

SITE DATA

SITE AREA	3.464 ACRES
EXISTING ZONING	C-1 & C-2
PROPOSED ZONING	C-2
EXISTING FORM DISTRICT	RCFD
EXISTING USE	VACANT
PROPOSED BUILDING AREA	40,724 SQ.FT.
FIRST FLOOR	20,609 S.F.
SECOND FLOOR	20,115 S.F.

PROPOSED USES

RESTAURANT	4,966 SQ.FT.
TAVERN	4,800 SQ.FT.
RETAIL	10,843 SQ.FT.
GENERAL OFFICE	20,115 SQ.FT.
OUTDOOR DINING AREA	1,277 SQ.FT.
F.A.R.	0.272

PARKING CALCULATIONS

MINIMUM PARKING REQUIRED	199 SPACES
RESTAURANT (6,243 SF)	50 SPACES
(INC. OUTDOOR DINING)	
1 SPACE/125 SQ.FT.	
TAVERN	48 SPACES
1 SPACE/100 SQ.FT.	
RETAIL	43 SPACES (43.37)
1 SPACE/250 SQ.FT.	
GENERAL OFFICE	57 SPACES (57.47)
1 SPACE/350 SQ.FT.	

MAXIMUM PARKING ALLOWED

RESTAURANT (6,243 SF)	430 SPACES
(INC. OUTDOOR DINING)	125 SPACES
1 SPACE/50 SQ.FT.	
TAVERN	96 SPACES
1 SPACE/50 SQ.FT.	
RETAIL	108 SPACES
1 SPACE/100 SQ.FT.	
GENERAL OFFICE	101 SPACES
1 SPACE/200 SQ.FT.	

MINIMUM PARKING REQUIRED WITH 10% TARC CREDIT

PARKING PROVIDED	180 SPACES
INC. 8 HANDICAP SPACES	

BICYCLE PARKING
 SHORT TERM SPACES 8
 LONG TERM SPACES IN BUILDING 4

LANDSCAPE REQUIREMENTS
 V.U.A. 63,590 SQ.FT.
 7.5% REQUIREMENT 4,769 SQ.FT.
 I.L.A. PROVIDED 4,910 SQ.FT.

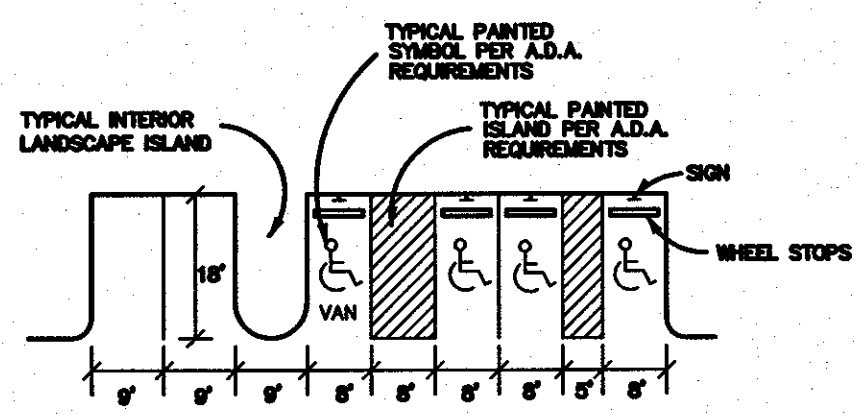
SITE TREE CANOPY REQUIREMENTS—LOT C
 TREE CANOPY CATEGORY CLASS C

SITE AREA INVENTORY	
8"-8" MAPLE @ 960 SF CREDIT	7,960 S.F.
4"-6" PIN OAK @ 960 SF CREDIT	3,840 S.F.
TOTAL TREE AREA	11,800 S.F.
TOTAL TREE CANOPY PRESERVED	11,800 S.F.
TREE CANOPY CALCULATIONS	
TOTAL SITE AREA	150,892 S.F.
EX. TREE CANOPY TO BE PRESERVED	11,800 S.F. (7.8%)
TREE CANOPY REQUIRED	27,161 S.F. (18%)
(TOTAL SITE HAS 0-40% EX. CANOPY COVERAGE)	
ADDITIONAL TREE CANOPY REQUIRED	15,361 S.F. (10.2%)
ADDITIONAL TREE CANOPY PROVIDED	15,840 S.F.
15" 2" CALIPER TYPE A TREES @ 720 SF EACH	
7" 6" TALL TYPE A EVERGREEN TREES @ 720 SF EACH	
TOTAL TREE CANOPY PROVIDED	27,640 S.F. (18.3%)

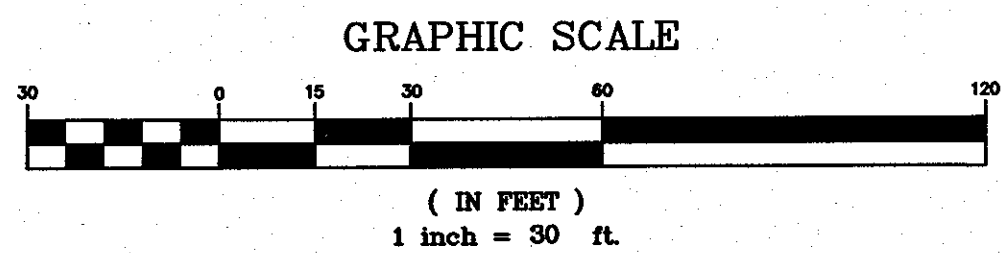
WAIVERS GRANTED:
 GRANTED BY DOCKET NO. 14DEVPLAN1051 - 7-17-14

1. WAIVER OF CHAPTER 10.2.4.B TO ALLOW UTILITY EASEMENTS TO ENCR OACH MORE THAN 50% INTO REQUIRED LANDSCAPE BUFFERS.
2. WAIVER OF CHAPTER 10.2.10 TO ALLOW PROPOSED PARKING TO ENCR OACH INTO REQUIRED 15' V.U.A. L.B.A.

- GENERAL NOTES:**
1. TOPOGRAPHIC INFORMATION AND BOUNDARY TAKEN FROM SURVEY BY BTM ENGINEERING, INC.
 2. DRAINAGE PATTERN DEPICTED BY ARROWS IS FOR CONCEPT PURPOSES ONLY. FINAL CONFIGURATION AND DESIGN OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
 3. AN APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATION TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMP'S SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.
 4. DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDED AND STABILIZED.
 5. ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY. TAKEN FROM SURVEY BY BTM ENGINEERING, INC.
 6. SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.
 7. WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF THE SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
 8. KENTUCKY DEPARTMENT OF TRANSPORTATION APPROVAL REQUIRED.
 9. THERE SHALL BE NO INCREASE IN DRAINAGE RUN-OFF TO THE RIGHT-OF-WAY.
 10. THERE SHALL BE NO COMMERCIAL SIGNS IN THE RIGHT-OF-WAY.
 11. THERE SHALL BE NO LANDSCAPING IN THE RIGHT- OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
 12. CONSTRUCTION PLANS, ENCROACHMENT PERMIT AND BOND WILL BE REQUIRED BY METRO WORKS FOR ALL WORK DONE WITHIN THE STREET RIGHT-OF-WAY.
 13. NO INCREASE IN VELOCITY AT POINT OF DISCHARGE AT PROPERTY LINE.
 14. THERE SHALL BE NO DIRECT ACCESS TO OLD BROWNSBORO ROAD FROM THIS SITE.
 15. MSD SANITARY SEWERS AVAILABLE BY EXISTING CONNECTION. FEES WILL APPLY.
 16. PROPOSED DRAINAGE SHALL CORRESPOND WITH THE CAPACITY OF THE IMMEDIATE DOWNSTREAM PIPE.
 17. LOW IMPACT DEVELOPMENT AREAS (LID'S) WILL BE CONSIDERED ALONG VON ALLMEN COURT AS A WAY TO DETAIN WATER LEAVING THE SITE PRIOR TO ENTERING THE EXISTING STORM WATER INFRASTRUCTURE. (LID'S) ARE NOT PART OF THE MSD GREEN INFRASTRUCTURE REQUIREMENTS.



TYPICAL PARKING DETAIL
 NO SCALE



REVISIONS

NO.	BY	DATE	DESCRIPTION
1	DHS	5/2/14	REVISIONS PER AGENCY COMMENTS
2	DHS	5/16/14	REVIS. TO ADDRESS AGENCY COMMENTS
3	DHS	6/19/14	REVISIONS TO ADDRESS CLIENT REVISIONS
4	DHS	8/7/14	ZONING CHANGE FOR ENTIRE TRACT
5	DHS	8/27/14	ZONE CHANGE REV. PER AGENCY COMMENTS
6	DHS	12/30/14	ENLARGED PAVED AREA/REDUCE PAVG.

BTM Engineering, Inc.
 Consulting Engineers, Landscape Architects, Planners & Surveyors
 Serving the Bluegrass and Beyond
 3001 S. Main Street, Suite 100
 Lexington, KY 40503
 (606) 455-8400
 www.btmeng.com

DATE	
SIGNATURE	
DATE	
SIGNATURE	

RECEIVED
 JAN 1 2014
 PLANNING & DESIGN SERVICES

REVISIONS
 DOCKET NO. 14-05-01
DETAILED DISTRICT DEVELOPMENT PLAN
OBC LOTS C & D
 8840 & 8860 VON ALLMEN COURT
 DEVELOPER: McMAHAN GROUP VENTURES
 5034 HUNTSINGER LANE
 LOUISVILLE, KY 40220

BTM PROJECT NO. 100291
 TAX BLOCK 3712 LOT 3
 P.B. 64 PG. 13
 D.B. 9887 PG. 974

OWNER: McMAHAN GROUP VENTURES
 5034 HUNTSINGER LANE
 LOUISVILLE, KY 40220

DRAWN BY: JMA/NC
 CHECKED BY: JMA/NC
 DATE: APRIL 2014
 DRAWING: 100291-C&D-DDP
 SCALE: 1" = 30'
 SHEET

PDS CASE # 14ZONE1039
14LSCAPE1121
14DEVPLAN1051
9-55-041PW, 14MOD1006
MSD WM #10977

1420ME039

Case No. 14ZONE1039 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed General Plan Binding Element Amendment and Revised Detailed District Development Plan **ON CONDITION** that the applicant work with the developer and the neighborhood association to amend binding element #10 A to better define the materials allowed in the development and to bring the proposed binding element back before the Planning Commission within 90 days. This must be resolved prior to the approval of any other Revised Detailed District Development Plans, rezonings, or Conditional Use Permits in the Old Brownsboro Crossings development. The approval is **SUBJECT** to the following binding elements:

General Plan Binding Elements

1. The Development approved as a General District Development Plan shall be developed in accordance with such Plan and binding elements contained herein unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid. Each applicant seeking approval of a detailed district development plan for each parcel in the Development shall be responsible for up-dating the General District Development Plan as to those matters where the applicant's approved plan deviates from the General District Development Plan.
 2. The commercial and retail development shall not exceed 501,567 square feet of gross floor area. The office development shall not exceed 420,000 square feet of gross floor area and 5,000 square feet of gross floor area for the preservation of the historic residence. The hospital and medical office buildings shall not exceed a total of 298,000 square feet. Outlet structures shall be generally oriented toward the internal roadways as shown on the General District Development Plan.
 3. Prior to development (**includes clearing and grading**) of each parcel in the development, the applicant, developer, or property owner of each such parcel shall obtain approval of a detailed district development plan from the Architectural Review Committee and thereafter obtain approval from **LD&T**. 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; provided that the development is not more restricted than set forth within the binding elements.
 - 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
4. The following uses shall not be permitted in the C-2 Commercial District: adult entertainment, auction sales, automobile repair garages, bingo halls, car washes and flea markets.
5. Each applicant for development of a parcel shall be required to provide the information needed to notify first tier property owners to the perimeter of the entire Development, plus those who spoke in opposition to the Development at the public hearing, at least seven (7) days prior to the Land Development and Transportation Committee meeting review of any detailed district development plan for each parcel in the Development. This list of names and addresses shall be submitted by the applicant at the time of filing for any Land Development and Transportation Committee meeting review. Staff of the Planning Commission shall be responsible for ensuring that these notices are mailed in accordance with this binding element.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a) Articles of Incorporation, Articles of Organization or other appropriate origination documents filed with appropriate governmental authorities for the entity responsible for common areas maintenance, repair and upkeep, which include maintenance of WPAs.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space and maintenance of WPAs and other issues required by these binding elements / conditions of approval.

DESIGN

7. A Streetscape Master Plan shall be submitted to Planning Commission staff for review and approval prior to filing of any Detailed District Development Plan. The Streetscape Master Plan shall include, but not be limited to street tree planting

locations/sidewalk and multi-purpose trail typical cross section design/location of street lights, public benches, TARC stop, and trash receptacles. A transit stop has been shown for conceptual purposes only. The decision and location of a transit stop shall be made by TARC prior to construction plan approval for the public roadway.

8. The only permitted freestanding signs shall be as shown on the approved General District Development Plan or sign plans. Prior to the erection of any sign, a unified sign plan for the entire Development shall be submitted, detailing the materials, sizes and appearance of all freestanding signs proposed for the Development. Freestanding signs shall be monument style. Information relating to attached building signage shall be submitted as part of the detailed plan review for each parcel. Attached signage affixed to the office buildings, hotel, and the medical diagnostic clinic shall be back lit and not internally illuminated. No outdoor advertising signs, small free-standing signs, pennant, balloons, or banners shall be permitted on any parcel in the Development.
9. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff. Light levels due to lighting on the Development shall not exceed one-foot candle measured at the property line. Light levels due to lighting on Lot O shall not exceed 0.5-foot candle measured at the property line of the Development. Each applicant for such parcel in the Development shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. Light standards in the commercial, office and hotel components shall not exceed 30-feet in height. The Development shall meet all Article 12 requirements for screening and buffering.
10.
 - A. The materials and design of proposed structures shall be substantially the same as depicted in renderings presented at the time of detailed district development plan approval for each parcel. The building materials for the retail component and hotel shall be drivit, tile, brick, masonry and stone except nationally or regionally recognized chain operations may utilize wood exteriors where such exterior appearance is part of an established and generally used trade dress. The building materials for the office component shall be brick or stone or a combination of brick and stone. All structures adjacent to KY 22 shall have a consistent architectural style and exterior color scheme. An Architectural Review Committee shall be established by the Developer and reflected within the Deed Restrictions recorded prior to the submittal of the first detail district development plan.
 - B. Notwithstanding anything to the contrary in A. above, the building materials of an approved office/retail building on General District Development Plan Lots C & D, combined, (where glass for windows and doors is not counted as a building material) may be 50% to 60% Alucobond or similar metal panel provided that brick is the facing on more than 10% of the building.
11. Focal points, to help visually unify and organize the overall Development and establish a sense of identity for each Activity Center and amenity parcel that provide opportunities for public gathering and seating shall be provided. General location of focal points and amenity parcels shall conform to the conceptual focal points/amenities master plan submitted at the March 25, 2002 public hearing, and shall be considered with each detailed district development plan review.
12. The number and general location of curb cuts for all parcels shall conform to the General District Development Plan. Crossover access easements shall be granted for shared access between parcels where shown on the General District Development Plan. Pedestrian and Bicycle parking facilities shall be provided in accordance with the Planning Commission Policies and the Louisville and Jefferson County Development Code in effect at the time of detailed district development plan submittal. Parking shall be designed to provide safe pedestrian way to all structures. Applicants submitting a detailed district development plan shall consider opportunities for shared parking, the use of alternative materials to reduce impervious surface and the transport of water born pollutants. Low Impact Development (LID) stormwater management strategies such as bioretention, vegetated swales/buffer strips, permeable pavers, and shared parking shall be incorporated where appropriate as determined by the Architectural Review Committee or LD&T into each activity center to reduce impervious surface area and negative water quality impacts from the transport of water born pollutants. Where appropriate, as provided above, the applicant shall demonstrate provisions for LID strategies at the time of detailed district development plan submittal.
13. A sidewalk collector system, providing pedestrian access to the Development in connecting the activity centers, shall be provided as shown on the General District Development Plan. Sidewalks, connecting individual parcels to the connector system, shall be provided and their location reviewed with each detailed district development plan request. A 10-foot wide multi-purpose trail shall be provided as shown on the General District Development Plan. Extension of the multi-purpose trail into an activity center, as shown on the General District Development Plan shall be provided prior to a Certificate of Occupancy request for the structure(s) on the parcel in which the extension is proposed.
14. Buildings longer than 100 feet in length shall contain recesses or other design features to break up the facade. No uninterrupted length of the facade shall be greater than 100 feet. In addition, each applicant with respect to Lots 'J' and 'K' shall address the rear elevations of buildings so as to make buildings compatible and complimentary to the front elevation.
15. The maximum height of the medical diagnostic clinic, office buildings and hotel shall be 71 feet from the ground floor elevation to the roof eaves.
16. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
17. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission

counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:

A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity other than as required by MSD for sewer and drainage maintenance/installation and construction of multi-purpose trail shown on general district development plan shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.

B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

C. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.

D. No parking, material storage or construction activities are permitted within the WPAs.

18. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

19. The applicant shall provide a minimum 50-foot setback adjacent to the Gene Snyder Freeway for Lots G, H, J, K and L. No impervious surfaces, excluding the multi-purpose trail as shown on the General District Development Plan are allowed within this setback area. Screening from the Gene Snyder Freeway shall be consistent with the concept Home Improvement Buffer concept plan as shown at the March 25, 2002 public hearing.

20. The applicant shall expand the 30-foot Woodland Protection Areas (WPAs) beyond 30 feet where more space is available and where space is needed to meet the preservation requirements as listed within binding element 16A-D. The applicant shall work with Planning Commission staff to provide supplemental tree plantings where gaps exist within the WPAs.

21. The applicant shall provide screening and buffering in excess of the landscape code requirements along KY 22 and Chamberlain Lane. The proposed landscaping design shall be consistent with the KY 22 and Chamberlain Lane buffer concept plans as shown at the March 25, 2002 public hearing.

22. The historic Von Allmen Dairy Farm Residence shall be preserved and there shall be no alterations to the exterior of the historic residence unless approved by the Planning Commission and the Jefferson County Office of Historic Preservation and Archives.

23. A landscaping plan that includes preservation of existing trees shall be established for the Von Allmen House. The plan shall be approved by the Office of Historic Preservation and Archives and Planning Commission staff and shall apply only to the area delineated for preservation by the Office of Historic Preservation. The preservation area shall contain 0.6 acres and shall be located as shown on the preservation area drawing received on April 11, 2002. The landscape/tree preservation plan for the house shall be submitted and approved prior to requesting a building permit for Lot O or a change of use/certificate of occupancy for the historic house (for non-residential uses).

24. All loading areas shall be screened from adjacent public streets and residential properties. At time of detailed plan approval the applicant shall demonstrate to LD&T compliance with the above stated restriction and details related to screening materials.

25. Off-street parking for each development site shall not exceed the greater of (1) the parking spaces proposed in the table shown on the General District Development Plan or (2) the minimum parking requirements as set forth within the Louisville and Jefferson County Development Code.

CONSTRUCTION

26. Prior to the issuance of permits for any buildings, the developer shall contract with an archaeologist approved by the Office of Historic Preservation and Archives to perform an archaeological survey. If determined to be necessary by the archaeologist, an archaeological excavation shall be conducted.

27. The applicant for each parcel shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on each parcel where there are existing trees in the Development (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

28. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

- a. The detailed development plan for such parcel in the Development 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 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the parcel and shall be maintained thereafter.
 - c. A major subdivision plat creating the parcels and roadways as shown on the approved preliminary subdivision plan shall be recorded prior to issuance of any building permits.
 - d. The Developer shall dedicate fifty feet (50') of right-of-way from the centerline of Chamberlain Lane and shall construct or pay the cost of construction adjacent to the Development in accordance with plans approved by Jefferson County Department of Public Works.
 - e. The Developer shall contribute one million five hundred thousand dollars (\$1,500,000.00) to be used with respect to the cost of construction of a six-lane section of Kentucky Highway 22 as directed by the Kentucky Department of Highways with a grass median for that portion of Kentucky Highway 22 between the Gene Snyder Freeway and Chamberlain Lane, the cost of construction of Chamberlain Lane adjacent to the Development, and the cost of the improvements approved by the appropriate governmental units to the access ramps to and from the Gene Snyder Freeway.
 - f. The Developer shall comply with the three (3) conditions stated in the Federal Highway Administration waiver granting the Developer the right to locate the primary entrance to the Development directly across from the Highway 22 off ramp from the north lane of the Snyder Freeway. The text of each condition is set forth in the letter from the Kentucky Transportation Cabinet dated January 22, 2002.
29. If a building permit is not issued within two years of the date of approval of the General District Development 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.
30. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of each structure on each parcel for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of a certificate of occupancy, unless specifically waived by the Planning Commission.
31. If work is required within the easements causing removal or damage of landscape materials, the property owner of the affected parcel shall be responsible for replacement of materials according to the approved landscape plan.
32. Except for roadway and utility construction, construction activity shall be limited to Monday through Saturday, 7 AM to 6 PM. Roadway and utility construction shall be permitted seven days per week and shall be limited to 6 AM through 11 PM. No other construction activity (except on the interior of a building) shall be permitted on Sundays or national holidays. Except for roadway and utility construction, heavy equipment operation shall be prohibited on Saturdays and Sundays. Public roads shall be kept clear of construction debris and mud.
33. The applicant shall not request a certificate of occupancy for any structure until all roadway improvements adjacent to the overall development site and ramp improvements as required by Jefferson County Public Works and Kentucky Transportation Cabinet have been completed. The applicant shall not request a certificate of occupancy for a use other than residential for the historic house until after January 1, 2005. The applicant shall not request a certificate of occupancy for the proposed office buildings on Lot O until KY 22 between I-265 and HWY 1694 has been widened in accordance with the Kentucky Transportation Cabinet plans.

OPERATIONS

34. Cleaning of parking lots and dumpster pick-up shall be limited to the hours of 7 AM to 10 PM, Monday through Saturday. Waste receptacles shall be concealed from view.
35. The applicant, developer, or property owner of each parcel shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of parcels in the Development and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of each parcel and occupants of the parcels shall at all times be responsible for compliance with these binding elements. At all times during development of the parcels in the Development, the applicant and developer, their heirs, successors, and assignees, contractors, subcontractors, and other parties engaged in development of the parcels, shall be responsible for compliance with these binding elements.
36. The development shall be in accordance with the approved Preliminary Subdivision Plan. Further subdivision may take place using the minor subdivision plat process. At time of minor plat approval a minor plat index for the development shall be submitted to Planning Commission staff. The minor plat index shall show the proposed lot and all other lots created by minor plat as well as the appropriate minor plat docket numbers.

Detailed Plan 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 not exceed 40, 724 square feet of gross floor area.
3. Signs shall be in accordance with the Old Brownsboro Crossing Master Sign Plan.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. 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 Permits Review and Transportation Planning Review 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.
7. 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.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 16, 2014 **January 15th** DRC meeting **Planning Commission public hearing**.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
11. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.