

Case No. 15ZONE1008 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested change in form district; change in zoning; Variances #1, #2, and #3; Waivers #1, #4, #5 and #6; the General Detailed District Development Plan; the proposed binding elements including a change to binding element #13 as specified at this hearing; and a change to binding element #12 (strike the words "Single Family residences" from that binding element to include all types of abutting residences, and adding the words "within 200 feet of residential properties") and the General and Detailed District Development Plan, **SUBJECT** to the following binding elements:

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. 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. The building on the site shall not exceed 164,169 square feet of gross floor area (this does not include the out lot).
4. There shall be no direct vehicular access to Adele Avenue or Sumner Road.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The landscaping shall be substantially the same as depicted in the concept landscape plan as presented at the July 30, 2015 Planning Commission meeting.

8. 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.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
10. 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.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 30, 2015 Planning Commission meeting.
12. No idling of trucks shall take place within 200 feet of ~~single-family residences~~ residential properties. No overnight idling of trucks shall be permitted on-site.
- ~~13. The applicant is utilizing the Public Art fee in lieu as outlined in Chapter 5.12.2.A.3. The fee shall be paid to the Louisville Public Space Art Fund before the issuance of a building permit for the site.~~
- 13 The applicant is utilizing the Public Art fee in lieu as outlined in Chapter 5.12.2.A.3. The fee in lieu shall be calculated based on the square footage required for the outdoor amenity area, multiplied by the square foot value of the parcel of land as determined by its actual documented value at the time of development. The fee shall be paid to the Louisville Public Space Art Fund before the issuance of a building permit for the site."
- 14 Long term bicycle parking will be provided inside the building.
- 15 Vehicular and pedestrian cross-connectivity shall be provided to the abutting lots to the north and south upon redevelopment with compatible uses of the abutting properties. Exact location of the connection shall be reviewed in consultation with the owner and developer upon re-development of the adjacent lots to determine the safest and most efficient layout for the circulation.