

### PRELIMINARY APPROVAL DEVELOPMENT PLAN

CONDITIONS:  
See binding element regarding completion of infrastructure prior to transfer to homeowners association.

BY: *Red Man*  
DATE: 05/19/10

LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

**LEGEND**

EXISTING CONTOUR	- - - - -
EXISTING CREEK	- - - - -
EXISTING FENCE	— · — · —
EXISTING SANITARY	— · — · —
EXISTING UTILITY POLE	— · — · —
PROPOSED STORM W/ INLET PROTECTION (CONCEPT)	— · — · —
PROPOSED SANITARY (CONCEPT)	— · — · —
PROPOSED SWALE (CONCEPT)	— · — · —
PROPOSED FENCE	— · — · —
DRAINAGE FLOW ARROW	— · — · —
BUILDING IDENTIFICATION NUMBER	(1)
EXISTING LOT NUMBER	(12)
LANDSCAPE BUFFER AREA	LBA
REQUIRED YARD	RY
INTERIOR LANDSCAPE AREA	ILA

**NOTES**

1. WASTEWATER: SANITARY SEWER WILL CONNECT TO THE FLOYD'S FORK WASTEWATER TREATMENT PLANT. BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES, SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
2. 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.
3. DRAINAGE / STORM WATER DETENTION: SUBJECT TO MSD FACILITY FEES, POST-DEVELOPED PEAK FLOWS WILL NOT EXCEED PRE-DEVELOPED PEAK FLOWS FROM DEVELOPMENT FOR THE 2,10 & 100 YEAR STORMS. DRAINAGE PATTERN DEPICTED BY 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 MSD'S APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
4. 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 INSTALLED 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 COMPLETED. NO PARKING MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
5. THE DEVELOPMENT LIES IN THE MIDDLETOWN FIRE DISTRICT.
6. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING (211101005 D).
7. SIGNATURE ENTRANCE WALLS AND IDENTIFICATION SIGN SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING STAFF PRIOR TO CONSTRUCTION PLAN APPROVAL AND THEY SHALL MEET THE REQUIREMENTS OF THE LDC.
8. ALL LUMINAIRES SHALL BE ARMED, DIRECTED, OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROTECTED OPEN SPACES (i.e. CONSERVATION EASEMENTS, GREENWAYS, OR PARKWAYS) ON ADJACENT OR NEARBY PARCELS, OR TO CREATE GLARE REFLECTIVE ON PUBLIC STREETS AND RIGHT OF WAY PER CHAPTER 4.1.3 OF THE LDC.
9. ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
10. ALL RADI TO BE S' UNLESS OTHERWISE INDICATED.
11. BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.4 OF THE LDC.
12. A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.
13. METRO WORKS BOND AND ENCROACHMENT PERMIT REQUIRED FOR WORK WITHIN THE METRO RIGHT OF WAY.
14. CONSTRUCTION PLANS, BOND AND ENCROACHMENT PERMIT WILL BE REQUIRED FOR ALL WORK IN PUBLIC RIGHT-OF-WAY ALONG OLD HENRY ROAD AND AVOCA ROAD.
15. EXISTING DRIVEWAY SHALL BE REMOVED AND RECONSTRUCTED TO MEET THE REQUIREMENTS OF THE LDC.
16. EXTENSION OF STORMWATER BOUNDARIES REQUIRED.
17. KENTUCKY TRANSPORTATION CABINET REVIEW REQUIRED.
18. AIR POLLUTION CONTROL DISTRICT (APCD) REVIEW REQUIRED.
19. ALL TREES, VEGETATION AND STRUCTURES AT ENTRANCES SHALL BE REMOVED.
20. DEVELOPER SHALL BE RESPONSIBLE FOR UTILITY RELOCATIONS, FINAL SURFACE OVERLAY, AND STRIPING ASSOCIATED WITH REQUIRED ROAD IMPROVEMENTS.
21. AVOCA ROAD IMPROVEMENTS ALONG PROPERTY FRONTAGE ARE REQUIRED TO PROVIDE 12 FT. FROM CENTERLINE PAVEMENT WIDENING (MIN. 2 FT. WIDENING) AND 6 - 8 FT. SHOULDERS PER METRO PUBLIC WORKS STANDARDS.
22. ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
23. VERGE AREAS WITHIN PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER METRO WORKS.
24. COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
25. 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.
26. AN ENCROACHMENT PERMIT AND BOND ARE REQUIRED BY METRO PUBLIC WORKS FOR ROAD WAY REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SUBDIVISION SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES.
27. ALL STREET NAME SIGNS AND PAVEMENT MARKINGS SHALL CONFORM WITH 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 AT THE TIME OF THE BOND RELEASE.
28. THE MINIMUM GRADE OF ALL STREETS SHALL BE 1% AND MAXIMUM GRADE SHALL BE 10%.
29. THE DEVELOPER WILL BE RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
30. AN ENCROACHMENT PERMIT AND BOND WILL BE REQUIRED FOR ALL WORK DONE IN THE RIGHT-OF-WAY.
31. ALL CURB-DE-GRASS PAVEMENTS AND SUBURBAN DRIVEWAYS, SIDEWALK LOCATIONS AND OFFSETS SHALL BE IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND APPROVED AT THE TIME OF CONSTRUCTION.
32. CURBS AND GUTTER SHALL BE PROVIDED ALONG ALL STREETS IN THE DEVELOPMENT. SIDEWALKS SHALL BE PROVIDED ALONG ALL STREETS WHERE REQUIRED BY THE DEVELOPMENT CODE.
33. CITY BOLLARDS TO BE PROVIDED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
34. DRAINAGE ANALYSIS MUST BE PERFORMED TO DETERMINE WHETHER DOWNSTREAM IMPROVEMENTS OR DETENTION WILL BE NEEDED.
35. RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION.
36. AN ENCROACHMENT PERMIT AND BOND ARE REQUIRED BY METRO PUBLIC WORKS FOR ROAD WAY REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SUBDIVISION SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES.
37. SINGLE FAMILY DWELLINGS WILL ONLY BE ALLOWED ACCESS TO HEAFER ROAD.
38. TREES AT ENTRANCE SHALL BE CLEARED FOR SIGHT DISTANCE.
39. ALL DOWNSTREAM DRAINAGE SHALL BE DETERMINED DURING THE CONSTRUCTION PHASE. OFFSITE EASEMENTS AND IMPROVEMENTS MAY BE REQUIRED FOR PRELIMINARY DOWNSTREAM DRAINAGE ANALYSIS PREPARED ON MARCH 28, 2006.
40. ACCESS EASEMENT SHALL CONFORM TO ORDINANCE 187, SERIES 2003, LOUISVILLE METRO COUNCIL AS AMENDED.
41. AVOCA RD. PROPERTY OWNER/DEVELOPER WILL BE RESPONSIBLE FOR CONSTRUCTION OF THE ENTRANCE THRU ADJACENT DEVELOPMENT TO NORTH ENGLISH STATION ROAD.
42. COE APPROVAL REQUIRED. PRIOR TO CONSTRUCTION APPROVAL OF BRIDGE CONSTRUCTION.
43. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.



LOUISVILLE METRO  
**APPROVED DISTRICT DEVELOPMENT PLAN**  
DOCKET NO. 13848  
APPROVAL DATE: May 24, 2010  
EXPIRATION DATE: May 24, 2014  
SIGNATURE OF PLANNING COMMISSION: *Mike Kelly*

**PRELIMINARY APPROVAL**  
Condition of Approval:  
*P. Dan* 5/19/10  
Development Review Date  
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**LOT DATA:**

LOT #	LOT AREA (SQ FT)	REQUIRED OPEN SPACE (9000-AREA/2)	LOT AREA (SQ FT)	REQUIRED OPEN SPACE (9000-AREA/2)	LOT AREA (SQ FT)	REQUIRED OPEN SPACE (9000-AREA/2)	LOT AREA (SQ FT)	REQUIRED OPEN SPACE (9000-AREA/2)	LOT AREA (SQ FT)	REQUIRED OPEN SPACE (9000-AREA/2)	LOT AREA (SQ FT)	REQUIRED OPEN SPACE (9000-AREA/2)
1	6,194±	1,403	41	6,064±	1,468	81	5,175±	1,913	1	9,192±	2,100	1,913
2	4,698±	1,151	42	4,935±	1,204	82	4,009±	2,200	2	4,708±	1,329	2,200
3	5,919±	1,741	43	5,943±	1,529	83	4,603±	2,200	3	5,731±	1,529	2,200
4	4,360±	1,069	44	4,360±	1,069	84	4,602±	2,200	4	4,602±	1,069	2,200
5	4,360±	1,069	45	4,360±	1,069	85	4,360±	1,069	5	4,360±	1,069	2,200
6	4,360±	1,069	46	4,360±	1,069	86	4,360±	1,069	6	4,360±	1,069	2,200
7	6,017±	1,492	47	6,017±	1,492	87	4,360±	1,069	7	4,360±	1,069	2,200
8	5,443±	1,278	48	6,717±	1,142	88	4,360±	1,069	8	4,360±	1,069	2,200
9	4,355±	1,069	49	4,355±	1,069	89	4,355±	1,069	9	4,355±	1,069	2,200
10	4,355±	1,069	50	4,355±	1,069	90	4,355±	1,069	10	4,355±	1,069	2,200
11	5,335±	1,233	51	4,355±	1,069	91	4,355±	1,069	11	4,355±	1,069	2,200
12	5,335±	1,233	52	4,355±	1,069	92	4,355±	1,069	12	4,355±	1,069	2,200
13	4,355±	1,069	53	4,355±	1,069	93	4,355±	1,069	13	4,355±	1,069	2,200
14	5,522±	1,274	54	4,355±	1,069	94	4,355±	1,069	14	4,355±	1,069	2,200
15	6,238±	1,589	55	4,355±	1,069	95	4,355±	1,069	15	4,355±	1,069	2,200
16	4,989±	1,206	56	4,355±	1,069	96	4,355±	1,069	16	4,355±	1,069	2,200
17	6,124±	1,444	57	5,237±	1,282	97	4,355±	1,069	17	4,355±	1,069	2,200
18	6,124±	1,444	58	4,355±	1,069	98	4,355±	1,069	18	4,355±	1,069	2,200
19	4,932±	1,144	59	4,355±	1,069	99	4,355±	1,069	19	4,355±	1,069	2,200
20	5,647±	1,377	60	4,355±	1,069	100	4,355±	1,069	20	4,355±	1,069	2,200
21	6,173±	1,414	61	4,355±	1,069	101	4,355±	1,069	21	4,355±	1,069	2,200
22	5,623±	1,304	62	4,355±	1,069	102	4,355±	1,069	22	4,355±	1,069	2,200
23	5,675±	1,313	63	4,355±	1,069	103	4,355±	1,069	23	4,355±	1,069	2,200
24	5,165±	1,218	64	4,355±	1,069	104	4,355±	1,069	24	4,355±	1,069	2,200
25	6,238±	1,589	65	4,355±	1,069	105	4,355±	1,069	25	4,355±	1,069	2,200
26	4,932±	1,144	66	4,355±	1,069	106	4,355±	1,069	26	4,355±	1,069	2,200
27	4,932±	1,144	67	4,355±	1,069	107	4,355±	1,069	27	4,355±	1,069	2,200
28	4,932±	1,144	68	4,355±	1,069	108	4,355±	1,069	28	4,355±	1,069	2,200
29	4,932±	1,144	69	4,355±	1,069	109	4,355±	1,069	29	4,355±	1,069	2,200
30	5,118±	1,241	70	4,355±	1,069	110	4,355±	1,069	30	4,355±	1,069	2,200
31	4,932±	1,144	71	4,355±	1,069	111	4,355±	1,069	31	4,355±	1,069	2,200
32	4,932±	1,144	72	4,355±	1,069	112	4,355±	1,069	32	4,355±	1,069	2,200
33	5,335±	1,233	73	5,244±	1,278	113	5,244±	1,278	33	5,335±	1,233	2,200
34	5,335±	1,233	74	5,335±	1,233	114	5,335±	1,233	34	5,335±	1,233	2,200
35	4,932±	1,144	75	4,932±	1,144	115	4,932±	1,144	35	4,932±	1,144	2,200
36	4,932±	1,144	76	4,932±	1,144	116	4,932±	1,144	36	4,932±	1,144	2,200
37	4,932±	1,144	77	4,932±	1,144	117	4,932±	1,144	37	4,932±	1,144	2,200
38	4,932±	1,144	78	4,932±	1,144	118	4,932±	1,144	38	4,932±	1,144	2,200
39	4,932±	1,144	79	4,932±	1,144	119	4,932±	1,144	39	4,932±	1,144	2,200
40	216,000±	1,817	80	4,932±	1,144	120	4,932±	1,144	40	216,000±	1,817	2,200

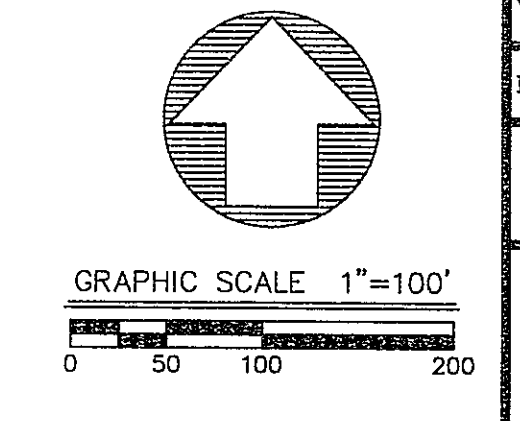
**PROPOSED VARIANCE:**

1. A VARIANCE IS REQUESTED FROM SECTION 5.4.2.A.2.A TO ALLOW THE PROPOSED DRIVEWAYS, DECKS, PATIOS AND ENCLOSED SUNROOMS ON LOTS 1-14, 26-36 AND 80-83 TO ENCLOSED INTO THE REQUIRED REAR YARD BY MORE THAN 30%, BUT THESE STRUCTURES MAY NOT CONSUME MORE THAN 40% OF THE REQUIRED REAR YARD AREAS OF EACH LOT.
2. A WAIVER IS REQUESTED OF THE LDC, CHAPTER 10, PART 2 TO ALLOW A RETAINING WALL TO ENCLOSED INTO THE 15' LBA ALONG THE WEST BOUNDARY LINE.
3. A WAIVER OF LDC SECTION 5.3.1.D.1.B.M, TO ALLOW MORE THAN 4 CONTIGUOUS UNITS WITHIN A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT FOR BUILDING UNITS 46-85.

**PROPOSED WAIVERS**

FORM DISTRICT	NEIGHBORHOOD
EXISTING ZONING	R-4
PROPOSED ZONING	PRD
EXISTING LAND USE	VACANT/SINGLE FAMILY RESIDENCE
PROPOSED LAND USE	CONDOMINIUMS
GROSS LAND AREA	24,82± AC.
NET LAND AREA	24,42± AC.
TOTAL NO. OF DWELLING UNITS	118
MINIMUM PARKING SPACES REQUIRED	236 (2 SPACES/UNIT)
MAXIMUM PARKING SPACES REQUIRED	472 (4 SPACES/UNIT)
PARKING SPACES PROVIDED	236 (2 CAR GARAGE)
ACCESSIBLE PARKING SPACES PROVIDED	8 SPACES
TOTAL PARKING SPACES PROVIDED	244 SPACES
PARKING AREA RATIO	2 SPACES/UNIT
GROSS DENSITY (D.U./AC.)	4.75±
NET DENSITY (D.U./AC.)	4.83±
FLOOR AREA RATIO	1.20±
MIN. LOT (118 - 5,963± SF)	0.80±
MAX. LOT (38 - 5,970± SF)	0.80±
OPEN SPACE REQUIRED	5,17± AC.
OPEN SPACE PROVIDED	7,52± AC.

**RECEIVED**  
MAY 17 2010  
PLANNING & DESIGN SERVICES



CASE # 13848  
MSD W.M. #9160  
DOCKET # 9-18-06

**STORMWATER POLLUTION PREVENTION PLAN**

THE APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE IMPLEMENTED PRIOR TO ANY LAND- DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED SWPPP PLAN MUST BE REVIEWED AND APPROVED BY MSD. SWPPP BMP'S (BEST MANAGEMENT PRACTICES) SHALL BE INSTALLED PER THE PLAN AND MSD 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. SOIL 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 FENCE.

ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.

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.

WHERE CONSTRUCTION OR LAND DISTURBING ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 DAYS AFTER THE ACTIVITY HAS CEASED.

**TREE CANOPY DATA**

GROSS SITE AREA	1,144,796± S.F.
TREE CANOPY CATEGORY	CLASS C
EXISTING TREE CANOPY TO BE PRESERVED	0 S.F. (0%)
TOTAL TREE CANOPY REQUIRED	228,951± S.F. (20%)
TREE CANOPY TO BE PLANTED	228,944± S.F.
148 TYPE A TREES @ 1 3/4" CAL. (720 S.F. CREDIT EACH)	106,400± S.F.
200 TYPE B TREES @ 1 3/4" CAL. (432 S.F. CREDIT EACH)	86,400± S.F.
154 TYPE C TREES @ 1 3/4" CAL. (106 S.F. CREDIT EACH)	37,524± S.F.
TOTAL TREE CANOPY PROVIDED	228,944± S.F.

**PROPOSED WAIVERS**

1. A WAIVER IS REQUESTED OF THE LDC, CHAPTER 10, PART 2 TO ALLOW A RETAINING WALL TO ENCLOSED INTO THE 15' LBA ALONG THE WEST BOUNDARY LINE.
2. A WAIVER OF LDC SECTION 5.3.1.D.1.B.M, TO ALLOW MORE THAN 4 CONTIGUOUS UNITS WITHIN A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT FOR BUILDING UNITS 46-85.

**BENCHMARK**

FROM THE INTERSECTION OF GENE SNYDER FREEWAY (I-265) AND OLD HENRY ROAD, TRAVEL SOUTHWARD ALONG OLD HENRY ROAD 1.1 MILES TO STATION ON THE RIGHT AT THE INTERSECTION OF RIDGE ROAD. ELEV. 681.10

Mindel, Scott & Associates, Inc.  
Planning · Engineering · Surveying · Landscape Architecture  
Utility Consulting · Property Management  
4545 Indiana Lane, Suite 200, Louisville, KY 40218  
Phone: (502) 452-1038 Fax: (502) 452-1046 Email: mindel@msa.com

**MSA**

OWNER/DEVELOPER  
ROR, LLC  
209 TOMMYPARK CIRCLE SUITE 100  
LOUISVILLE, KY. 40243

DETAILED/DISTRICT DEVELOPMENT PLAN & PRELIMINARY SUBDIVISION PLAN  
**AVOCA ROAD PROPERTY**  
1400 ENGLISH STATION ROAD AND 12201 AVOCA ROAD  
TAX BLOCK: 23 LOTS: 35 & 36  
D.B. 8696 PG. 706 & D.B. 9269 PG. 655

Vertical Scale: N/A  
Horizontal Scale: 1"=100'  
Date: 02/15/10  
Job Number: 2424  
Sheet

#### **BINDING ELEMENTS**

The binding elements from Case No. 9-18-06 (Approved at PC Meeting: January 18, 2007) have been updated where necessary to reflect the issues involved in Case No. 13646.

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. The density of the development shall not exceed:  
Gross Density: 4.75 units per acre (118 units on 24.82 acres)  
Net Density: 5.88 units per acre (118 units on 24.42 acres)
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit) is requested:
  - 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 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.
7. 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.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 18, 2007 and May 24, 2010 Planning Commission meetings.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code

and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

12. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

13. As shown conceptually on the detailed district development plan and exhibits presented at the January 18, 2007 public hearing, an open space, park-like feature will be constructed in the upper corner of the development plan adjoining the park. This area will be separated from the park by a secured, gated, wrought-iron style fence, but there will be clear visibility to the park for residents to enjoy a park view. This area will have benches and a sidewalk connection to the remainder of the condominium community.

14. The property line parallel to Heafer Road shall be heavily screened to provide a good transition and privacy for condominium residents.

15. Buildings will be constructed primarily of brick and stone as shown on the renderings produced at the January 18, 2007 and May 24, 2010 public hearings. Other maintenance free materials may be used for dormers, gables and accents.

16. The developer shall grant an easement to MSD for future on-site sewer and drainage infrastructure. The location of the easement shall be determined by MSD and shall be granted at such time as that agency requests it.

17. The developer shall coordinate with the Kentucky Transportation Cabinet and Metro Public Works to ensure that the location of the proposed force-main sewer lines shall not interfere with future plans to widen North English Station Road.

18. The proposed buildings, patios, decks and sunrooms on Lots 1-14, 26-36 and 80-93 may consume up to but not more than 40% of the required rear yard area.

19. The approved landscaping plan shall provide for landscaping materials (3 Type A/B trees per 100 linear feet) within the designated landscape buffer areas as shown on the approved preliminary subdivision plan.

20. Covenants, Conditions and Restrictions ("CCRs") shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision's Record Plat, for consistency with any binding elements that mandate inclusion in the CCRs of certain Planning Commission, Metro Works, MSD or other agency requirements. Among those CCR provisions shall be these requirements: (a) that all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA")/Condominium Association; (b) that any shared water meters and property service connections for sanitary sewers be the sole responsibility of the HOA/Condo Association; (c) that any water, sewer and drainage facilities that cross lot lines be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and (d) that attached residences shall have easements over the adjoining lots of those attached units for purposes of incidental encroachments and property maintenance and repair.

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).