

### **Case No. 21-ZONE-0106 Binding Elements**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan/Major Preliminary Subdivision with Binding Elements; **SUBJECT** to the following binding elements:

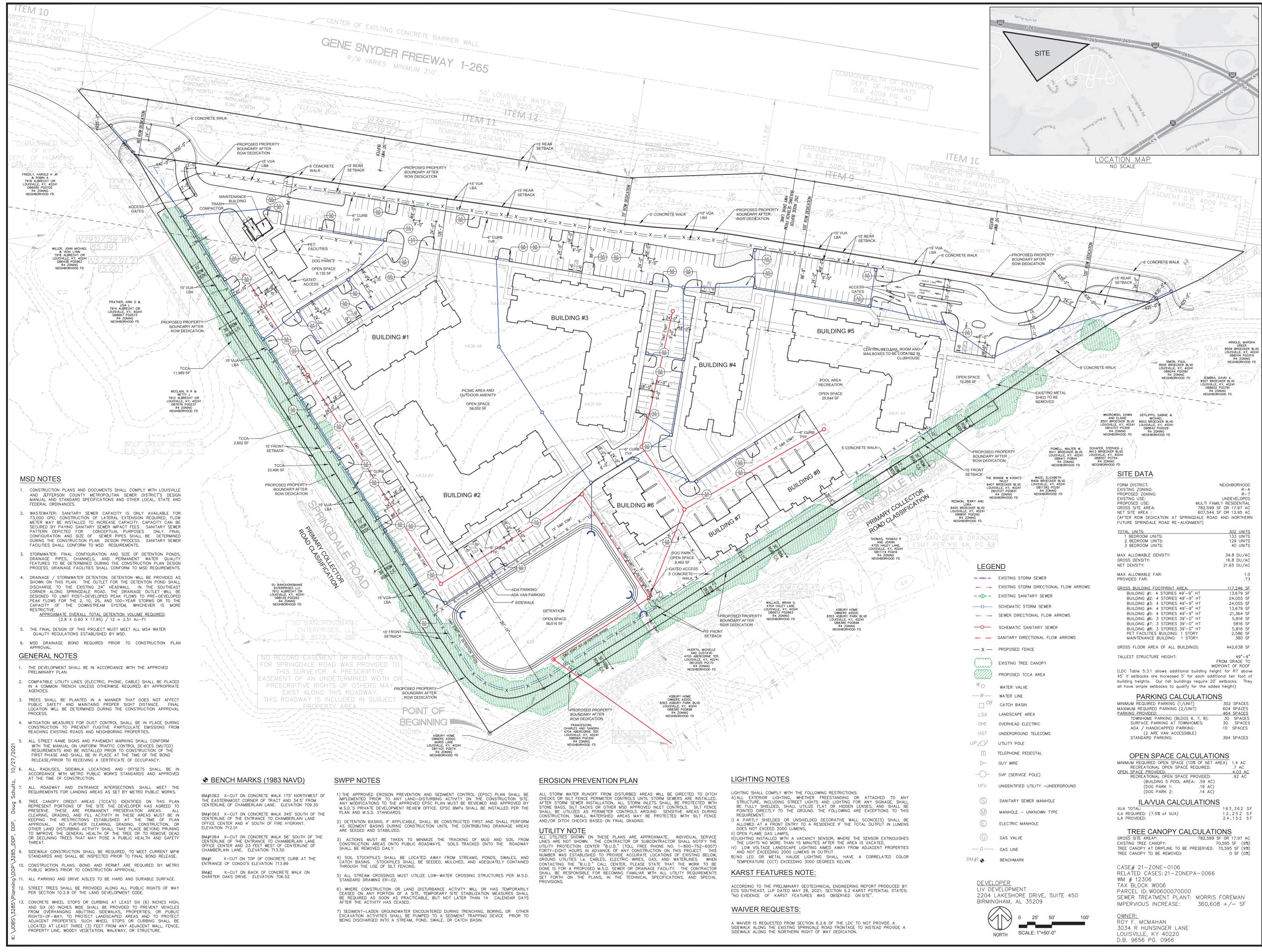
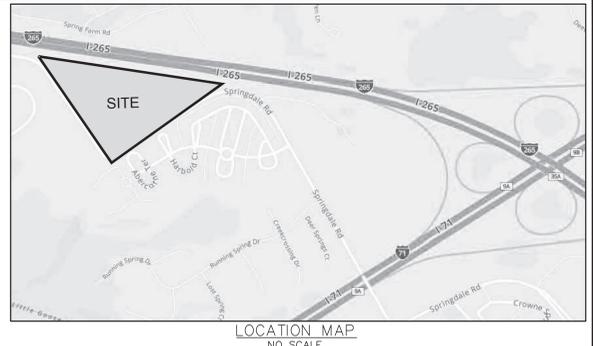
1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be 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. 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. 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.
  - 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.
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 21, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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. The Springdale Road extension to the north of the site shall be dedicated to public use with a major subdivision plat prior to issuance of building permits. The developer shall build the sidewalk shown in the new right-of-way and shall make the new right-of-way available to the Department of Works for road building in perpetuity. Maintenance of the sidewalk and unused right-of-way shall be the responsibility of the developer/property owner until such time as the Department of Works builds a road in the right-of-way.
8. **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, with the following exceptions:
    - i. Partly shielded or unshielded decorative wall sconces shall be permitted on buildings 6, 7 and 8 at a front entry to a residence if the total output in lumens does not exceed 2000 lumens.
    - ii. Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output shall be permitted.
  - b. No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin.
  - c. No parking lot or street light fixtures shall be more than fourteen feet high, measured from ground level.
9. The developer shall fund \$75,000 to Louisville Metro for final design plans for a new Springdale Road extension (straightening), due at issuance of building permit.
10. A detailed landscaping plan shall be developed in conjunction with advice from Asbury Home Owners Association, Inc. and its arborist and a

Louisville Metro landscape architect and shall be submitted for approval to PDS staff prior to issuance of any building permit.

11. Owner/Developer shall coordinate with the appropriate emergency response agencies to ensure that the design, operation and maintenance of gated entrances complies with emergency access gate requirements.
12. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations 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.
13. Developer shall plant evergreen shrubs or trees at the rear of the Friedly property, with permission from the property owner, in sufficient density to block light trespass from headlights, prior to obtaining the first certificate of occupancy.
14. The applicant/developer shall construct an off-site sidewalk as described in the Condition of Approval of the sidewalk waiver as voted on today.



**MSD NOTES**

- 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.
- WASTEWATER: SANITARY SEWER CAPACITY IS ONLY AVAILABLE FOR 73,000 GPD. CONSTRUCTION OF LATERAL EXTENSION REQUIRED, FLOW METER MAY BE INSTALLED TO INCREASE CAPACITY. CAPACITY CAN BE SECURED BY PAYING SANITARY SEWER IMPACT FEES. SANITARY SEWER PATTERN DEPICED FOR CONCEPTUAL PURPOSES ONLY. FINAL CONFIGURATION AND SIZE SEWER PIPES SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. SANITARY SEWER FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- STORMWATER: FINAL CONFIGURATION AND SIZE OF DETENTION PONDS, DRAINAGE PIPES, CHANNELS, AND PERMANENT WATER QUALITY FEATURES TO BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- DRAINAGE / STORMWATER DETENTION: DETENTION WILL BE PROVIDED AS SHOWN ON THIS PLAN. THE OUTLET FOR THE DETENTION POND SHALL DISCHARGE TO THE EXISTING 24" HEADWALL IN THE SOUTHEAST CORNER ALONG SPRINGDALE ROAD. THE DRAINAGE OUTLET WILL BE DESIGNED TO LIMIT POST-DEVELOPED PEAK FLOWS TO PRE-DEVELOPED PEAK FLOWS FOR THE 2, 10, 25, AND 100-YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE.

**GENERAL NOTES**

- THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED PRELIMINARY PLAN.
- COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
- TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING THE CONSTRUCTION APPROVAL PROCESS.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- ALL STREET NAME SIGNS AND PAVEMENT MARKING SHALL CONFORM WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REQUIREMENTS AND BE INSTALLED PRIOR TO CONSTRUCTION OF THE FIRST PHASE AND SHALL BE IN PLACE AT THE TIME OF THE BOND RELEASE/PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY.
- ALL RADIIUSES, SIDEWALK LOCATIONS AND OFFSETS SHALL BE IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND APPROVED AT THE TIME OF CONSTRUCTION.
- ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
- TREE CANOPY CREDIT AREAS (TCCAs) IDENTIFIED ON THIS PLAN REPRESENT PORTIONS OF THE SITE THE DEVELOPER HAS AGREED TO PRESERVE. THESE ARE PERMANENT PRESERVATION AREAS. ALL CLEARING, GRADING, AND FILL ACTIVITY IN THESE AREAS MUST BE IN KEEPING THE RESTRICTIONS ESTABLISHED AT THE TIME OF PLAN APPROVAL. NO FURTHER CLEARING, CONSTRUCTION OR OTHER LAND DISTURBING ACTIVITY SHALL TAKE PLACE BEYOND PRUNING TO IMPROVE THE GENERAL HEALTH OF THE TREES OR TO REMOVE DEAD OR DECLINING TREES THAT MAY POSE A PUBLIC HEALTH AND SAFETY THREAT.
- SIDEWALK CONSTRUCTION SHALL BE REQUIRED, TO MEET CURRENT MPW STANDARDS AND SHALL BE INSPECTED PRIOR TO FINAL BOND RELEASE.
- CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL.
- ALL PARKING AND DRIVE AISLES TO BE HARD AND DURABLE SURFACE.
- STREET TREES SHALL BE PROVIDED ALONG ALL PUBLIC RIGHTS OF WAY PER SECTION 10.2.8 OF THE LAND DEVELOPMENT CODE.
- CONCRETE WHEEL STOPS OR CURBING AT LEAST SIX (6) INCHES HIGH, AND SIX (6) INCHES WIDE SHALL BE PROVIDED TO PREVENT VEHICLES FROM OVERHANGING ADJUTING SIDEWALKS, PROPERTIES, OR PUBLIC RIGHTS-OF-WAY, TO PROTECT LANDSCAPED AREAS AND TO PROTECT ADJACENT PROPERTIES. SUCH WHEEL STOPS OR CURBING SHALL BE LOCATED AT LEAST THREE (3) FEET FROM ANY ADJACENT WALL, FENCE, PROPERTY LINE, WOODY VEGETATION, WALKWAY, OR STRUCTURE.

**SWPP NOTES**

- THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY M.S.D.'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMPs SHALL BE INSTALLED PER THE PLAN AND M.S.D. 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. SOILS TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.
- SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCING.
- ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER M.S.D. 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 NOT 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.

**EROSION PREVENTION PLAN**

ALL STORM WATER RUNOFF FROM DISTURBED AREAS WILL BE DIRECTED TO DITCH CHECKS OR SILT FENCE PERMETER CONTROLS UNTIL STORM SEWERS ARE INSTALLED. AFTER STORM SEWER INSTALLATION, ALL STORM INLETS SHALL BE PROTECTED WITH STONE BAGS, SILT SACKS OR OTHER MSD APPROVED INLET CONTROLS. SILT FENCE SHALL BE UTILIZED AS PERMETER CONTROLS AROUND SENSITIVE AREAS DURING CONSTRUCTION. SMALL WATERSHED AREAS MAY BE PROTECTED WITH SILT FENCE AND/OR DITCH CHECKS BASED ON FINAL GRADING.

**UTILITY 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 "BU.U." LOCAL FREE PHONE NO. 1-800-752-6007) FORTY-EIGHT HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. THIS NUMBER WAS ESTABLISHED TO PROVIDE ACCURATE LOCATIONS OF EXISTING BELOW GROUND UTILITIES I.E. CABLES, ELECTRIC WIRES, GAS, AND WATERLINES. WHEN CONTACTING THE "BU.U." CALL CENTER, PLEASE STATE THAT THE WORK TO BE DONE IS FOR A PROPOSED M.S.D. 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.

**LIGHTING NOTES**

LIGHTING SHALL COMPLY WITH THE FOLLOWING RESTRICTIONS:  
 A) ALL EXTERIOR LIGHTING, WHETHER FREESTANDING OR ATTACHED TO ANY STRUCTURE, INCLUDING STREET LIGHTS AND LIGHTING FOR ANY STORAGE, SHALL BE FULLY SHIELDED, SHALL UTILIZE FLAT OR HIDDEN LENSES, AND SHALL BE POINTED DIRECTLY TO THE GROUND. THE FOLLOWING ARE EXCEPTIONS TO THIS REQUIREMENT:  
 1) A PARTLY SHIELDED OR UNSHIELDED DECORATIVE WALL SCONCE(S) SHALL BE ALLOWED AT A FRONT ENTRY TO A RESIDENCE IF THE TOTAL OUTPUT IN LUMENS DOES NOT EXCEED 2000 LUMENS.  
 2) OPEN FLAME GAS LAMPS.  
 3) LIGHTING INSTALLED WITH A VACANCY SENSOR, WHERE THE SENSOR EXTINGUISHES THE LIGHTS NO MORE THAN 15 MINUTES AFTER THE AREA IS VACATED.  
 4) LOW VOLTAGE LANDSCAPE LIGHTING AIMED AWAY FROM ADJACENT PROPERTIES AND NOT EXCEEDING 2000 LUMENS IN OUTPUT  
 B) NO LED OR METAL HALIDE LIGHTING SHALL HAVE A CORRELATED COLOR TEMPERATURE (CCT) EXCEEDING 3000 DEGREES KELVIN.

**KARST FEATURES NOTE:**  
 ACCORDING TO THE PRELIMINARY GEOTECHNICAL ENGINEERING REPORT PRODUCED BY EGS SOUTHEAST, LLP DATED MAY 28, 2021, SECTION 5.2 KARST POTENTIAL STATES: "NO EVIDENCE OF KARST FEATURES WAS OBSERVED ON SITE."

**WAIVER REQUESTS:**  
 A WAIVER IS REQUESTED FROM SECTION 6.2.6 OF THE LDC TO NOT PROVIDE A SIDEWALK ALONG THE EXISTING SPRINGDALE ROAD FRONTAGE TO INSTEAD PROVIDE A SIDEWALK ALONG THE NORTHERN RIGHT OF WAY DESIGNATION.

**LEGEND**

- EXISTING STORM SEWER
- EXISTING STORM DIRECTIONAL FLOW ARROWS
- EXISTING SANITARY SEWER
- SCHEMATIC STORM SEWER
- SEWER DIRECTIONAL FLOW ARROWS
- SCHEMATIC SANITARY SEWER
- SANITARY DIRECTIONAL FLOW ARROWS
- PROPOSED FENCE
- EXISTING TREE CANOPY
- PROPOSED TCCA AREA
- WATER VALVE
- WATER LINE
- CATCH BASIN
- LANDSCAPE AREA
- OVERHEAD ELECTRIC
- UNDERGROUND TELECOMS
- UTILITY POLE
- TELEPHONE PEDESTAL
- GUY WIRE
- SVP (SERVICE POLE)
- UFU (UNIDENTIFIED UTILITY - UNDERGROUND)
- SANITARY SEWER MANHOLE
- MANHOLE - UNKNOWN TYPE
- ELECTRIC MANHOLE
- GAS VALVE
- GAS LINE
- BENCHMARK

**SITE DATA**

FORM DISTRICT:	NEIGHBORHOOD
EXISTING ZONING:	R-7
PROPOSED ZONING:	UNDEVELOPED
PROPOSED USE:	MULTI FAMILY RESIDENTIAL
GROSS SITE AREA:	782,599 SF OR 17.97 AC
NET SITE AREA:	607,544 SF OR 13.95 AC
(AFTER ROW DEDICATION AT SPRINGDALE ROAD AND NORTHERN VIEW SPRINGDALE ROAD RE-ALIGNMENT)	
TOTAL UNITS:	302 UNITS
1 BEDROOM UNITS:	133 UNITS
2 BEDROOM UNITS:	129 UNITS
3 BEDROOM UNITS:	40 UNITS
MAX ALLOWABLE DENSITY:	34.8 DU/AC
GROSS DENSITY:	16.8 DU/AC
NET DENSITY:	21.65 DU/AC
MAX ALLOWABLE FAR:	1.0
PROVIDED FAR:	0.73
GROSS BUILDING FOOTPRINT AREA:	117,246 SF
BUILDING #1: 4 STORES 49'-0" HT	13,679 SF
BUILDING #2: 4 STORES 49'-0" HT	24,055 SF
BUILDING #3: 4 STORES 49'-0" HT	24,055 SF
BUILDING #4: 4 STORES 49'-0" HT	13,679 SF
BUILDING #5: 4 STORES 49'-0" HT	21,364 SF
BUILDING #6: 3 STORES 39'-0" HT	5,816 SF
BUILDING #7: 3 STORES 39'-0" HT	5,816 SF
BUILDING #8: 3 STORES 39'-0" HT	5,816 SF
PET FACILITIES BUILDING: 1 STORY	2,586 SF
MAINTENANCE BUILDING: 1 STORY	380 SF
GROSS FLOOR AREA OF ALL BUILDINGS:	442,638 SF
TALLEST STRUCTURE HEIGHT:	49'-9" FROM GRADE TO MIDPOINT OF ROOF
(LDC Table 5.3.1 allows additional building height for R7 above 45' if setbacks are increased 9' for each additional ten foot of building heights. Our tall buildings require 20' setbacks. They all have open setbacks to qualify for the added height)	
<b>PARKING CALCULATIONS</b>	
MINIMUM REQUIRED PARKING (1/UNIT)	302 SPACES
MAXIMUM REQUIRED PARKING (2/UNIT)	604 SPACES
PARKING PROVIDED:	464 SPACES
TOWNHOME PARKING (BLDG 6, 7, 8):	30 SPACES
SURFACE PARKING AT TOWNHOMES:	30 SPACES
ADA / HANDICAPPED PARKING:	10 SPACES
(2 ARE VAN ACCESSIBLE)	
STANDARD PARKING:	394 SPACES
<b>OPEN SPACE CALCULATIONS</b>	
MINIMUM REQUIRED OPEN SPACE (10% OF NET AREA)	1.4 AC
RECREATIONAL OPEN SPACE REQUIRED:	7.4 AC
OPEN SPACE PROVIDED:	10.1 AC
RECREATIONAL OPEN SPACE PROVIDED:	.92 AC
(BUILDING 5 POOL AREA: .59 AC)	
(DOG PARK 1: .14 AC)	
(DOG PARK 2: .14 AC)	
<b>ILAVUA CALCULATIONS</b>	
VJA TOTAL:	163,362 SF
LA REQUIRED: (7.5% OF VJA)	12,252 SF
LA PROVIDED:	24,152 SF
<b>TREE CANOPY CALCULATIONS</b>	
GROSS TREE AREA:	782,599 SF OR 17.97 AC
EXISTING TREE CANOPY:	70,595 SF (9%)
TREE CANOPY TO BE PRESERVED:	70,595 SF (9%)
TREE CANOPY TO BE REMOVED:	0 SF (0%)
<b>DEVELOPER</b>	ROY F. MCMAHAN
<b>TAX BLOCK:</b>	3034 R HUNTSINGER LANE
<b>PARCEL ID:</b>	WO0600070000
<b>SEWER TREATMENT PLANT:</b>	MORRIS FOREMAN
<b>IMPERVIOUS INCREASE:</b>	360,608 +/- SF
<b>OWNER:</b>	ROY F. MCMAHAN
<b>ADDRESS:</b>	3034 R HUNTSINGER LANE
<b>CITY:</b>	LOUISVILLE, KY 40220
<b>STATE:</b>	D.B. 9656 PG. 0966

