

Case No. 21-ZONE-0136 Binding Elements

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

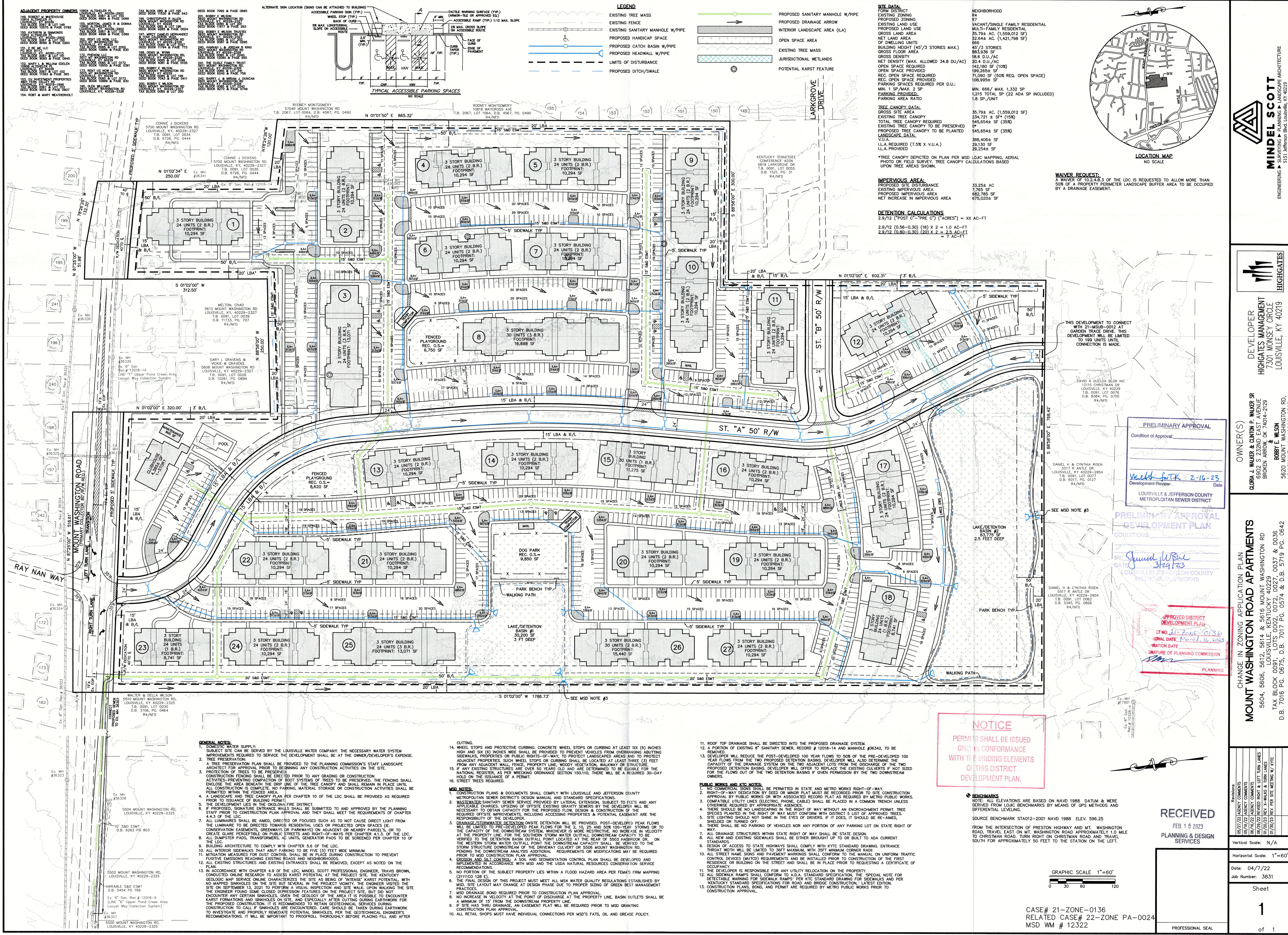
1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work done in the Mt. Washington Road or Preston Highway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Twice the required tree plantings shall be provided within the 50-foot building setback along the Wilson property, located at 5510 Mount Washington Road, not to exceed 100 linear feet, closest to the house on that property. Half of the enhanced landscaping shall be Type A or B deciduous trees, and half shall be Type A or

B evergreen trees.

- 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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 16, 2023 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission. Building design shall include at least three different color schemes as approved by staff.
 - f. The applicant shall make improvements to the intersection at Mt. Washington Road and Preston Highway, and to Mt. Washington Road, including sidewalks, in a manner substantially similar to that shown and described at the March 16, 2023 Planning Commission hearing and located in the case file as "Conceptual Striping Plan", subject to Public Works and/or Kentucky Transportation Cabinet approval. These improvements shall be bonded at site construction plan approval. All improvements shall be completed no later than issuance of the certificate of occupancy for the 133rd dwelling unit.
- 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. The development shall be limited to 199 units until a second separate access roadway connecting directly to an existing roadway is obtained pursuant to LDC 6.1.3.
 - 8. The applicant shall either provide a stub to the property at 12115 Christman Drive or connect to the extended Garden Trace Drive,

depending on the state of development of the approved preliminary subdivision plan for docket 21-MSUB-0012, Ashbrook Gardens Section 3, in compliance with LDC 5.9.2.A.1.a.

9. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.



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HIGHGATES
DEVELOPER
GLORIA J. WALKER & CLINTON P. WALKER SR.
6902 S. 232ND EAST AVENUE
BROKEN ARROW, OK 74014-2729
BOBBY E. WALSH
5620 MOUNT WASHINGTON RD.
LOUISVILLE, KY 40229-2327

CHANGE IN ZONING APPLICATION PLAN
MOUNT WASHINGTON ROAD APARTMENTS
5604, 5606, 5612, 5614 & 5616 MOUNT WASHINGTON RD
LOUISVILLE, KENTUCKY 40229
TAX BLOCK 0091, LOTS 0002, 0072, 0027, 0037 & 0036
D.B. 7016 PG. 0675, D.B. 7017 PG. 0574 & D.B. 5719 PG. 0642

Vertical Scale: N/A
Horizontal Scale: 1"=60'
Date: 04/7/22
Job Number: 3831
Sheet
1
21-ZONE-0136

WALKER REQUEST:
A WAIVER OF 10.2.4.3 OF THE LDC IS REQUESTED TO ALLOW MORE THAN 50% OF A PROPERTY PERIMETER LANDSCAPE BUFFER AREA TO BE OCCUPIED BY A DRAINAGE EASEMENT.

IMPERVIOUS AREA:
PROPOSED SITE DISTURBANCE
EXISTING IMPERVIOUS AREA
PROPOSED IMPERVIOUS AREA
NET INCREASE IN IMPERVIOUS AREA

DETENTION CALCULATIONS
2.9/12 ("POST C" - "PRE C") ("ACRES") = XX AC-FT
2.9/12 (0.56-0.30) (16) X 2 = 1.0 AC-FT
2.9/12 (0.60-0.30) (20) X 2 = 2.5 AC-FT

NEIGHBORHOOD
R4
R7
VACANT/SINGLE FAMILY RESIDENTIAL
MULTI-FAMILY RESIDENTIAL
35,794 AC (1,559,012 SF)
32,444 AC (1,421,798 SF)
666
45 1/3 STORIES
863,936 SF
18.6 DU/AC
20.4 DU/AC
142,180 SF (10%)
199,265 SF
71,050 SF (50% REQ. OPEN SPACE)
108,995 SF
PARKING AREAS REQUIRED PER DU:
MIN. 1 SP/MAX. 2 SP
PARKING PROVIDED:
PARKING AREA RATIO

TREE CANOPY DATA:
GROSS SITE AREA
EXISTING TREE CANOPY
TOTAL TREE CANOPY REQUIRED
EXISTING TREE CANOPY TO BE PRESERVED
PROPOSED TREE CANOPY TO BE PLANTED
LANDSCAPE DATA:
V.U.A.
LLA REQUIRED (7.5% X V.U.A.)
LLA PROVIDED

PRELIMINARY APPROVAL
Condition of Approval:
Walter & Della Wilson 2-16-23
Development Review: Date

PRELIMINARY APPROVAL
DEVELOPMENT PLAN
CONDITIONS:
James Wilson 3/24/23
LOUISVILLE/JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

APPROVED DISTRICT DEVELOPMENT PLAN
ST NO. 21-ZONE-0136
TOTAL DATE: March 16, 2023
RATON DATE:
OFFICE OF PLANNING COMMISSION
PLANNING

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

GRAPHIC SCALE 1"=60'
0 30 60 120

CASE# 21-ZONE-0136
RELATED CASE# 22-ZONE-PA-0024
MSD WM # 12322

PROFESSIONAL SEAL