

**Binding Elements: 9-39-94**

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. The development shall not exceed 2,432 square feet of gross floor area for the convenience store and 287,306 square feet of gross floor area for the Meijer store. Of the total square footage permitted for Meijer, the development shall not exceed 189,298 square feet of gross floor area for retail, 9,386 square feet of gross floor area for food court, 34,008 square feet of gross floor area for garden center, and 54,616 square feet of gross floor area for storage/non-public area. The entire development including Outlots 1-5 should not exceed 321,882 square feet.
3. Prior to development of Outlots 1-5 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
4. The following uses, although permitted generally in the C-2 Commercial District, are prohibited uses within the C-2 areas of Stony Brook South: adult entertainment, automobile repair garages, bookbinding facilities, dance halls, kennels, monument sales, plumbing and heating shops, sign painting, skating rinks, taverns, theaters, used car sales unless in connection with a new car sales dealership, advertising signs (billboards). The remainder of the C-2 Commercial uses (being those that are not specifically listed in the C-1 District) shall be allowed in the C-2 areas of Stony Brook South, but only to the extent of one-third of the allowable commercial square footage allowed 1/3 X 620,670 = 206,890 square feet).
5. There shall be no direct vehicular access to Watterson Trail from Outlots 3 and 1. Access to Hurstbourne Parkway shall be as shown on the approved Detailed District Development Plan.
6. The only permitted freestanding signs shall be located as shown on the sign plan attached to the approved district development plan. The signs shall not exceed the following:
  - a) (2 Signs) 63 square feet in area and 8 feet tall - Meijer Lot
  - b) 40 square feet in area, 6 feet tall - Watterson Trail frontage / Meijer Lot
  - c) 50 square feet in area, 6 feet tall - Convenience Store Lot
  - d) Signs for Outlot 1-5 must be approved by the Planning Commission
7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
8. There shall be no outdoor storage on the site.
9. Outdoor lighting shall be directed down and away from surrounding residential properties.
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/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. The western boundary of the site (Outlots 3, 4, 5 and the Meijer lot) shall contain a buffer transition area 40 feet in width, which shall contain berming and landscaping as approved by the Commission staff. This 40 foot buffer transition area shall remain residentially zoned. Structures shall be no more than one-story, not to exceed 35 feet in height.
12. Within 60 days of the provision of transit service on Hurstbourne Parkway, the owner shall construct two (2) transit shelters in locations as shown on the approved Detailed District Development Plan.
13. Before any building or alteration permit and/or a certificate of occupancy is requested:
  - a. The development plan must be reapproved by the Jefferson County Department of 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
14. If a building permit is not issued within two years of the date of approval of the plan, 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.
15. 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.
16. 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.