

Planning & Design Services

Received March 4, 2022

21-ZONE-0134

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- 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- 3. 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.
- 4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy.
 Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 21, 2022, Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 5. 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.
- 6. 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.
- 7. The turn lane improvements within the Lower Hunters Trace right-of-way shall be completed at the Developer's sole expense prior to the issuance of the 92nd certificate of occupancy.
- 8. Should TARC service be established on Lower Hunters Trace in front of the site, the property owner shall provide a concrete pad as per TARC standards, either within the right-of-way, or, should there be insufficient room in the right-of-way, within an easement on the subject site. The pad will be made available to TARC to install a bench and trash receptacle. The property owner shall clean the pad and empty the trash receptacle as needed
- 9. In consultation with the fire protection district, speed humps shall be installed in the development drive lanes near the entrance to Cady Court. This binding element shall not apply if the fire protection district does not permit the speed humps.
- 10. Developer shall obtain an encroachment permit from Louisville Metro to construct sidewalks along the southern side of Lower Hunters Trace within the gap in the sidewalks to the west of Ormsby Heights Baptist Church, to connect the development to Dixie Highway. Sidewalk construction shall be completed prior to issuance of the first certificate of occupancy. Should Metro Public Works agree that this construction is infeasible, Developer shall contribute \$7,500 to Metro Public Works toward sidewalk construction along the southern side of Lower Hunters Trace. This contribution shall be made prior to issuance of the first certificate of occupancy.
- 11. Screening adjacent to the R-4 zoned properties along Cady Drive shall include fast-growing evergreen species. Evergreen trees shall be a minimum of 8' in height at time of planting, planted 10' on center.