

Development Review Committee

Staff Report

August 17, 2022



Case No:	22-DDP-0058
Project Name:	Proposed Hotel
Location:	10300 Brookridge Village Blvd
Owner(s):	Brookridge Village Condominium Association
Applicant:	Junior Patel
Jurisdiction:	Louisville Metro
Council District:	22-Robin Engel
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Waivers:
 1. Waiver from section 10.3.5 to reduce the Gene Snyder Buffer from 50 FT to 30 FT (22-WAIVER-0097)
 2. Waiver from section 10.2.4 to reduce the VUA/LBA Buffer (22-WAIVER-0110)
 3. Waiver from section 5.5.1.A.3.a & 5.9.2.C.4 to allow parking in front of the building and to not provide a masonry wall (22-WAIVER-0112)
 4. Waiver from section 5.5.1.A.3.c & 5.9.2.A.1.b.ii to not provide a vehicular connection to the adjacent property (22-WAIVER-0113)
- Revised Detailed District Development plan with proposed binding elements
- Amendment to General Plan Binding Element #4

CASE SUMMARY/BACKGROUND

The applicant is proposing a 5 story 8,685 SF (Building footprint) Hotel. The hotel with all 5 floors will be a total of 43,425 SF. The site is zoned OTF in the Town Center Form District. This site was previously zoned to OTF under case number 9-26-98W. The general plan binding elements were amended in case number 15ZONE1055 when another site within the general plan was being rezoned.

STAFF FINDING

The Revised Detailed District Development Plan with proposed binding elements, the amendment to the general plan binding element #4 and the associated waivers are all adequately justified and meet the standard of review. The Town Center Form District that this site is located in, is an inappropriate form district for this area.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Staff did receive an email from the Office Condominium Association next door that was in support of the proposed hotel.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.3.5, Gene Snyder Parkway Development Standards, to allow the reduction of the parkway buffer from 50 ft to 30 ft (22-WAIVER-0097):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the applicant is still going to provide all the required plantings.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This site, although located in the Town Center Form District, is surround primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This site is being proposed next to another hotel and will be surround by other commercial developments without displacing any current residents. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. This site is not adjacent to existing residential uses and will still be providing all the required plantings in all landscape buffer areas.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is going to provide all the required plantings. The buffer is being reduced to allow room to the hotel on a narrow lot.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant is still providing all the required plantings, they need to reduce the buffer to fit the proposed hotel on a narrow lot.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER for the encroachment into VUA/LBA (22-WAIVER-0110)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the applicant will still be providing all the required plantings

(b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This site, although located in the Town Center Form District, is surround primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This site is being proposed next to another hotel and will be surround by other commercial developments without displacing any current residents. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. This site is not adjacent to existing residential uses and will still be providing all the required plantings in all landscape buffer areas.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is still providing all the required plantings

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF:

The strict application of the provisions would create an unnecessary hardship on the applicant since the applicant is still providing all the required plantings and has enough room to do so in the remaining VUA/LBA shown on the plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.1.A.3.a. and 5.9.2.C.4. to allow the parking lot to be located in front of the building and to not provide a 3 foot masonry, stone or concrete wall (22-WAIVER-0112)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the Brookridge Village Blvd to the building entrance. The 3' masonry

wall is inappropriate for the site because Brookridge Village Blvd is a private road that ends in a cul-de-sac

(b) The waiver will not violate specific guidelines of Plan 2040:

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This site is located in Town Center Form District but many commercial development in the area are built to suburban form district building design standards. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. The applicant is still providing all the required plantings in all the landscape buffer areas. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the 3 ft masonry wall is inappropriate and the road is a private cul-de-sac. The areas surrounding this proposed site are all built to suburban form district standards. The applicant is also providing a safe pedestrian connection from Brookridge Village Blvd to the entrance of the building.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development is located in Town Center Form District which is an inappropriate form district for this area. The masonry wall is inappropriate for the site because Brookridge Village Blvd is a private road that is also a cul-de-sac. The applicant is also providing a safe pedestrian connection from Brookridge Village Blvd to the entrance of the building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of sections 5.5.2.B.1. & 5.9.2.A.1.b.ii.to not provide a vehicular connection between parking lots of abutting developments (22-WAIVER-0113):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the Office Condominium Association has requested the connection not be made so hotel customers are not using the office condominium parking spaces. Brookridge Village Blvd is a private road that functions as access of all the commercial developments in that area.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 12 calls to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. A safe pedestrian connection from Brookridge Village Drive to the entrance of the building is still being provided. Community Form Goal 2, Policy 16 calls to encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 call to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location. Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Require cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards. Minimize access points, connections and median openings within 1/4 mile of an interchange area to reduce safety hazards and improve flow of traffic onto and off the interchange. Promote joint access and circulation systems for development sites comprised of more than one building site or lot. Brookridge Village Blvd is a private road that functions as an access road for all the surrounding commercial developments. Livability Goal 1 Policy 35 Ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multi-modal transportation options.

A safe pedestrian connection is still be provided and vehicles can still access other commercial developments through the private road known as Brookridge Village Drive.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since Brookridge Village Drive functions as an access road for all the commercial developments in that area.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because Brookridge Village Blvd is a private road that functions as access for all the surrounding commercial developments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP, PROPOSED BINDING ELEMENTS and AMENDMENT TO GENERAL BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE or DENY the Waiver from section 10.3.5 to reduce the Gene Snyder Buffer from 50 FT to 30 FT (22-WAIVER-0097)**
- **APPROVE or DENY the Waiver from section 10.2.4 to reduce the VUA/LBA Buffer (22-WAIVER-0110)**
- **APPROVE or DENY the Waiver from section 5.5.1.A.3.a & 5.9.2.C.4 to allow parking in front of the building and to not provide a masonry wall (22-WAIVER-0112)**
- **APPROVE or DENY the Waiver from section 5.5.1.A.3.c & 5.9.2.A.1.b.ii to not provide a vehicular connection to the adjacent property (22-WAIVER-0113)**
- **APPROVE or DENY the Detailed District Development Plan with proposed binding elements.**
- **APPROVE or DENY the Amendment to General Plan Binding Element #4.**

NOTIFICATION

Date	Purpose of Notice	Recipients
08-05-22	Hearing before 08-17-22	1 st tier adjoining property owners and current residents

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed General Plan Binding Elements
4. Proposed Revised Detailed District Development Plan Binding Elements

1. Zoning Map

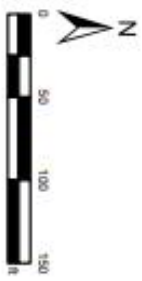


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2. Aerial Photograph



Tuesday, August 2, 2022 | 7:54:41 PM

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3. Proposed General Plan Binding Elements (Amended under 15zone1055)

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.
2. Prior to development of each site or phase of this project, 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 density of the multi-family residential development shall not exceed 9.32 dwelling units per acre (330 units on 35.4 acres).
4. ~~The C-2 Commercial development shall be in accordance with Detailed District Development plan, unless amended in accordance with the LDC. The OTF development shall not exceed 35,200 square feet of gross floor area for office use. Any additional development of this portion of the site shall be in accordance with a new Detailed District Development plan and the LDC.~~
5. The C-M Commercial site shall be limited to mini-warehouses only, not to exceed 20,700 square feet. There shall be no other use which requires the C-M classification unless approved by the LD&T committee. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policy. The LD&T Committee shall determine if a public hearing on the request to amend this binding element is needed.
6. The only permitted freestanding signs shall be monument style, and located as shown on the approved general district development plan, or on detailed development plan. Prior to actual construction, each lot must receive detailed plan approval from the LD&T committee. No portion of any sign, including the leading edge of the sign frame, shall be closer than 5 feet to roadway easement line. The signs shall not exceed the size and height shown on the general district development plan. No sign shall have more than two sides. Nothing in this binding element shall be construed as giving permission to the property owner to erect a sign which may, upon further review, be determined to be illegal under the zoning district regulations.
7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
9. Construction fencing shall be erected at the edge of the area of development prior to any

grading or construction to protect the existing tree stands and their 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.

10. 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.
11. 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 West Liberty).
 - 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.
12. If a building permit is not issued within two years 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.
13. 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.
14. 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.
15. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
16. When the mini-warehouses develop, units shall be constructed with split faced decorative block as primary building material as shown in preliminary drawing presented at public hearing.

4. Proposed Detailed District Development Plan Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument 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; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - c. The appropriate variance under 22-VARIANCE-0096 shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 17th, 2022 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site).
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.