Case No. 20-ZONE-0078 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. 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 Develop Louisville, 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 or certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 6, 2021 Planning Commission public hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission
 - e. A minor plat shall be reviewed, approved, and recorded creating the lots as shown of the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission's legal counsel shall be created between all lots shown on the approved development and include the Crown Communications tower. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and recorded with the minor subdivision plat.
- 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.
- 4. 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.
- 5. 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.
- 6. If human remains are discovered during the excavation or development of the site, the applicant shall immediately cease excavation activities and notify the Louisville Metro Coroner and the Jefferson County Historic Landmarks Commission.
- 7. Sidewalks shall be required to extend from the development site along Chamberlain Lane across Lot 4 to the intersection of Chamberlain Lane/Wolf Pen Branch Road/Norton Commons Boulevard as shown on the approved development plan.
- 8. Access to Wolf Pen Branch Road from the development site shall be limited to emergency access only and shall be gated. Approval from the Anchorage-Middletown fire department shall be required prior to the issuance of a permit for gated access. A copy of this approval shall be provided to Planning and Design Services for incorporation into the case record.
- 9. Landscaping and plantings along the north property line of lots 2 & 3 shall be in conformance with the landscaping exhibit presented at the June 3, 2021 Planning Commission public hearing and all requirements of the Land Development Code.
- 10. No illuminated attached signage shall be permitted. Freestanding signage shall be limited to monument or columnar style and be externally illuminated.
- 11. Lighting on the development shall be in compliance with Land Development Code, section 4.1.3 which provides that all luminaires shall be aimed, directed, or focused to not cause direct light from the luminaire to be directed toward residential uses or protected open spaces on adjacent or nearby parcels, or to create glare perceptible to persons operating motor vehicles on public streets and right-of-way. Any luminaire with a lamp or lamps that emit more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than twenty (20) feet. The level of lighting resultant from luminaires installed on a subject site shall not exceed 0.25 foot-candles at any property border adjoining residential. Fixtures with drop or sag lens lighting are prohibited.

