

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 alterations not so preferred shall not be valid.

10. The fence in the buffer zone between the development and the adjacent patio homes shall be a 5-board horse fence and shall be extended in a southerly direction along the westernmost boundary of the Fairways of Glenmary ("Fairways") to a stone column that will be erected by the developer at the northwest corner of the intersection of Major Lane and Glenmary Place, with the actual site determined by the placement of utilities in the area. Said stone column shall be constructed of material closely matching that used in the existing identifying sign for Fairways and contain a granite identifying stone with "Fairways of Glenmary" etched into it. Fairways shall maintain this column, as well as the one listed in binding element no. 11.
11. A second stone column, matching the first, with the exception of the identifying stone, shall be erected by the developer at the southwest corner of the intersection of Major Lane and Glenmary Place with the actual site determined by the placement of utilities in the area. The aforementioned 5-board horse fence shall continue in a southerly direction from this column along the westernmost boundary of Fairways to the northernmost point on the existing Fairways identification sign.
12. Existing shrubs and flowers in the areas of the proposed new stone columns shall be moved in order to allow the 5-board horse fence to be erected behind them. This cost is to be borne by Fairways with a one-time \$1,000.00 cash allowance given by the developer to Fairways for this purpose.
13. Major Lane shall be designed to prevent the use of it (Major Lane) by delivery trucks. The applicant shall work with Metro Public Works to install "no truck traffic" signs along Major Lane.
14. A 4-board horse fence shall be installed between the detention basin and the Fairways at Glenmary property as shown on the detailed landscape plan presented at the public hearing to ensure the safety of small children.
15. There shall be no outdoor music (live, piped, radio, or amplified), outdoor entertainment, or outdoor PA systems audible past the property line.
16. 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 the 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 and the maintenance of the site, the applicant and developer, their heirs, successors; or assigns, contractors, subcontractors, and other parties engaged in development shall be responsible for compliance with these binding elements.
17. No overnight idling of trucks shall be permitted on-site.
18. Upon commencing of operations of businesses on the site:
 - a. Trucks may only park on the site for a maximum time period of six (6) hours.
 - b. Semi-trailers with no tractors shall not be stored on the site except in the loading dock well.
 - c. Trash collection containers shall be screened with the same building materials as the buildings they serve or shall be located inside the building.
 - d. Trash collection times shall be restricted to weekdays between the hours of 7:00 am and 7:00 pm.
19. No business shall be open to the public before 6:00 a.m. or after 11:00 p.m., except for previously advertised special events for the 93,673 square foot retail store only. The number of advertised occasions shall not exceed 60 days per calendar year, in which the 93,673 square foot retail store shall be permitted to remain open until 12:00 midnight, up to 60 days per calendar year, and 24 hours up to 10 days per calendar year. Upon a change in use of the 93,673 square foot retail store on-site, this binding element shall be amended to permit a change in use of the aforementioned structure.
Amended by the DRC, June 3, 2009, Case # 12632
20. Security and other lighting for any and all commercial buildings closed and/or adjacent to the neighboring patio homes in Fairways shall shine toward the walls of the commercial building.
21. The developer/property owner shall install a concrete pipe sized appropriately per MSD standards in the MSD easement located along the boundary between the site and the Fairways to provide storm water flow to the creek in the eastern end of the Fairways property. The existing 8-inch pipe shall be removed. Yard inlets shall be installed at 200' maximum intervals to insure proper surface water drainage. Access to the ditch shall be restricted to the area behind and to the north of Unit #1 in the Fairways.

29. The materials and design of proposed structures on ~~Tract 4~~ shall be substantially the same as depicted in the rendering as presented at the February 10, 2010 Development Review Committee meeting for ~~Tract 1 and as presented at the February 6, 2013 Development Review Committee meeting for Tract 3.~~
Added by the DRC, February 6, 2013.