

BINDING ELEMENTS DOCKET NO. 9-36-00 & 10-32-01 December 21, 2000

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. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
 The unshaded area on the approved district development plan is considered to be a detail district development plan. The shaded area on the approved district development plan is considered to be a general district development plan. Development in both the shaded and unshaded areas of the accompanying district development plan shall be in accordance with the existing Conditional Use Permit (C.U.P.) operation as development plan shall be in accordance with the existing Conditional Use Permit (C.U.P.) operation as haded general plan area) and further in accordance with the approved general or detail district development shaded general plan area) and further in accordance with the approved general or detail district development shade general plan area) and further in accordance with the approved general or detail district development plan, as the case may be, and agreed upon binding elements, unless amended pursuant to the Zoning District plan, as the case may be, and agreed upon binding elements, unless amended pursuant to the Zoning District Planning Commission. No further development shall occur without approval from the Planning Commission, except for Regulations. No further development shall occur without approval from the Planning Commission, except for Regulations/alterations of any binding elements of any binding elements of any binding elements of any binding elements is considered a general property that is shaded on the approved district development plan and, therefore, that is considered a general property that is shaded on the approved district development plan and, therefore, that is considered a general pr

screening, buffering, landscaping, tree preservation
density, size and height of buildings
points of access and site layout with respect to on-site circulation
land uses

signage
f) signage
f) loading berths
g) parking
h) site design
i) outdoor lighting
i) dumpsters

The density of the development shall not exceed 200 dwelling units until a second means of permanent access is available (either by access easement with proper zoning or by dedicated public right-of-way). After the second access point is complete, the development shall not exceed a total of 744 dwelling units.

A signature entrance may be provided at the main entrance(s) in accordance with Section 9.1.A of the Louisville and Jefferson County Development Code. Any freestanding signs in accordance with the parkway designation standards and Article 11 of the Louisville and Jefferson County Development Code may be approved by Planning Commission staff.

No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.

There shall be no outdoor storage on the site.

There shall be no outdoor storage on the site.

Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.

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 line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from line. Fencing shall enclose the entire area beneath the tree canopy and shall remain in place until compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until construction is completed. No parking, material storage or construction activities are permitted within the protected area.

Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is

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, the parkway buffer designation requirements and

NOTICE

PERMITS SHALL BE ISSUED
ONLY IN CONFORMANCE
WITH THE BINDING ELEMENTS

as recommended by the Floyds Fork Study (1 tree per 25 feet to screen the structures from Floyds Fork) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
 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

occupancy of the structure of land for the proposed use. All billioning distriction requiring statements of the certificate of occupancy, unless specifically waived by the Planning Commission.

There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or cutdoor PA system audible beyond the property line.

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. There 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.

13. A soil erosion and sedimentation control plan meeting the design requirements of the recently adopted Erosion and Sediment Control Ordinance 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.

The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.

The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel. All plans setting out woodland protection areas must contain the following notes/conditions:
 Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall be permanently preserved (All existing vegetation except for clearing for the trails, picnic areas and water quality basin construction). All clearing, grading and fill activity in these areas must be in

permanently preserved (All existing vegetation except for clearing for the trails, picnic areas and water quality basin construction). All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.

Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.

No parking, material storage or construction activities are permitted within the WPAs.

16. The dumpster shall not be emptied between the hours of 11 p.m. and 7 a.m.

The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 7, 2000 and December 21, 2000 Planning Commission meetings.

18. Engineers will be onsite during construction to monitor sinkhole remediation if any sinkholes are discovered, and to insure stability of residential foundations in areas potentially affected by any sinkholes.

19. All road improvements to Bardstown Road shall be constructed as shown on the approved district development plan prior to requesting a certificate of occupancy. Within 12 months after obtaining a certificate of occupancy, the applicant shall convey by conservation easement, the open space area within the Floyds Fork DRO to a government or not-for-profit entity to be selected and agreed upon by the owner/developer and staff of the Louisville and Jefferson County Planning Commission.

21. Prior to approval of the construction plans, the developer shall finalize the design of the Water Quality Structures for stormwater directed towards the Fioyds Fork/Big Run Watersheds. The water quality structures design shall receive approval by MSD and DPDS. The design of the water quality structures shall address, at a minimum, the following issues:

 a. groundwater recharge of sufficient quality and quantity to compensate for the filling of sink holes onsite.

b. long term erosion control measures to protect slopes in the areas of the outflow of stormwater runoff from the water quality structures and stormwater outlets.
 22. The conditional use permit for the mulching operation (Docket No. B-26-98) shall be abandoned at the time the mulching operation is relocated or closed.

The Articles of Incorporation of the Condominium Association shall include a measure for the maintenance of the water quality basin and groundwater recharge facilities approved by MSD and DPDS. The frequency of maintenance and types of maintenance activities shall be determined by MSD. The provisions within the Articles of Incorporation shall be reviewed and approved by Planning Commission legal counsel prior to requesting a certificate of occupancy.

The developer, its successors and assigns shall assure the inclusion in this development of a minimum of 20 percent of the total "for sale" product as affordable housing, meaning that, as condominiums, base units shall be marked for sale at a price not to exceed \$90,000.00 adjusted from this date forward at the C.P.I. rate for metropolitan Louisville as established by the U.S. Department of Labor (such price being determined, as of this date, as equaling what can be purchased by a family whose annual income is 80% of the median annual income for a family of four, or further adjusted for the price differential between single-family detached and single-family attached housing, the former being a more expensive product and the latter representing an opportunity for even more affordable priced housing). The developer, its successors and assigns shall work with the Housing Partnership or other like agency to determine eligibility and to assure that sales of this affordable housing set-aside are reserved for income qualified purchasers. The developer, its successors and assigns shall work with the Planning Commission staff to assure the distribution of these affordable housing units within the overall development to further assure the Planning Commission's objective of dispersed

Areas of this site currently drain to sinkholes. A detailed sinkhole study has been completed by LAW/GIBB. This report has been submitted to MSD and the Louisville and Jefferson County Planning Commission. This report prioritizes the existing sinkholes, and this report was used for determining the sinkholes to leave open and those that could be closed. Areas of the development plan have been revised to conform to this study. Storm water recharge addressing both direct runoff which previously entered the sinkholes and groundwater infiltration replacement will be incorporated into the development plan as was discussed with MSD and DPDS staff at a meeting on December 12, 2000. All construction details associated with the recharge of these sinkholes and groundwater infiltration replacement shall be submitted to MSD and DPDS staff for approval before the approval of the detailed site construction drawings.

The majority of the developed site, greater than 95% will be directed to the proposed water quality basin. The basin will be sized for the first one-half inch runoff from the developed site. A diversion basin will be constructed at the entrance of the basin to direct additional runoff away from the basin once the first one-half inch of runoff has been stored in the basin. This additional runoff will be directed to Big Run Creek. The detained water in the basin will be released out of the basin into the existing channel where the basin will be constructed. The basin dam will be constructed out of an earthen fill. All construction details associated with the basin and outfalls will be presented to MSD an DPDS for approval before the approval of the detailed site construction drawings as was discussed at a meeting on December 12, 2000 with MSD and DPDS staff.

BINDING ELEMENTS DOCKET NO. 9-36-00CV & 10-32-01 December 20, 2001

RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby APPROVE the Revised General District Development Plan for Docket No. 9-36-00CV on condition that all revisions are made as listed within staff comments and subject to all previously approved binding elements except for the following changes/additions:

8d. All appropriate variances shall be obtained from the Board of Zoning Adjustments prior to the transmittal of the approved development plan to the appropriate building department.

20. Within 12 months after obtaining a certificate of occupancy, the applicant shall convey by conservation easement, the open space area within the Floyds Fork DRO to a government or not-for-profit entity to be selected and agreed upon by the owner/developer and staff of the Louisville and Jefferson County Planning Commission, except for the area delineated on the approved district development plan (subject to Future Fund approval).

 Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Condominium Association.

 A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.

Bylaws of the Condominium Association in a form approved by Counsel for the Planning Commission.

Crime-

The second of the second of