

## Case No. 22-ZONE-0121 Binding Elements

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development plan/Preliminary Subdivision 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. 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.
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) 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A major subdivision plat creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval

for site disturbance.

- e. The landscaping provided shall be substantially the same as the landscaping exhibit presented at the February 2, 2023 Planning Commission public hearing.
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. 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."

**GENERAL NOTES**

1. THERE SHALL BE NO COMMERCIAL SIGNS IN THE RIGHT-OF-WAY.
2. THERE SHALL BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
3. CONSTRUCTION PLANS, ENCROACHMENT PERMIT AND BOND WILL BE REQUIRED BY METRO PUBLIC WORKS FOR ALL WORK DONE WITHIN STREET RIGHT-OF-WAY.
4. AN ENCROACHMENT PERMIT AND BOND WILL BE REQUIRED FOR ALL WORK DONE IN THE RIGHT-OF-WAY.
5. THERE SHALL BE NO ACCESS TO BARDSTOWN ROAD FROM ANY PROPOSED LOTS.
6. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING DEMOLITION AND CONSTRUCTION ACTIVITIES TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
7. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM DEED AND LIDAR.
8. SITE LIGHTING SHALL NOT SHINE IN THE EYES OF DRIVERS. IF IT DOES, IT SHALL BE RE-AIMED, SHIELDED OR TURNED OFF.
9. ALL NEW OR EXISTING SIDEWALKS SHALL BE EITHER BROUGHT UP TO OR BUILT TO A.D.A. CURRENT STANDARDS.
10. MOSQUITO CONTROL IN ACCORDANCE WITH CHAPTER 96 OF THE LOUISVILLE/JEFFERSON COUNTY METRO ORDINANCES.
11. PLANS MUST BE SUBMITTED TO HEALTH DEPARTMENT PRIOR TO CONSTRUCTION.
12. ALL DRAINAGE STRUCTURES WITHIN THE STATE RIGHT-OF-WAY SHALL BE OF STATE DESIGN.
13. CALCULATIONS WILL BE REQUIRED FOR ANY RUNOFF DEEMED NECESSARY TO BE TAKEN TO THE STATE RIGHT-OF-WAY. PROPOSALS TO ALTER OR SIGNIFICANTLY INCREASE A DRAINAGE AREA OR RUNOFF FACTORS OR TO CHANGE IN ANY WAY THE PERFORMANCE OF AN EXISTING DRAINAGE STRUCTURE SHALL BE ACCOMPANIED BY A COMPLETE DRAINAGE SURVEY AND HYDROLOGIC ANALYSIS (UPSTREAM AND DOWNSTREAM) BASED ON 25-YEAR AND 100-YEAR STORMS. THIS ANALYSIS SHALL INCLUDE A COMPARISON OF EXISTING AND PROPOSED CONDITIONS. REQUESTS TO ALTER DRAINAGE ON A RIGHT-OF-WAY SHALL RESULT IN CONDITIONS THAT ARE EQUAL TO OR BETTER THAN EXISTING FACILITIES.
14. COMPATIBLE UTILITY LINES (ELECTRIC, TELEPHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATED AGENCIES.
15. THERE SHALL BE NO DIRECT ACCESS FROM U.S. 31E (BARDSTOWN ROAD) GRANTED AS A RESULT OF THIS PROPERTY DIVISION.
16. EXISTING DRIVEWAYS TO BE REMOVED. DRIVEWAY ACCESS TO VISTA HILLS BOULEVARD TO BE OBTAINED FROM METRO PUBLIC WORKS FOR EACH INDIVIDUAL LOT. ALL DRIVES MUST EXTEND 25' BEYOND THE RIGHT-OF-WAY LINE.
17. COMPATIBLE UTILITY LINES (ELECTRIC, TELEPHONE, CABLE) SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY THE APPROPRIATE AGENCIES.
18. STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCES PER CHAPTER 10 OF THE LAND DEVELOPMENT CODE.

**MSD NOTES**

1. CONSTRUCTION PLANS AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S DESIGN MANUAL AND STANDARD SPECIFICATIONS.
2. DRAINAGE PATTERN DEPICTED BY ARROWS IS FOR CONCEPT PURPOSES ONLY. FINAL CONFIGURATION AND DESIGN OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
3. AN APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATION TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMP'S SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.
4. 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.
5. SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.
6. SITE SUBJECT TO MSD REGIONAL FACILITY FEES, SUBJECT TO KYTC APPROVAL FOR THE INCREASE RUNOFF TO THE RIGHT-OF-WAY. VERIFICATION OF DOWNSTREAM SYSTEM MAY BE REQUIRED.
7. WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF THE SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
8. SANITARY SEWERS SERVICE TO BE PROVIDED BY LATERAL EXTENSION, SUBJECT TO FEES AND ANY APPLICABLE CHARGES.
9. MSD SINGLE FAMILY, DEMOLITION OR SMALL COMMERCIAL PERMIT REQUIRED FOR EACH PROPOSED HOME PRIOR TO ISSUE OF BUILDING PERMIT.
10. OFF-SITE EASEMENTS ARE REQUIRED.

**Project 240518-01-001 - 10001 Vista Hills Boulevard**  
Mount Washington Quadrangle, Jefferson County, Kentucky

According to the Geologic Map of the Mount Washington Quadrangle, North-Central Kentucky (Keplerle, 1976), the southerly part of the subject property is underlain by the upper portion of the Laurel Dolomite. On that map, the upper Laurel is described as a grayish, fine to medium crystalline dolomitic unit, distinguished by "quarry-stone" bedding, which ranges from 0.2 to 2.8 feet in thickness. As shown on the Kentucky Geologic Survey's online map, the subject property and environs, are situated in a region of Undefined Karst Potential; however, the Laurel is noted as being "Prone" to Karst activity.

An on-site field inspection of the subject property was conducted on October 18, 2021. Portions of the site are within the various parkway buffers along Bardstown Road were covered by woods and heavy undergrowth, somewhat limiting observation in those areas; however, in the viewable areas, there were no sinking streams, springs, or outcrops noted. One very small surface depression was noted in the northerly part of the adjacent property to the south, about 25 feet north of the existing shed, which may, or may not, be indicative of a small sinkhole.

**LEGEND**

- X-X-X-X- EXISTING FENCE
- \_\_\_\_\_ CENTERLINE
- 542- EXISTING CONTOUR
- ===== EXISTING RETAINING WALL
- 8" SAN- EXISTING SANITARY SEWER
- OHU- EX. OVERHEAD UTILITIES
- DRAINAGE SWALE
- EX. TREE LINE
- ===== EX. STORM LINE w/ HEADWALLS
- ====> DRAINAGE FLOW
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EX. SANITARY SEWER MANHOLE

**TREE CANOPY CALCULATIONS**

|   |                       |
|---|-----------------------|
| SITE AREA                                       | 44,286 SQ.FT.         |
| EX. TREE CANOPY ON SITE                         | 4,589 SQ.FT.          |
| TREE MASSES                                     | 2,429 SQ.FT.          |
| (3) 8"-10" APPLE TREES (TYPE B @ 230 S.F. EA)   | 2,160 SQ.FT.          |
| EX. TREE CANOPY TO BE PRESERVED                 | 3,149 SQ.FT. (7.1%)   |
| TREE CANOPY REQUIRED                            | 17,714 SQ.FT. (40%)   |
| ADDITIONAL TREE CANOPY REQUIRED                 | 14,565 SQ.FT.         |
| ADDITIONAL TREE CANOPY TO BE PROVIDED           | 15,600 SQ.FT. (35.2%) |
| 13 - 1 1/2" TO 4" "TYPE A" TREES @ 1,200 SQ.FT. |                       |
| TOTAL TREE CANOPY TO BE PROVIDED                | 18,749 SQ.FT. (42.3%) |

**WAIVERS AND VARIANCES:**

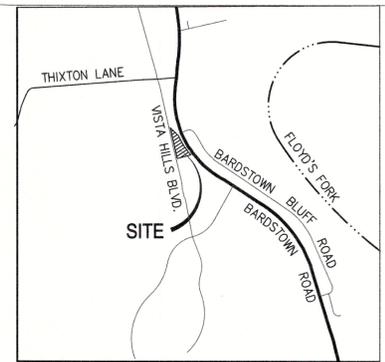
WAIVER OF CHAPTER 10.3.5.A TO ALLOW EXISTING AND PROPOSED RESIDENTIAL BUILDINGS TO ENCROACH INTO THE REQUIRED 75' PARKWAY BUILDING SETBACK AND THE 50' PARKWAY LANDSCAPE BUFFER.

**SITE DATA**

|                         |  |
|-------------------------|--|
| GROSS SITE AREA         | 1.022 ACRES  |
| NET SITE AREA           | (44,539.741 S.F.)<br>1.011 ACRES<br>(44,034.72 S.F.) |
| EXISTING ZONING         | R-5  |
| EXISTING FORM DISTRICT  | NFD w/ FF OVERLAY                                    |
| EXISTING NUMBER OF LOTS | 1  |
| EXISTING USE            | RESIDENTIAL  |
| PROPOSED ZONING         | R-5  |
| PROPOSED USE            | RESIDENTIAL  |
| PROPOSED NUMBER OF LOTS | 4  |
| DENSITY                 | 3.96 D.U./AC.  |

**REQUIRED SETBACKS**

|                               |     |
|-------------------------------|-----|
| MIN. FRONT & STREET SIDE YARD | 15' |
| SIDE YARD                     | 5'  |
| REAR YARD                     | 25' |
| MAX. BUILDING HEIGHT          | 35' |
| PARKWAY SETBACK               | 75' |
| PARKWAY BUFFER                | 50' |



**LOCATION MAP**  
NOT TO SCALE

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
CONDITIONS:

BY: *Janet H. Smith*  
DATE: *11/14/22*  
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

**PRELIMINARY APPROVAL**  
Condition of Approval:  
  
*Michelle Borch* 11-14-22  
Development Review Date  
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**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-0121*  
APPROVAL DATE *Feb. 2, 2023*  
EXPIRATION DATE  
SIGNATURE OF PLANNING COMMISSION  
*[Signature]*  
PLANNING COMMISSION

**PRELIMINARY SUBDIVISION PLAN**  
GRAPHIC SCALE SUPERCEDES NUMERIC SCALE  
0 10' 20' 40'  
SCALE: 1" = 20'

- R-5A/NFD PHILLIP & PAULA FOX 10503 FUTURITY SPRINGS DR. LOUISVILLE, KY 40291-4149
- R-5A/NFD DWIGHT S. & DONITA C. HOSKINS 10501 FUTURITY SPRINGS DR. LOUISVILLE, KY 40291-4149
- R-5A/NFD TOMMY M. & LU WANDA P. BAGGETT 10502 FUTURITY SPRINGS DR. LOUISVILLE, KY 40291-4148
- R-5A/NFD PHILLIP S. BOHR & ROSE BOHR JOHNSON 9915 VISTA SPRINGS WAY LOUISVILLE, KY 40291-4158
- R-5A/NFD JO LYNN SLUSHER 9907 VISTA SPRINGS WAY LOUISVILLE, KY 40291-4158
- R-5A/NFD STEPHEN & NANCY SEITZ 9915 VISTA SPRINGS WAY LOUISVILLE, KY 40291-4158 D.B. 10459, PG. 292
- R-5A/NFD KATHY L. KRUSE 9917 VISTA SPRINGS WAY LOUISVILLE, KY 40291-4158 D.B. 10337, PG. 60



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**SUBDIVISION AND REZONING PLAN**  
**10001 VISTA HILLS BOULEVARD**  
SITE INFORMATION:  
DEED BOOK 12969, PG. 226  
PARCEL # 00880037000

OWNER/DEVELOPER:  
TRI SMYRNA, LLC  
14025 CYPRESS GLEN DRIVE  
LOUISVILLE, KY 40245-5884  
LOUISVILLE, KY 40245-5884

240518-01-001-SUB DRAWING  
RECEIVED NOV 10 2022  
PLANNING & DESIGN SERVICES  
R-5/NFD  
TRI SMYRNA, LLC  
14025 CYPRESS GLEN DRIVE  
LOUISVILLE, KY 40245-5884  
D.B. 12386, PG. 223

STATE OF KENTUCKY  
H.R. GUYTON III  
22834  
LICENSED PROFESSIONAL ENGINEER

**PLAN STATUS**

|          |                    |
|----------|--------------------|
| 8-10-22  | REV. AGENCY COMTS  |
| 8-29-22  | FORMAL FILING      |
| 10-11-22 | REV. SEWER LAYOUT  |
| 10-17-22 | RESUBMITTAL        |
| 10-27-22 | REV PER AGENCY COM |

|          |               |        |     |     |
|----------|---------------|--------|-----|-----|
| DATE     | DESCRIPTION   | DHS    | DHS | CRB |
| DESIGN   | DRAWN         | CHKD   |     |     |
| SCALE    | H: 1"=20'     | V: N/A |     |     |
| JOB No.  | 240518-01-001 |        |     |     |
| DATE     | 06-23-2022    |        |     |     |
| FILE No. |               |        |     |     |

22-ZONE-0121

**NOT FOR CONSTRUCTION**

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