

## Case No. 22-ZONE-0050 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. 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. The landscape plan shall include, at a minimum, the landscaping shown at the March 2, 2023 Planning Commission public hearing. Screening shall be achieved with a six-foot vinyl fence as shown or as agreed to with Planning & Design staff.
  - 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.
  - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall use at least three color variations for the buildings, and shall be substantially similar to those presented at the March 2, 2023 Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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. Speed humps shall be funded or constructed as preferred by Public Works on Lemmah Drive, Harvest Drive, and Joy Drive in the general vicinity of the circles shown on Exhibit 1, provided that approval is obtained in accordance with Louisville Metro Speed Hump policy.
8. Construction plans shall be designed in consultation with Pleasure Ridge Park Fire Marshal with respect to the fire access to Building #2.



**MSD NOTES:**

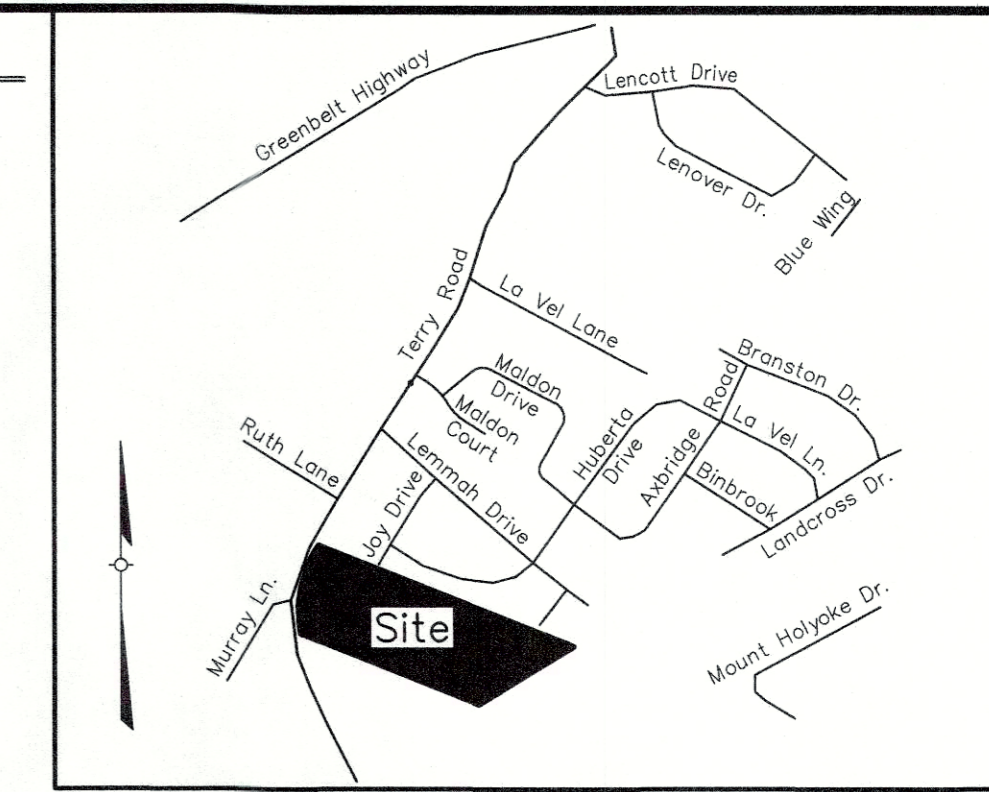
- All retail shops must have individual connections per MSD's fats, oils and grease policy.
- Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District Design Manual and Standard Specifications and other local, state and federal ordinances.
- Sanitary sewer service will be provided by lateral extension and subject to applicable fees. A Downstream Facilities Capacity request will be submitted to MSD.
- The site is within the 100 year flood plain per FIRM Map No. 21111 C 0071 F dated February 26, 2021.
- Drainage pattern depicted by arrows (→) is for conceptual purposes.
- If the site has thru drainage an easement plat will be required prior to MSD granting construction plan approval.
- On-site detention will be provided. Post-developed peak flows will be limited to pre-developed peak flows for 2,10,25, and 100 year storms or to the capacity of the down-stream system, whichever is more restrictive.
- Any required fill in the floodplain shall be compensated on site at a ratio of 1.5:1.
- All drainage, EPSC and Water Quality practices shown on this plan are for conceptual purposes only. Final design of these elements will be determined prior to construction plan approval and shall comply with all MS4 and MSD Design Manual requirements.
- The final design of this project must meet all MS4 water quality regulations established by MSD. Site layout may change at the design phase due to proper sizing of Green Best Mgmt. Practices.
- Compatible utilities shall be placed in a common trench unless otherwise required by the responsible agencies.
- Street trees shall be planted in a manner that does not effect public safety or hamper sight distance. Final location will be determined during construction approval process.
- MSD drainage bond required prior to construction plan approval and a MSD floodplain permit.
- Any required work within the floodplain will require KDOW approval and a MSD floodplain permit.
- An off-site easement and public drainage outlet from the proposed detention basin shall be provided to the flowline of the downstream ditch.

**GENERAL NOTES:**

- Parking areas and drive lanes to be a hard and durable surface.
- An encroachment permit and bond will be required for all work done in the right-of-way.
- No increase in drainage run off to state roadways.
- There shall be no commercial signs in the right-of-way.
- Site lighting shall not shine in the eyes of drivers. If it does it shall be re-aimed, shielded, or turned off.
- Construction fencing shall be erected prior to any construction or grading 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. No parking, material storage, or construction activities shall be permitted within the fenced area.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
- Wheel stops or curbing, at least six inches high and wide, shall be provided to prevent vehicles from overhanging abutting sidewalks, properties or public right-of-ways, to protect landscaped areas and adjacent properties. Wheel stops shall be located at least (3) feet from any adjacent wall, fence, property line, woody vegetation, walkway or structure.
- Benchmark and topographical information shown hereon were derived from survey. Boundary information was taken from survey.
- Street trees shall be planted in a manner that does not effect public safety or hamper sight distance. Final location will be determined during construction approval process.

**PROJECT DATA**

|                                  |  |
|----------------------------------|--|
| TOTAL SITE AREA                  | = 13.08± Ac. (569,907 SF)                  |
| R/W DEDICATION AREA              | = 0.10± Ac. (4,390 SF)                     |
| NET SITE AREA                    | = 12.98± Ac. (565,517 SF)                  |
| EXISTING ZONING                  | = R-4                                      |
| PROPOSED ZONING                  | = R-6                                      |
| FORM DISTRICT                    | = NEIGHBORHOOD                             |
| EXISTING USE                     | = UNDEVELOPED                              |
| PROPOSED USE                     | = MULTI-FAMILY RESIDENTIAL                 |
| TOTAL NO. OF UNITS               | = 216 UNITS                                |
| BUILDING HEIGHT                  | = 39' 3 STORY (35' MAX. ALLOWED)           |
| BUILDING AREA                    | = 307,503 SF                               |
| APARTMENTS                       | = 5,475 SF                                 |
| CLUBHOUSE                        | = 312,978 SF                               |
| TOTAL BUILDING AREA              | = 16.64 DU/AC. (17.42 DU/AC. MAX. ALLOWED) |
| NET DENSITY                      | = 16.51 DU/AC. (17.42 DU/AC. MAX. ALLOWED) |
| GROSS DENSITY                    | = 216 SP                                   |
| <b>PARKING REQUIRED</b>          |  |
| 1 SP/UNIT MIN.                   | = 216 SP                                   |
| 2 SP/UNIT MAX.                   | = 432 SP                                   |
| <b>TOTAL PARKING PROVIDED</b>    |  |
|                                  | = 335 SPACES (20 HC SP INCLUDED)           |
| <b>OPEN SPACE REQUIRED</b>       |  |
| OPEN SPACE PROVIDED              | = 84,827 SF                                |
| RECREATIONAL OPEN SPACE REQUIRED | = 42,414 SF (50% OF REQUIRED)              |
| RECREATIONAL OPEN SPACE PROVIDED | = 153,826 SF                               |
| <b>TOTAL VEHICULAR USE AREA</b>  |  |
| INTERIOR LANDSCAPE AREA REQUIRED | = 133,059 SF                               |
| INTERIOR LANDSCAPE AREA PROVIDED | = 9,979 SF                                 |
| <b>EXISTING IMPERVIOUS</b>       |  |
| PROPOSED IMPERVIOUS              | = 0 SF                                     |
|                                  | = 246,930 SF                               |



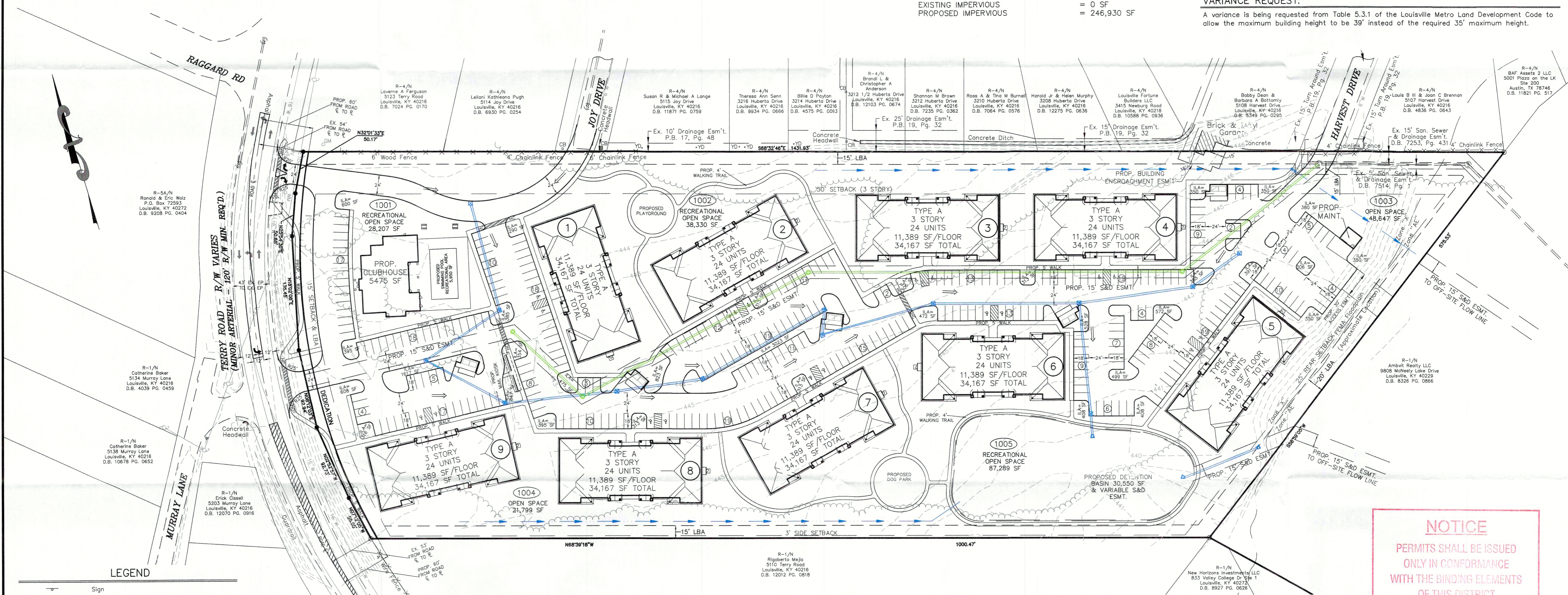
**LOCATION MAP**  
NOT TO SCALE

**WAIVER REQUEST:**

A waiver is requested from section 5.9.2.A.1.a.ii of the Louisville Metro Land Development Code to not provide connectivity to the adjacent properties to the east and south.

**VARIANCE REQUEST:**

A variance is being requested from Table 5.3.1 of the Louisville Metro Land Development Code to allow the maximum building height to be 39' instead of the required 35' maximum height.



| REVISIONS |                             |
|-----------|-----------------------------|
| NO.       | DESCRIPTION                 |
| 1         | REVISED PER AGENCY COMMENTS |
| 2         | REVISED PER AGENCY COMMENTS |
| 3         | REVISED PER AGENCY COMMENTS |
| 4         | REVISED PER AGENCY COMMENTS |
| 5         | ACCESS ESMT                 |
| 6         | CONNECT TO HARVEST DR       |

| PROJECT DATA |            |
|--------------|------------|
| FILE NAME:   | 21228-DDDP |
| DATE:        | 12/21/22   |
| CHECKED BY:  | DT         |
| SCALE:       | AS SHOWN   |
| DATE:        | 12/21/22   |
| CHECKED BY:  | JH         |

| PROJECT DATA |            |
|--------------|------------|
| FILE NAME:   | 21228-DDDP |
| DATE:        | 12/21/22   |
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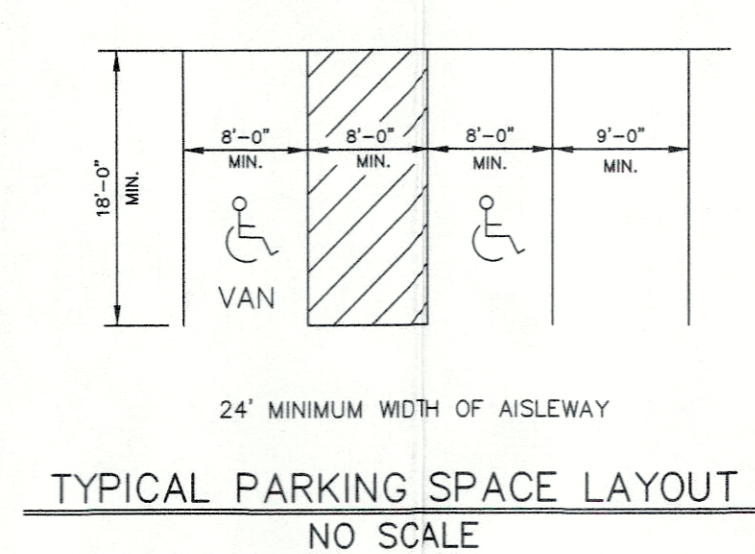
**LD&D**  
LAND DESIGN & DEVELOPMENT, INC.  
ENGINEERING - LAND SERVICES - LANDSCAPE ARCHITECTURE  
607 WARREN AVENUE, SUITE 101, LOUISVILLE, KENTUCKY 40202  
PHONE: 502.446.9978  
FAX: 502.446.9974  
WEB SITE: WWW.LD&D-KY.COM

**LDG**  
DEVELOPER  
**5127 TERRY ROAD**  
LDG DEVELOPMENT, LLC  
1469 S. 4TH STREET  
LOUISVILLE, KY 40208

JOB NO. **21228**  
SHEET **1** OF **1**

**LEGEND**

- Sign
- Utility Pole
- Guy Anchor
- Yard Drain
- Catch Basin
- Fire Hydrant
- Water Meter
- Water Valve
- Gas Meter
- Sanitary Sewer Manhole
- Underground Water Line
- Underground Gas Line
- Overhead Electric Line
- Overhead Electric, Telephone & Cable Lines
- Set 1/2" By 18" Iron Pin With Cap Stamped "MKN 3492"
- PROPOSED STORM SEWER, CATCH BASIN
- PROPOSED SEWER AND MANHOLE
- PROPOSED DRAINAGE SWALE
- DRAINAGE FLOW DIRECTION



**DETENTION BASIN CALCULATIONS**

$$X = \Delta CRA / 12$$

$$\Delta C = 0.75 - 0.28 = 0.47$$

$$A = 13.08 \text{ ACRES}$$

$$R = 2.8 \text{ INCHES}$$

$$X = (0.47)(13.08)(2.8) / 12 = 1.43 \text{ AC. - FT}$$

REQUIRED X = 62,484 CU.FT.

PROVIDED BASIN = 30,550 SQ.FT.

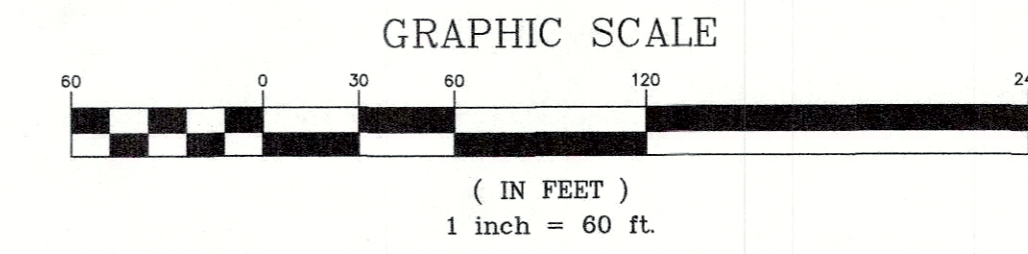
TOTAL = 30,550 SQ.FT. @ APPROX. 2.1 FT. DEPTH = 64,155 CU.FT. > 62,484 CU.FT.

**TREE CANOPY CALCULATIONS**

|                                       |                      |
|---------------------------------------|----------------------|
| TOTAL SITE AREA                       | = 569,907 S.F.       |
| EXISTING TREE CANOPY AREA             | = 29% (166,370 S.F.) |
| EXISTING TREE CANOPY TO BE PRESERVED  | = 0% (0 S.F.)        |
| EXISTING TREE CANOPY TO BE PRESERVED  | = 0% (0 S.F.)        |
| TOTAL TREE CANOPY AREA REQUIRED       | = 35% (199,467 S.F.) |
| TOTAL TREE CANOPY AREA TO BE PROVIDED | = 35% (199,467 S.F.) |

**BENCHMARK DESCRIPTIONS**

- BM#500= SQUARE CUT ON HEADWALL. HEADWALL IS LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF TERRY ROAD AND MURRAY LANE. ELEVATION=443.141' (NAVD 88)
  - BM#501=BOLT MARKED BY "X" ON FIRE HYDRANT. FIRE HYDRANT IS LOCATED ON THE EAST SIDE OF TERRY ROAD 97'+/- SOUTH OF THE CENTERLINE OF RAGGARD ROAD. ELEVATION=442.628' (NAVD 88)
- SOURCE - ELEVATIONS ARE BASED ON LOJC MONUMENT STA005-2001RESET. ELEVATION=445.05 (NAVD 88)



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

**LOUISVILLE METRO**  
APPROVED DISTRICT DEVELOPMENT PLAN  
DOCKET NO. 22-ZONE-0050  
APPROVAL DATE: March 2, 2023  
EXPIRATION DATE:  
SIGNATURE OF PLANNING COMMISSION  
*[Signature]*  
PLANNING COMMISSION

**RECEIVED**  
FEB 27 2023  
PLANNING & DESIGN SERVICES

OWNER:  
AMBVI REALTY LLC  
9808 MCNEELY LAKE DRIVE  
LOUISVILLE, KY 40229

SITE ADDRESS:  
5127 TERRY ROAD  
LOUISVILLE, KY 40216  
TAX BLOCK 1024, LOT 0021  
D.B. 8326, PG. 0871

COUNCIL DISTRICT - 1  
FIRE PROTECTION DISTRICT - PLEASURE RIDGE PARK  
MUNICIPALITY - LOUISVILLE

CASE #22-ZONE-0050  
WM #12415

22-2050-0050