

**ADJOINING PROPERTY OWNERS**  
(As of February 9, 1999)

**TAX BLOCK 959**

Lot 537  
Leo T. & Betty Shultis  
4417 Kurtz Ave.  
Louisville, KY 40229

Lot 538  
Robert Lawrence Tucker  
4108 Sea Wave Court  
Louisville, KY 40219

Lot 552  
Sandra L. King  
4413 Mulaney Court  
Louisville, KY 40229

Lot 553  
James D. Dutton  
4415 Mulaney Court  
Louisville, KY 40229

Lot 554  
Ann L. Hickerson  
4412 Mulaney Court  
Louisville, KY 40229

Lot 582  
William R. & Annette Whitehouse  
4313 Dawkins Court  
Louisville, KY 40229

Lot 583  
Dennis & Mary G. Jones  
4312 Dawkins Court  
Louisville, KY 40229

Lot 584  
Bobby L. & Barbara A. Hall  
4310 Dawkins Court  
Louisville, KY 40229

Lot 585  
Timothy J. Hogan  
4304 Streets Court  
Louisville, KY 40229

Lot 586  
Joe F. & Mary P. Masterson  
4308 Streets Court  
Louisville, KY 40219

Lot 587  
James A. & Judith Higdon  
9912 Preston Highway  
Louisville, KY 40229

Lot 588  
Edie E. & Jeanette Yount  
9908 Preston Highway  
Louisville, KY 40229

Lot 589  
Joe E. & Frances Franklin  
10108 Preston Highway  
Louisville, KY 40229

Lot 590  
Edward L. & Deborah L. Bartosh  
10110 Preston Highway  
Louisville, KY 40229

Lot 591  
Helen P. Brooks  
4700 Cooper Chapel Road  
Louisville, KY 40229

Lot 592  
Freeway Associates  
c/o Susan Wilding  
2007 Kentucky Home Life Bldg.  
Louisville, KY 40202

Lot 593  
Cooper Memorial United Methodist Church, Inc.  
9900 Preston Highway  
Louisville, KY 40229

Lot 594  
C. & Joseph J. Huber and Betty & Joseph W. Huber  
6709 Oak Valley Drive  
Louisville, KY 40214

Lot 595  
Raymond C. & D. N. Hornback  
4602 Walden Drive  
Louisville, KY 40229

Lot 596  
Patrick H. & Sherry A. Hassler  
4601 Walden Drive  
Louisville, KY 40229

Lot 597  
Steven C. Dornhauer  
0111 Normie Lane  
Louisville, KY 40229

**TAX BLOCK 204J**

Lot 911  
Nancy L. Lapointe  
4417 Kurtz Ave.  
Louisville, KY 40229

Lot 912  
Wanda Gall & Eugene B. Thomas, Jr.  
4108 Sea Wave Court  
Louisville, KY 40229

Lot 913  
Jeanette A. & Charles B. Hammond  
4106 Sea Wave Court  
Louisville, KY 40229

Lot 914  
James S. & Jeanette Conder  
9712 Preston Highway  
Louisville, KY 40229

Lot 915  
A. F. & Dr. R. L. Queen, Jr.  
9708 Preston Highway  
Louisville, KY 40229

Lot 916  
Leland S. & Anna P. Rose  
4007 Mudd Lane  
Louisville, KY 40229

Lot 917  
Danil L. & Barbara A. Hall  
10600 Bler Court  
Louisville, KY 40229

Lot 918  
William A. & Frances Russell, Jr.  
9916 Preston Highway  
Louisville, KY 40229

Lot 919  
James A. & Judith Higdon  
9912 Preston Highway  
Louisville, KY 40229

Lot 920  
Edie E. & Jeanette Yount  
9908 Preston Highway  
Louisville, KY 40229

Lot 921  
Joe E. & Frances Franklin  
10108 Preston Highway  
Louisville, KY 40229

Lot 922  
Edward L. & Deborah L. Bartosh  
10110 Preston Highway  
Louisville, KY 40229

Lot 923  
Helen P. Brooks  
4700 Cooper Chapel Road  
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Lot 924  
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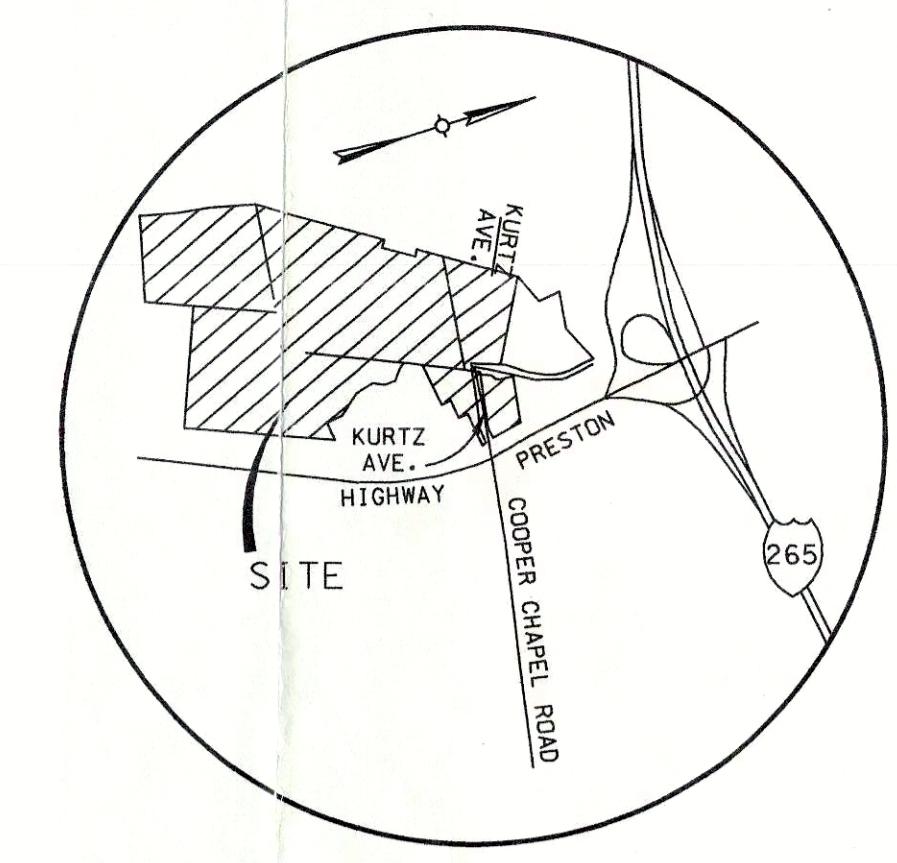
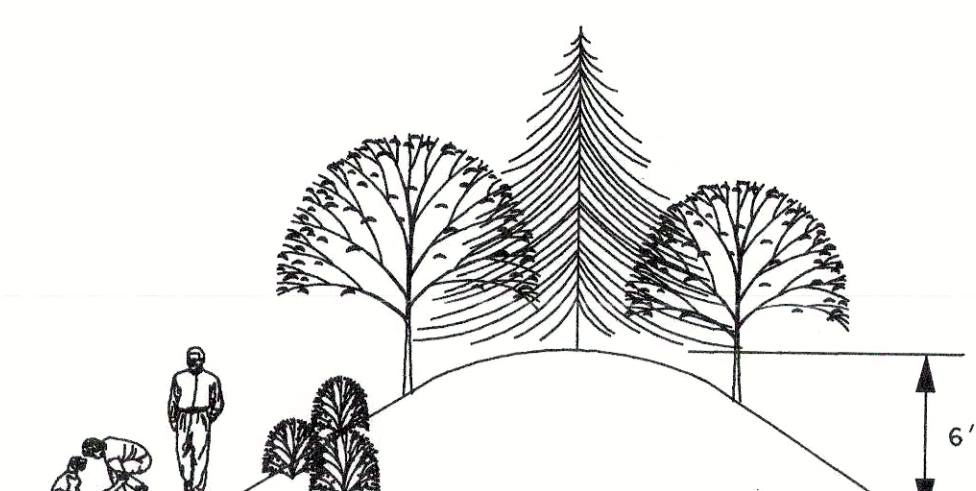
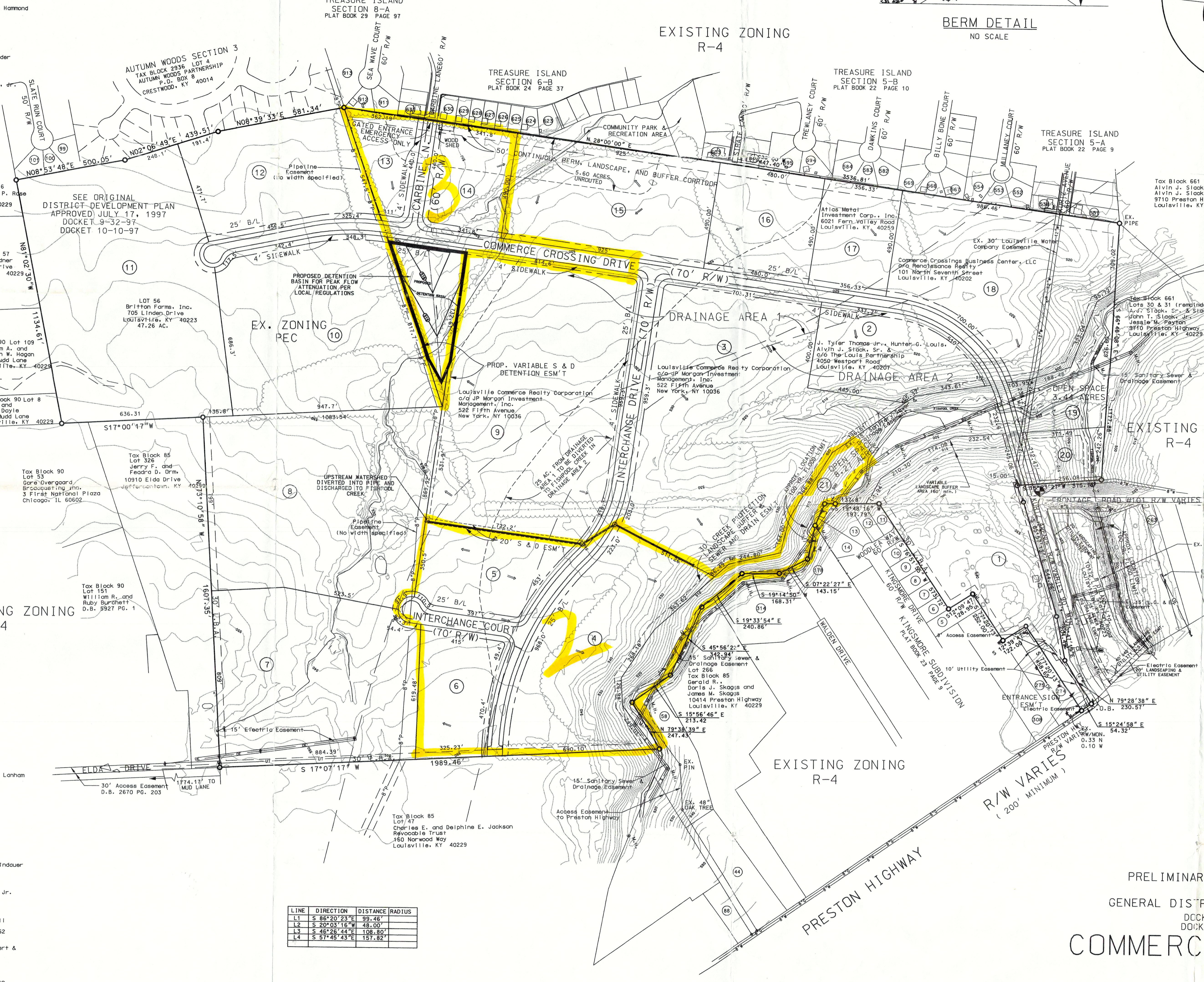
Lot 927  
Raymond C. & D. N. Hornback  
4602 Walden Drive  
Louisville, KY 40229

Lot 928  
Patrick H. & Sherry A. Hassler  
4601 Walden Drive  
Louisville, KY 40229

Lot 929  
Steven C. Dornhauer  
0111 Normie Lane  
Louisville, KY 40229

Lot 930  
James E. & Bonnie J. Willis  
4610 Normie Lane  
Louisville, KY 40229

Lot 931  
Jennifer L. & David W. Lanham  
4610 Normie Lane  
Louisville, KY 40229



**NOTICE**  
PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN

**APPROVED DISTRICT DEVELOPMENT PLAN**  
DOCKET NO. 9-32-97 & 10-10-97  
APPROVAL DATE: March 25, 1999  
EXPIRATION DATE: March 25, 2001  
SIGNATURE OF PLANNING COMMISSION: [Signature]

**GENERAL NOTES:**

- DRAINAGE PATTERN DEPICTED BY ARROWS (→) IS FOR CONCEPT PURPOSES ONLY. FINAL CONFIGURATION AND SIZE OF DRAINAGE PIPES AND CHANNELS WILL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- POST DEVELOPMENT STORMWATER FLOWS, WHICH ARE NOT DIRECTLY DIVERTED TO FISHPOOL CREEK, ARE SUBJECT TO THE FOLLOWING:
  - A. AT EACH SUBDIVISION PROPERTY LINE POINT OF DISCHARGE, THE FLOW RATES WILL BE LIMITED TO PREDEVELOPED LEVELS FOR 2-, 10-, AND 100-YEAR STORMS.
  - B. VELOCITIES AT PROPERTY LINE POINTS OF DISCHARGE SHALL BE LIMITED TO THE CAPACITY OF THE RECEIVING SYSTEM.
  - C. STORMWATER MITIGATION MUST BE CONSTRUCTED AND FUNCTIONAL PRIOR TO OTHER CONSTRUCTION ACTIVITY.

**BENCHMARK**

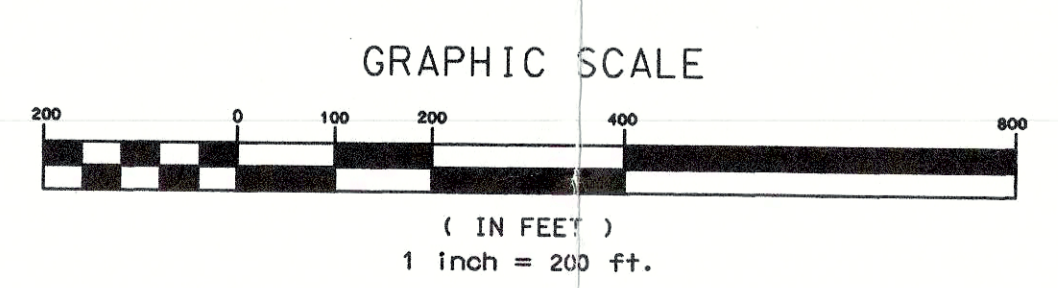
RR SPIKE IN BASE OF 20' LOCUST TREE AT THE N.W. CORNER OF KURTZ AVENUE AND FRONTAGE ROAD 101. ELEV. 519.43

**PRELIMINARY APPROVAL**  
CONDITIONS OF APPROVAL:  
[Signature] 3/12/99  
DATE: 3/12/99  
JEFFERSON COUNTY PLANNING & DEVELOPMENT DISTRICT

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
SMALL COMPLY WITH ORDINANCE #28  
CONDITIONS:  
BY: [Signature]  
DATE: 3/11/99  
JEFFERSON COUNTY DEPT. OF PUBLIC WORKS

**DATA**

|                                       |                   |
|---------------------------------------|-------------------|
| TOTAL AREA                            | 237.3 ACRES       |
| NET AREA                              | 222.0 ACRES       |
| EXISTING ZONING                       | PEC (208.3 ACRES) |
| LOTS 1 & 20                           | OR-3 (13.7 ACRES) |
| NO. OF BUILDING LOTS                  | 19                |
| NO. OF OPEN SPACE LOTS (LOTS 12 & 21) | 2                 |
| TOTAL NO. OF LOTS                     | 21                |



**REVISED DISTRICT DEVELOPMENT PLAN**  
**COMMERCE CROSSINGS**  
**INDUSTRIAL SUBDIVISION**

| NO. | REVISION                                    | BY  | DATE |
|-----|---|-----|------|
| 1   | BRANICE AREAS CORRECTED                     | BTM | 3-17 |
| 2   | COMMERCE CROSSINGS DRIVE REV. AND CORRECTED | GSP | 2-59 |

**REVISED PRELIMINARY SUBDIVISION PLAN AND GENERAL DISTRICT DEVELOPMENT PLAN**  
DOCKET NO. 9-32-97  
DOCKET NO. 10-10-97  
**COMMERCE CROSSINGS**

**OWNERS:**  
COMMERCE CROSSINGS LLC 12910 SHELBYVILLE ROAD LOUISVILLE, KENTUCKY 40243  
PRESTON INVESTMENTS LLC 12910 SHELBYVILLE ROAD LOUISVILLE, KENTUCKY 40243

**DEVELOPER:**  
ELDA ACQUISITION, LLC 12910 SHELBYVILLE ROAD LOUISVILLE, KENTUCKY 40243  
BRITTON FARMS, INC. 705 LINDEN DRIVE LOUISVILLE, KENTUCKY 40223

**DEVELOPER:**  
CAPSTONE REALTY 12910 SHELBYVILLE ROAD LOUISVILLE, KENTUCKY 40243

RECEIVED  
MAR 12 1999  
PLANNING & DEVELOPMENT SERVICES

**GRESHAM, SMITH AND PARTNERS**  
 LOUISVILLE • NASHVILLE • BIRMINGHAM • JACKSONVILLE  
 239 SOUTH FIFTH STREET, SUITE 1200, LOUISVILLE, KENTUCKY 40202 • TELEPHONE: 502-627-8900



A-32-97

**PROPOSED BINDING ELEMENTS**

1. 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.
2. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
3. 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.
4. The development shall be in accordance with the approved general district development plan, preliminary subdivision 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.
5. 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
6. There shall be no direct vehicular access to Preston Highway from Lot 1.
7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
8. There shall be no outdoor storage on the site without appropriate screening or buffering.
9. 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.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration permits) 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. The size and location of any proposed freestanding sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - d. 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.
11. 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.
12. 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.
13. 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.
14. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Business Park Owners Association.
  - b) A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.

c) Bylaws of the Business Park Owners Association in a form approved by Counsel for the Planning Commission.

15. When 80% of the lots have been sold, the Business Park Owners association must have cash in its account in the amount of \$3,000 and the subdivision performance bond may be required by the Planning Commission to fulfill this funding.
16. The only permitted freestanding industrial identification sign shall be a monument style sign located as shown on the approved district development plan. The sign shall not exceed 130 square feet in area per side and 30 feet in height, nor have more than two sides. No signage text on the industrial identification sign shall be lower than 18 feet above grade, except for 5 square feet at the base identifying the development company.
17. Two weeks prior to initiation of any site disturbing activities (clearing, grading, road or utility construction), the applicant shall submit a plan for the floodplain of Fishpool Creek and its blue line tributary. The plan shall indicate existing trees/vegetation to be preserved and revegetation of disturbed areas using native species. The landscape architect may approve said plan, or refer it to the Commission or LD&T if the staff member does not consider it acceptable.
18. At the time of building development of Lot 1 and upon MSD approval, storm water runoff from the existing elevation of the southeast corner of Lot 1 shall be directed toward Fishbowl Creek.
19. The existing tree line adjacent to Treasure Island Subdivision shall be preserved. In other areas as shown on the plan, a six foot tall berm shall be constructed and planted with evergreen trees as shown on the section plan submitted. In no case shall utility easements be allowed to overlay the landscape buffer areas so as to make it impossible to provide the required and agreed upon buffering/landscaping.
20. At least two weeks prior to submission of the first detailed district development plan, the developer shall submit a proposed set of development /architectural guidelines for the project that could be incorporated within the master covenants, conditions and restrictions. Such guidelines should be consistent with the design quality of Blankenbaker Crossings.
21. The developer agrees to construct a public roadway in order to connect Commerce Crossings to the residential area to the west. This public roadway will be gated and used by emergency response vehicles. This gate will be maintained by the developer until removed as directed by the Director of Public Works. The appropriate street connector will be determined prior to recording on any section of this development.
22. Further subdivision of Tracts 1-18 and 20 may be created utilizing the minor subdivision plat process in conformance with the rules and regulations governing minor subdivisions. A master subdivision plan shall be provided to the Planning Commission showing all current subdivision lots being created and their associated minor subdivision plat docket numbers. This master plan shall be kept current for the entire duration of the development process and shall show any revisions of existing lots, (example: shifting property lines and lot consolidation).
23. All dedicated streets shall be created utilizing the major subdivision record plat process. No more than 3 lots accessible only by a private access easement shall be created until

said roadway has been dedicated as a public right-of-way. The intent of this binding element is to assure that all Lots have frontage on a dedicated public roadway.

24. A roadway and drainage bond shall be submitted to Jefferson County Public Works and Transportation prior approval of any minor plat creating lots served by a private access easement. A record plat shall be recorded for said minor plat to dedicate the access easement to public use within 90 days of approval of the minor plat.
25. Application for the name change for Kurtz Avenue, located between the southeastern most portion of the site and Preston Highway, shall be applied for within one month of approval of this plan and prior to approval of any further minor plats for this subdivision.
26. A revised general district development and preliminary plan shall be required for the remaining portion of the area included within this subdivision (per preliminary subdivision plan approved August 7, 1997) since the original lots extend beyond the boundary.
27. All signs are to be monument style. No sign shall have more than two sides. All signage less than 50 square feet in area and 8 feet in height may be approved by planning commission staff as long as the sign conforms to the requirements of the development code.
28. When adjacent property is rezoned to PEC, the landscape buffer shall be reduced to the PEC zoning district standard of 15 feet along the property line.

Amended  
4/13/2000

Amended by LD&T, April 13, 2000 (Consent Agenda)

21. The developer agrees to construct a public roadway in order to connect Commerce Crossings to the residential area to the west. This public roadway will be gated and used by emergency response vehicles. This gate will be maintained by the developer or the owner's association, if assigned, until removed as directed by the Director of Public Works. The appropriate street connector will be determined prior to recording on any section of this development.