



# NOTICE

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

Louisville, Kentucky



LOUISVILLE METRO

**APPROVED DISTRICT  
DEVELOPMENT PLAN**

DOCKET NO. 10007

APPROVAL DATE August 10, 2009

EXPIRATION DATE Sept. 10, 2013

SIGNATURE OF PLANNING COMMISSION

*[Signature]*

COMMISSION

PLANNING

Submittal Date: **July 28, 2009**

**RECEIVED**  
JUL 28 2009  
PLANNING & DESIGN SERVICES



# Design Team

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Owner:

Hurstbourne Property Group, LLC  
15510 Champion Lakes Place  
Louisville, KY 40245

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500 West Jefferson Street  
Louisville, KY 40202

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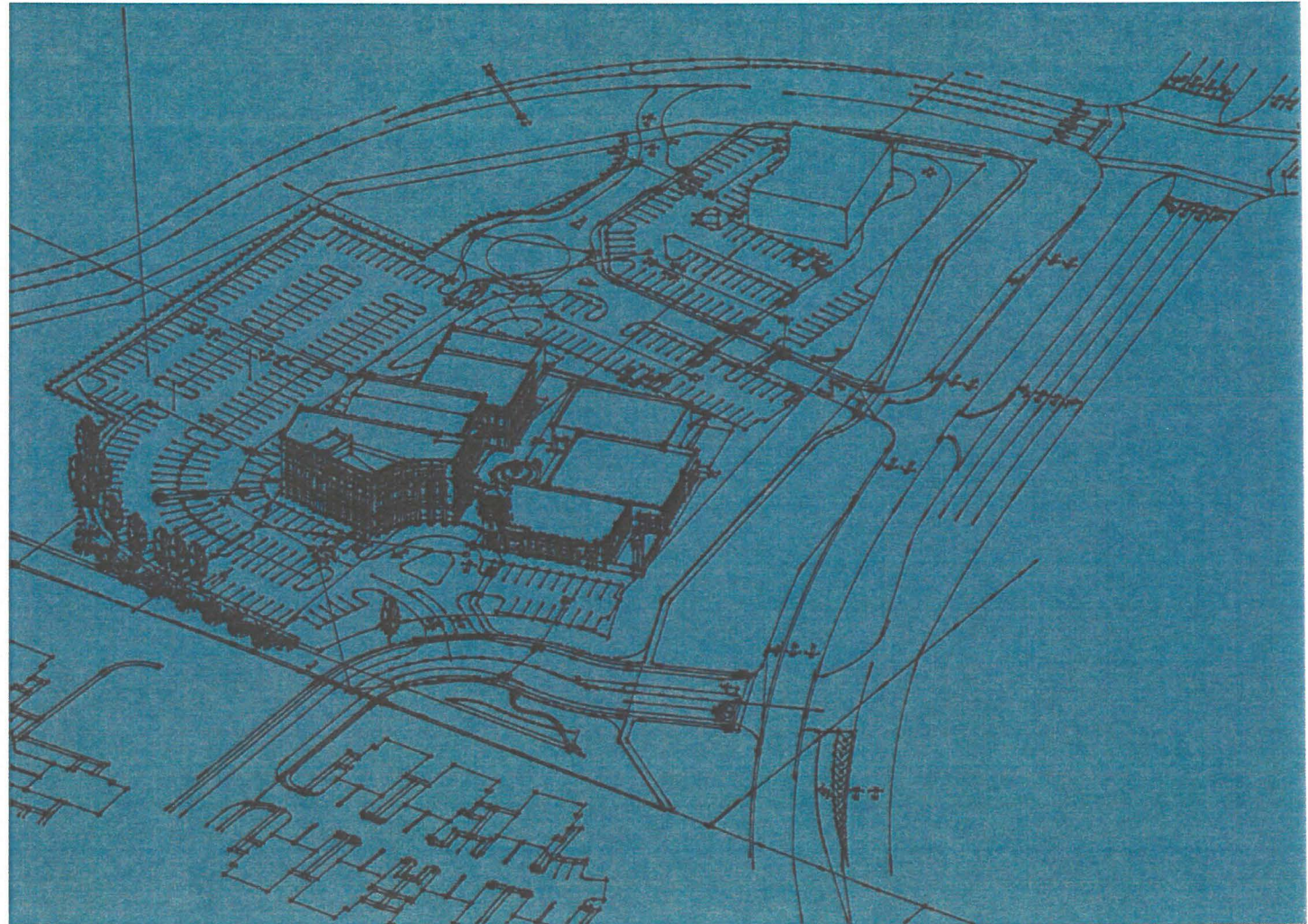
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Conceptual Aerial View Looking NE



## a. **SITE**

Located in the southeast Jefferson county corridor of S. Hurstbourne Parkway and South Watterson Trail, Pear Hill Smithy is a unique commercial development designed to acknowledge the historical significance of the blacksmith previously located on the site and give the area a distinct identity.

By providing a blend of retail and office uses, services and dining to a growing area, Pear Hill Smithy provides a distinctive sense of place and neighborhood pride. The center also serves as a neighborhood gathering area as well as a benchmark for future development along this portion of the parkway.

## b. **HISTORY**

Around the turn of the 19<sup>th</sup> century, the subject property was owned by Nicholas J. Westerman, the son of immigrants from Baiern in present day Germany.<sup>1</sup> Nicholas and his wife, Kate E., were both born in Kentucky just before the Civil War.<sup>2</sup> He and Kate married in about 1882,<sup>3</sup> and the 1900 census shows Nicholas, Kate, and their four children, John, George, Virginia, and Minnie, residing in Fern Creek. Louisville Title Company's Atlas of Louisville and Jefferson County (1913) identifies three parcels owned by Nicholas J. Westerman on either side of Meddis Lane (now known as S. Watterson Trail) and extending northward to the south bank of Little Fern Creek. Nicholas was a "truck farmer," which was the term used for a farmer who raised fruits and vegetables for market.<sup>4</sup>

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<sup>1</sup> 1880 U.S. Census, Jefferson County, Kentucky; viewed at. [www.ancestry.com](http://www.ancestry.com)

<sup>2</sup> Kentucky Birth Records, 1852-1910; viewed at [www.ancestry.com](http://www.ancestry.com)

<sup>3</sup> 1900 U.S. Census, Jefferson County, Kentucky; viewed at. [www.ancestry.com](http://www.ancestry.com)

<sup>4</sup> See "Truck farmer", defined at [http://ca.encyarta.msn.com/dictionary\\_1861722194/truck\\_farmer.html](http://ca.encyarta.msn.com/dictionary_1861722194/truck_farmer.html) (accessed: November 07, 2008).





James L. Mason, the 84-year old grandson of Nicholas J. and Kate E. Westerman, still lives in the Fern Creek area. In a telephone interview on November 2, 2008, he recalled that the Westerman farmstead was very hilly, contained a 3-story wood-framed house with weatherboarding built into the hill, and a barn for the hogs and cows. Mules were used to plow the fields. The crops that were raised, which included strawberries and vegetables, were driven in “Granddad’s 1918/1920 Model T truck” to the Haymarket in downtown Louisville for sale. On Sundays, Nicholas, who was very religious, would drive the family in his 1926 Model T Ford car to Fairview Christian Church.

Nicholas and Kate Westerman’s oldest son, John H. Westerman is identified in the 1910 census as a 26-year old blacksmith. In 1921, Nicholas Westerman deeded 20 acres of his property on the south side of Meddis Lane to John.<sup>5</sup> John and his wife, Margaret, who never had any children,<sup>6</sup> lived in a smaller house at 5902 S. Watterson Trail. James Mason confirmed that his Uncle John ran a very busy blacksmith shop called Pear Tree Smithy well into the 1950’s. The shop sat at the top of the hill and had an old hand-driven manual forge. John Westerman would shoe horses and mules, and also made and sharpened tools for the farmers in the area. James Mason fondly recalled helping his Uncle John in the blacksmith shop when he was 8 or 10 years old. “He was busy all the time. He could do anything with metal.”

### **C. PROPOSED LAND USE**

With an overall total square footage of 125,000, Pear Hill Smithy is a bold, new, open air, friendly complex rich in amenities and architecture that interprets the unique heritage and traditions of Louisville. Pear Hill Smithy is a truly exciting experience showcasing specialty stores, boutiques, shops, restaurants, cafes and a bold lifestyle concept.

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<sup>5</sup> Source: Jefferson County Clerk’s records, Louisville, Kentucky, Deed Book 985, Page 320

<sup>6</sup> Telephone interview with James L. Mason, November 2, 2008.



## a. OFFICE/RETAIL BUILDING DESCRIPTIONS

Two and three-story mixed-use buildings (45' maximum height) designed to help establish a backdrop for the development as well as an entry to the central piazza area. A separate three-story building would be located away from the main development close to the S. Watterson Trail and S. Hurstbourne Parkway intersection.

The taller buildings are closer to adjacent neighbors in an effort to buffer activity and noise. These buildings would have occupancies that have typical 8:00AM to 7:00 PM operating hours, thereby minimizing noise and impact on adjacent neighboring properties.

## b. RESTAURANT/ RETAIL BUILDING DESCRIPTIONS

One-story restaurant and retail buildings located towards the front of the development closest to S. Hurstbourne Parkway. These buildings are situated farthest away from the adjacent neighbors and help to form the second half of the central piazza space. These buildings allow for outdoor dining & fireplaces in the piazza space as well as facing S. Hurstbourne Parkway. The location of these buildings also allows for frequent in and out traffic to be closer to the entrances into the development.





## a. Introduction

The following uses shall be permitted in the PD (Planned Development) District:

Accessory buildings or uses: those uses which are subordinate, customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use

Antique shops

Art gallery

Artist studio

Athletic facilities including Yoga and Pilates.

Automobile parking areas, public and private

Bakeries, retail (all products produced to be sold on the premises only)

Banks, credit unions, and similar financial institutions  
with a drive-thru

Barber or beauty shops

Bicycle sales and service

Bookstores

Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere

Clothing, dry goods and notions stores

Clubs, private, non-profit or proprietary

Colleges, schools and institutions of learning

Computer sales (hardware and software) and programming services

Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off premises sale



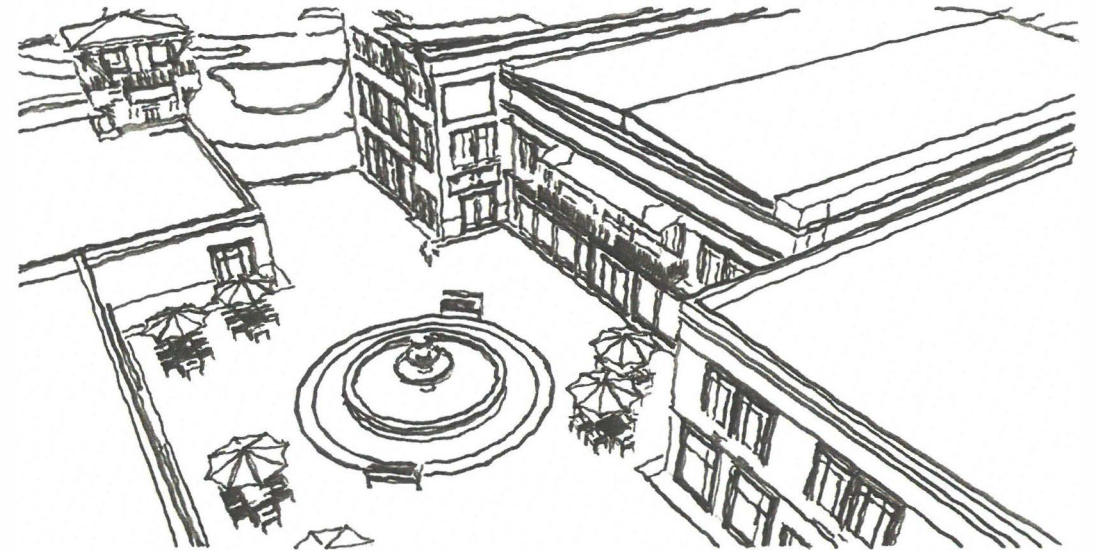


Convenience and specialty grocery stores  
Dance instruction (excludes adult entertainment uses as defined within LMCO Chapter 11)  
Day care centers, day nurseries, nursery schools and kindergartens  
Drug stores  
Dwelling, Multiple family – maximum density of 17.42 dwelling units per acre  
Dwelling, Single-family  
Dwelling, Two-family  
Electric appliance stores  
Engraving, jewelry manufacturing and watchmaking where products are sold on premises  
Establishments holding a retail malt beverage license, distilled spirits or wine retail package license but that do not allow consumption on the premises  
Florist shops  
Furniture stores  
Farmer's market  
Grocery stores, including fruit, meat, fish, and vegetable  
Hardware and paint stores  
Health spas  
Home occupations  
Interior decorating shops  
Jewelry stores  
Laundering and dry cleaning pick-up shops  
Libraries, museums, historical buildings and grounds and art galleries  
Medical laboratories  
Music and vocal instructions  
Music stores  
Office, business, professional, medical, and governmental community centers  
Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building.  
Pet shops  
Photocopying, duplicating, paper folding, mail processing and related services  
Photographic shops





Photography studios  
Picture framing  
Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings  
Public utility office  
Radio and television stores  
Restaurants, tea rooms and cafes, including restaurants with drive thru facilities and restaurants where food and drink (including alcohol) may be served or consumed outside as well as inside a building  
Saddle and harness shops  
Shoe repair shops  
Shoe stores  
Stationery stores  
Tailor and dress making shop  
Tanning salons  
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner  
Toy and hobby stores  
Training School, provided all training activities are located within a building  
Variety stores  
Veterinary hospital, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building  
Wearing apparel shops





**The following uses are prohibited in the PD (Planned Development) District:**

- Adult entertainment
- Automobile Sales
- Automobile service stations
- Car washes
- Check cashing businesses
- Flea market
- Funeral homes
- Garage or yard sale
- Pawn shop
- Plasma, blood collection centers, for profit
- Tattoo, body art, and piercing parlors





**b. Land Use & Dimensional Requirements**

LAND USE CATEGORY TABLE								
	AREA Ac.	PROP. ZONE	EXISTING/ PROPOSED FORM DISTRICT	PROPOSED USES	MAX. BLDG. HT.	MAX. BUILDING S.F.	MAX. F.A.R.	PARKING SPACES MIN./MAX. REQ'TS.
SECTION 1	7.62	PD	NEIGHBORHOOD	RETAIL, PROFESSIONAL AND MEDICAL OFFICE	45'	125,000 S.F.	0.40	WILL MEET CHAPTER 9 PART 1 TABLE 9.1.1 LDC REQUIREMENTS *
SECTION 2	2.26	PD	NEIGHBORHOOD	LANDSCAPE BUFFER	N/A	N/A	N/A	N/A
SECTION 3	0.29	N/A	NEIGHBORHOOD	DEDICATED R.O.W.	N/A	N/A	N/A	N/A

\* TOWER (FOCAL POINT BUILDING HEIGHT) = 4 STORY  
 \* ADA SPACES SHALL BE PROVIDED PER REGULATIONS

DIMENSIONAL REQUIREMENTS	
SITE AREA	SETBACK REQUIREMENTS
NORTH / EAST PROPERTY LINE (ALONG WATTERSON TRAIL)	MINIMUM SETBACK 10' MAXIMUM SETBACK 80'
SOUTH PROPERTY LINE (ALONG HURSTBOURNE PARKWAY)	MINIMUM SETBACK 10' MAXIMUM SETBACK 80'
WEST PROPERTY LINE	MINIMUM SETBACK 10' MAXIMUM SETBACK 80'

PARKWAY BUFFER AND LANDSCAPE BUFFER AREAS SHALL BE IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE





# C. Land Use Map



**MSA**  
Mindel, Scott & Associates, Inc.  
Planning • Engineering • Surveying • Landscape Architecture  
Urban Consulting • Program Management

July 2009

# Pear Hill Smythy - PD Use Map

Louisville, KY  
#2625





## a. Pedestrian & Bicycle Access

Sidewalks will be constructed along the entire S. Hurstbourne Parkway property frontage and also along the developed portion of S. Watterson Trail. Sidewalk connections into the site are proposed for both internal roadways from S. Hurstbourne Parkway providing connections to both portions of the developed site as well as a sidewalk to the westerly residential property. Sidewalks will connect directly to the internal piazza/plaza. Bicycle stations will be located at entrances to the piazza area.

## b. Vehicular Access

The PD Concept Plan depicts three access points to public roadways. Two points of ingress/egress are located on S. Hurstbourne Parkway and a single access point is proposed to S. Watterson Trail. The S. Hurstbourne Parkway access closest to the S. Hurstbourne Parkway/S. Watterson Trail intersection will function as a right-in/right-out access. These restricted access points are intended to protect the function of the S. Hurstbourne/S. Watterson Trail signalized intersection.

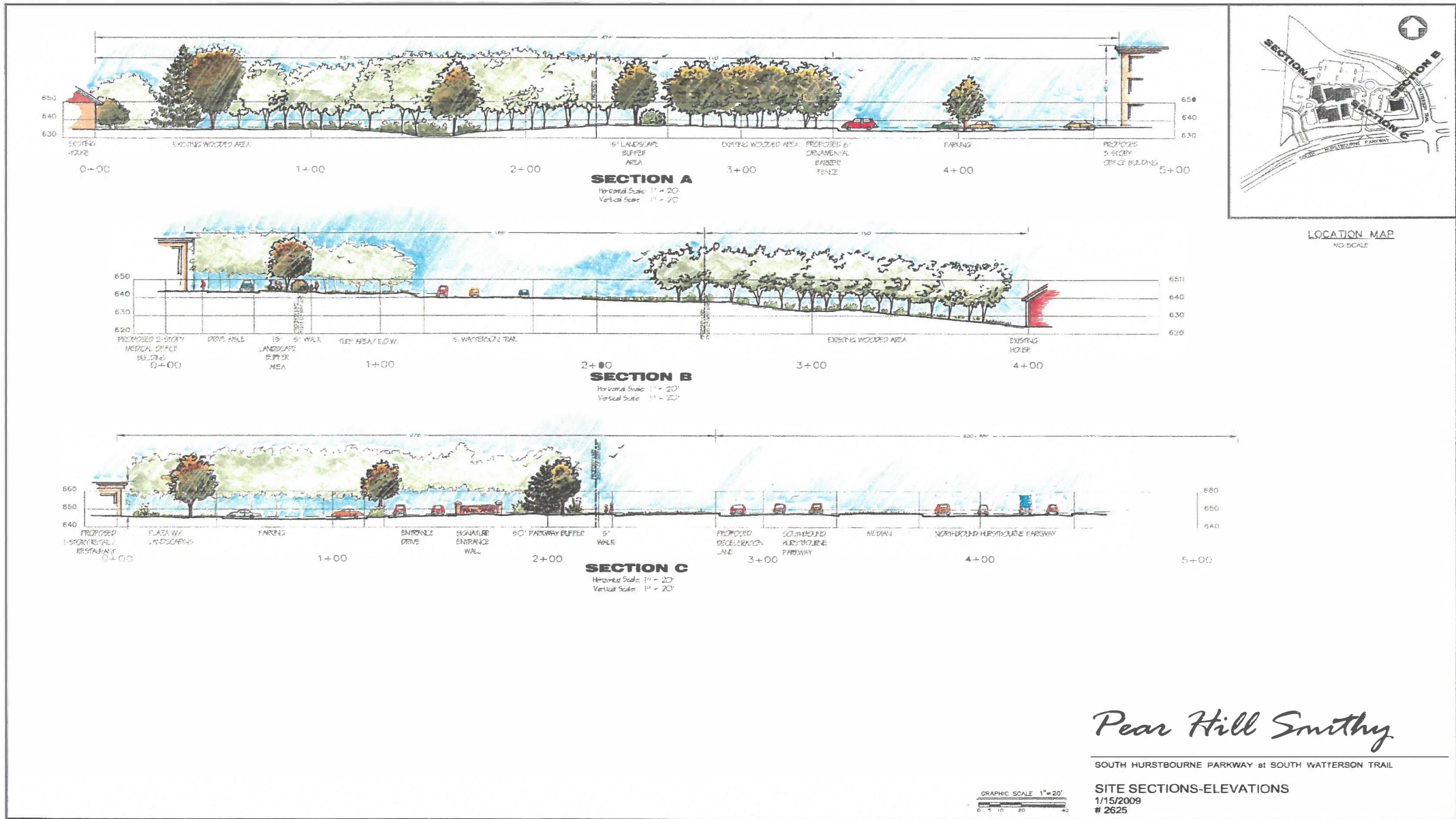
The S. Watterson Trail access will require improvements to the roadway shoulder will be required of the applicant to insure the appropriate line of sight for access to S. Watterson Trail. The westerly most access to S. Hurstbourne Parkway has been designed per the recommendation of the Kentucky Transportation Cabinet staff and includes construction of a left turn lane for east bound traffic and a deceleration lane for west bound traffic. This roadway will provide secondary access to the residential property west of the subject site.

A roundabout is proposed on-site to distribute traffic and provide a space for a landscape feature.

## c. Road Improvements

The site will be developed in accordance with the approved "Sight Distance Exhibit and Roadway Improvement Plan for South Watterson Trail" dated July 7, 2009 or such other plan as may be thereafter approved by Louisville Metro Public Works \* in file at Louisville Metro Planning and Design Services for case # 10067. *\*said approved plans shall be included*







#### **d. Internal Vehicular Circulation & Parking**

Parking lot circulation has been designed to promote safety and ease of movement through the site.

A drop-off has been included at the primary entrance of the commercial area. Another is proposed for the Medical/Commercial/Office building to provide immediate pedestrian access to the internal piazza.

The parking areas have been situated around the perimeter of the building/piazza foot print to emphasize pedestrian use of the site and minimize internal vehicular traffic.

#### **e. Landscaping**

Landscape plant material will be installed within the S. Hurstbourne Parkway Landscape Buffer Area, (LBA); the S. Watterson Trail LBA; Street "A"; the access drives and along the westerly boundary bordering residential development. The proposed buffer areas and plantings will comply with and exceed the requirements of the Land Development Code. Native plant materials will be used where possible. Additional plant materials, including annuals and perennials, are proposed for the planting islands within the parking lot and planters within the piazza and around the buildings.

An ornamental barrier fence will be constructed between the tree-line and the parking lot. The fence will consist of stonework and materials similar to the architecture. Evergreen shrubs are proposed along the parking lot between the curb and fence to shield residential properties from cars moving through the site as well as vehicular movement to and from parking spaces. The existing tree stand will be supplemented with major deciduous trees and understory plant material where voids in the tree mass presently exist.

- **Tree Preservation:**

A significant TCPA in excess is proposed along the northerly portion of the site. The existing tree stand will be supplemented with major deciduous trees and understory plant material where voids exist in the present mass. Tree canopy will be provided on site in accordance with the Land Development Code.



- **Plant Materials:**

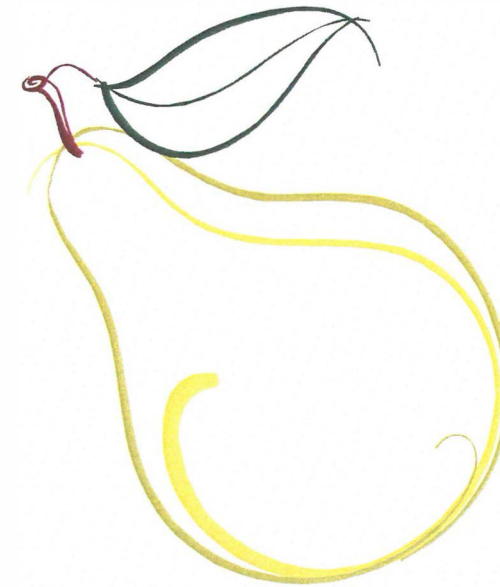
Suggested plant materials for the woodland edge, parking lot and the parkway buffer include but are not limited to the following species:

<u>Native Trees:</u>	<u>Understory Trees:</u>	<u>Parkway Trees:</u>
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Oak	Dogwood	Zelkova
Maple	Redbud	Willow Oak
Yellowwood	Magnolia	Linden
Kentucky Coffee Tree	Hawthorn	Maple

<u>Evergreen Trees:</u>	<u>Shrubs:</u>	<u>Accent Trees:</u>
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Cedar	Hydrangea	Bald Cypress
Spruce	Viburnum	Crabapple
Austrian/White Pine	Spirea	Kousa Dogwood
Hemlock		





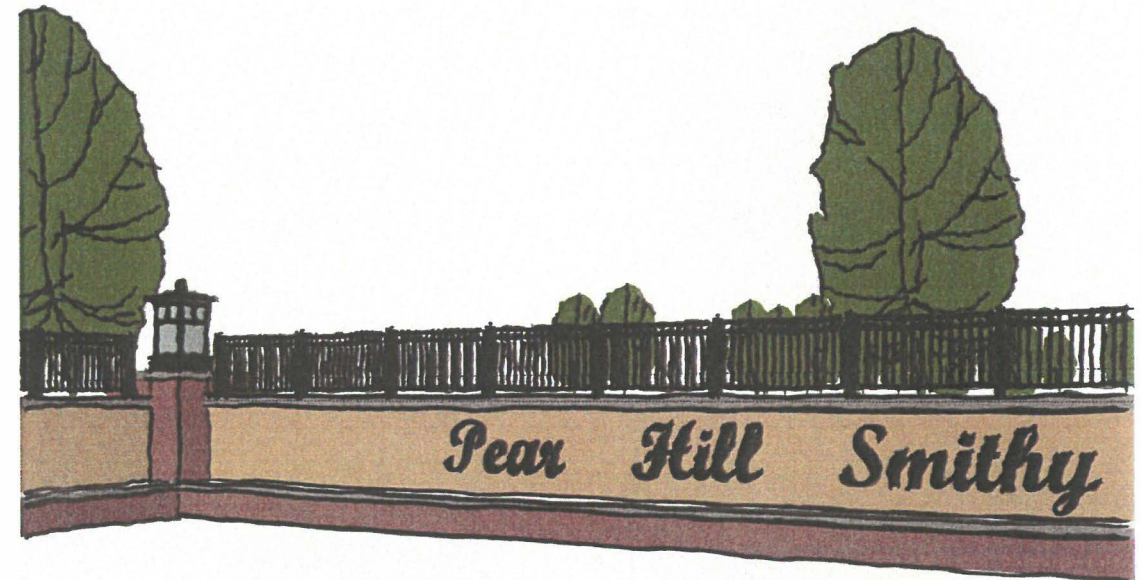


- **Landscape Buffer:**

An ornamental barrier fence will be constructed between the tree-line and the parking lot. The fence will consist of materials similar to the architectural components of the buildings. Evergreen shrubs are proposed along the parking lot between the curb and fence to shield residential properties from cars moving through the site as well as in parking spaces. A significant amount of the tree mass along the north and west property lines will be preserved in a TCPA.

- **Signature Entrances:**

4' tall Masonry walls and iron railing installed at the vehicular access drives will define the entry points, establish a sense of arrival and will reflect the architectural components of the primary buildings.





Proposed signs will be coordinated in a unified graphic system. The prominent signature entrance will serve as the primary means of defining the site for vehicular traffic on S. Hurstbourne Parkway and S. Watterson Trail.

A kiosk will provide a directory of shops and uses at the arrival points of the pedestrian piazza in close proximity to the tower. Signs for individual businesses will be minimal and will consist of façade signage with a unified graphic system of raised letters and painted letters. No internally lit business signs will be allowed.





A. Awnings/Canopies

1. Awnings, when used, shall be installed so that the valance is at least 7'-6" above the sidewalk.
2. The width of a single awning shall extend the full width of the window and shall not exceed 40 feet
3. Canopies shall be at least 18" from the face of curb. Awnings shall not extend into the Streetscape Zone.



B. Window signs are permitted within the PD (commercial uses), C-N, C-1, C-2, C-3 and C-M zoning districts. A use may display window signs so long as the aggregate area of such signs does not exceed 25% of total window area located on the ground floor of the building. For computation of area, window panels separated by muntins or mullions shall be considered as one continuous windowpane. Window signs shall not be considered attached signs.

C. Specific Attached, Awning and Window Sign Restrictions:

- A. Attached, Awning, Canopy and Marquee signs shall be permitted at a maximum total size of 60 square feet in area.
- B. Multiple tenant buildings shall be permitted either an attached sign or a projecting sign for each tenant.
- C. Pedestrian signs may be attached perpendicular to the facade extending no more than 4' from the face of the building and no larger than 2' in height.





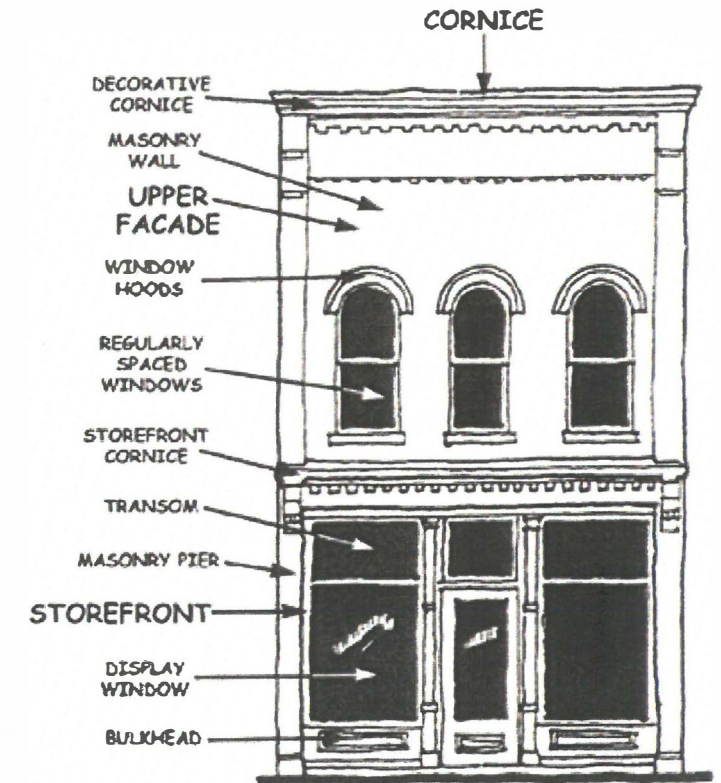
## D. Building Facade Treatment

### 1. Lower Façades –

- A. When the ground floor use is commercial, at least 50% of the storefront shall consist of clear windows and doors that allow a view into the working areas, lobbies or display windows set into the wall.
- B. Principal entry doors shall be oriented toward the street/ piazza area and recessed, covered or otherwise clearly identifiable through the use of architectural design elements. Entry areas shall be well lighted.

### 2. Upper Façades

- A. Windows shall be individually distinguished through the use of sills, lintels, trim, or other architectural elements.
- B. Window proportions shall be designed so the vertical dimension is larger than the horizontal dimension.



**TRADITIONAL  
FACADE  
COMPONENTS**

## f. Lighting

Building lighting will be mounted on the exterior walls to provide general illumination around the buildings as well as to highlight each retail/restaurant or office entry. Pole mounted lighting will be



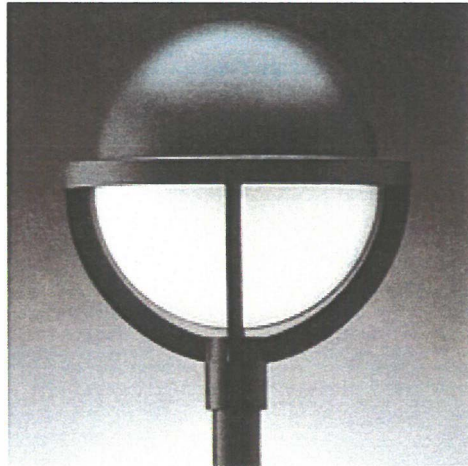


utilized throughout the parking areas. Lighting levels will be in accordance with lighting regulations stated in current Land Development Code.

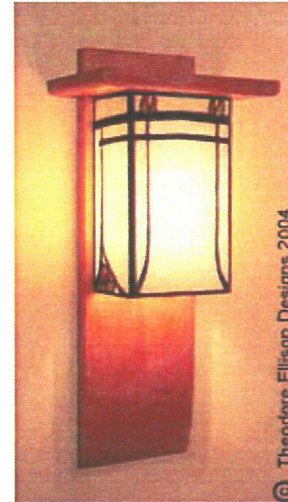
The piazza area will have a circular fountain with integral lighting to illuminate the fountain. The piazza area will also incorporate lighting to provide general illumination.



Wall Mounted



Pedestrian & Parking lot areas



Wall Mounted





Pedestrian Areas



Wall Mounted

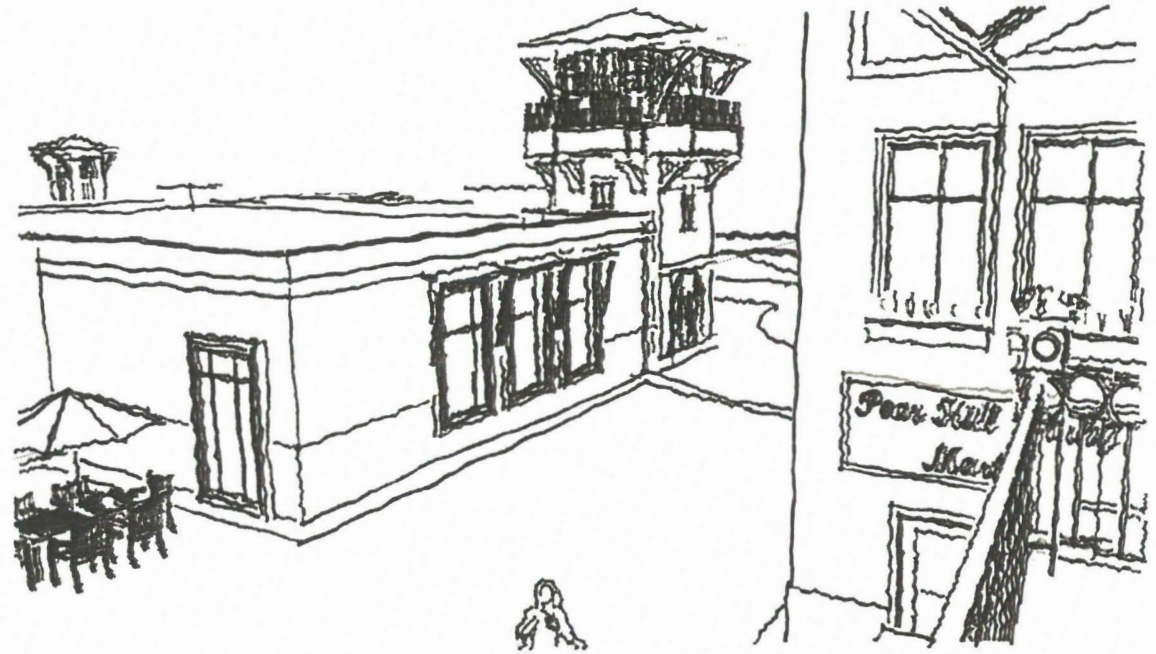


## g. Materials

Building materials will consist of stone, steel details, stained wood & brick veneers. Other materials will include composite wood trim, brick & stone paving, metal & fabric awnings, stained & textured concrete, composite wood cladding & stone trim. Doors & windows will be comprised of anodized aluminum storefront as well as wood & steel. Several areas throughout the development will incorporate wrought iron/black iron & exposed steel to highlight the artistry of blacksmithing as well as provide provenance and identity to the site.



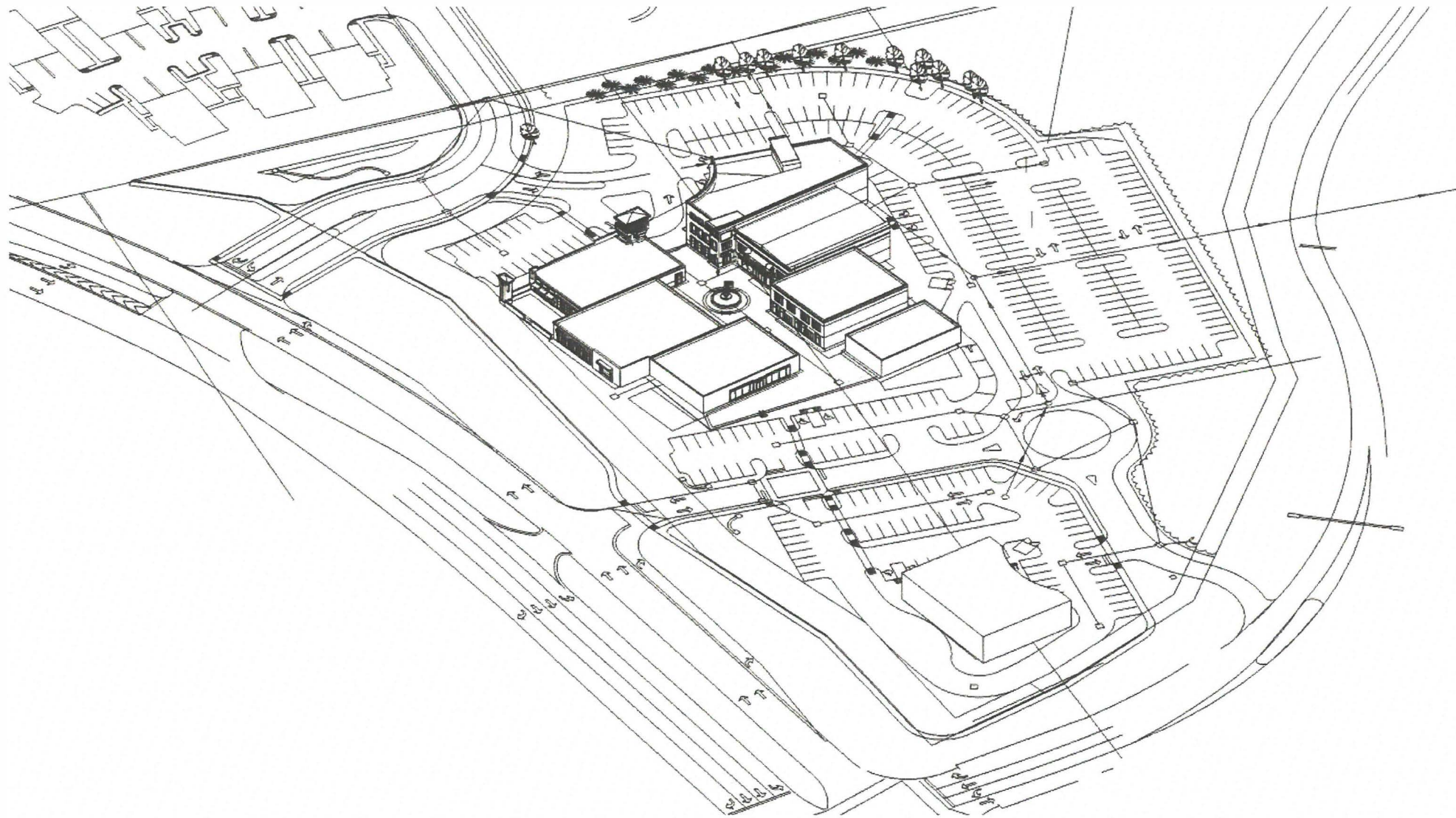




Conceptual images







Conceptual Aerial View Looking NW



### **A Blacksmith's Prayer**

My fire is extinct,  
And my forge is decayed,  
By the side of the bench  
My old vise is laid.

My anvil and hammer  
Lie gathering dust,  
My powerful bellows  
Have lost all their thrust.

My coal is now spent,  
My iron's all gone,  
My last nail's been driven,  
And my day's work is done.

*-- Unknown*

## Binding Elements

1. The development shall be in accordance with the approved PD-Development Plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Prior to development (**includes clearing and grading**) of the site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed development plan in accordance with Chapter 2, Part 8. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed development 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.
  - 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. 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.
7. 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.
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 materials and design of proposed structures shall be substantially the same as depicted in the Pattern Book as presented at the August 6, 2009 Planning Commission meeting.
10. The sidewalk fee-in-lieu is being applied for the sidewalk requirement along South Watterson Trail north of the proposed entrance. The fee-in-lieu shall be calculated per the approved construction plans and must be paid prior to construction approval by Louisville Metro Public Works.
11. Per the approved road improvement exhibit dated 08/05/09 and Metro Public Works requirements and standards, the applicant shall provide the following:
  - A. South Watterson Trail shall be improved along the property frontage to provide 14' from centerline pavement widening (minimum 2' widening) and 6-8' shoulders per metro public works standards.
  - B. A southbound right turn taper shall be constructed at the proposed entrance. Southbound Watterson Trail shall be restriped to provide bike lane striping and a northbound left turn lane into the proposed entrance.
  - C. The existing slope along South Watterson Trail shall be re-graded to provide appropriate sight distance per Louisville Metro Public Works' direction.



- D. At the eastern Hurstbourne Parkway proposed entrance, a 150' right turn lane with a 100' taper shall be constructed. The existing center median curb cut will be closed and the median restored.
- E. At the western Hurstbourne Parkway proposed entrance, a 150' right turn lane with a 100' taper shall be constructed. The existing median will be modified to create a left turn lane. The dimensions of this left turn lane and taper will be determined during construction plan review by the Kentucky Transportation Cabinet. The height of the grass median along Hurstbourne Parkway shall be reduced to improve sight distance per the Kentucky Transportation Cabinet's direction.
12. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Hurstbourne Parkway and South Watterson Trail.
- Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. Developer shall not request a certificate of occupancy until road improvements are complete.
13. All street signs shall be installed by the Developer and shall conform to the *Manual on Uniform Traffic Control Devices* (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence or building on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
14. An encroachment permit and bond may be required by Metro Public Works for roadway repairs on all surrounding access road to the subdivision site due to damages caused by construction traffic activities.
15. Landscaping within the parkway buffer will exceed Chapter 10 requirements by 25%.
16. A masonry wall, similar to the building materials as the development, 50 feet in length and 8 feet tall shall be constructed at the edge of the parking lot nearest to the Johnson property northwest of the subject site. The applicant shall work with staff on the final location of the wall. Final location of the wall shall be shown on the detailed plan.

