

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. The development shall not exceed 15,820 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners can be permitted on the site.
4. 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.
5. 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 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line
8. 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, assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
10. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on-site.
11. The Gellhaus Lane access shall be right-in only unless Metro Public Works approves either a full-cut at this point of access or a right-in/right-out. If a right-in/right-out, such access should be constructed in concert with a deceleration right-turn lane into the adjoining Jefferson County Public School property.

thereby assuring that any right-turns out intending to make a U-turn back in the direction of the Gellhaus Lane/Billtown Road intersection are unlikely to make that U-turn using Longview Farm Drive

12. Developer shall work with MSD and JPCS to better define the ditch along the JPCS frontage on Gelhaus Lane to improve the flow of stormwater entering the existing storm pipe.
13. An 8-foot high vinyl privacy fence shall be installed along the east and south property lines adjoining the JPCS and Brown properties as shown on the color site plan accompanying the presentation shown at the April 7, 2016 Planning Commission public hearing.
14. Landscaping shall be in accordance with the concept landscape plan presented at the April 7, 2016 Public Hearing and shall include along Gelhaus Lane 2-2 ½ inch caliper trees 8 ft in height at time of planting, all otherwise in compliance with the LDC Landscape Regulation.
15. Lighting shall be in accordance with the lighting plan presented at the April 7, 2016 Public Hearing and shall include maximum 16 ft tall light poles with shoebox-style fixtures and a 90 degree cutoff with lighting not in excess of 0.5 foot candles at the property lines.
16. Hours of operation shall be limited from 5:00 a.m. to midnight.
17. Freestanding signage shall be limited to monument, not pylon, style, otherwise in accordance with the sign regulations of the LDC. Gas prices shall be advertised with LED lighting, not manually changed pricing numbers.
18. There shall be no exterior access to bathrooms.
19. Trash receptacles shall be placed for ease of use at multiple points under the gas canopy and along the front facades of the retail and restaurant buildings.
20. Dumpsters shall be fully enclosed with a solid fence screen.
21. Commercial use on the site shall not permit liquor stores, check cashing stores, laundromats, pawn shops, medical labs, hotel/motels, funeral homes and homeless shelters.
22. The developer shall prohibit construction access and construction and maintenance vehicles from using Billtown Farms subdivision streets.
23. Developer shall contribute \$10,000 for the future construction of a right-turn lane from Billtown Road to Gelhaus Lane. Developer shall post a bond with Metro Public Works prior to full construction approval for the site, to be used for the road construction project. Developer's bond will be released on April 7, 2026 if the turn lane has not been constructed.
24. Property Owner/Developer shall pre-grade the rights-of-way along the site's frontage with both Billtown and Gelhaus for preparation of constructing a future right turn lane, which will be installed at a later time. Property Owner/Developer shall include within its construction plans the full design of the right turn lane and the pre-grading specifications to be completed as part of the site development. Area shall be graded, seeded and strawed prior to the issuance of Certificate of Occupancy for the gas station, construction plans; bond and encroachment permit shall be required by KTC for work in the Billtown Rd right-of-way and from Louisville Metro Public Works for work within the Gelhaus right-of-way.