

### **Case No. 19-ZONE-0078 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. 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.
4. 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.
5. 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.
6. In the event the residual tract (future post office) is developed for residential purposes, cross connectivity and reciprocal access shall be provided between the two sites.



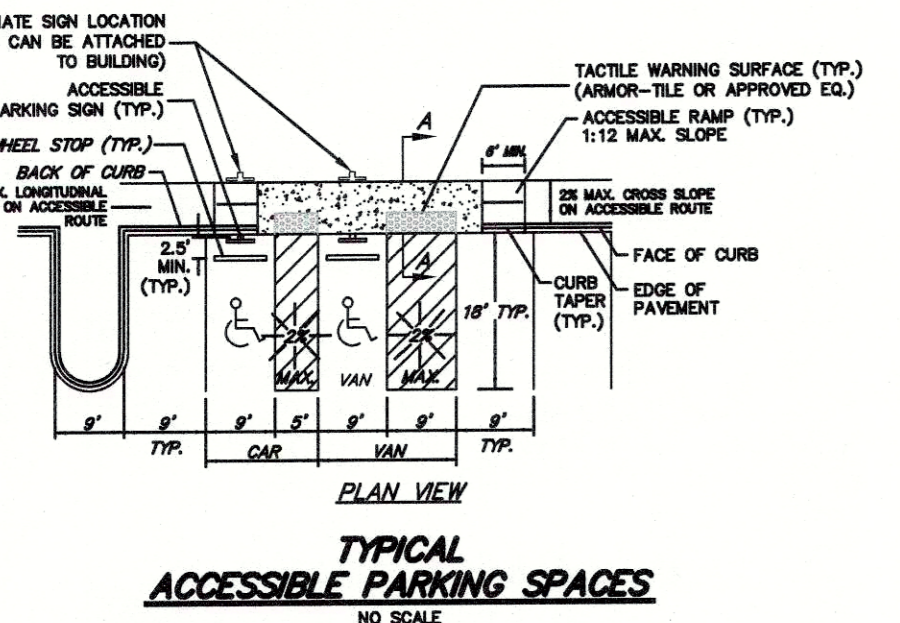
**LEGEND**

	EXISTING CONTOUR
	EXISTING TREE MASS
	EXISTING FENCE
	EXISTING SANITARY MANHOLE W/PIPE
	PROPOSED CATCH BASIN & YARD DRAIN W/PIPE
	PROPOSED SANITARY MANHOLE W/PIPE
	REVISED TREE LINE
	PROPOSED TREE CANOPY CREDIT AREA
	RECREATIONAL OPEN SPACE
	FORM DISTRICT BOUNDARY LINE

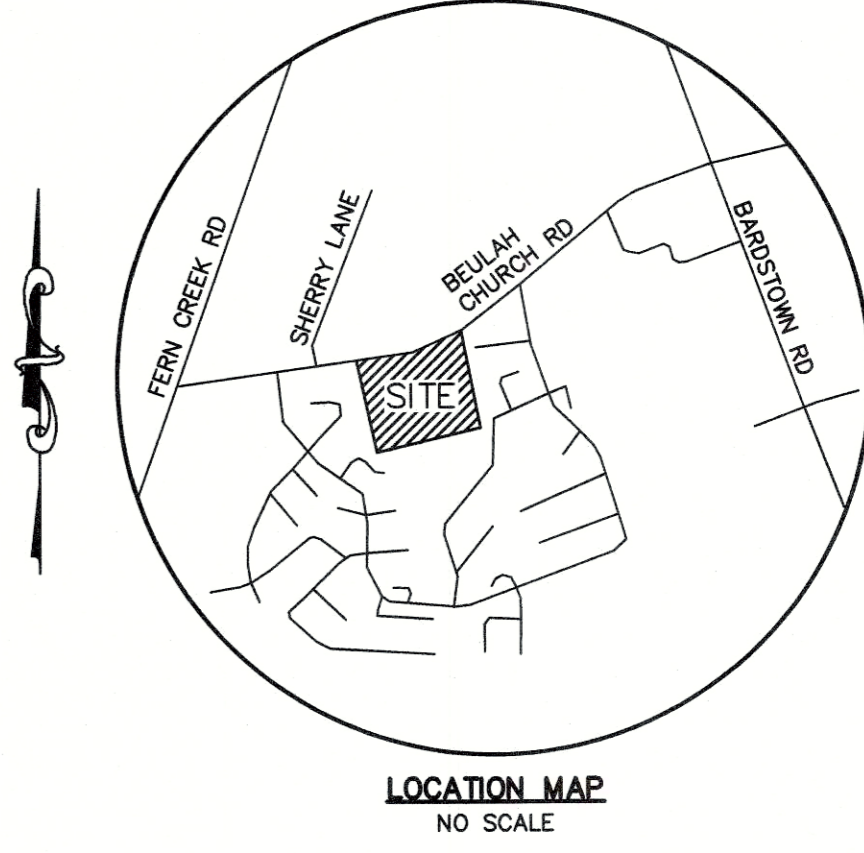
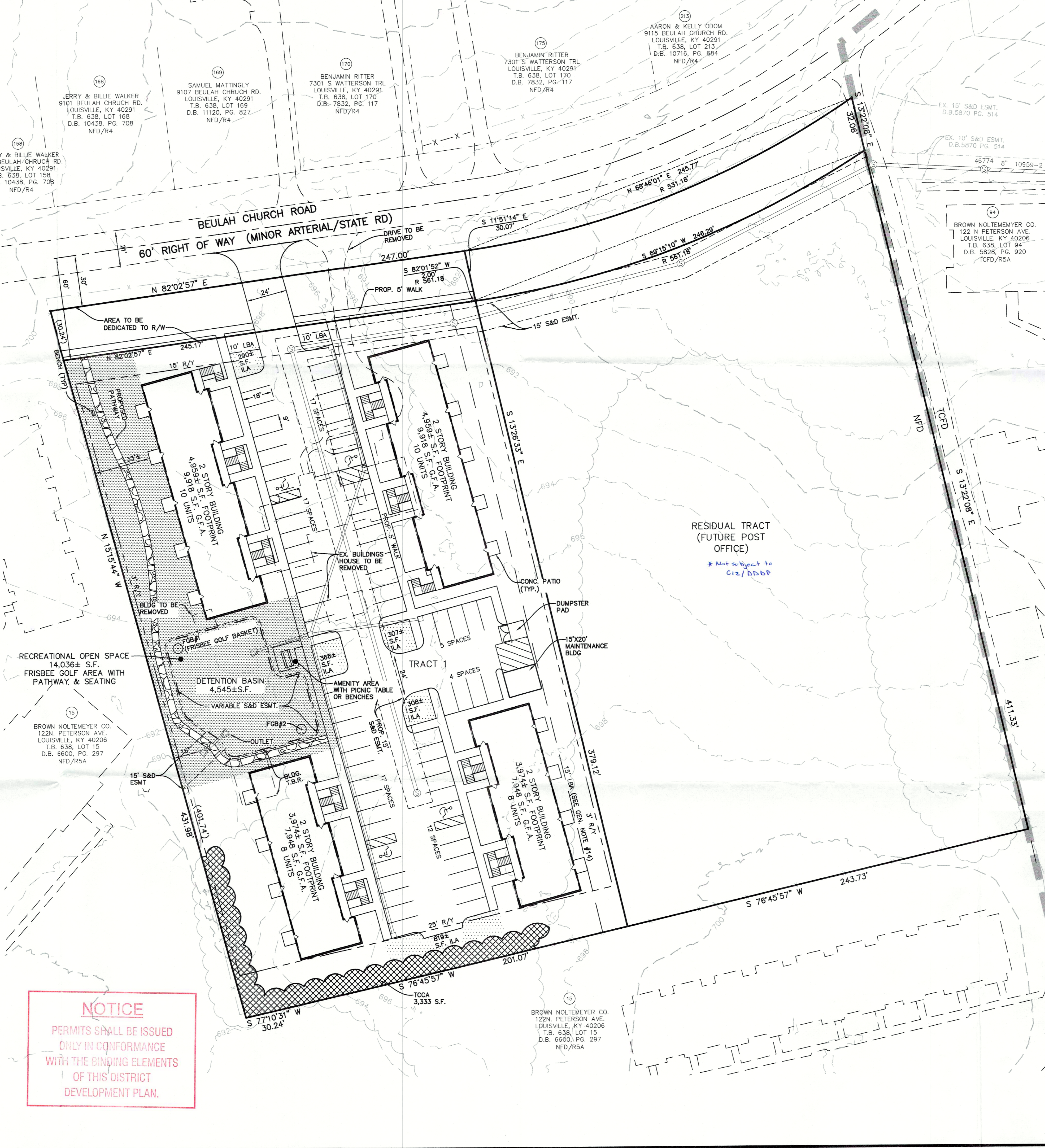
- GENERAL NOTES:**
- DOMESTIC WATER SUPPLY: SUBJECT SITE CAN BE SERVED BY THE LOUISVILLE WATER COMPANY. THE NECESSARY WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER/DEVELOPER'S EXPENSE.
  - TREE PRESERVATION: A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING 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 COMACTION 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 IS IN THE FERN CREEK FIRE DISTRICT.
  - IF PROPOSED, FIRE 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 CLARE 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, AS NOTED ON THE PLAN.
  - IN ACCORDANCE WITH CHAPTER 4.9 OF THE LDC, A KARST SURVEY WAS PERFORMED BY TRAVIS BROWN ON 10/9/2019 AND POTENTIAL KARST TOPOGRAPHY WAS FOUND. A REVIEW OF PUBLISHED GEOLOGIC INFORMATION FROM THE KY GEOLOGICAL SURVEY CONTAINED NO INDICATION OF SINKHOLES ON THE SUBJECT PROPERTY BUT HAS A MEDIUM POTENTIAL FOR KARST TOPOGRAPHY.
  - THE RESIDUAL TRACT IS BEING CONSIDERED FOR A POST OFFICE. THIS POST OFFICE WILL BE A SECURE FACILITY WITH NO PUBLIC ACCESS OR CUSTOMER COMPONENT SO NO CONNECTION IS PROPOSED. IF THE USE CHANGES, THE DUMPSTER AND MAINTENANCE BUILDING CAN BE RELOCATED TO EXTEND VEHICULAR AND PEDESTRIAN ACCESS TO THE RESIDUAL TRACT AND AN ACCESS EASEMENT PROVIDED. A LANDSCAPE BUFFER AREA (LBA) IS NOT REQUIRED TO BE PROVIDED BY THIS SITE ALONG THE SHARED PROPERTY LINE IF A POST OFFICE IS BUILT. A 15'-20' LBA IS PROPOSED UNTIL THE USE OFFICIALLY CHANGES.

- 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 FERN CREEK WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT. SUBMIT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
  - DRAINAGE/STORMWATER 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, 25, AND 100 YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE. DOMESTIC WASTE SYSTEM TO BE ANALYZED DOWN TO THE EXISTING DETENTION BASIN. DRAINAGE PATTERN (DEPICTED BY FLOW ARROWS) IS FOR THE 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 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 (21111C0 97E).
  - 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.
  - MSD DRAINAGE BOND REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL.

- PUBLIC WORKS AND KTC NOTES:**
- NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN STATE RIGHT-OF-WAY.
  - RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO SITE CONSTRUCTION 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.
  - 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.
  - THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
  - 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.
  - THERE SHOULD BE NO INCREASE IN DRAINAGE RUNOFF TO THE RIGHT-OF-WAY. CALCULATIONS WILL BE REQUIRED FOR ANY RUNOFF TO THE STATE RIGHT-OF-WAY.
  - A BOND AND ENCROACHMENT PERMIT WILL BE REQUIRED FROM KTC FOR ALL WORK DONE WITHIN THE STATE RIGHT-OF-WAY.
  - MINOR PLAT TO BE RECORDED PRIOR TO CONSTRUCTION APPROVAL FROM MPW.
  - ALL PAVEMENT SHALL BE OF A HARD AND DURABLE SURFACE AS REQUIRED BY 9.1.12.A OF THE LDC.
  - UPON DEVELOPMENT OR REDEVELOPMENT OF ADJACENT PROPERTIES, A UNIFIED ACCESS AND CIRCULATION SYSTEM SHALL BE DEVELOPED TO ELIMINATE PRE-EXISTING CURB CUTS AND PROVIDE FOR VEHICULAR MOVEMENT THROUGHOUT ADJACENT SITES AS DETERMINED APPROPRIATE BY THE DEPARTMENT OF PUBLIC WORKS. A CROSS ACCESS AGREEMENT TO RUN WITH THE LAND AND IN A FORM ACCEPTABLE TO PLANNING COMMISSION LEGAL COUNSEL SHALL BE RECORDED PRIOR TO THE TIME OF CONSTRUCTION APPROVAL FOR THE ADJACENT PROPERTY TO BE DEVELOPED.



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



**OVERALL SITE DATA:**

FORM DISTRICT	NEIGHBORHOOD R4
EXISTING ZONING	RESIDENTIAL/VACANT
EXISTING LAND USE	4.63± AC.
GROSS LAND AREA	4.29± AC.
NET LAND AREA	

**RESIDUAL TRACT:**

FORM DISTRICT	NEIGHBORHOOD R4
EXISTING ZONING	RESIDENTIAL/VACANT
EXISTING LAND USE	2.30± AC.
GROSS LAND AREA	2.16± AC.
NET LAND AREA	

**TRACT 1 SITE DATA:**

FORM DISTRICT	NEIGHBORHOOD R4
EXISTING ZONING	R4
PROPOSED ZONING	SINGLE FAMILY RESIDENTIAL
EXISTING LAND USE	MULTI-FAMILY RESIDENTIAL
PROPOSED LAND USE	2.30± AC.
GROSS LAND AREA	2.15± AC.
NET LAND AREA	
NO. OF DWELLING UNITS	36
BUILDING HEIGHT (MAX. ALLOWED 35')	35'
DENSITY (MAX. ALLOWED 17.42)	16.90 D.U./AC.
OPEN SPACE REQUIRED	13,919 S.F. (15%)
OPEN SPACE PROVIDED	14,036± S.F.
REC. OPEN SPACE REQUIRED	6,960 S.F. (7.5%)
REC. OPEN SPACE PROVIDED	14,036± S.F.
PARKING REQUIRED	54-108 SPACES
MIN. 1.5 SPACES/DU	54 SPACES
MAX. 3 SPACES/DU	108 SPACES
PARKING PROVIDED	73 SPACES
4 HOOP SP.	
73 SURFACE SP.	
PARKING AREA RATIO	2.19 SP./UNIT
FLOOR AREA RATIO (MAX. 0.75)	0.38

**LANDSCAPE DATA:**

V.U.A.	23,744± S.F.
I.L.A. REQUIRED (7.5% V.U.A.)	1,781± S.F.
I.L.A. PROVIDED	2,530± S.F.

**IMPERVIOUS AREA:**

EXISTING IMPERVIOUS AREA	5,828± S.F.
PROPOSED IMPERVIOUS AREA	23,437± S.F.

**TREE CANOPY DATA:**

GROSS SITE AREA	100,170± S.F.
TREE CANOPY CATEGORY	CLASS 3
EXISTING TREE CANOPY	56,265± S.F. (56%)
EXISTING TREE CANOPY TO BE PRESERVED	3,333± S.F. (6%)
TOTAL TREE CANOPY TO BE PLANTED	17,703± S.F. (15%)
TOTAL TREE CANOPY REQUIRED	21,036± S.F. (21%)

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

**DETENTION CALCS:**  
2.9/12 (0.83-0.3) (2.30) = 0.26 AC. FT. AVERAGE DEPTH = 3'

**APPROVAL DEVELOPMENT PLAN**

CONDITIONS: \_\_\_\_\_

BY: *Quintin U. Duff*  
DATE: *3/17/20*  
LOUISVILLE, JEFFERSON COUNTY METRO PUBLIC WORKS

**LOUISVILLE METRO APPROVED DISTRICT DEVELOPMENT PLAN**

DOCKET NO. *19-ZONE-0078*  
APPROVAL DATE *Feb 20, 2020*  
EXPIRATION DATE \_\_\_\_\_  
SIGNATURE OF PLANNING COMMISSION \_\_\_\_\_

**PRELIMINARY APPROVAL RECEIVED**

Condition of Approval: *JAN 29 2020*

PLANNING & DESIGN SERVICES

*John Baker* DATE: *3-7-20*

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

GRAPHIC SCALE 1"=30'

CASE #19-ZONE-0078  
RELATED CASE #19-ZONEPA-0053  
MSD WM #12043

**MINDEL SCOTT**  
SURVEYING & PLANNING & LANDSCAPE ARCHITECTURE  
5151 Jefferson Blvd. Louisville, KY 40291  
ENGINEERING & SURVEYING 1508 & MindelScott.com

OWNER/DEVELOPER  
**EMM3, LLC**  
11418 MAIN STREET  
LOUISVILLE, KY 40243

DETAILED DISTRICT DEVELOPMENT PLAN  
**BEULAH CREEK APARTMENTS**  
9108 BEULAH CHURCH ROAD  
LOUISVILLE, KY 40291  
TAX BLOCK 638, LOT 47  
DEED BOOK 7960, PAGE 836

12/02/19	AGENCY COMMENTS	
12/23/19	AGENCY COMMENTS	
07/13/20	AGENCY COMMENTS	
07/29/20	BOUNDARY DESCRIPTION UPDATE	

Vertical Scale: N/A  
Horizontal Scale: 1"=30'  
Date: 11/04/19  
Job Number: 3637  
Sheet 1 of 1