10%)
PARKING REQUIRED	360 SPACES
MIN. 1 SPACES/DU	720 SPACES
MAX. 2 SPACES/DU (NO ACC. SP)	628 SPACES
PARKING PROVIDED	612 SPACES
SURFACE SP	16 SPACES
ACCESSIBLE SP	16 SPACES
PARKING AREA RATIO	1.74 SP./UNIT

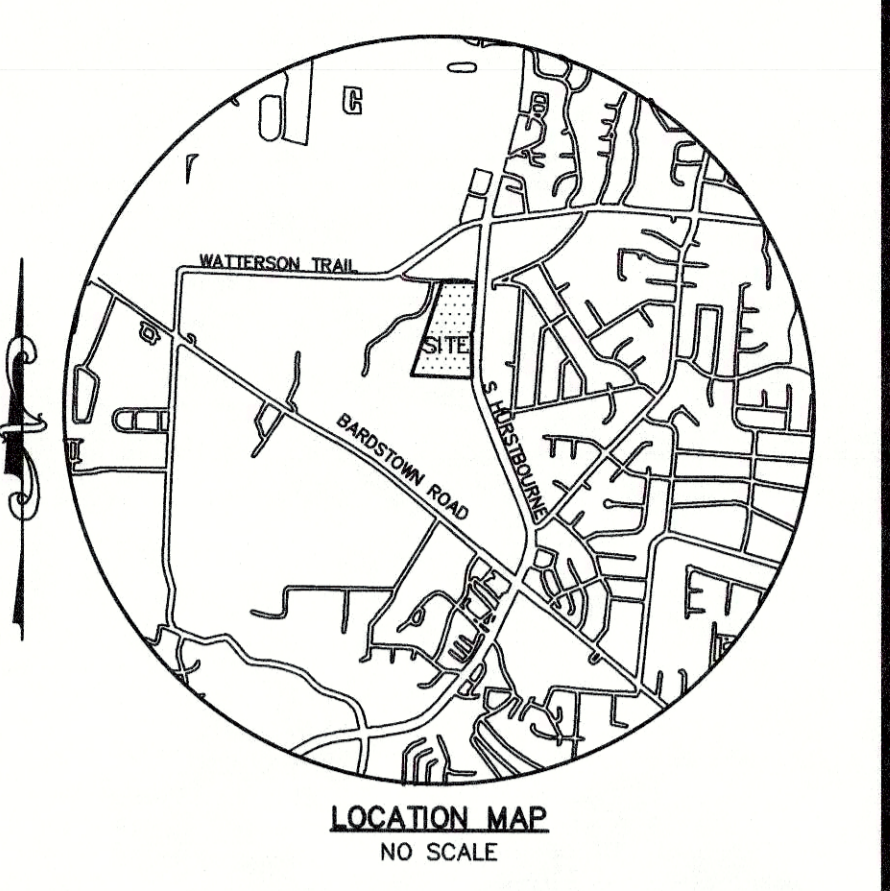
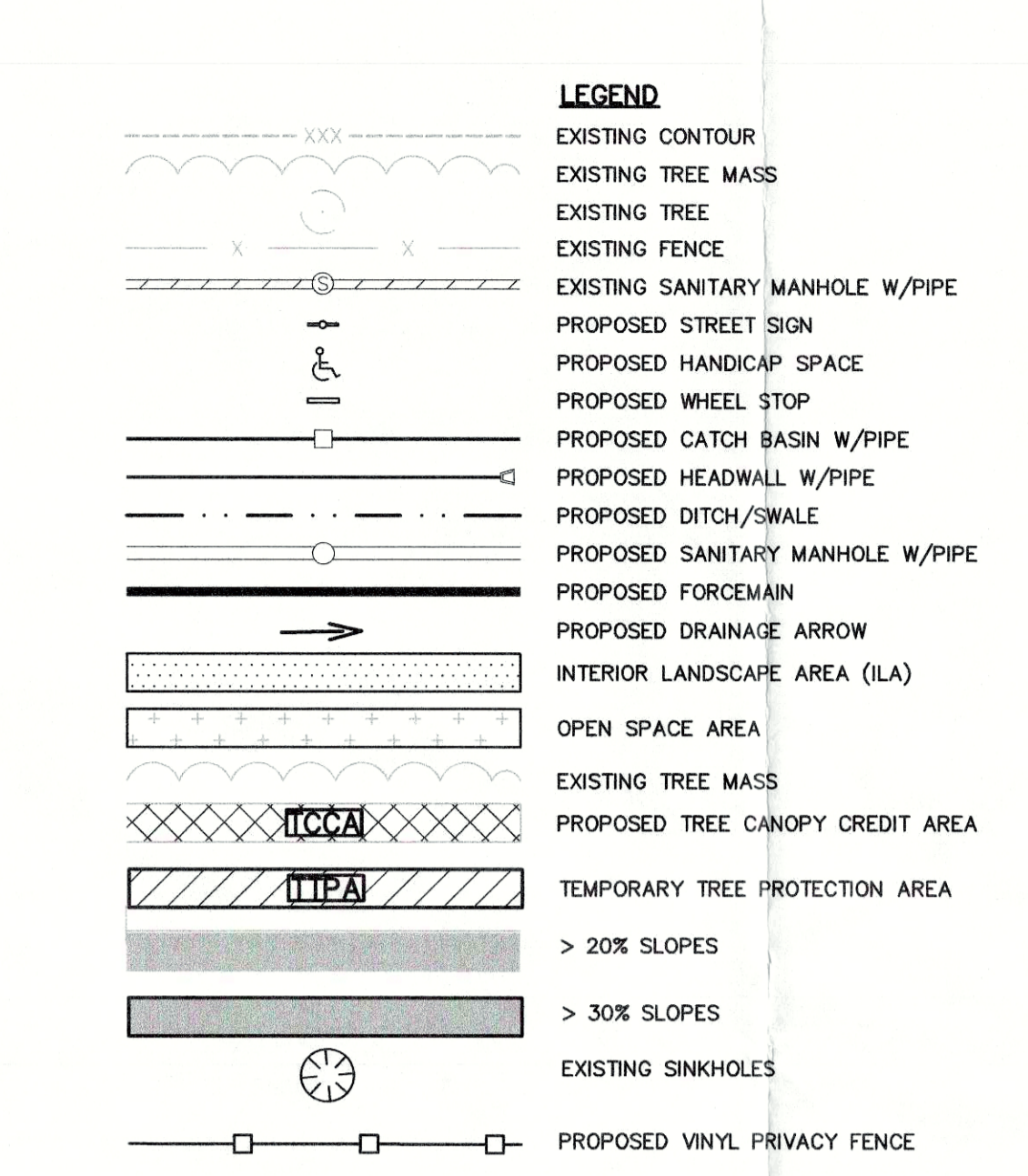
**LANDSCAPE DATA:**

V.L.A.	273,261± S.F.
L.L.A. REQUIRED (7.5% V.L.A.)	20,494± S.F.
L.L.A. PROVIDED	20,534± S.F.

**TREE CANOPY DATA:**

GROSS SITE AREA	19,704 ACRES
LAND USE	MULTI-FAMILY
EXISTING TREE CANOPY	83,954± S.F. (9.7%)
EXISTING TREE CANOPY TO BE PRESERVED	33,103± S.F. (3.8%)
TOTAL TREE CANOPY TO BE PLANTED	267,243± S.F. (32.2%)
TOTAL TREE CANOPY REQUIRED/PROVIDED	300,346± S.F. (35%)

\*TREE CANOPY DEPICTED ON PLAN PER MSD LOGIC MAPPING, AERIAL PHOTO OR FIELD SURVEY. TREE CANOPY CALCULATIONS BASED UPON TREE AREAS SHOWN.

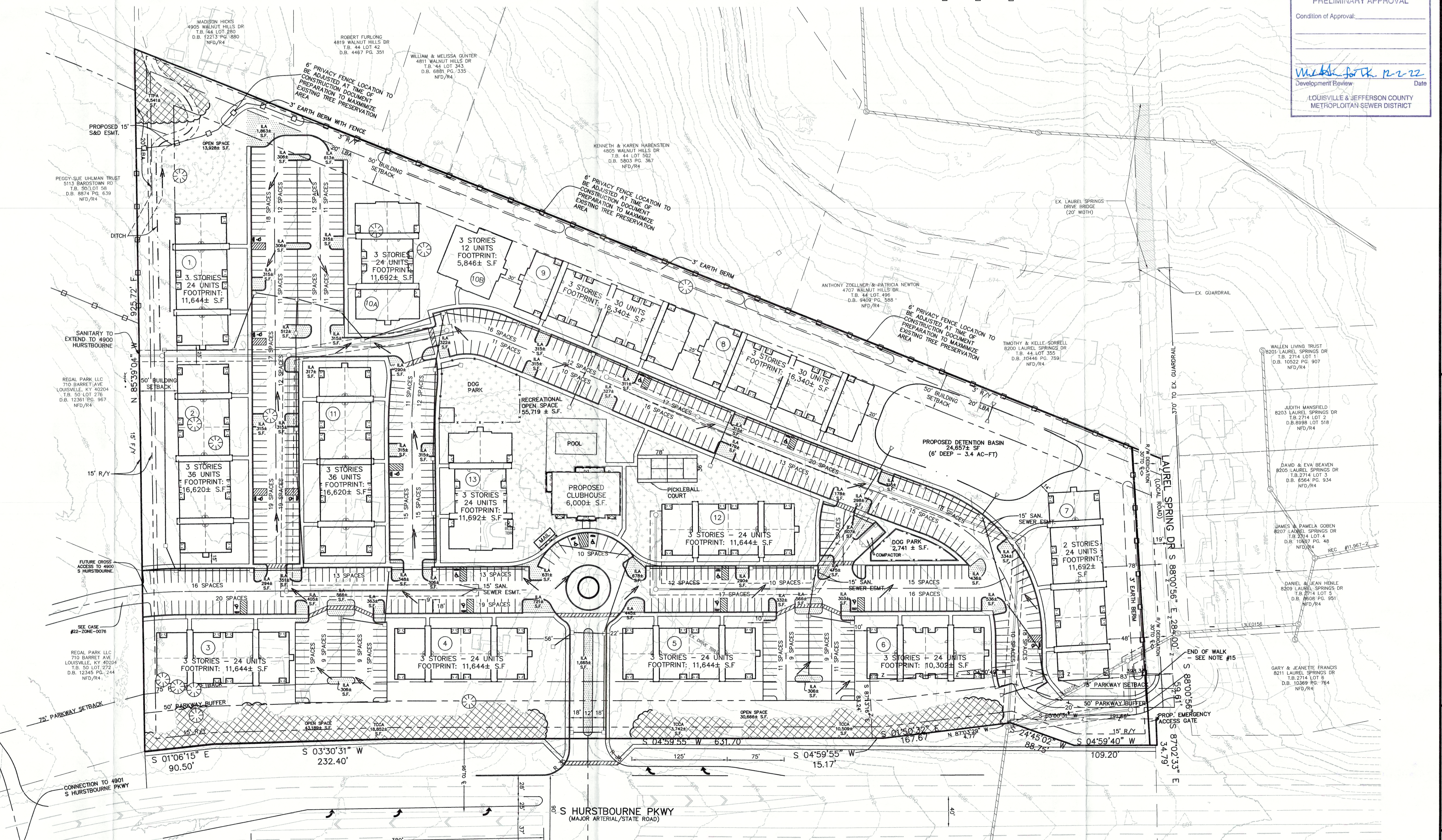


**PRELIMINARY APPROVAL**

Condition of Approval:

*Mark Roth 12/12/22*  
Development Review: \_\_\_\_\_ Date: \_\_\_\_\_

LOUISVILLE & EFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT



**PRELIMINARY APPROVAL**  
DEVELOPMENT PLAN  
CONDITIONS

BY: *Janet W. Dool*  
DATE: 12/15/22

LOUISVILLE & EFFERSON COUNTY  
METRO PUBLIC WORKS

**NOTICE**

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

METRO  
LOUISVILLE  
APPROVED DISTRICT DEVELOPMENT PLAN  
DOCKET NO. 22-Zone-002  
APPROVAL DATE: January 17, 2023  
EXPIRATION DATE:  
SIGNATURE OF PLANNING COMMISSION

**RECEIVED**

DEC 01 2022  
PLANNING & DESIGN SERVICES

CASE #22-ZONE-0012  
MSD WM #12397/ 22 1004

GRAPHIC SCALE 1"=60'

ALTERNATE PLAN # 2 DETAILED DISTRICT DEVELOPMENT PLAN  
**4700 S HURSTBOURNE PARKWAY**  
 4700 S HURSTBOURNE PARKWAY 40299  
 TAX BLOCK 44, LOT 38, 46B, & 513  
 DEED BOOK 12181, PAGE 779

3/14/22	PER AGENCY COMMENTS
4/14/22	PER AGENCY COMMENTS
5/14/22	PER AGENCY COMMENTS
6/14/22	PER AGENCY COMMENTS
7/14/22	PER AGENCY COMMENTS
8/14/22	PER AGENCY COMMENTS
9/14/22	PER AGENCY COMMENTS
10/14/22	PER AGENCY COMMENTS
11/14/22	PER AGENCY COMMENTS
12/14/22	PER AGENCY COMMENTS

Vertical Scale: N/A  
 Horizontal Scale: 1"=60'  
 Date: 12/20/2021  
 Job Number: 3862  
 Sheet  
**1**  
 of 1