ADJACENT PROPERTY OWNERS

21st CENTURY PARKS ENDOWMENT
11606 HICKORY BEND HOLLOW
T.B. 379 LOT 928

DAVID & OLIVIA MINDEL
11501 HICKORY BEND HOLLOW
T.B. 379 LOT 49

STEPHEN RUDOLPH
11503 ICKORY BEND HOLLOW
T.B. 379 LOT 50

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 56

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 57

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 58

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 59

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 60

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 61

KEVIN & HEATHER ROSEBERRY
11603 HICKORY BEND HOLLOW
T.B. 379 LOT 62

GERALD & LAURETTA MERCER
11605 HICKORY BEND HOLLOW
T.B. 379 LOT 63

MARK & TERRI HASS
11600 TRANQUILITY WAY
T.B. 379 LOT 68

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 69

21st CENTURY PARKS ENDOWMENT
471 W MAIN ST STE 202
T.B. 379 LOT 70

KENNETH & CAROLYN BREWER
11605 TRANQUILITY WAY
T.B. 379 LOT 71

MICHELE & BRADLEY MATTINGLY
12510 OAKLAND HILLS TRAIL
T.B. 379 LOT 72

MSD NOTES:

1. CONSTRUCTION PLAN AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICTS DESIGN MANUAL AND STANDARD SPECIFICATIONS.
2. WASTEWATER:
   SANITARY SEWER WILL CONNECT TO THE CEDAR CREEK WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
3. DRAINAGE/STORMWATER DETENTION:
   DEVELOPER SHALL USE A COMBINATION OF LOW IMPACT DEVELOPMENT PRACTICES, BIO-ENGINEERING FEATURES, STRUCTURAL DEVICES AND PRACTICES TO REDUCE ENVIRONMENTAL IMPACTS. ANY DETAINED VOLUMES WITH THESE DEVICES SHALL BE APPLIED TOWARDS MSD'S STORMWATER DETENTION REQUIREMENT VOLUME TO OFFSET REGIONAL FACILITY FEES. THESE FEATURES AND DEVICES MAY BE MODIFIED AS EACH SECTION IS DEVELOPED AND APPROVED BY MSD TO MAKE THE BEST USE OF IMPROVED TECHNOLOGIES.
4. 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.
5. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING (21111C0132E, 21111C0115E & 21111C0133E).
6. THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT EACH SECTIONS DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
7. A GEOTECHNICAL EVALUATION SHALL BE PERFORMED BY A GEOTECHNICAL ENGINEER PRIOR TO ANY MITIGATION OF EXISTING SINKHOLES AND THE APPROPRIATE DETAILS FOR REMEDIATION SHALL BE NOTED ON THE CONSTRUCTION PLANS.
8. AREAS ALONG OLD MANS RUN ARE IDENTIFIED AS POTENTIAL WATER QUALITY AND DETENTION COMPENSATION AREAS.
9. ALL NECESSARY RIGHTS FOR UTILITY PURPOSES SHALL BE RESERVED ON OPEN SPACE LOTS.
10. ACOE APPROVAL REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
11. IF SITE HAS THRU DRAINAGE AN EASEMENT PLAT SHALL BE REQUIRED PRIOR TO MSD GRANTING CONSTRUCTION PLAN APPROVAL.
12. MSD FLOODPLAIN PERMIT AND KDOW APPROVAL REQUIRED PRIOR TO ANY WORK WITHIN THE FLOODPLAIN.
13. IF REQUESTED AT THE TIME OF CONSTRUCTION AND SANITARY DRAWINGS ARE BEING PERMITTED, JOINTLESS SANITARY PIPES MAY BE REQUIRED IN AREAS PRONE TO HIGH WATER TABLES TO PREVENT I & I.

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/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. A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED AS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
5. THE DEVELOPMENT LIES IN THE FERN CREEK FIRE DISTRICT.
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 PROJECTED OPEN SPACES (IE. CONSERVATION EASEMENTS, GREENWAYS OR PARKWAYS) ON ADJACENT OR NEARBY PARCEL'S, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC STREETS AND RIGHT-OF-WAYS PER CHAPTER 4.1.3. OF THE LDC.
7. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.
8. IN ACCORDANCE WITH CHAPTER 4.9 OF THE LDC, A KARST SURVEY WAS PERFORMED BY MARK SITES ON 4/10/17 AND KARST TOPOGRAPHY WAS FOUND. (SEE MSD NOTE #7)
9. THE STREAM BUFFERS REQUIRED ALONG A BLUE LINE STREAM SHALL BE MEASURED FROM THE TOP OF BANK.

METRO LOUISVILLE
APPROVED DISTRICT DEVELOPMENT PLAN
DOCKET NO. 19-RSUB-0001
APPROVAL DATE Oct. 10, 2019
EXPIRATION DATE Oct. 10, 2021
SIGNATURE OF PLANNING COMMISSION
PLANNING COMMISSION

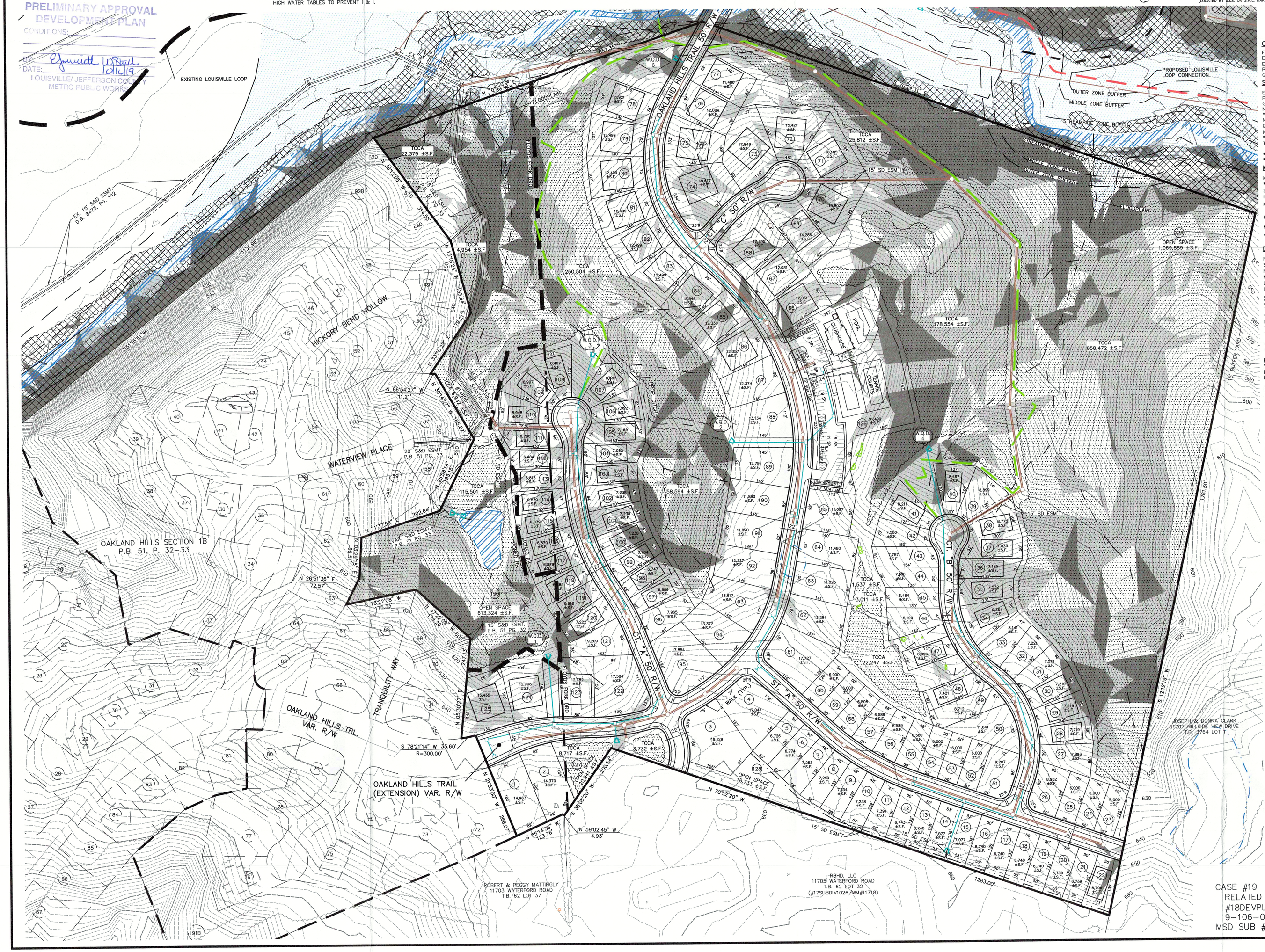
NOTICE
PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

PRELIMINARY APPROVAL DEVELOPMENT PLAN
CONDITIONS:
BY: Kenneth W. Brail
DATE: 10/16/19
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

LEGEND

- EXISTING CONTOUR
- EXISTING TREE MASS
- EXISTING OVERHEAD UTILITIES
- EXISTING UTILITY POLE
- EXISTING CREEK/STREAM
- EXISTING SANITARY MANHOLE W/PIPE
- PROPOSED CATCH BASIN W/PIPE
- PROPOSED SLOPED & FLARED HEADWALL W/PIPE
- PROPOSED DITCH/SWALE
- PROPOSED SANITARY MANHOLE W/PIPE
- REVISED TREE LINE/TCCA AREA
- SLOPES 20–30%
- SLOPES 30% +
- PROPOSED LOUISVILLE LOOP TRAIL CONNECTION
- PROPOSED RUGGED TRAIL
- PROPOSED WATER QUALITY DEVICE (W.Q.D.)
- PROPOSED W.Q.D./VELOCITY DISSIPATER
- IDENTIFIED GLADE CRESS
- IDENTIFIED SINKHOLE (LOCATED BY G.I.S. OR S.W.L. KARST TOPO SURVEY EXHIBIT)

LOCATION MAP
NO SCALE



OVERALL SITE DATA

FORM DISTRICT	NEIGHBORHOOD
EXISTING ZONING	R6, R4 & RR
EXISTING LAND USE	VACANT/AGRICULTURAL
PROPOSED LAND USE	SINGLE & MULIT-FAMILY RESIDENTIAL
GROSS LAND AREA	462.19± AC.

SECTION 2 SITE DATA:

EXISTING ZONING	R4 & RR
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
GROSS LAND AREA	75.79± AC.
NET LAND AREA	69.16± AC.
*BUILDABLE LOTS	125 LOTS
NON-BUILDABLE LOTS	4
GROSS DENSITY	1.65 (DU./AC.)
NET DENSITY	1.81 (DU./AC.)
**PRESERVED STEEP SLOPES AREA	94.97± AC.
TOTAL OPEN SPACE	39.55± AC. (1,722,887±S.F.)

*DOES NOT INCLUDE CLUBHOUSE LOT
**AREA PRESERVED FOR OVERALL DEVELOPMENT, APPROVED PER 17ZONE1081

MAXIMUM DEVELOPMENT TRANSFER LOT CALCULATION: APPROVED PER 18DEVPLAN1099

MLP – MAXIMUM LOTS PERMITTED
*TA – TOTAL LAND AREA (442.18 AC.)
SS – STEEP SLOPES AREA/SLOPES >20% (94.97 AC.)
IA – INFRASTRUCTURE AREA (36.14 AC.)

$MLP = [(TA - SS - IA)\ 4.84] + \frac{SS \times 4.84}{2}$

$MLP = [(442.18 - 94.97 - 36.14)\ 4.84] + \frac{94.97 \times 4.84}{2}$

MLP = 1,734

*AREA DOES NOT INCLUDE TRACT 2 (MULTI-FAMILY LOT) PER 17ZONE1081

PRELIMINARY APPROVAL
Condition of Approval:
Development Review
10-16-19
Date
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

DIMENSIONAL STANDARDS

FRONT/STREET SIDE YARDS	MIN. 25'
SIDE YARDS	5'
REAR YARD	25'
MAXIMUM BUILDING HEIGHT	35'
LOTS <6,000 S.F. (MAX 25% OR 31 LOTS)	0 LOTS PROPOSED
LOTS ≥9,000 S.F. (MIN 20% OR 25 LOTS)	45 LOTS PROPOSED

SECTION 2 TREE CANOPY DATA:

GROSS SITE AREA	3,301,579± S.F.
TREE CANOPY CATEGORY	CLASS 3
*EXISTING TREE CANOPY	3,016,335± S.F. (91%)
EXISTING TREE CANOPY TO BE PRESERVED	1,360,956± S.F. (41%)
TOTAL TREE CANOPY REQUIRED	495,236± S.F. (15%)
TOTAL TREE CANOPY TO BE PROVIDED	1,360,956± S.F. (41%)

*TREE CANOPY DEPICTED ON PLAN PER MSD LOJIC MAPPING, AERIAL PHOTO OR FIELD SURVEY.

CLUBHOUSE LANDSCAPE DATA:

V.U.A.	19,064± S.F.
I.L.A. REQUIRED (7.5%/X V.U.A.)	1,430 S.F.
I.L.A. PROVIDED	2,605± S.F.

PUBLIC WORKS AND KTC NOTES:

1. NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS RIGHT-OF-WAY.
2. 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.
3. ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
4. VERGE AREA 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 IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SITE DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
7. 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.
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 ONE (1%) PERCENT AND A MAXIMUM GRADE OF TEN (10%) PERCENT UNLESS APPROVED BY DIRECTOR OF PUBLIC WORKS.
10. THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
11. ALL CUL-DE-SACS AND ROADWAY PAVEMENT WIDTHS, RADII, SIDEWALK LOCATIONS AND OFFSETS SHALL BE IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND APPROVED AT THE TIME OF CONSTRUCTION.
12. CURBS AND GUTTER SHALL BE PROVIDED ALONG ALL STREETS IN THE DEVELOPMENT. SIDEWALKS SHALL BE PROVIDED ALONG ALL STREETS WHERE REQUIRED BY 5.8 OF THE LAND DEVELOPMENT CODE.
13. TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SITE DISTANCE AS REQUIRED PER METRO PUBLIC WORKS STANDARDS.
14. ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A. STANDARD SPECIFICATION, THE "SPECIAL NOTE FOR DETECTABLE WARNING FOR SIDEWALK RAMPS" PER KTC STANDARD DRAWING FOR SIDEWALKS AND PER "KENTUCKY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION," LATEST EDITION.
15. ACCESS FROM STREET "D" (F.K.A. STREET "O" ON #09-106-02 PLAN) TO BROAD RUN PARKWAY SHALL REMAIN A GATED EMERGENCY ACCESS ONLY UNLESS OPENING THE ACCESS IS APPROVED BY METRO COUNCIL AFTER A PUBLIC HEARING AT PLANNING COMMISSION.
16. THE APPLICANT SHALL INSTALL SIGNS, APPROVED BY THE METRO PUBLIC WORKS DEPT., WHICH INDICATE THE FUTURE EXTENSION OF THE PUBLIC RIGHT-OF-WAY FOR OAKLAND HILLS TRAIL EXTENSION AND STREETS "A", "D" COURT "L" & "P." SUCH SIGNS SHALL BE INSTALLED PRIOR TO RELEASE OF BONDS FOR THE INSTALLATION OF THE STREET INFRASTRUCTURE.
17. LICENSE AGREEMENT FOR THE MAINTENANCE OF ANY WQ UNITS IN THE R/W SHALL BE REQUIRED PRIOR TO CONSTRUCTION APPROVAL.

STORMWATER POLLUTION PREVENTION PLAN NOTE:

THE APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED SWPPP PLAN MUST BE REVIEWED AND APPROVED BY MSD. SWPPP BMP'S (BEST MANAGEMENT PRACTICES) SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.

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-02-03.

SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICES PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE OR CATCH BASIN.

WHERE CONSTRUCTION OR LAND DISTURBING 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 DAYS AFTER THE ACTIVITY HAS CEASED.

VARIANCE REQUEST: APPROVED PER 18DEVPLAN1099

A VARIANCE OF SECTION 5.3 OF THE LDC WAS APPROVED ON 7/16/2018 TO REDUCE THE FRONT/STREET SIDE YARD FROM 30' TO 25' FOR ALL LOTS EXCEPT FOR LOTS 588-592 & 1-3.

(SEE APPROVED PLAN #18DEVPLAN1099 FOR ASSOCIATED LOTS)

CASE #19-RSUB-0001
RELATED CASES
#18DEVPLAN1099/17ZONE1081
9-106-02VDRO, 10-43-02
MSD SUB #1132

RECEIVED
OCT 14 2019
PLANNING & DESIGN SERVICES

GRAPHIC SCALE 1"=100'
0 50 100 200

STATE OF KENTUCKY
CURTIS W. MUCCI
943
REGISTERED LANDSCAPE ARCHITECT
PROFESSIONAL'S SEAL

MINDEL SCOTT
ENGINEERING ▶ SURVEYING ▶ PLANNING ▶ LANDSCAPE ARCHITECTURE
5151 Jefferson Blvd. Louisville, KY 40219
502-493-1303 ▶ MindelScott.com

DEVELOPER
ELITE BUILT HOMES
16218 SHELBYVILLE ROAD
LOUISVILLE, KY 40245

OWNER
21st CENTURY PARKS ENDOWMENT, INC.
471 W. MAIN STREET SUITE 203
LOUISVILLE, KY 40202

REVISED PRELIMINARY SUBDIVISION PLAN
(PER 4.7.7 DEVELOPMENT TRANSFER)
OAKLAND HILLS – SECTION 2
11333 BARDSTOWN CREEK ROAD
TAX BLOCK: 62 LOT: 102
D.B. 9695 PG. 850

Revisions	
7/29/19	PER AGENCY REVIEW
8/19/19	PER AGENCY REVIEW
10/9/19	PER AGENCY REVIEW

Vertical Scale: N/A
Horizontal Scale: 1"=100'
Date: 6/21/19
Job Number: 3434
Sheet 1 of 1

19-RSUB-0001

Binding Elements
Case No. 19-RSUB-0001

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Revised District Development/Major Preliminary Subdivision Plan & Floyds Ford Development Review Overlay including land disturbing activity on slopes greater than 20% and the following binding elements

1. The development shall be in accordance with the approved district development plan and 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.

2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.

3. At the time of recordation of the last plat for remaining undeveloped area(s) within the total extent of the subdivision as shown on the approved plan of docket #18DEVPLAN1099, the density of the single-family residential development shall not exceed 1.34 dwelling units per acre (592 units on 442 acres), resulting in a total gross density of 1.07 du/ac on 638 acres including section 1A & 1B and previously transferred open space (deed book 9498, page 335) (collectively, the "Development Site"). Subject to the aforementioned requirements, the developer(s) is not precluded from recording more lots than previously approved for areas within the Development Site.

4. Construction fencing. Within each section, 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 on the subject property and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

5. Before any permit for any section or phase (including but not limited to building, parking lot, site disturbance, or change of use) is requested:

   a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
   b. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
   c. 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. 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. The binding elements shall run with the land and the owner of the property or owner of any portion thereof shall at all times be responsible for compliance with these binding elements.

7. Prior to the recording of the record plat for any section or phase, copies of the recorded documents listed below shall be filed with the Planning Commission.

   a. Articles of Incorporation filed with the Secretary of State and recorded in the office of Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.

   b. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

   c. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open space, TCCA, riparian vegetation and stream side buffers, and other issues required by these binding elements.

   d. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than $3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

8. Wetlands Determination. ACOE approval, if required, will be obtained in conjunction with to MSD construction plan approval.

9. A geotechnical survey report shall be performed in accordance with Land Development Code Chapter 4, Parts 6 & 7. A copy of any such report shall be provided for incorporation into the case record.

10. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space as provided for in these Binding Elements. A note to this effect shall be placed on the record plat.

11. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

12. Construction Vehicle Access. Construction vehicles and equipment shall be restricted to use Bardstown Road to access the site.

13. Sinkholes:

   a. The perimeter boundary of the sinkhole shall be field-verified, staked in the field, and shown on the construction plans for each section or phase of development.

   b. No buildings shall be constructed over any of the sinkhole / features as shown on the construction plans. The developer shall provide location of field verified sinkholes to DPDS staff prior to construction plan approval for each affected phase of the development.

   c. Should additional sinkhole / features be encountered during construction of site improvements, road, or structures, work shall be suspended in the vicinity of the occurrence and investigated by the geo-technical engineer. These new sinkhole / features encountered during construction shall be located on construction plans and treated or avoided in accordance with the geo-technical engineer's recommendations.

   d. No repair or filling of existing sinkholes shall occur without prior approval by the geotechnical engineer. The geotechnical engineer shall be on-site during construction to monitor, verify and document appropriate sinkhole remediation for all sinkholes.
   e. Local karst springs draining the sites must be identified and monitored during construction. Appropriate erosion and sediment control best management practices shall be utilized to protect against siltation during construction.

14. Glade Cress. Developer shall provide an updated inventory of Glade Cress for incorporation into the record prior to final preliminary plan transmittal in case 18DEVPLAN1099. Developer shall adjust lot boundaries or eliminate lots at the developer's discretion to ensure that all glade cress occurrences as shown on lots of the preliminary plan are incorporated into open space areas at the time of record plat for each section or phase.

15. Enhanced Abutting Property Buffers:

   a.. Developer shall provide a buffer that is substantially similar to the "enhanced abutting property buffer planting plan" dated on 4/26/05 and/or 5/04/05 between the development and the abutting properties owned by (1) R. Vance Bacon at 11300 Broad Run Road by planting up to 1200 tree seedlings, and (2) Costelle, Vessels and Payton (DB 7351, Page 657) by planting up to 2400 tree seedlings each of a variety or varieties requested by the respective abutting property owner and as recommended by the Department of Planning & Design Services Staff landscape architect. Seedlings shall be bare root, 1 to 3 years old at time of planting, and shall be planted generally by mechanical method at locations most likely to contribute to a visual buffer between each such abutting property and the development. The cost of planting shall be borne by developer.

   b. Additionally, to provide an enhanced buffer to the emergency access (possible future road) 60 shrubs 2-feet tall at time of planting shall be planted on: (1) the property of R. Vance Bacon at 11300 Broad Run Road, and (2) on the property of Betty Smith at 11304 Broad Run Road at locations determined by each property owner and as recommended by the Department of Planning & Design Services landscape architect and the Louisville Metro Department of Public Works. These shrubs shall be a native species and of a variety or varieties requested by each owner as to his/her property.

   c. No planting shall occur on any property without the consent of the respective property owners(s) allowing developer to enter upon the premises for the purpose of planting the seedlings. Developer shall provide a written request for said consent to each of the affected property owners which request must be responded to within 30 days of receipt. Should the developer not receive a timely response it's buffer obligation on the affected property shall be void. Provided that consent is given, planting on each such property in (a) above shall be completed within 1 year upon receipt of consent by the affected property owner, and in (b) above within 30 months of approval of the first record plat, weather permitting. Developer shall not be responsible for maintenance of plants.

16. Waterford Road Improvement. Developer shall work in concert with the Kentucky Transportation Cabinet to widen the pavement of Waterford Road to 22-feet starting approximately 750-feet east of Bardstown Road (US 31E) to the Bullitt County line as set forth in a letter from Patrick R. Dominik to William Monhollon, PE, dated April 25, 2003. This Waterford Road improvement shall be completed prior to the approval of the record plat for the 200th subdivision lot. **(Based on testimony at the October 10, 2019 meeting of the Land Development and Transportation Committee. These improvements appear to have been completed.)**

17. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

18. The access from Street "O" of the development to Broad Run Road shall remain a gated emergency access only, unless opening the access is approved by the Louisville Metro Council after a public hearing is held by the Planning Commission. Written notice of the public hearing shall be given to first and second tier adjoining property owners and persons who spoke at any of the public hearings before the Planning Commission at least 30 days in advance of the hearing. (This binding element added by Metro Council, Ordinance No. 160, Series 2003)