

**Case No. 17SUBDIV1006 Binding Elements and Conditions of Approval**

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Major Preliminary Subdivision Plan and a Sidewalk Waiver of Chapter 5.8.1. of the Land Development Code to waive the requirement for sidewalks to be constructed along S Watterson Trail adjacent to the subject site, **ON CONDITION** that the applicant shall provide an access easement and provide a four-foot concrete sidewalk on Lot 213 to serve the McCarthy lot, and then provide about 750 feet of five-foot wide concrete sidewalk on Beulah Church Road as presented today, with the required encroachment permit from KYTC, and all sidewalk work shall be completed by January 1, 2018, **SUBJECT** to the following binding elements and Conditions of Approval:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. 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 density of the development shall not exceed **5.87** dwelling units per acre (**174** units on 29.66 acres).
3. A signature entrance may be provided at the main entrance(s) in accordance with the Land Development Code. Any freestanding signs in accordance with the parkway designation standards of the Land Development Code may be approved by Planning Commission staff.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. The existing access point to the site is to be closed and access to the site be made from the new curb-cuts as shown on the development plan.
6. 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.
7. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
8. 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.
9. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection areas beyond what is outlined under Binding Element No. 10 below shall require notification of

adjoining property owners and LD& T action.

10. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
  - A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation within them. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, except for work required in utility easements by the appropriate public utility.
  - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  - C. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. D. No parking, material storage or construction activities are permitted within the WPAs.
11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
12. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
13. 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.
14. 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.

15. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
16. All improvements along Watterson Trail as required by Jefferson County Public Works and Transportation shall be completed prior to the applicant requesting a certificate of occupancy.
17. Street lights shall be of the typical kind supplied by LG&E for residential subdivisions. All other types of lighting shall be directed down and away from surrounding single-family residential properties.
18. A mixture of evergreen and deciduous trees shall be provided along the perimeter of the site to supplement the existing vegetation to be preserved. Evergreen trees spaced 15 feet on center shall be planted along the perimeter where the proposed development is in close proximity to existing residences and as shown on the rendered concept plan presented at the March 21, 2002 public hearing.
19. The subject property frontage along Watterson Trail shall include landscaping treatments, including variable berm, four-board horse fence and trees, as depicted on the colored site plan and rendering presented at the public hearing on March 21, 2002.
20. Street trees shall be planted throughout the condominium community in accordance with the colored site plan presented at the public hearing on March, 21, 2002.
21. The property owner/developer shall construct buildings that are substantially all brick, except for minor accent treatments of other building materials. Buildings shall look substantially similar to renderings and floor plans introduced at the public hearing on March 21, 2002
22. No building that contains a walkout basement shall exceed one-story in height.
23. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded within one year of approval of this rezoning case number 13ZONE1 015. The property lines will be substantially the same as shown on the Preliminary Subdivision Plan, plus or minus 5 feet.

**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 SITE.
- PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES. FENCING SHALL ENCLOSE THE AREA BENEATH THE DRIP LINE OF THE TREE CANOPY AND SHALL BE MAINTAINED THROUGHOUT ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE ALLOWED WITHIN THE FENCED AREA.
- THE DEVELOPMENT LIES IN THE HIGHWAY FIRE DISTRICT.
- MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING ROADS AND NEIGHBORHOODS.
- THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED PRELIMINARY PLAN, NO FURTHER SUBDIVISION OF LAND INTO A GREATER NUMBER OF LOTS THAN ORIGINALLY APPROVED SHALL OCCUR, WITHOUT THE APPROVAL OF PLANNING COMMISSION.
- ALL EXISTING STRUCTURES AND EXISTING ENTRANCES SHALL REMAIN UNLESS OTHERWISE LABELED. A 2'-X-2' REMNANT BOARD FENCE SHALL BE MAINTAINED ALONG THE DEVELOPMENT'S WATTERSON TRAIL FRONTAGE.
- THE EXACT LOCATION OF EXISTING UTILITY EMISSIONS REACHING ROADS AND WPA'S TO BE FIELD LOCATED AND IN COMPLIANCE WITH THE BINDING ELEMENTS.
- IN ACCORDANCE WITH CHAPTER 4.9 OF THE LDC, A KARST SURVEY WAS PERFORMED BY MARK SITES ON 4/17/17 AND NO KARST TOPOGRAPHY WAS FOUND.
- AREA IDENTIFIED PER LOIC MAPING AS POTENTIAL WETLANDS. A WETLANDS DETERMINATION SHALL BE COMPLETED PRIOR TO CONSTRUCTION PLAN APPROVAL.

**MSD NOTES:**

- WASTEWATER: SANITARY SEWER WILL CONNECT TO THE DEREK GUTHRIE WASTEWATER QUALITY TREATMENT CENTER BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
- STORM WATER DETENTION: DETENTION TO BE PROVIDED ON SITE AS DEPICTED ON THE PLAN. POST-DEVELOPMENT PEAK FLOWS WILL NOT EXCEED PRE-DEVELOPED PEAK FLOWS FROM DEVELOPMENT FOR THE 2, 10, AND 100 YEAR STORMS OR TO THE CAPACITY OF THE DOWNSREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE. DRAINAGE PATTERN (DEPicted BY FLOW ARROWS) IS FOR CONCEPT PURPOSES ONLY. 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.
- EROSION & 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. DOCUMENTATION OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
- NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, (21111C0098 E).
- DIVISION OF WATER APPROVAL REQUIRED FOR WORK ALONG A BLUE LINE STREAM.
- DEVELOPER TO BE RESPONSIBLE TO OBTAIN OFFSITE EASEMENTS TO PROVIDE SANITARY SEWER SERVICE TO PHASE 4.
- ALL NECESSARY RIGHTS FOR SANITARY SEWERS AND DRAINAGE PURPOSES SHALL BE RESERVED ON THE RECORD PLAT THROUGH AREAS MARKED AS "OPEN SPACE".
- AN ANALYSIS OF THE EXISTING SITE DRAINAGE SYSTEMS MAY BE REQUIRED PRIOR TO CONSTRUCTION APPROVAL.
- THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MSK WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
- THIS SITE IS SUBJECT TO REGIONAL FACILITY FEES X 1.5 FOR INCREASED RUNOFF VOLUME.

**PUBLIC WORKS AND KTC NOTES:**

- ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
- VEGETATION WITHIN 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 SITE DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
- 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 DRIVE OR BUILDING ON THE STREET AND SHALL BE IN PLACE PRIOR TO REQUESTING A 10% CERTIFICATE OF OCCUPANCY.
- THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
- ALL CUL-DE-SACS AND BUBBLE PAVEMENT WIDTHS, RADI, SIDEWALK LOCATIONS AND OFFSETS SHALL BE IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND APPROVED AT THE TIME OF CONSTRUCTION.
- CURBS AND GUTTERS SHALL BE PROVIDED ALONG ALL STREETS IN THE DEVELOPMENT. SIDEWALKS SHALL BE PROVIDED ALONG ALL STREETS WHERE REQUIRED BY THE DEVELOPMENT CODE.
- ALL SIDEWALK RAMPS SHALL CONFORM TO A.D.A STANDARD SPECIFICATIONS, THE "SPECIAL NOTE FOR DETECTABLE WARNINGS FOR SIDEWALK RAMPS" PER KTC STANDARD DRAWINGS FOR SIDEWALKS AND PER KY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
- THE APPLICANT SHALL INSTALL SIGNS, APPROVED BY THE METRO PUBLIC WORKS DEPT., WHICH INDICATE THE FUTURE EXTENSION OF THE PUBLIC RIGHT-OF-WAY FOR STREETS "A" & BRETT FRAZIER DRIVE SUCH SIGNS SHALL BE TRAFFIC ACTIVITIES. INSTALLED PRIOR TO RELEASE OF BONDS FOR THE INSTALLATION OF THE STREET INFRASTRUCTURE.
- NO INCREASE OF RUNOFF ALLOWED TO DISCHARGE INTO STATE R/W.
- INSTEAD OF PROVIDING A SIDEWALK ALONG WATTERSON TRAIL ACROSS THE SITE FRONTAGE, THE DEVELOPER SHALL CONSTRUCT A SIDEWALK TO FILL THE GAPS ON THE WEST SIDE OF BELLAH CHURCH ROAD, BEGINNING AT DELOUR WAY, SOUTH TO THE AVAILON DEVELOPMENT AND AS PER AGREEMENT WITH METRO COUNCIL REPRESENTATIVE, JAMES PEDEN.

**BENCHMARKS**

NOTE: ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM & WERE DERIVED FROM LOIC BENCHMARKS BY MEANS OF GPS METHODS AND DIFFERENTIAL LEVELING.

SOURCE BENCHMARK BP35-03RESTATE NAVD 1988 ELEV. 669.87

BM #2 NAVD 1988 ELEV. 673.10

BEING AN EXISTING LOIC MONUMENT LOCATED ON THE WEST SIDE OF WATTERSON TRAIL 250' NORTH OF THE ENTRANCE INTO SPRING VILLA SUBDIVISION AND BEING 7' WEST OF THE EDGE OF PAVEMENT.

BM #4158 NAVD 1988 ELEV. 664.03

BEING AN "X" CUT ON THE CONCRETE CURB LOCATED ON THE NORTHWEST CORNER OF VILLA SPRING DRIVE AND BRETT FRAZIER DRIVE APPROXIMATELY 25' NORTH OF THE CENTERLINE OF VILLA SPRING DRIVE AND 22' WEST OF THE CENTERLINE OF BRETT FRAZIER DRIVE.

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**

CONDITIONS:

BY: *Tommy Melick*

DATE: 5-17-17

LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

**APPROVED**

Louisville Metro Planning Commission

*Tommy Melick* date 5-10-17

*Tommy Melick* date 5-10-17

*Tommy Melick* date 5-10-17

Louisville Metro Planning & Design Services

Louisville Metro Planning Commission for date

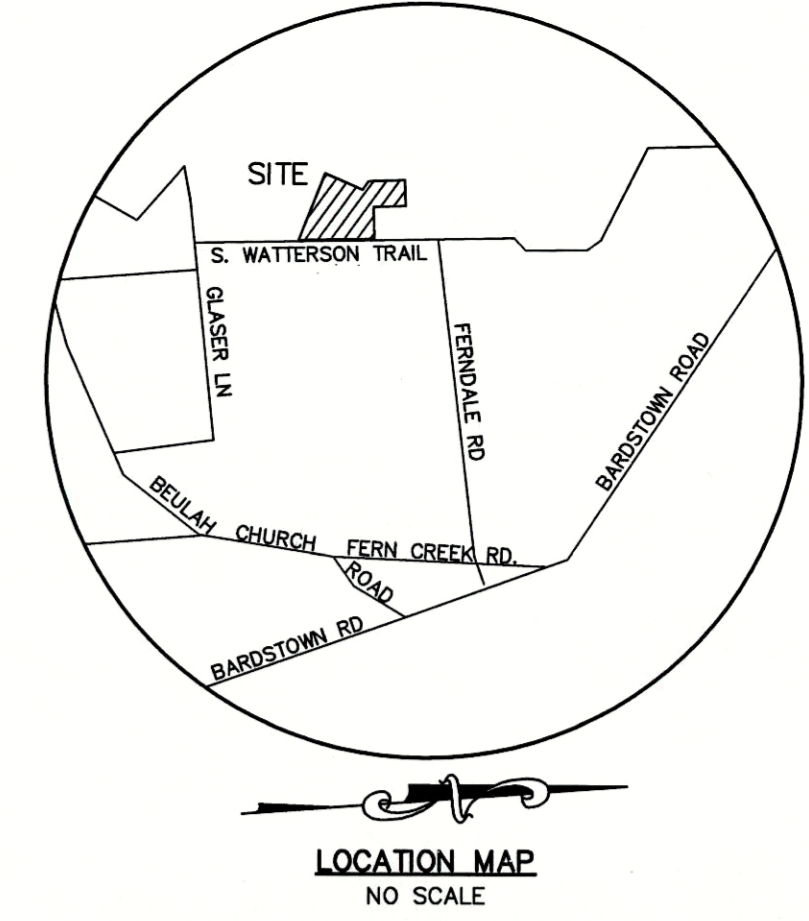
Checked if conditional approval

See back of plan for conditions of approval

Expiration date

**LEGEND**

- XXX EXISTING CONTOUR
- WM EXISTING TREE MASS
- FH EXISTING FENCE
- EB EXISTING WATER METER
- EB EXISTING WATER VALVE
- EB EXISTING FIRE HYDRANT
- EB EXISTING IRRIGATION VALVE
- EB EXISTING TRANSFORMER
- EB EXISTING ELECTRIC BOX
- EB EXISTING TELEPHONE PEDESTAL
- EB EXISTING TELEVISION PEDESTAL
- EB EXISTING CATCH BASIN & YARD DRAIN W/ PIPE
- EB EXISTING TOE OF SLOPE/DITCH
- EB EXISTING SANITARY MANHOLE W/PIPE
- EB PROPOSED STORM SEWER
- EB PROPOSED DITCH/SWALE
- EB PROPOSED SANITARY MANHOLE W/PIPE
- EB STORM FLOW ARROW
- EB PROPOSED TREE PROTECTION FENCE
- EB PROPOSED WOODLAND PROTECTION AREA
- EB POTENTIAL WETLANDS/HYDRIC SOIL
- EB PROPOSED LOT NUMBER
- EB PROPOSED LOT NUMBER



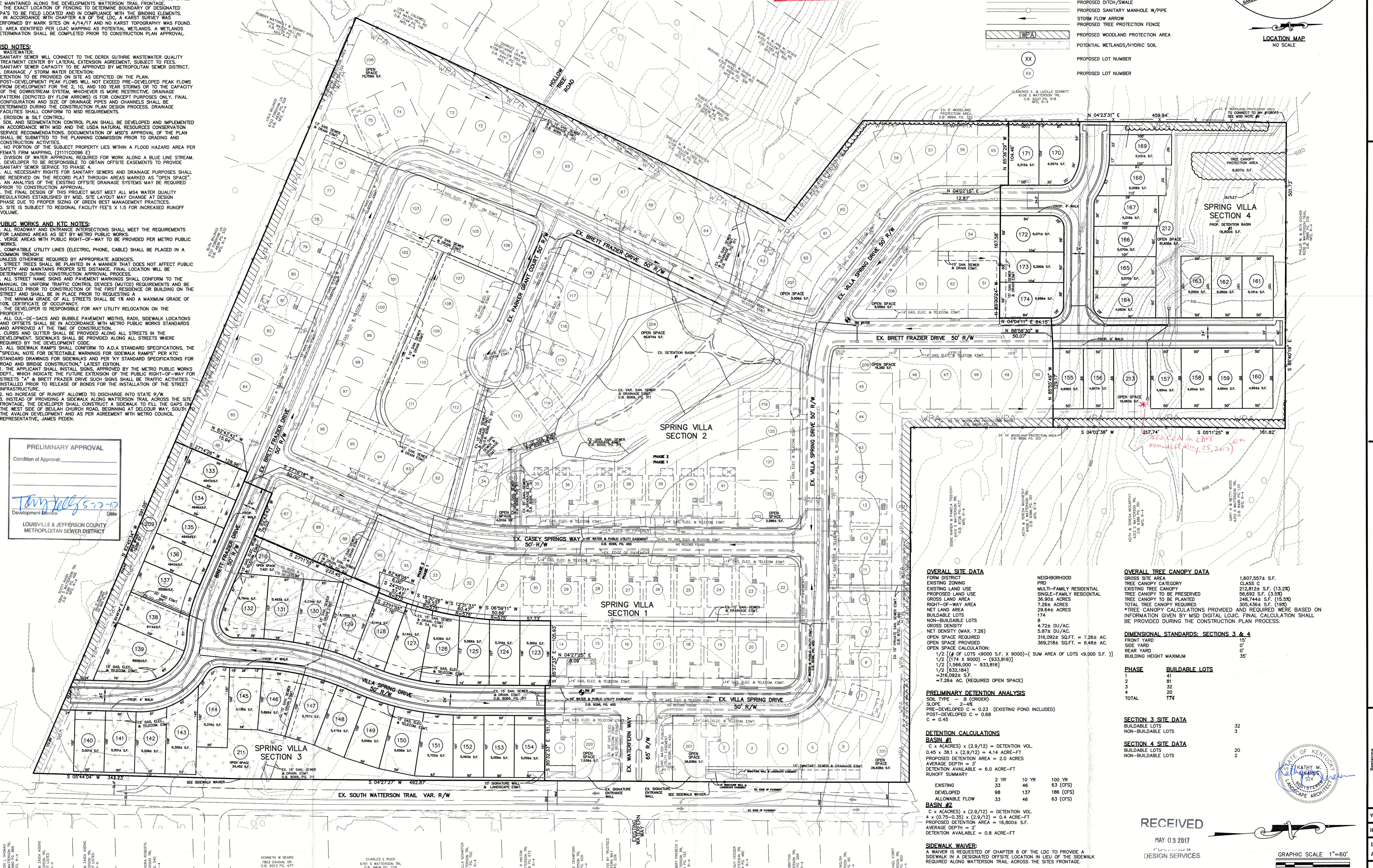
**PRELIMINARY APPROVAL**

Condition of Approval:

*Tommy Melick* 5-17-17

Date: 5-17-17

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT



**OVERALL SITE DATA**

FORM DISTRICT	PHD
EXISTING ZONING	MULTI-FAMILY RESIDENTIAL
EXISTING LAND USE	SINGLE-FAMILY RESIDENTIAL
PROPOSED LAND USE	SINGLE-FAMILY RESIDENTIAL
GROSS LAND ACRES	36.90± ACRES
RIGHT-OF-WAY AREA	7.26± ACRES
NET LAND AREA	29.64± ACRES
BUILDABLE LOTS	174
NON-BUILDABLE LOTS	8
GROSS DENSITY	4.72± DU/AC.
NET DENSITY (MAX. 7.26)	5.97± DU/AC.
OPEN SPACE REQUIRED	316,092± SQ.FT. = 7.26± AC.
OPEN SPACE PROVIDED	369,218± SQ.FT. = 8.48± AC.
OPEN SPACE CALCULATION:	
1/2 [(# OF LOTS <9000 S.F. X 9000) - (SUM AREA OF LOTS <9000 S.F.)]	
1/2 [(174 X 9000) - (933,816)]	
1/2 [1,566,000 - 933,816]	
1/2 [632,184]	
= 316,092± S.F.	
= 7.26± AC. (REQUIRED OPEN SPACE)	

**PRELIMINARY DETENTION ANALYSIS**

SOIL TYPE - B (CRIDER)

SLOPE - 2-4%

PRE-DEVELOPED C = 0.23 (EXISTING POND INCLUDED)

POST-DEVELOPED C = 0.68

C = 0.45

**DETTENTION CALCULATIONS**

**Basin #1**

C x A (ACRES) x (2.9/12) = DETENTION VOL.

0.45 x 38.1 x (2.9/12) = 4.14 ACRE-FT

PROPOSED DETENTION AREA = 2.0 ACRES

AVERAGE DEPTH = 3'

DETTENTION AVAILABLE = 6.0 ACRE-FT

RUNOFF SUMMARY

	2 YR	10 YR	100 YR
EXISTING	33	46	63 (CFS)
DEVELOPED	98	137	186 (CFS)
ALLOWABLE FLOW	33	46	63 (CFS)

**Basin #2**

C x A (ACRES) x (2.9/12) = DETENTION VOL.

4 x (0.75-0.35) x (2.9/12) = 0.4 ACRE-FT

PROPOSED DETENTION AREA = 16,800± S.F.

AVERAGE DEPTH = 2'

DETTENTION AVAILABLE = 0.8 ACRE-FT

**OVERALL TREE CANOPY DATA**

GROSS SITE AREA	1,607,557± S.F.
TREE CANOPY CATEGORY	CLASS E
EXISTING TREE CANOPY	212,824 S.F. (13.2%)
TREE CANOPY TO BE PRESERVED	56,892 S.F. (3.5%)
TREE CANOPY TO BE PLANTED	248,744± S.F. (15.5%)
TOTAL TREE CANOPY REQUIRED	305,636 S.F. (19%)
*TREE CANOPY CALCULATIONS PROVIDED AND REQUIRED WERE BASED ON INFORMATION GIVEN BY MSD DIGITAL LOIC. FINAL CALCULATION SHALL BE PROVIDED DURING THE CONSTRUCTION PLAN PROCESS.	

**DIMENSIONAL STANDARDS, SECTIONS 3 & 4**

FRONT YARD	0'-0"
REAR YARD	0'-0"
BUILDING HEIGHT MAXIMUM	35'

**PHASE BUILDABLE LOTS**

1	41
2	81
3	32
4	20
TOTAL	174

**SECTION 3 SITE DATA**

BUILDABLE LOTS	32
NON-BUILDABLE LOTS	0

**SECTION 4 SITE DATA**

BUILDABLE LOTS	20
NON-BUILDABLE LOTS	2

**RECEIVED**

MAY 03 2017

DESIGN SERVICES

GRAPHIC SCALE 1"=60'

0 15 30 60 90 120

**OWNER/DEVELOPER**

**SUPERIOR BUILDERS, INC.**

P.O. BOX 91483

LOUISVILLE, KY 40291

**SIDEWALK WAIVER & REVISED PRELIMINARY SUBDIVISION PLAN**

**SPRING VILLA - SECTION 3 AND 4**

6710 WATTERSON TRAIL & BRETT FRAZIER DR.

LOUISVILLE, KY 40291

TAX BLOCK: 0637, LOTS 004 & 235

D.B. 10346 PG 422

**Vertical Scale: 1"=N/A'**

**Horizontal Scale: 1"=60'**

Date: 3/27/17

Job Number: 2027

Sheet

Case # 17SUBDIV1006

RELATED CASE # 13ZONE1015

9-38-01

MSD WM # 7338

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