

Case No. 22-ZONE-0149 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. 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. A minor subdivision plat or legal instrument shall be recorded dedicating additional right- of-way to Cedar Creek Road to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit. If necessary, the dedication can be shown on the record plat.
 - c. 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.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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."
8. 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.
9. 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."
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. The applicant shall install signs, approved by the Metro Public Works

Dept., which indicate the future extension of the public right of way for "Proposed Amaranth Drive". Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

12. 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.
13. 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.
14. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
15. 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.
16. The signature entrance shall be submitted to the Planning Commission staff for review and approval.
17. A four-board horse fence shall be provided along the Cedar Creek Road frontage (Lots 1 – 4). Maintenance of the fence shall be the responsibility of the developer, until such time as control of the Homeowners' Association is turned over to the homeowners, at which point maintenance responsibility shall transfer to the HOA.

GENERAL

- No lots shown hereon may be subdivided or resubdivided resulting in the creation of a greater number of lots than originally approved by the planning commission.
- Construction fencing shall be erected at the edge of the limits of disturbance areas prior to any grading or construction activities. The fencing is to remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.
- A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and USDA Soil Conservation Service recommendations.
- All open space lots are non-buildable and will be recorded as open space and utility easements.
- Benchmark and topographical information shown hereon were derived from Lojic data. Boundary information was taken from deeds.
- Regarding Benchmark data, topographical information shown hereon was derived from lojic data.
- Compatible on-site utilities, (electric, phone, cable) shall be placed in a common trench unless otherwise required by appropriate agencies.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- 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.
- A sign will be placed to alert home buyers of the potential for future development and expansion of pavement or curb.
- The minimum driveway length is 25 ft from garage or building facade to back of sidewalk or edge of pavement or curb.

SEWER & DRAINAGE

- Runoff from this development must be conveyed to an adequate public outlet.
- No portion of the site is located in a floodplain per FIRM map 21111 C 0113 E dated December 5, 2006.
- Sewers by L. E. and subject to all applicable fees.
- Extension of MSD storm water boundaries may be required.
- A "Request for Sanitary Sewer Capacity" has been filed with MSD.
- All proposed sewer and drain easements shall be 15' unless otherwise indicated.
- The Louisville Water Company will determine the width of their easement prior to 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.
- Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District's Design Manual and Standard Specifications and other local, state and federal ordinances.
- The final design of this project must meet all MSA water quality regulations established by MSD. Site layout may change at the design phase due to proper sizing of Green Best Mgmt. Practices.
- An EPSC plan shall be developed and approved in accordance with MSD Design Manual and Standards Specifications prior to construction plan approval.

STREETS & SIDEWALKS

- All roads within the development shall have curb and gutters. Cul-de-sacs shall have a pavement width of 20 feet with a radius of 35 feet at Cul-de-sac. All other roads shall be 24 feet in width with a 25 foot radius at intersections.
- Sidewalks within the subdivision shall be provided in accordance with Table 6.2.1 of the Land Development Code.
- Street grades shall not be less than 1% (Min.) or 10% (max.).
- A Bond & Encroachment Permit is required by Metro Public Works for all work within the Right-Of-Way, and for roadway approaches on all surrounding access roads to the subdivision site due to damages caused by construction traffic.
- Verges shall be provided as required by Metro Public Works.
- All streets, intersections, loop roads, cul-de-sacs, bulbs, traffic circles and rights-of-way shall be in accordance with the Development Code and Metro Public Works' standards and approved at the time of construction.
- All street name signs shall conform with the MUTCD requirements and shall be installed prior to the recording of the applicable subdivision plat or prior to obtaining the first certificate of occupancy and shall be in place at time of bond release.
- The location and type of plantings within the street right-of-way will be evaluated for roadway safety and sight distance requirements by Metro Public Works which reserves the right to remove them without the property owner's approval.
- Should any existing drainage structures and/or utilities located within offsite rights-of-way become necessary to be altered, extended or relocated, such shall be at the owner's/developer's expense.
- A Bond and Encroachment Permit will be required by Metro Works for roadway repairs within the site due to damage caused by construction traffic activities.
- All roadway intersections shall meet the requirements for landing areas as set by Metro Public Works.
- Right-of-Way dedication shall be recorded as part of the required record plat.

PROJECT DATA

TOTAL SITE AREA = 12.35± Ac. (537,920 SF)
 TOTAL AREA OF ROW = 2.08± Ac. (90,680 SF)
 R/W DEDICATION AREA = 0.19± Ac. (8,314 SF)
 NET SITE AREA = 10.08± Ac. (438,926 SF)
 FORM DISTRICT = NEIGHBORHOOD
 PROPOSED ZONING = R-5
 EXISTING USE = SINGLE FAMILY RESIDENTIAL
 PROPOSED USE = SINGLE FAMILY RESIDENTIAL
 TOTAL # RESIDENTIAL LOTS = 44
 TOTAL AREA OF LOTS = 360,425 SF
 GROSS DENSITY = 3.62± DU/Ac. (7.26 MAX. ALLOWED)
 NET DENSITY = 4.36± DU/Ac. (7.26 MAX. ALLOWED)

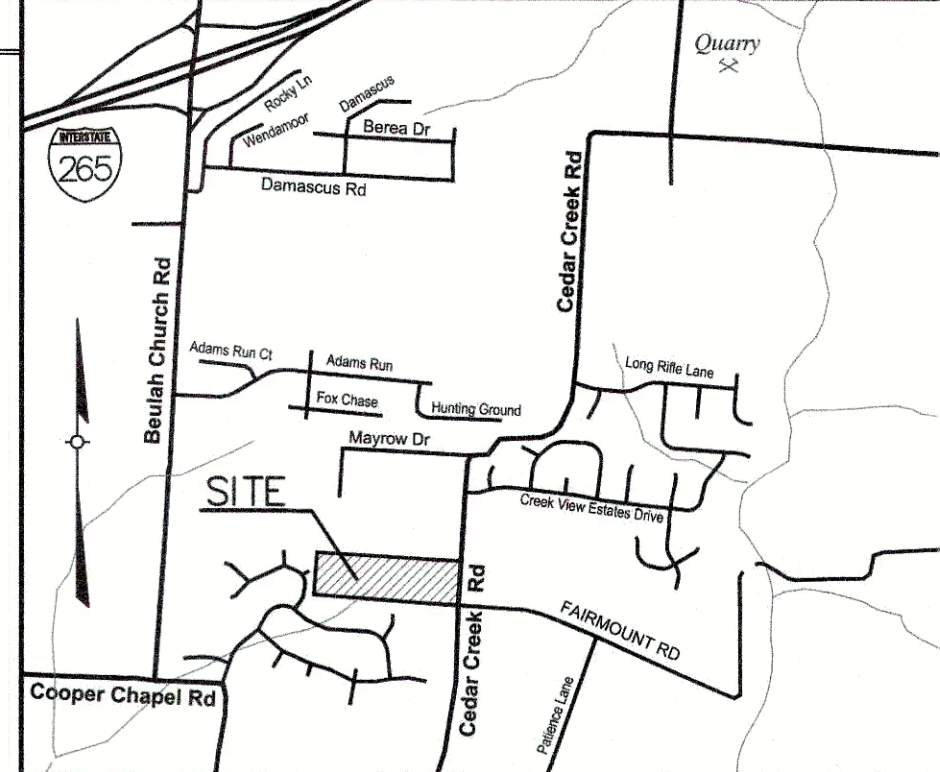
R-5 REQUIREMENTS

MINIMUM LOT AREA = 6,000 SF
 MINIMUM LOT WIDTH = 50'
 MIN. FRONT YARD & STREET SIDE YARD = 15' TO FRONT FACADE / 25'
 MINIMUM SIDE YARD = 5'
 MINIMUM REAR YARD = 25'
 MAX. BUILDING HEIGHT = 35'

- Garage Doors facing street

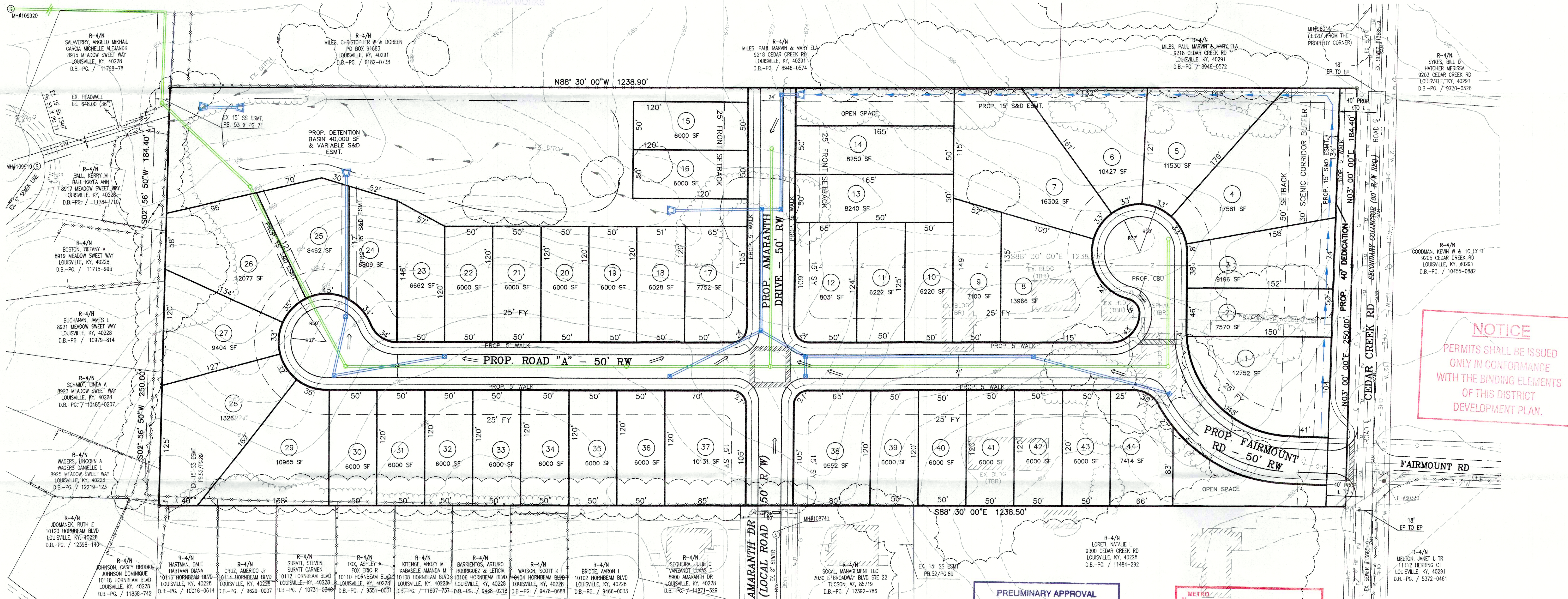
WAIVER REQUEST:

- A Waiver is requested from Section 7.3.30.E of The Louisville Metro Land Development Code to allow drainage easements to overlap the rear yard by more than 15%.



LOCATION MAP

NOT TO SCALE



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

DETENTION BASIN CALCULATIONS

X = Δ CRA/12
 ΔC = 0.50-0.23=0.27
 A = 12.4 ACRES
 R = 2.9 INCHES
 X = (0.27)(12.4)(2.9)/12 = 0.81 AC.-FT.
 REQUIRED X = 35,283 CU.FT.
 PROVIDED BASIN = 40,000 SQ.FT.

TOTAL = 40,000 SQ.FT. @ APPROX. 1 FT. DEPTH
 = 40,000 CU.FT. > 35,283 CU.FT.

TREE CANOPY CALCULATIONS

TOTAL SITE AREA = 537,920 S.F.
 EXISTING TREE CANOPY AREA = 9% (52,321 S.F.)
 EXISTING TREE CANOPY PRESERVATION REQUIRED = 0% (0 S.F.)
 EXISTING TREE CANOPY TO BE PRESERVED = 0% (0 S.F.)
 TOTAL TREE CANOPY AREA REQUIRED = 40% (215,168 S.F.)
 TOTAL TREE CANOPY AREA TO BE PROVIDED = 40% (215,168 S.F.)

BENCHMARK DATUM

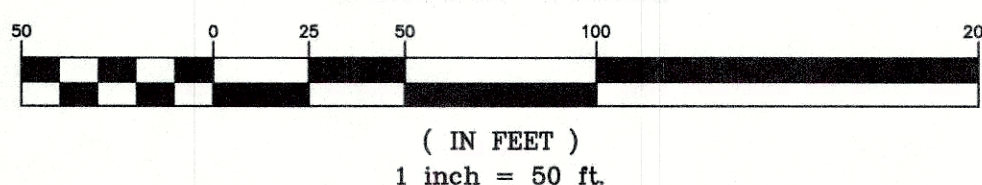
TBM Railroad spike in a utility pole located on the west side of Cedar Creek Road, approximately 50' south of Fairmount Road. Elevation = 692.49 (NAVD 88)

LEGEND

- = DRAINAGE FLOW ARROW
- - - 7.22 - - - = EXISTING CONTOUR
- = PROPOSED STORM SEWER, CATCH BASIN AND CREEKSTONE HEADWALL
- = PROPOSED SEWER AND MANHOLE
- ▲— = PROPOSED DRAINAGE SWALE

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1.	10/17/22	REVISED PER AGENCY COMMENTS	JH

GRAPHIC SCALE



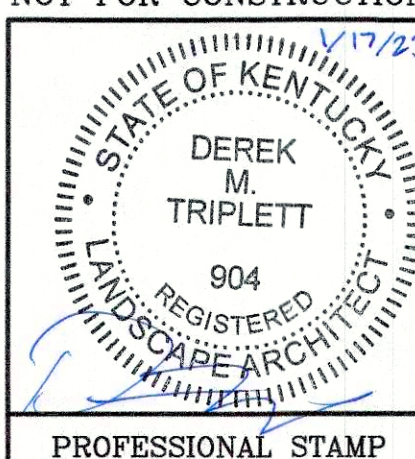
PRELIMINARY APPROVAL

Condition of Approval:

Development Review Date

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

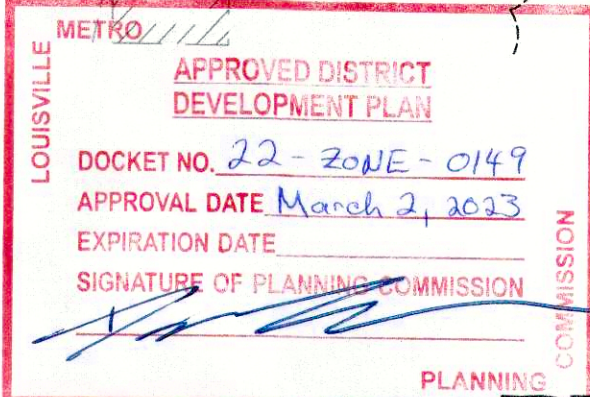
PRELIMINARY NOT FOR CONSTRUCTION



OWNER:
 WENDELL E THOMASSON REV LIVIN
 301 DEACON TRCE
 TAYLORSVILLE, KY, 40071

SITE ADDRESS:
 9224 & 9220 CEDAR CREEK RD
 LOUISVILLE, KY 40291

TAX BLOCK 0664, LOT 133 &132
 D.B.- PG. / 9677-0259



PULTE CEDAR CREEK ROAD
 PRELIMINARY SUBDIVISION PLAN

DEVELOPER:
 PULTE GROUP
 10350 ORMSBY PARK PLACE, SUITE 103
 LOUISVILLE, KY 40223
 COUNCIL DISTRICT - 22 & 23
 FIRE PROTECTION DISTRICT - FERN CREEK & HIGHVIEW
 MUNICIPALITY - LOUISVILLE

PREPARED BY:
 LAND DESIGN & DEVELOPMENT, INC
 503 WASHBURN AVENUE, SUITE 101
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 WM# 12492
 DATE: 10/04/22
 CASE #22-ZONE-0149

RECEIVED

JAN 17 2023

PLANNING & DESIGN SERVICES

22-ZONE-0149