

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Binding Elements as follows, which shall supersede those originally approved for Docket No. 9-57-93; and with the exception of the last sentence in Binding Element #7, which shall be removed.

PROPOSED BINDING ELEMENTS – Case 15817 / the following binding elements shall supersede the binding elements in Docket No. 9-57-93:

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 not exceed 159,925 square feet of gross floor area. Total outdoor dining areas on Lots 1 through 5 may not exceed 925 square feet unless adequate parking is provided to meet minimum Land Development Code requirements. Parking shall be reviewed at the time of submittal of detailed district development plans.
3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing.
4. 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.
5. 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 *Louisville Metro Department of Inspections, Permits and Licenses, 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 minor subdivision plat shall be recorded creating the lot-lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. The materials and design of existing/proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the **January 5, 2012** Planning Commission public hearing.
7. If transit is added along Brownsboro Road or Ballardsville Road in the future, the Owner / Developer shall dedicate a 5 ft. x 25 ft. public facilities easement parallel to the roadway right-of-way in the locations shown on the development plan. ~~The Owner / Developer shall also clean the Transit stops on an as-needed basis and shall empty the trash receptacles on an as needed basis.~~
8. A Certificate of Occupancy for any building shall not be requested or issued until the earlier to occur of completion (excluding grass, landscaping and sidewalks) of the KTC/Metro Works KY 22 road improvements project along the subject property's frontages, or October 31, 2012.

