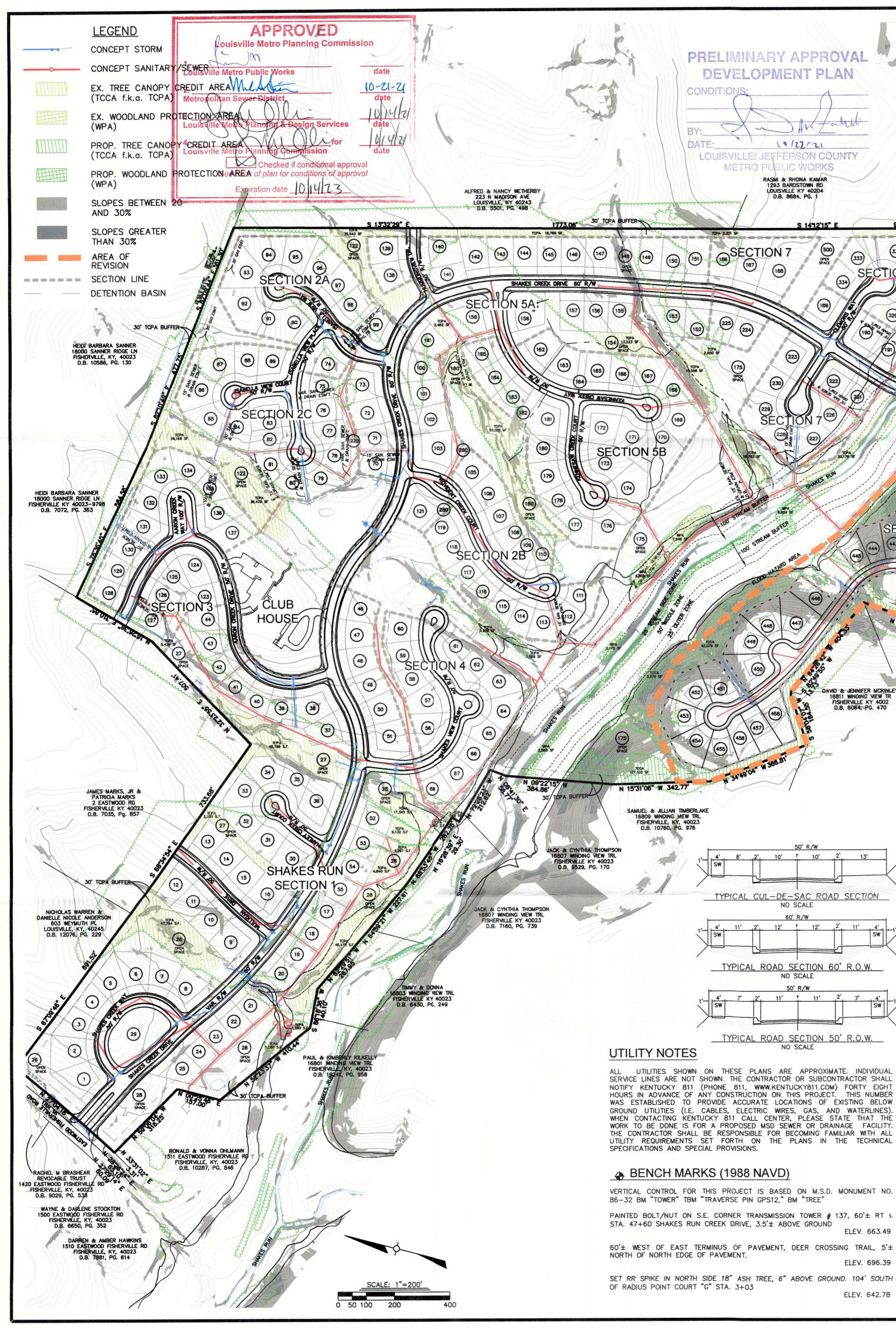
### **Conditions of Approval**

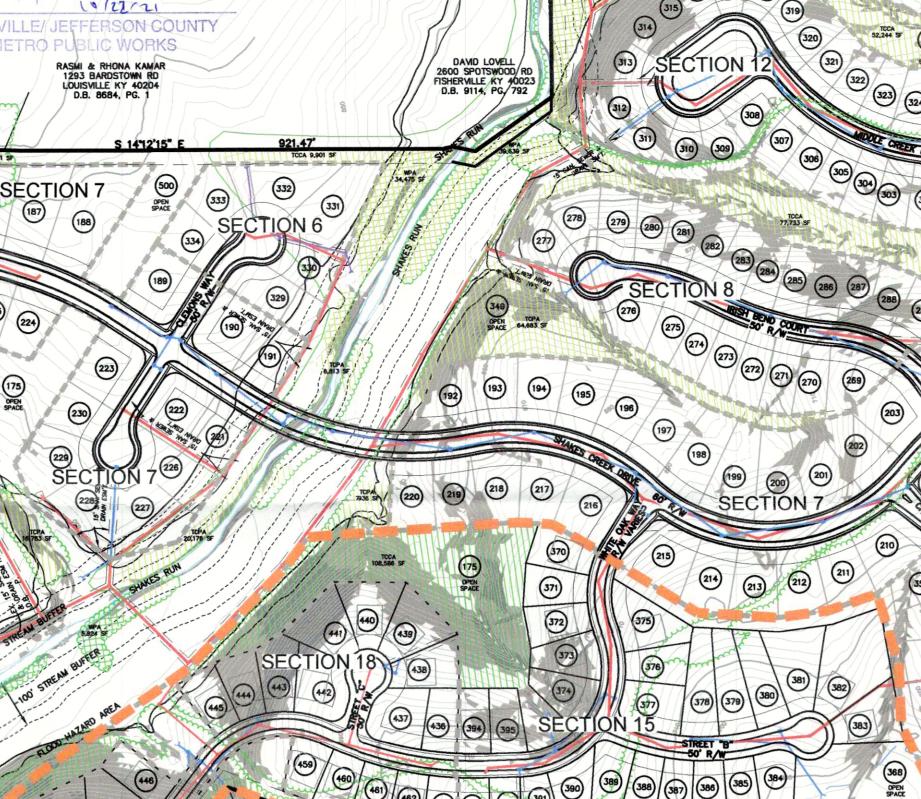
- 1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
- 2. The applicant shall submit a plan for approval 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.
- 3. 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.
- 4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected 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 dripline 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. 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.
- 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. 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.
- 8. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
- 9. The Tree Canopy Protection Areas surrounding the blue line stream on Open Space Lots 490 and 497 will be converted to Woodland Protection Areas prior to record plat approval and shall be indicated as such on the Approved Tree Preservation Plan.
- 10. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
- 11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
- 12. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
- 13. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
- 14. The applicant shall provide language in the deeds of restriction describing the location of the Outer Buffer Zone along Shakes Run. The language shall state that no permanent structures or impervious surface coverages of greater than 100 s.f. are allowed in this zone as required in 4.8.6E of the Land Development Code. The form of such restrictions shall be approved by Planning Commission Counsel.
- 15. If sinkholes are found on the property or if ponds are to be filled on the site, a geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site.
- 16. The applicant shall obtain approval of a detailed landscape plan for the 30-foot Landscape Buffer Area along Eastwood-Fisherville Road. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. The landscape buffer area shall be maintained by the property owners association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.
- 17. A minor plat or deed of consolidation creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.

- 18. 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.
- 19. 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 larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
- 20. The number of lots recorded shall not exceed 50 until the Eastwood-Fisherville Road improvements are completed. Also, the number of building permits shall not exceed 199 until Street A (Shakes Creek Drive) and Deer Crossing Trail are connected (via Street D) and provide two points of entry to the subdivision. Modified by the Development Review Committee on September 22, 2010, Case # 14669
- 21. A professional archaeological survey shall be performed to determine the boundary of the cemetery located on proposed Lot 488. Documentation of acceptance of the cemetery boundaries by the Historic Landmarks Commission or delegated staff persons shall be provided for Planning Commission and building permit agency files prior to initiation of any site disturbance activities. After the boundary has been approved, all buildings and structures other than fences and walls shall be set back at least 30 feet or another distance set by the Historic Landmarks Commission. Should the final boundary of the cemetery indicate that any road (including the subdivision entrance road) or buildable lot on the approved plan is encroaching into the cemetery boundary or the required buffer/setback around the cemetery, then the preliminary subdivision plan must be revised to eliminate this encroachment.
- 22. The inactive cemetery on Lot 488 shall be preserved and maintained as described in Section 4.4.6 of the Land Development Code. Ownership and maintenance of the cemetery shall be transferred to the homeowners association. A deed restriction in a form approved by the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership and maintenance of the cemetery.
- 23. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Streets A, B, C, D and E. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
- 24. A 30-foot Tree Canopy Protection Area (TCPA) shall be provided along the perimeter of the entire development. Existing tree canopy and undergrowth shall be preserved in this area and indicated on a tree preservation submitted to Planning Commission staff for approval.
- 25. The developer shall provide written notification to potential lot purchasers that they adjoin an agricultural activity (the Heidi Sanner property) involving bee keeping and fowl raising before the sale of those lots. This notice shall also be provided in the recorded covenants and restrictions for the subdivision.
- 26. Prior to seeking construction plan approval for lots 37 to 42, 63 to 65, and 71 to 73, the developer will have representatives of LG&E field locate an existing underground gas transmission line. The owner shall provide LG&E with an easement for the underground transmission line and work with the utility company to ensure protection of the line, or relocation, during site construction. Additional building setbacks will be provided to these lots in accordance with Chapter 5.3.1, C.4 of the Metropolitan Land Development Code.
- 27. Written notification to first and second tier property owners shall be provided if there are any changes, additions or deletions to the approved preliminary subdivision plan.
- 28. The applicant shall be required to field locate the existing High Pressure Gas Line located along the common boundary with the Sanner property prior to construction plan approval. If the line crosses onto the proposed development the applicant must revise the preliminary subdivision plan to include the additional setback required by Section 5.3.1, C.4 of the Land Development Code.
- 29. No construction traffic shall be allowed to go through Derbyshire Estates.
- 30. A 30-foot wide Tree Canopy Protection Area (TCPA) shall be permanently preserved along the perimeter of the entire development property regardless of current, or future, property ownership and/or control. All vegetation shall be preserved and protected in this area except for the removal of dead or declining trees that pose a public safety threat. The area shall be indicated on a preservation plan submitted to the Planning Commission. Canfield will install tree protection fencing along wooded portions of the 30-foot perimeter TCPA in the area or section of active development to protect these areas from disturbance, grading, clearing, mowing, and/or construction activity. Canfield will install in 30 days and continually maintain tree protection fencing along non-wooded portions of the 30-foot perimeter TCPA to protect these areas from mowing, grading, clearing, and/or construction activity. The tree protection fencing shall be maintained until each section goes to record plat and markers referenced in paragraph 5 hereof are installed.

Added by the Planning Commission on October 1, 2009

- 31. The pavement for the Street D stub road shall stop approximately 30 feet short of the Wetherby property (the right-of-way shall extend to the property line). This 30 foot area shall be maintained in a fashion similar to the TCPA on both sides of this right-of-way area. The 30 foot area shall be maintained by the homeowners association like an open space until the stub is fully extended.
- 32. Prior to site disturbance in a particular area or section of the development, Canfield will install and maintain tree protection fencing around any interior TCPA's within that area or section. Added by the Planning Commission on October 1, 2009
- 33. Once a particular area or section of development is substantially completed, Canfield Development will install marker signs, to be approved by Planning and Design Services staff, at least every 60 feet with a minimum of one marker per lot, along the inside edge of 30-foot perimeter TCPA denoting the area as a protected area. The signs shall be consistent with the size and scale of signs used by the Jefferson County Environmental Trust to denote a conservation easement, and shall indicate that the area is a permanently preserved area and no mowing or clearing is allowed. Added by the Planning Commission on October 1, 2009
- 34. The bridge of Shakes Run Creek shall be constructed prior to issuance of any building permits for lots on the south side of the creek. Added by the Development Review Committee on September 22, 2010, Case # 14669





RONALD & BREE HALL 2715 SPOTSWOOD LN FISHERVILLE, KY, 40022

D.B. 10778, PG. 72

WALTER & JENNIFER BEAVEN 17006 PERSIMMON WOOD TR FISHERVILLE KY 40023 D.B. 6425, PG. 573

MATTHEW & JESSICA BRIGGS 17004 PERSIMMON WOOD TRL FISHERVILLE, KY, 40023 D.B. 11339, PG. 951

1465.5

N 15'42'40" W

352

356

# **GENERAL NOTES**

LLAM & SANDRA SUT

05 PERSIMMON WOOD FISHERVILLE, KY, 40023 D.B. 11819, PG. 975

- WASTEWATER: SANITARY SEWER WILL CONNECT TO THE FLOYDS FORK WASTEWATER TREATMENT PLANT BY PUMP STATION AND LATERAL EXTENSION AGREEMENT VIA CONNECTION TO LONG RUN PUMP STATION, SUBJECT TO FEES, SANITARY SEWER PATTERN DEPICTED FOR CONCEPTUAL PURPOSES ONLY. FINAL CONFIGURATION AND SIZE OF SEWER PIPES SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. SANITARY SEWER FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- 2. DRAINAGE / STORM WATER DETENTION: 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.
- 3. THE DEVELOPMENT LIES IN THE EASTWOOD FIRE DISTRICT.
- 4. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMAS' FIRM MAPPING, (21111C0120 D DATED DECEMBER 5, 2006).
- ALL STREETS AND RIGHTS-OF-WAY SHALL MEET THE REQUIREMENT OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE.
- 6. THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED PRELIMINARY PLAN. NO FURTHER SUBDIVISION OF LAND INTO A GREATER NUMBER OF LOTS THAN ORIGINALLY APPROVED SHALL OCCUR, WITHOUT THE APPROVAL OF PLANNING COMMISSION.
- THERE WILL BE NO DIRECT ACCESS TO EASTWOOD FISHERVILLE ROAD FROM ANY LOT IN THIS SUBDIVISION.
- COMPATIBLE UTILITY LINES (ELECTRIC, PHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
- STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT EFFECT PUBLIC SAFETY OR HAMPER SIGHT DISTANCE.
- 10. ANY LAND DISTURBING ACTIVITY ON SLOPES GREATER THAN 20 PERCENT MUST BE DONE IN COMPLIANCE WITH SECTION 4.7 OF THE LAND DEVELOPMENT CODE.
- 11. ALL STRUCTURES, DRIVEWAYS, ETC. TO BE REMOVED UNLESS OTHERWISE NOTED.
- 12. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE EMISSIONS REACHING EXISTING ROADS & NEIGHBORHOODS.
- 13. THE SIDEWALK FEE-IN-LIEU WAS APPLIED FOR THE SIDEWALK REQUIREMENT ALONG EASTWOOD FISHERVILLE RD.
- 14. RIGHT-OF-WAY DEDICATION SHALL BE RECORDED AS PART OF THE RECORD
- 15. CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS AND/OR KTC PRIOR TO CONSTRUCTION APPROVAL.
- 16. THERE SHALL BE NO INCREASE IN DRAINAGE RUNOFF TO THE STATE RIGHT-OF-WAY. CALCULATIONS WILL BE REQUIRED FOR ANY RUNOFF TO THE STATE RIGHT-OF-WAY.
- 17. THERE SHALL BE NO COMMERCIAL SIGNS IN THE STATE RIGHT-OF-WAY. 18. THERE SHALL BE NO LANDSCAPING IN THE STATE RIGHT-OF-WAY
- WITHOUT AN ENCROACHMENT PERMIT.
- 19. SITE LIGHTING SHALL NOT SHINE IN THE EYES OF DRIVERS. IF IT DOES, IT SHOULD BE RE-AIMED, SHIELDED OR TURNED OFF.
- 20. AN ENCROACHMENT BOND WILL BE REQUIRED FOR ALL WORK DONE IN THE STATE RIGHT-OF-WAY.
- 21. DOW PERMIT REQUIRED FOR WORK IN THE FEMA FLOODPLAIN.

- TRAFFIC ACTIVITIES.
- DEVELOPMENT CHARGES FOR ROADWAYS.

- THE FUTURE SHAKES RUN SECTION.

## SWPP NOTES

BE REMOVED DAILY.

STANDARD DRAWING ER-02.

BASIN.

### SWPP PHASING

- 2. BEGIN SITE GRADING.
- PROTECTION.
- 4. CONSTRUCT ROADWAYS.
- ESTABLISH VEGETATION.
- REMOVE EPSC ONCE AREA IS STABILIZED.

2' 11' 4' 2', 7' 4' SW

- ELEV. 663.49
- ELEV. 696.39
- ELEV. 642.78

