

- e. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 (and in conformance with the Parkway Policy) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
7. If a building permit is not issued within one year of the date of approval of the plan, the proposed expansion shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
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 permitted on the site.
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 24, 2003 Land Development and Transportation (LD&T) Committee meeting and the September 8, 2005 LD&T Committee meeting.
12. No overnight idling of trucks shall be permitted on site.
13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

6. Existing General Plan Binding Elements, 9-76-83 (PEC zoned portion of site)

1. No building permit shall be allowed on any site until a detailed district development plan has been submitted to and approved by the Planning Commission in accordance with Section 8.1, Plan Certain Paragraph B.4. of the Development Code. The detailed district development plan must be in adequate detail for the Planning Commission to evaluate the effect that the proposed development will have on the community and to determine what provisions of such plan should be made binding with respect to the use of the property. Binding elements of any such detailed district development plan may relate to any of the following:

- a. location of buildings.
 - b. site layout with respect to circulation on the site.
 - c. access points to public streets.
 - d. landscaping, fencing and open space desirable for screening, buffering, or protective purposes.
 - e. a surface water drainage plan.
 - f. the location, size and height of sign.
 - g. each detailed district development plan must be approved by the Water Management Engineer, Transportation Engineering and Fire Safety Officer.
 - g. square footage of gross leasable area.
2. The preliminary subdivision plan for Blankenbaker Crossing II (Docket No. 10-14-83) shall serve as the general district development plan.
3. Before a building permit is requested:
 - a. All necessary recording fees shall be paid.
4. Lots fronting on Blankenbaker Road shall be permitted to have entrances as follows:
 - a. Right turn in and out movements will be permitted with the approved of the Department of Public Works. Right turn-in access points shall include deceleration lanes, as required.
 - b. Full turning movements shall be aligned and located approximately as shown on the approved preliminary plan. The Department of Public Works shall approved the final location of access points.
5. Prior to record play approval or issuance of building permits, the developer will implement a screening plan which has been approved by the Planning Commission. The screening plan shall cover the Tucker Station Road frontage on Lots 105 and 106 as shown on the approved preliminary plan for Blankenbaker Crossing II and on the approved revised general district development plan for Docket No. 9-76-83.
6. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan and preliminary subdivision plan are approved or an extension is granted by the Planning Commission.
7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of any structure of land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
8. The above binding elements may be amended as provided for in the Zoning District Regulations.
7. **Existing Conditions of Approval, 10-14-83 (PEC zoned portion of site)**
 1. The development shall be in accordance with the approved Preliminary Subdivision Plan. Future subdivision of the land into a greater number of lots shall be allowed by minor subdivision plat, in accordance with the Metropolitan Subdivision Regulations. Staff are authorized to approve minor plats in an area of an approved preliminary plan and to approve the creation of more than 5 lots during a 12 month period.

2. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. 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
3. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
4. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. 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.
5. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised preliminary subdivision plan is approved or an extension is granted by the Planning Commission.
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/conditions of approval requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the

plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.

8. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
9. Lots fronting on Blankenbaker Road shall be permitted to have entrances as follows:
 - a. Right turn in and out movements will be permitted with the approval of Department of Public Works/Kentucky Transportation Cabinet. Right turn-in access points shall include deceleration lanes, as required.
 - b. Full turning movements shall be aligned and located approximately as shown on the approved preliminary plan. The Department of Public Works/Kentucky Transportation Cabinet shall approve the final location of access points.
10. A Master Index Plan for Blankenbaker Crossing, as submitted and stamped "Received April 4, 2000, shall be kept current for the entire duration of the development process and shall show any additions or revisions of existing lots (i.e., revised plans, shifting property lines, lot consolidations, etc.).
11. Right-of-way (60 feet) shall be dedicated to provide access to tract adjacent to Lot 1X fronting on Blankenbaker Road (currently owned by Offutt), as required by Jefferson County Department of Public Works. Roadway to be constructed by others with no cost participation by NTS/Crossings Corporation.

8. **Existing Conditions of Approval, 8499 (CUP for off-street parking) (R-4 portion of property)**

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. All lighting will meet the requirements of the Land Development Code.
3. The Conditional Use Permit modification shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking without further review and approval by the Board.

9. **Applicant's Justification Statement and Proposed Findings of Fact**

**GUIDELINE 1
COMMUNITY FORM**

The Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district. In order to provide adequate transportation access in suburban workplaces, connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees.