

### **Case No. 21-ZONE-0044 Binding Elements**

**RESOLVED** that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan/Major Preliminary Subdivision with Binding Elements, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. 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.
4. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of trees and fences within buffer areas and other issues required by these binding elements / conditions of approval.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
5. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
7. A note shall be placed on the preliminary plan, construction plan(s) and the record plat that states, "Construction fencing shall be erected to protect trees on site and 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 areas."
8. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
9. 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.
10. All street signs shall be installed by the Developer, and shall conform with 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 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.
11. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall

be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

12. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
13. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

**GENERAL NOTES:**

- 1. 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.
- 2. 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.
- 3. PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERRECTED 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.
- 4. THE DEVELOPMENT LIES IN THE OKOLONA FIRE DISTRICT.
- 5. IF PROPOSED, 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.
- 6. 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 (E.G. 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.
- 7. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS AND NEIGHBORHOODS.
- 8. ALL EXISTING STRUCTURES AND EXISTING ENTRANCES SHALL BE REMOVED, EXCEPT AS NOTED ON THE PLAN.
- 9. IN ACCORDANCE WITH CHAPTER 4.9 OF THE LDC, A KARST SURVEY WAS PERFORMED BY TRAVIS BROWN ON 3/29/21 AND NO KARST TOPOGRAPHY WAS FOUND. A REVIEW OF PUBLISHED GEOLOGIC INFORMATION FROM THE KY GEOLOGICAL SURVEY CONTAINED NO INDICATION OF SINKHOLES ON THE SUBJECT PROPERTY.
- 10. STREET TREES SHALL BE PROVIDED IN COMPLIANCE WITH 10.2.8 OF THE LDC.
- 11. SUBDIVISION TO BE SERVED BY CLUSTER MAILBOXES. DEVELOPER SHALL COORDINATE WITH USPS IF ANY REVISION TO LOCATION OR NUMBER SHOWN IS REQUIRED.

**MSD NOTES:**

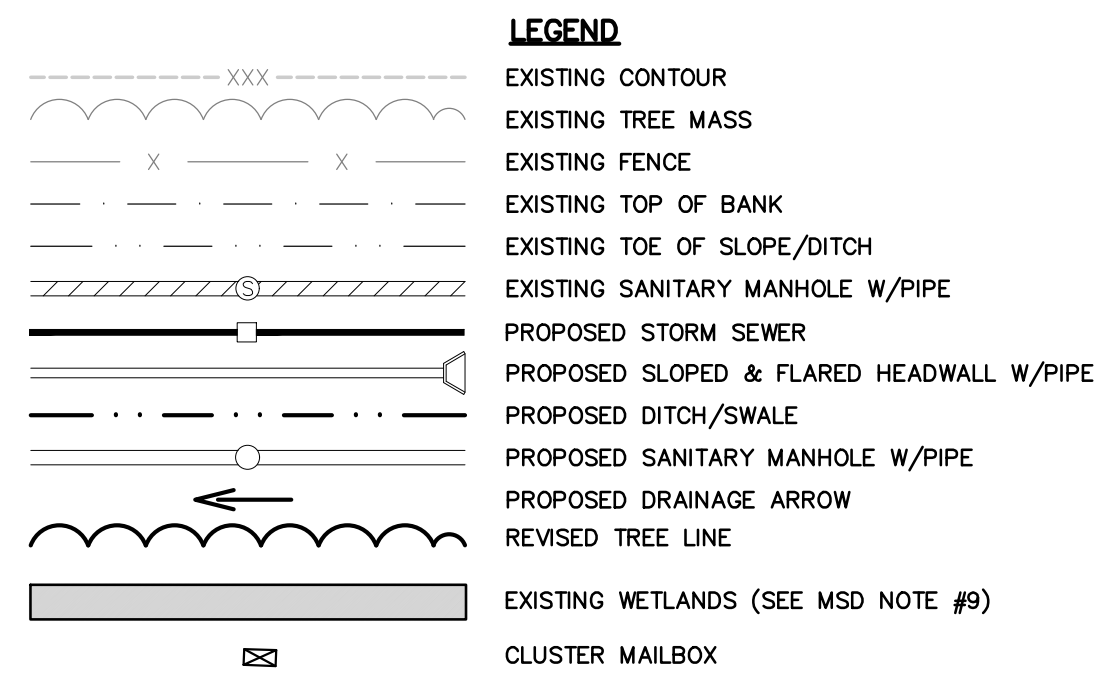
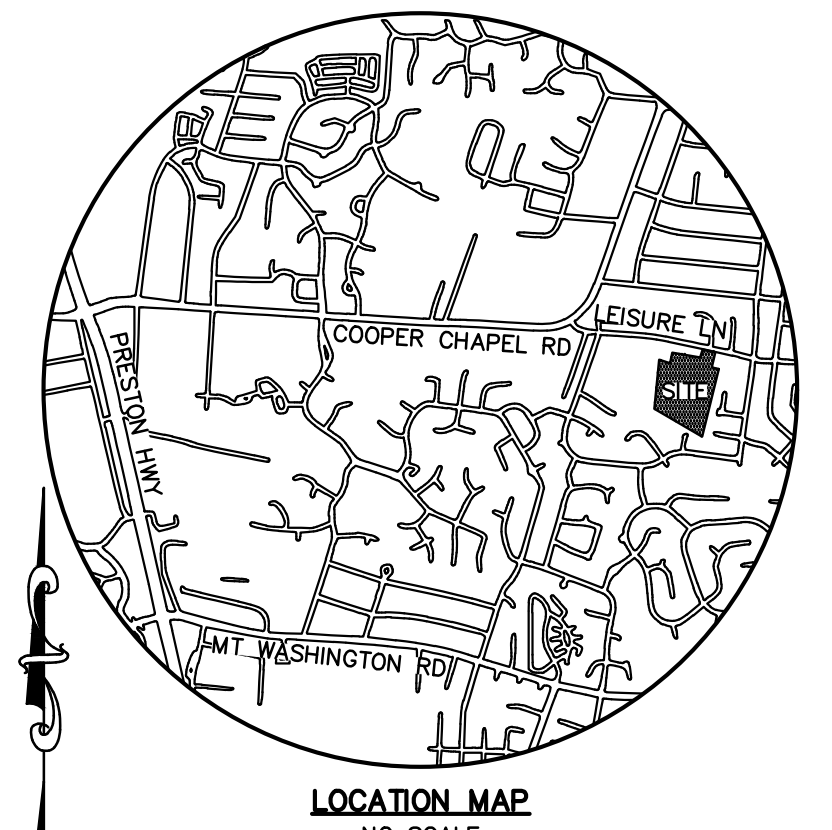
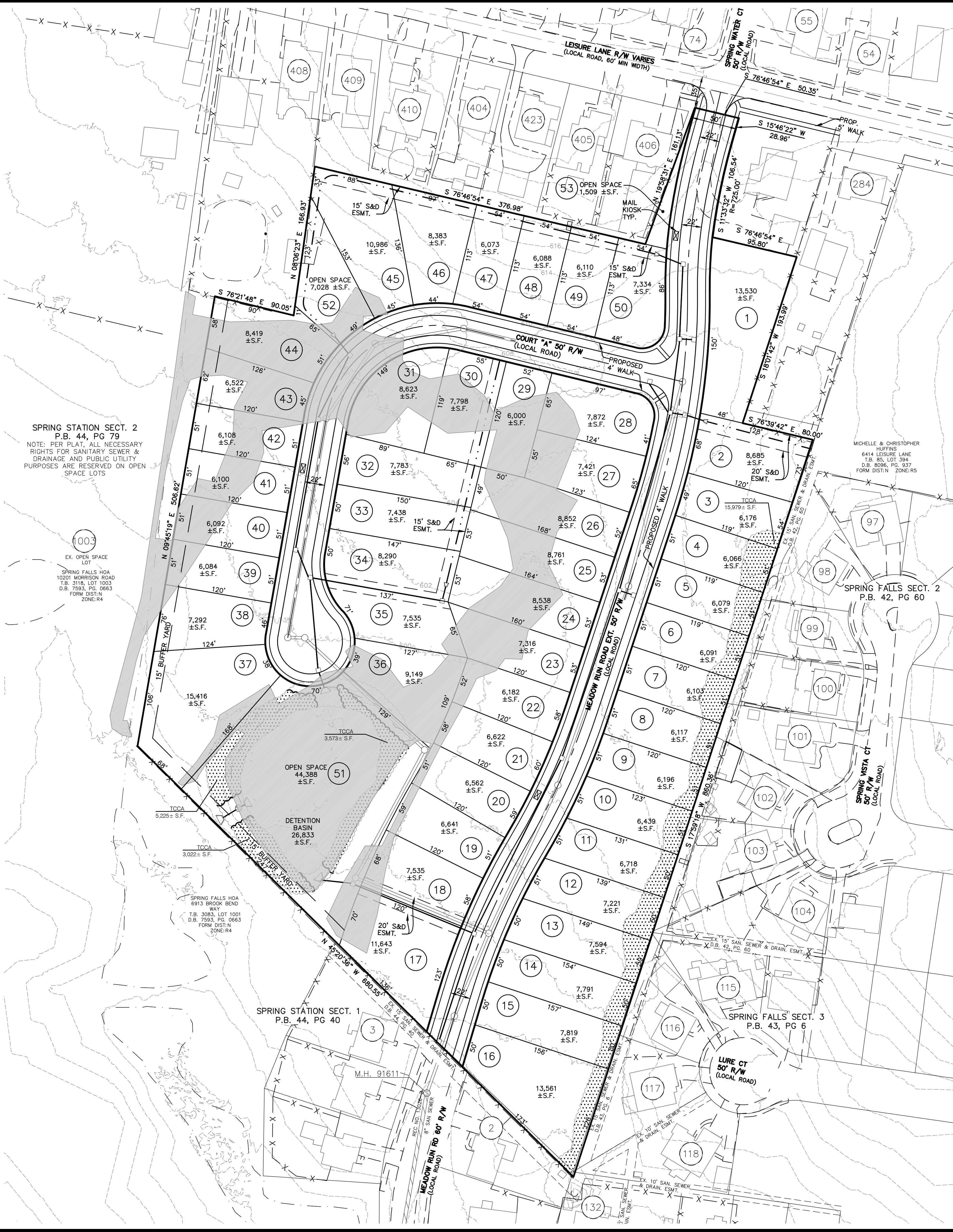
- 1. CONSTRUCTION PLANS & DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS.
- 2. WASTEWATER: SANITARY SEWER WILL CONNECT TO THE DEREK R GUTHRIE WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES, SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
- 3. 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 DOWNSTREAM CAPACITY, WHICH IS MORE RESTRICTIVE. DRAINAGE PATTERNS (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.
- 4. 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.
- 5. NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING (2111100 112F).
- 6. 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.
- 7. ALL NECESSARY RIGHTS FOR STORM & SANITARY SEWERS AND PUBLIC UTILITIES SHALL BE RESERVED ON ALL OPEN SPACE LOTS & RECORDED ON THE PLAN.
- 8. GEOTECHNICAL/STRUCTURAL EVALUATION OF THE EXISTING POND MAY BE REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
- 9. PER AC06 JURISDICTIONAL DELINEATION, FILE #RL-2026-1050-SEA, THE POND AND WETLAND ON THIS SITE ARE EXCLUDED FROM REGULATION UNDER SECTION 404 OF THE CLEAN WATER ACT.

**PUBLIC WORKS NOTES:**

- 1. NO LANDSCAPING AND COMMERCIAL SIGNS SHALL BE PERMITTED IN METRO WORKS RIGHT-OF-WAY.
- 2. RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO SITE CONSTRUCTION APPROVAL BY PUBLIC WORKS OR WITH ASSOCIATED RECORD PLAT AS REQUIRED BY METRO PUBLIC WORKS.
- 3. COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE SPECIFIED BY THE APPLICABLE AGENCIES.
- 4. STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SITE DISTANCE. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS.
- 5. 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.
- 6. THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY. DRAWING FOR SIDEWALKS AND KENTUCKY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
- 7. ALL SIDEWALK RAMP SHALL CONFORM TO A.D.A. STANDARD SPECIFICATION, THE SPECIAL NOTE FOR DETECTABLE WARNING FOR SIDEWALK RAMP PER KTC STANDARD DRAWING FOR SIDEWALKS AND KENTUCKY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
- 8. GEOTECHNICAL/STRUCTURAL EVALUATION OF THE EXISTING POND MAY BE REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL.
- 9. GARAGE DOORS SHOULD BE SETBACK 25' FROM THE NEAREST EDGE OF THE SIDEWALK.

**ADJACENT PROPERTY OWNERS:**

- BRIAN BAILEY & KATHERINE BARNA**  
6301 LURE CT  
T.B. 2952, LOT 116  
D.B. 11025 0949  
FORM DIST: N ZONE:R5
- ERIK CRUZ & MELISSA CALZILLA**  
6300 LURE CT  
T.B. 2952, LOT 117  
D.B. 11068 0500  
FORM DIST: N ZONE:R5
- DAVID & MARTHA WILLIAMS**  
6302 LURE CT  
T.B. 2952, LOT 118  
D.B. 10419 0163  
FORM DIST: N ZONE: R5
- MICHAEL CHESHER**  
7001 BROOK BEND WAY  
T.B. 2952, LOT 132  
D.B. 7052 0440  
FORM DIST: N ZONE: R5
- CHRISTOPHER HOPEWELL**  
6407 LEISURE LN  
T.B. 2809, LOT 54  
D.B. 10252 0636  
FORM DIST: N ZONE: R5
- LARRY ROSA**  
9723 SPRINGWATER CT  
T.B. 2809, LOT 55  
D.B. 11920 371  
FORM DIST: N ZONE: R5
- IZET & ASMINA BEROVIC**  
6311 LEISURE LN  
T.B. 2809, LOT 74  
D.B. 9559 0153  
FORM DIST: N ZONE: R5
- FRANKLIN & GERALDINE RODRIGUEZ**  
6316 LEISURE LN  
T.B. 85, LOT 406  
D.B. 7039 0746  
FORM DIST: N ZONE:R4
- NORMAN & HEIDEMARIE WINSLOW**  
6312 LEISURE LN  
T.B. 85, LOT 423  
D.B. 7072 0413  
FORM DIST: N ZONE:R4
- ROY & MARGARET WOOD**  
6310 LEISURE LN  
T.B. 85, LOT 404  
D.B. 7289 0802  
FORM DIST: N ZONE:R4
- ALTO ASSET COMPANY 2 LLC**  
11101 MEADOW RUN RD  
T.B. 3083, LOT 2  
D.B. 11661, PG. 938  
FORM DIST: N ZONE:R4
- HEATH & AUBREY HARMON**  
11100 MEADOW RUN RD  
T.B. 3083, LOT 3  
D.B. 11924, PG. 244  
FORM DIST: N ZONE:R4
- BRENDA & WILLIAM MCCLURE**  
7000 SPRING VISTA CT  
T.B. 2910, LOT 97  
D.B. 10419 0163  
FORM DIST: N ZONE:R5
- VIRGINIA DEREKSEN**  
7002 SPRING VISTA CT  
T.B. 2910, LOT 98  
D.B. 9125 0649  
FORM DIST: N ZONE:R5
- BRANDI RATTERMAN**  
7004 SPRING VISTA CT  
T.B. 2910, LOT 99  
D.B. 10571 0312  
FORM DIST: N ZONE:R5
- TIFFANY RICHARDSON**  
7006 SPRING VISTA CT  
T.B. 2910, LOT 100  
D.B. 10728 0862  
FORM DIST: N ZONE:R5
- BRIAN & TONYA ARNOLD**  
7008 SPRING VISTA CT  
T.B. 2910, LOT 101  
D.B. 9819 0574  
FORM DIST: N ZONE:R5
- JUSTIN DILLMAN & CHELSEA BARNETT**  
7010 SPRING VISTA CT  
T.B. 2910, LOT 102  
D.B. 10852 532  
FORM DIST: N ZONE:R5
- DAVID SCHMIDT**  
7012 SPRING VISTA CT  
T.B. 2910, LOT 103  
D.B. 9124 0346  
FORM DIST: N ZONE:R5
- PEROVIC & JESSICA MCMILLIN**  
7014 SPRING VISTA CT  
T.B. 2910, LOT 104  
D.B. 9528 0671  
FORM DIST: N ZONE: R5
- MEGAN & LINDSAY ROGERS**  
6303 LURE CT  
T.B. 2952, LOT 115  
D.B. 11687 941  
FORM DIST: N ZONE: R5
- SARAH NAUFEL**  
6308 LEISURE LN  
T.B. 85, LOT 410  
D.B. 11344 112  
FORM DIST: N ZONE:R4
- LANCE & STEPHANIE HODGES**  
6306 LEISURE LN  
T.B. 85, LOT 409  
D.B. 7367 0501  
FORM DIST: N ZONE:R4
- THOMAS SCUFFLE**  
6304 LEISURE LN  
T.B. 85, LOT 408  
D.B. 11835 495  
FORM DIST: N ZONE:R4



**BENCHMARKS**  
NOTE: ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM & WERE DERIVED FROM LOGIC BENCHMARKS BY MEANS OF GPS METHODS AND DIFFERENTIAL LEVELINGS.  
SOURCE BENCHMARK STA055-2004 NAVD 1988 ELEV. 633.59  
FROM THE GENE SNYDER AND SMYRNA ROAD TRAVEL SOUTH 0.5 MILES TO SMYRNA ROAD AND COOPER CHAPEL ROAD. STATION IS APPROXIMATELY 200' FROM EAST OF THE INTERSECTION AND 17.4' NORTH OF THE CENTERLINE OF COOPER CHAPEL ROAD.

**SITE DATA:**  
FORM DISTRICT: R4  
EXISTING ZONING: R5  
PROPOSED ZONING: R5  
EXISTING LAND USE: SINGLE-FAMILY  
PROPOSED LAND USE: SINGLE-FAMILY  
GROSS LAND AREA: 12.26± AC  
NET LAND AREA: 10.08± AC  
BUILDABLE LOTS: 50  
NON-BUILDABLE LOTS: 3  
GROSS DENSITY: 4.1 D.U./AC  
NET DENSITY: 5.0 D.U./AC  
OPEN SPACE PROVIDED: 52,925± S.F.

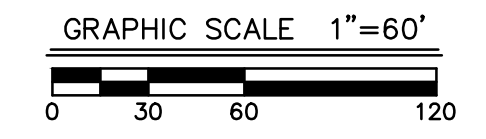
**DIMENSIONAL STANDARDS**  
MINIMUM LOT SIZE: 6,000± S.F.  
MINIMUM LOT WIDTH: 50'  
FRONT/STREET SIDE YARDS: 15' (SEE PUBLIC WORKS NOTE #9)  
SIDE YARD: 5'  
REAR YARD MIN.: 25'  
MAXIMUM BUILDING HEIGHT: 35'

**TREE CANOPY DATA:**  
GROSS SITE AREA: 534,206± S.F.  
LAND USE: SINGLE-FAMILY  
EXISTING TREE CANOPY: 40,846± S.F. (7%)  
EXISTING TREE CANOPY TO BE PRESERVED: 27,799± S.F. (5%)  
TOTAL TREE CANOPY REQUIRED/PROVIDED: 213,882± S.F. (40%)  
TREE CANOPY TO BE PLANTED: 185,983± S.F.

TREE CANOPY DEPICTED ON PLAN PER MSD LOGIC MAPPING, AERIAL PHOTO OR FIELD SURVEY. TREE CANOPY CALCULATIONS BASED UPON TREE AREAS SHOWN.  
\*IF DRUPLINE IS PLOTTED/FIELD LOCATED THE AREA OF CANOPY TO BE PLANTED MAY BE REDUCED BY THE EXISTING CANOPY TO BE PRESERVED PER 10.1.5.A.2 OF THE LDC.

**WAIVER REQUEST**  
A WAIVER OF 70% OF THE LDC IS REQUESTED TO ALLOW MORE THAN 15% OF A REQUIRED REAR YARD OF A BUILDING LOT TO BE OCCUPIED BY A DRAINAGE EASEMENT

**DETENTION CALCULATIONS**  
2.9/12 ("56"-".73") ("12.7") = 0.79 AC-FIT



**MINDEL SCOTT**  
ENGINEERING ► SURVEYING ► PLANNING ► LANDSCAPE ARCHITECTURE  
5151 JEFFERSON BLVD. LOUISVILLE, KY 40219  
302-465-1508 ► mindel@scott.com

**DEVELOPER**  
MAYER REALTORS  
10122 TAYLORSVILLE ROAD  
LOUISVILLE, KY 40299

**OWNER**  
REVOCABLE LIVING TRUST  
OF CLEO F TINGLE  
11604 CHINOOK CT  
LOUISVILLE, KY 40299

**REZONING & PRELIMINARY PLAN**  
**LEISURE LANE SUBDIVISION**  
6406 LEISURE LANE  
LOUISVILLE, KY 40229  
TAX BLOCK 85, LOT 32  
DEED BOOK 8822, PAGE 0523

Revisions	05/07/21 PER PDS COMMENTS & ADD (1) LOT
	05/14/21 PER AGENCY COMMENTS
	09/07/21 PER AGENCY COMMENTS
	09/29/21 BOUNDARY CORRECTED, PW NOTE #8

Vertical Scale: N/A  
Horizontal Scale: 1"=60'

Date: 04/19/2021  
Job Number: 3773

Sheet  
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PROJECT # 21-ZONE-0044  
RELATED CASE # 21-ZONEPA-0027  
21-MPLAT-0124  
MSD WM # 12269