

PLANNING COMMISSION MINUTES
February 4, 2021

PUBLIC HEARING

20-ZONE-0092

Request: Change in Zoning from R-4 to PRD with Waiver, Detailed District Development Plan, Binding Elements, abandonment of existing Binding Elements, and Major Preliminary Subdivision

Project Name: Cedar Ridge

Location: 8203 & 8211 Cedar Creek Road, Parcel 065700830000

Owner: Limestone Builders Inc.

Applicant: Limestone Builders Inc.

Representative: Wyatt, Tarrant & Combs, LLP

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:57:50 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, LLP, 400 West Market Street, Suite 2000, Louisville, Ky. 40202
Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

02:05:40 Jon Baker gave a power point presentation. The request is for a zoning change and associated development review applications in the form of a preliminary subdivision. Section 1 will be amended to remove the buildable lots and expanding the detention basin/open space. There will also be a subdivision plan for Section 2. There is also a waiver to allow an easement to occupy at least 50% of the rear yard requirement.

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02:13:03 Kelli Jones continued the power point presentation. The road width dimensions were corrected. There have been discussions with Metro Public Works and the applicant has agreed to do some road improvements across the frontage of Section 2 (couple of options). There has been extensive work with MSD to make sure to reduce the impacts of any increased impervious area. No drainage will go to the neighbor's pond and the runoff will be restricted.

02:22:47 Jon Baker discussed the traffic – left turn lane is not warranted. There are 90 buildable lots and renderings of the homes were provided.

Commissioner Mims asked what will be used to deter children from wandering onto the neighbor's land/pond. Jon Baker said there are a number of ponds with trees surrounding them. A four-foot fence would be keeping with the character of the neighborhood or vegetation to screen. Kelli Jones said screening is not required.

The following spoke in opposition to this request:

Karen Sims, 8305 Cedar Creek Road, Louisville, Ky. 40291

Summary of testimony of those in opposition:

02:33:21 Karen Sims said there is a fence around the entire perimeter of the rock quarry. A barrier is needed for the pond because it will entice children. Also, there will be flooding because of the additional paving.

Karen Sims said she doesn't want the detention basin draining through her property.

Commissioner Mims said it should be easy to put up some type of barrier. Can Kelli respond to the detention basin issue? Kelli Jones said they are doing what MSD has instructed them to do.

Commissioner Carlson suggests a four-board horse fence. Jon Baker said they would prefer a wrought iron or aluminum fence.

Deliberation

02:45:06 Planning Commission deliberation.

Dante St. Germain read the following binding element regarding the fence (replace binding element in staff report): The developer shall install a black aluminum or wrought iron fence between the southern property line of the development site and the property

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located at 8305 Cedar Creek Rd. Said property line being the distance of approximately 455 feet. The fence shall be 4 feet in height and the HOA shall be responsible for maintenance and, when necessary, replacement of the fence. Jon Baker said he prefers the responsibility lies with each individual property/lot owner instead of the HOA. Dante St. Germain said it will be hard to enforce that. Consensus of the commissioners is that the fence isn't warranted.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Zoning Change from R-4 to PRD

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal is not for a higher intensity or density zoning district. The site is located adjacent to existing PRD zoning; the proposal will comply with transition requirements; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal is for new development and a residential zoning district; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no distinctive cultural features are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is not for a higher intensity or density zoning; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the development will be achieved via Cedar Creek Road, a secondary collector at this location; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, Transportation Planning has approved the proposal; No direct residential access to high speed roadways is proposed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, tree canopy and open space will be provided in accordance with the Land Development Code; no karst features are evident on the site; the subject site is not located in the regulatory floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal encourages a variety of housing types, including detached and attached single family; the proposal would support aging in place by increasing the variety of housing options in the neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district will allow for inter-generational, mixed-income development that is connected to the neighborhood and surrounding area; the proposal will provide connectivity to Bardstown Road, and will be located less than one mile from Bardstown Road, a multi-modal transportation corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district would expand the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in Louisville Metro; no existing residents will be displaced by the proposal; the proposed zoning district will allow the use of innovative methods of housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council the change in zoning from R-4, Single Family Residential to PRD, Planned Residential Development on property described in the attached legal description be **APPROVED**.

The vote was as follows:

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YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

Waiver from 7.3.30.E to allow a rear yard to overlap a drainage easement by more than 15% (21-WAIVER-0007)

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis, Applicant's Justification and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the overlap between the rear yard and the drainage easement is not likely to be visible outside the property or increase drainage off the property; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address overlap between required yards and drainage easements; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by MSD generally requiring drainage easements to be in rear yards; and

WHEREAS, the Louisville Metro Planning Commission further finds strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring excess rear yard be reserved on lots that have the drainage easement, negatively impacting the building envelopes.

WHEREAS, the requested waiver relief from Chapter 7 of the LDC is to allow design of Cedar Creek Section II to mimic the existing design of Cedar Creek Section I, which allows for smaller sized single-family lots, as supported by the PRD zoning designation the applicant currently seeks. As part of the overall Cedar Ridge site design, the proposed waiver relief will allow for the applicant to properly handle drainage throughout the development, which will benefit adjacent property owners. The relief to allow a certain amount of rear yards to be occupied by drainage easements is primarily internal to the development, for all required building setbacks within the proposed Section II of Cedar Ridge will comply with LDC requirements. Accordingly, the waiver will not adversely affect adjacent property owners; and

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WHEREAS, Cedar Ridge is within the Neighborhood Form District. Plan 2040 's Community Form Plan Element Goal 1, Policy 3.1.3 advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas. Further, Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities. New neighborhoods are encouraged to incorporate these different housing types and styles within a neighborhood as long as the different types are designed to be compatible with nearby land uses. Consistent with the goals and policies of Plan 2040's Neighborhood Form are the Goals set forth in Plan 2040's Housing Plan Element, which aim to: 1) Expand and ensure a diverse range of housing choices 2) Facilitate the development of connected mixed -use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. The PRD zoning district being sought for the Property is an LDC zoning regulation consistent with these aforementioned Plan 2040 Goals and, what's more, is a method by which applicants can implement these very Plan 2040 Goals because it provides for flexibility in design of residential developments, allowing zero lot line, townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative site designs. Provided the support for differentiation of site design of residential developments set forth within the Comprehensive Plan and encouragement for residential developments to provide a variety in housing styles and types, and with the PRD regulations being an implementation tool of these Comprehensive Plan policies, the requested waiver is not incongruent nor violative with Plan 2040. Rather the opposite is the case, for when sites are designed to create those residential subdivisions that are more compact in nature, land area is more constricted and limited, thereby leaving less area for accommodating utility and drainage systems throughout the subject site. Here, the rear yard areas where the drainage easements will overlap will remain usable by the resident and will not appear as anything other than a rear yard. As it applies to Cedar Ridge Section 11, this waiver will allow the applicant to properly mitigate excess runoff onsite and will have no effect on the requirements of the Comprehensive Plan. Accordingly, the granting of the requested waiver will not violate the Comprehensive Plan; and

WHEREAS, the Louisville Metro Planning Commission finds, the Applicant has designed the site so that the extent of the waiver is the minimum necessary to afford relief to the applicant within the confines of the property and so that no building setback requirements will be affected by encroachment or negatively minimized. And, as mentioned, the rear yards of the proposed lots will allow for use of said backyards, just no location therein of structures. Therefore, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and

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WHEREAS, the Louisville Metro Planning Commission further finds the strict application of zoning regulation requirements would deprive the applicant of a reasonable use of the land and create an unnecessary hardship on the applicant because to comply with this particular Chapter 7 regulation, the applicant would need to reduce the size of the building footprints of the majority of the houses proposed for Cedar Ridge Section II, thereby creating an unbalanced development between Cedar Ridge Sections I and II. Moreover, the applicant might be required to drop a number of building lots, which seems to run counter to the intent of the PRO regulation, which promotes flexibility in site design of residential developments such as the proposed Cedar Ridge, which the applicant specifically designed with reduced lot sizes because there is high demand for this very housing product, as evidenced by the popularity of the houses in Cedar Ridge Section I. Strict adherence to LDC 7.3.30.E would deprive the applicant of the ability to build out Section II of Cedar Ridge to match the look and feel of existing Cedar Ridge Section I, potentially damaging the ability to sell residential lots in Section II as well as creating an unbalanced looking residential development in general. Avoiding this unnecessary hardship warrants relief from LDC 7.3.30.E.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Waiver from 7.3.30.E to allow a rear yard to overlap a drainage easement by more than 15% (21-WAIVER-0007).

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

Detailed District Development Plan/Major Preliminary Subdivision with abandonment of existing Binding Elements and adopt proposed Binding Elements (20-MSUB-0010)

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

Existing Binding Elements/Conditions of Approval (to be abandoned)

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.

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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. The homes in the development shall have varying garage door detail to provide a variety of appearance.~~

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- ~~8. Each home shall have a minimum of 75 percent masonry (brick, stone, etc.) exterior on the 1st floor.~~
9. 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."
10. 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.
11. 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.
12. 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.
13. 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

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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.

14. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. 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.
16. The applicant shall install signs, each to be located within the public right-of-way of Street B, one at the northern terminus of Street B, and one at the southern terminus of Street B. These signs shall indicate that Street B shall, in the future, extend beyond the subject property and connect to roadways on adjacent properties. Such signage and location are subject to the prior approval by the Louisville Metro Public Works Department and shall be installed prior to release of bonds for the installation of the street infrastructure.
17. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Cedar Creek Road as shown on the approved detailed district development plan / major subdivision preliminary plan. Construction plans, bond, and permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. Developer shall not request a certificate of occupancy until road improvements are complete.
- ~~18. Prior to issuance of the first certificate of occupancy:
 - a. Applicant shall install a standard Kentucky four board fence approximately along the common property line of Walter M. and Sharon Miller (DB 5852, P 522) (the "Millers") beginning 30 feet back from the Cedar Creek Road right-of-way, and extending back the length of the common property line except where the fence would be in the right-of-way in which case the fence shall be located on the Millers' side of the common property line. The fence to the extent it is on the applicant's property shall be maintained by Applicant or its successors in good condition thereafter.~~

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~~b. Applicant shall install the same style four board fence on the Millers' property where it abuts the stub of Gentlewind Way for the width of the Gentlewind Way right-of-way (60 feet), provided that the Millers' grant all necessary construction easements and licenses to Applicant, its representatives and contractors. Following installation, Applicant shall have no responsibility to maintain the fence to the extent it is located on the Millers' property.~~

- ~~19. Future development of Millers' property. At such time as either Street B or Gentlewind Way is connected through the Millers' property, the fence shall be removed to the extent necessary as determined by Louisville Metro Public Works for adequate sight distance and safety. Such fence removal shall not be the responsibility of Applicant or Applicant's successors.~~
- ~~20. The approved landscaping plan shall provide for landscaping materials (3 Type A/B trees per 100 linear feet) within the 15' buffer area (as shown on the approved preliminary subdivision plan).~~
- ~~21. Design flexibility. In order to promote design flexibility and market responsiveness, Applicant reserves the right to vary the distribution of two-plex and three-plex units only from that shown on the approved district development plan in accordance with LDC Section 11.4.E.3 and Planning Commission Policy 4.05.07.~~
- ~~22. Landscaping, to include shrubs where appropriate, shall be installed in the greenspaces between driveways to provide relief between expanses of pavement. Proposed planting materials and details shall be reviewed by the staff Landscape Architect at the time of landscape plan review/approval.~~
23. PRD Transfer of Infrastructure Binding Element 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, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA"); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; and (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and ~~(d) where attached residences~~

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~~are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.~~

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan/Major Preliminary Subdivision with abandonment of existing Binding Elements and **SUBJECT** to the following Binding Elements (20-MSUB-0010):

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.

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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:
 - e. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - f. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - g. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - h. 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

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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 applicant shall install a sign, to be located within the public right-of-way of Cedar Crest Lane, at the northern terminus. This sign shall indicate that Cedar Crest Lane shall, in the future, extend beyond the subject property and connect to roadways on adjacent properties. Such signage and location are subject to the prior approval by the Louisville Metro Public Works Department and shall be installed prior to release of bonds for the installation of the street infrastructure.
15. 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.
16. 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.

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17. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Cedar Creek Road as shown on the approved detailed district development plan / major subdivision preliminary plan. Construction plans, bond, and permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. Developer shall not request a certificate of occupancy until road improvement schematics presented at the February 4, 2021 Planning Commission meeting are complete.

18. PRD Transfer of Infrastructure Binding Element 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, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association (“HOA”); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; and (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NO: Commissioners Carlson and Clare