

Proposed Binding Elements – Case: 9941

- 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.
- The development shall not exceed <u>38,523</u> square feet of gross floor area. Tract 1 shall not exceed 14,820 square feet, Tract 2 shall not exceed 10,403 square feet, and Tract 3 shall not exceed 13,300 square feet.
- Signs shall be in accordance with Chapter 8 or as presented at the public hearing (60 square feet in area and 6 feet tall) on Tract 1 and Tract 2 and (100 square feet in area and 12 feet tall) on Tract 3.
- 4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) is requested:
- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works
- and the Metropolitan Sewer District.

 b. 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 described in Chapter 10 prior to requesting a building permit.
- 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/dedicating additional right-of-way to Bardstown Road to provide a total of 75 feet from the centerline and to Cedar Creek Road to provide a total of 40 feet from the centerline). A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said.
- 5. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- 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 approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
- 7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 7, 2008 Planning Commission Hearing.

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

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