

BINDING ELEMENTS

DOCKET NUMBER 9-11-97

RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to Fiscal Court of Jefferson County that the change in zoning **from C-1 Commercial, C-2 Commercial, M-2 Industrial and R-4 Single Family Residential to C-1 Commercial** on property described in the attached legal description be **APPROVED**.

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. Prior to development of Lots 3, 4 and 6, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
3. The development shall not exceed 107,970 sq. ft. of gross floor area, including 5,000 sq. ft. on Lot No. 4, 2,500 sq. ft. on Lot No. 5 and 5,000 sq. ft. on Lot No. 6.

4. Free-standing signage on Beulah Church Road and Outer Loop shall be located as shown on the approved district development plan and shall be limited in height and area to that established by applicable Parkway Standards.
5. No outdoor advertising signs (billboards), small free- standing (temporary) signs, pennants or banners shall be permitted on the site.
6. There shall be no outdoor display, storage or sale of merchandise except under the canopy. No rides, mini-fairs, chow wagons, tent sales or comparable activities shall be permitted in the parking lots.
7. Outdoor lighting shall be directed down and away from surrounding residential properties, and shall be limited to a luminosity of "two foot-candles" at the property line.
8. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes 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.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 W. Liberty Street).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 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. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
10. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
11. A certificate of occupancy must be received from the appropriate code enforcement office 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.
12. Along the rear of the subject property, the developer shall install, prior to construction, a 6 foot high solid wood fence beginning at the front of the house located at 7816 Beulah Church Road and running toward the rear of that lot a distance of 150 feet. From that point, the developer shall install, prior to construction, a 6 foot high chain link fence which shall run along the common property line between the subject property and Victory Baptist Church to the rear of the property owned by Victory Baptist Church.
13. To the extent permitted by applicable transportation agencies (State Transportation Cabinet and Jefferson County Department of Public Works and Transportation), the property located at 7814 Outer Loop shall be permitted to access the interior shopping center road with a private driveway. Rights to access the interior shopping center road shall cease at such time as the property located at 7814 Outer Loop is no longer used for single family residential purposes.

14. The developer shall install, at the initial stage of construction, a 6 foot high solid wood fence or 6 foot high chain link fence along the south and west sides of the property located at 7814 Outer Loop.
15. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.