

Case No. 22-ZONE-0073 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed 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. 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. An encroachment permit shall be obtained from the Kentucky Transportation Cabinet for any work in the Herr Lane 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.
 - 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. Building materials shall not contain vinyl siding. Construction materials in each building of the development shall consist of brick, stone/manufactured stone, wood, Hardie cementitious materials and stucco/Dryvit. The materials and design of proposed structure shall be substantially similar to the renderings as

presented at the January 19, 2023 Planning Commission meeting. The façade elevations shall be in accordance with applicable form district standards.

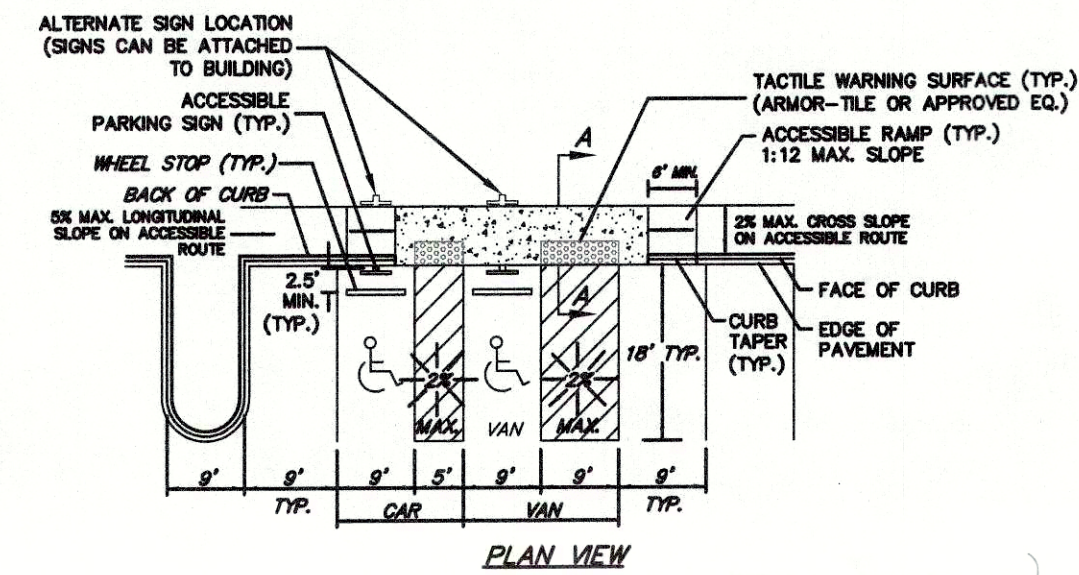
- f. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning & Design Services prior to obtaining a building permit.
5. A certificate of occupancy must be received from the appropriate 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. Perimeter screening shall be achieved via an 8-foot solid privacy fence and landscaping as shown at the January 19, 2023 Planning Commission public hearing. The solid privacy fence shall be preferentially double-sided, but if a single-sided fence is used the finished side of the fence shall face outward. The solid privacy fence material shall be a plastic/vinyl-type product.
8. The fire pit shall be gas-fired.
9. The hours of operation for the pool shall be 10:00 a.m. to 9:00 p.m.

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 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.
- 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 ST. MATTHEWS FIRE DISTRICT.
- SIGNATURE ENTRANCE WALLS SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING STAFF PRIOR TO CONSTRUCTION PLAN APPROVAL AND THEY SHALL MEET THE REQUIREMENTS OF CHAPTER 4.4.3 OF THE LDC.
- 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 PARCELS, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC STREETS AND RIGHT-OF-WAYS PER CHAPTER 4.1.3 OF THE LDC.
- ALL DUMPSTER 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.
- WHEEL STOPS AND PROTECTIVE CURBING: CONCRETE WHEEL STOPS OR CURBING AT LEAST SIX (6) INCHES HIGH AND 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.
- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH 10.2.B. OF THE LDC.
- INDIVIDUAL TRASH CANS TO BE USED FOR COLLECTION. NO DUMPSTER/COMPACTOR PROVIDED ON SITE.

PUBLIC WORKS AND KTC NOTES:

- NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE AND METRO WORKS RIGHT-OF-WAY.
- RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO SITE CONSTRUCTION AND APPROVAL BY PUBLIC WORKS.
- ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
- VERGE 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.
- THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
- TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SITE DISTANCE AS REQUIRED PER METRO PUBLIC WORKS STANDARDS.
- 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.
- NO INCREASE OF RUNOFF ALLOWED TO DISCHARGE INTO STATE RIGHT-OF-WAY.
- ROAD IMPROVEMENTS FOR HERR LANE WILL BE COMPLETED WITH THE REQUIRED IMPROVEMENTS FOR PROVIDENCE POINT.
- DEVELOPER SHALL RECORD A CROSSOVER AGREEMENT WITH PROVIDENCE POINT PRIOR TO CONSTRUCTION APPROVAL OF PROVIDENCE POINT. PROVIDENCE POINT CASES INCLUDE 9-8-00 & 20-DDP-0045.
- THIS DEVELOPMENT IS RESPONSIBLE TO CONSTRUCT THE WESBORO ROAD ENTRANCE/EXTENSION IF HERR LANE IMPROVEMENTS HAVE NOT BEEN SUBMITTED OR APPROVED PRIOR TO SITE CONSTRUCTION PLAN APPROVAL.

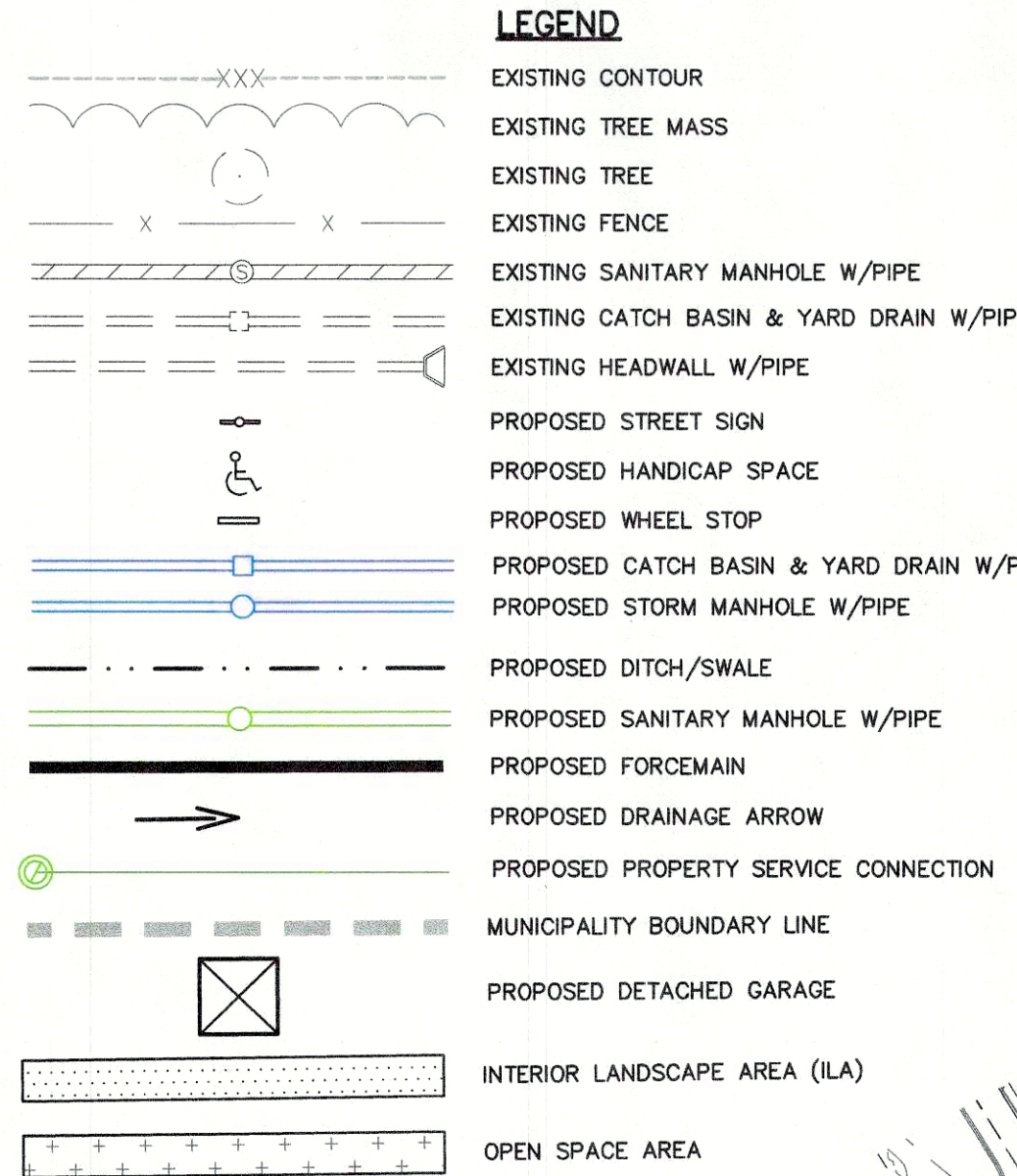


FENCED IN OPEN SPACE AREA:

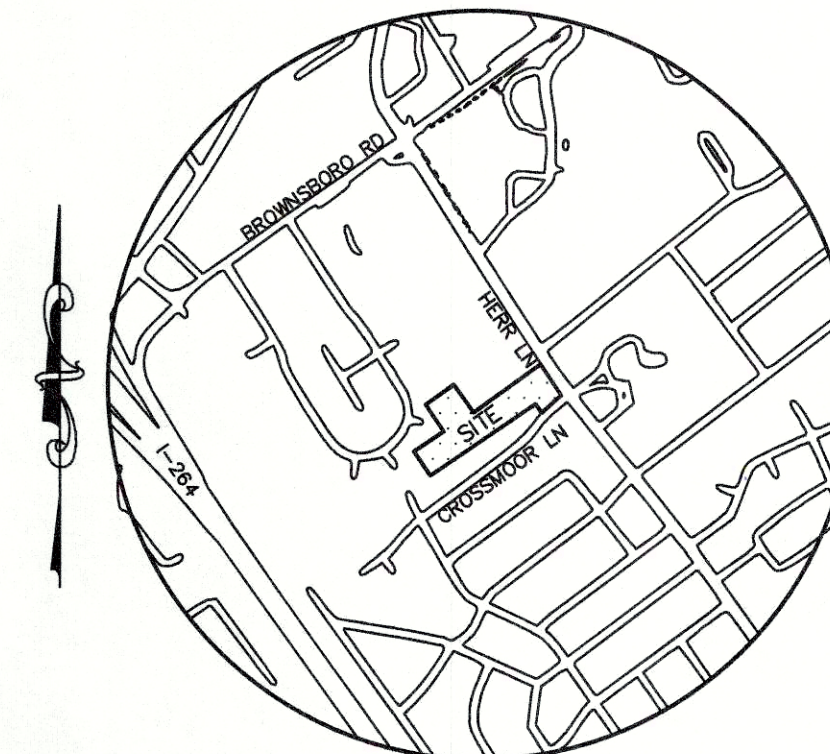
BUILDINGS 1-2	1,746.94 S.F. EACH (2 TOTAL)
TOTAL S.F.	3,493.88/2 = 1,746.94 S.F.
BUILDING 3	2,077.2 S.F. (1 TOTAL)
TOTAL S.F.	2,077.2/2 = 1,038.6 S.F.
BUILDINGS 4-7	3,838.6 S.F. EACH (4 TOTAL)
TOTAL S.F.	14,954.4/2 = 7,477.2 S.F.
BUILDINGS 8 & 11	2,838.6 S.F. EACH (2 TOTAL)
TOTAL S.F.	5,677.2/2 = 2,838.6 S.F.
BUILDINGS 9-10	3,288.6 S.F. EACH (2 TOTAL)
TOTAL S.F.	6,577.2/2 = 3,288.6 S.F.
TOTAL FENCED IN OPEN SPACE S.F.	= 16,389.94 S.F.

MSD NOTES:

- CONSTRUCTION PLANS & DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS.
- WASTEWATER: SANITARY SEWER WILL CONNECT TO THE MORRIS FORMAN WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
- DRAINAGE/STORMWATER DETENTION: POST-DEVELOPED PEAK FLOWS WILL BE LIMITED TO 50% OF THE PREDEVELOPED PEAK FLOWS FOR THE 2, 10, 25, AND 100-YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE. A TEMPORARY OFF SITE DETENTION MAY BE REQUIRED WHILE OFFSITE DIVERSIONS AND IMPROVEMENTS ARE MADE.
- 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 (2111100 030E).
- 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.
- PRIVACY FENCES SET ALONG THE PERIMETER PROPERTY LINES SHALL BE SET ABOVE EXISTING GRADE SO AS NOT TO PROHIBIT EXISTING STORMWATER SHEET FLOW.



LEGEND



PRELIMINARY APPROVAL

Condition of Approval:

med-fk 1-23-23

Development Review Date

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

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

OVERALL SITE DATA:

FORM DISTRICT	NEIGHBORHOOD
EXISTING ZONING	R4
PROPOSED ZONING	R5A
EXISTING LAND USE	SINGLE FAMILY/OFFICE
PROPOSED LAND USE	MULTI FAMILY
GROSS LAND AREA	8,274 AC.
NET LAND AREA	8,111 AC.
NO. OF DWELLING UNITS	72
BUILDING HEIGHT	28' 6"
DENSITY	8.70 D.U./AC.
TOTAL BUILDING SQUARE FOOTAGE	169,106 S.F.
OPEN SPACE REQUIRED	54,036 S.F. (15%)
OPEN SPACE PROVIDED (INC. FENCED IN O.S. 16,389.94)	59,688 S.F.
REC. OPEN SPACE REQUIRED	27,018 S.F. (7.5%)
REC. OPEN SPACE PROVIDED (INC. DOG PARK & PLAYGROUND)	32,132 S.F.

OVERALL SITE LANDSCAPE AREA:

VEHICULAR USE AREA (VUA)	89,011 S.F.
ILA REQUIRED (7.5%)	6,675 S.F.
ILA PROVIDED	7,758 S.F.

IMPERVIOUS AREA:

EXISTING IMPERVIOUS AREA	217,006 S.F.
PROPOSED IMPERVIOUS AREA	345,617 S.F.
NET IMPERVIOUS AREA	128,611 S.F.

LOUISVILLE SITE DATA:

GROSS LAND AREA	2,001 AC.
NO. OF DWELLING UNITS	22
DENSITY	11.0 D.U./AC.
TOTAL BUILDING SQUARE FOOTAGE	52,116 S.F.
PARKING REQUIRED:	
MIN. (1 SP/DU) - MAX. (2 SP/DU)	22-44 SPACES
PARKING PROVIDED	44 SPACES

LOUISVILLE DIMENSIONAL STANDARDS:

MINIMUM LOT AREA	6,000 S.F.
MINIMUM BUILDING HEIGHT	35'
FRONT/STREET SIDE YARDS	15', 25' ADJACENT TO ARTERIAL RD.
GARAGE DOOR FACING STREET	25' SETBACK
SIDE YARD MIN.	5'
REAR YARD MIN.	25'

LOUISVILLE TREE CANOPY DATA:

GROSS SITE AREA	87,120 S.F.
LAND USE	MULTI-FAMILY
EXISTING TREE CANOPY	18,350 S.F. (21%)
EXISTING TREE CANOPY TO BE PRESERVED	0 S.F. (0%)
TOTAL TREE CANOPY REQUIRED/PROVIDED	30,492 S.F. (35%)

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

GREYMOOR-DEVONDALE SITE DATA:

GROSS LAND AREA	6.11 AC.
NO. OF DWELLING UNITS	50
DENSITY (MAX. 12.01 D.U./AC)	8.18 D.U./AC.
FLOOR AREA RATIO (MAX. 0.5)	0.44
TOTAL BUILDING SQUARE FOOTAGE	116,990 S.F.
PARKING REQUIRED:	
MIN. (1.5 SP/DU) - MAX. (3 SP/DU)	75-150 SPACES
PARKING PROVIDED	106 SPACES

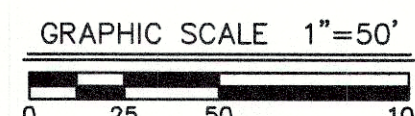
GREYMOOR-DEVONDALE DIMENSIONAL STANDARDS:

MINIMUM LOT AREA	6,000 S.F.
MINIMUM BUILDING HEIGHT	35'
FRONT/STREET SIDE YARDS	20', 30' ADJACENT TO ARTERIAL RD.
SIDE YARD MIN.	5'
REAR YARD MIN.	25'

GREYMOOR-DEVONDALE TREE CANOPY DATA:

GROSS LAND AREA	266,152 S.F.
TREE CANOPY CATEGORY	CLASS C
EX. TREE CANOPY	20,228 S.F. (7.6%)
TREE CANOPY TO BE PRESERVED	0%
TREE CANOPY REQUIRED/PROVIDED	53,230 S.F. (20%)

CASE #22-ZONE-0073
RELATED CASE #22-ZONEPA-0054
WM #12446



MINDEL SCOTT
ENGINEERING & PLANNING > LANDSCAPE ARCHITECTURE
515 JEFFERSON AVENUE, SUITE 200
LOUISVILLE, KY 40202
502-485-1388 > mindelscott.com

OWNER
KY ARTIFICIAL BREEDING ASSOC.
KABA SELECT SIRE INC.
1930 HERR LANE
LOUISVILLE, KY 40222

DEVELOPER
HAGAN PROPERTIES
12911 REAMERS RD
LOUISVILLE, KY 40245

DETAILED DISTRICT DEVELOPMENT PLAN
BULL RUN TOWNHOMES
1920 & 1922 HERR LANE, LOUISVILLE, KY 40222
TAX BLOCK W003, LOT 25 & 184
DEED BOOK 2095 PAGE 390, DB 3535 PG 176, DB
6495 PG 226, PART OF DB 2435 PG 353, DB 3321
PG 316, & DB 4928 PG 747

Revisions	Vertical Scale:	Horizontal Scale:	Date:	Job Number:	Sheet
6/23/22 FORMAL PLING	N/A	1"=50'	5/23/22	3913	
6/13/22 PER AGENCY COMMENTS					
6/17/22 PER AGENCY COMMENTS					
6/28/22 OPEN SPACE MODIFICATION					
8/17/22 UPDATED AMENITY SPACES					
8/15/22 PER AGENCY COMMENTS					
8/23/22 PER AGENCY COMMENTS					
8/23/22 PER AGENCY COMMENTS					
8/23/22 OPEN SPACE MODIFICATION					
10/10/22 UPDATE LANDSCAPE WAIVER					
10/17/22 UPDATED AMENITY AREAS					
11/07/22 UPDATED LABELS					
12/05/22 UPDATED AMENITY AREAS					