

CITY OF HURSTBOURNE
MUNICIPAL ORDER 18-26
A MUNICIPAL ORDER RELATING TO THE APPROVAL OF A DETAILED
DISTRICT DEVELOPMENT PLAN ON A PROPERTY LOCATED AT 101
WHITTINGTON PARKWAY CONTAINING 28 ACRES AND BEING IN THE CITY OF
HURSTBOURNE (CASE NO. 17DEVPLAN1127)

WHEREAS, the City Commission of the City of Hurstbourne has received and reviewed the findings and recommendations made by the Louisville Metro Planning Commission meeting April 5th, 2018,

WHEREAS, the Planning Commission recommended to the City Commission of the City of Hurstbourne that the Applicant's request to approve a Detailed District Development Plan on property located at 101 Whittington Parkway be approved, subject to certain agreed upon Binding Elements in Case No. 17DEVPLAN1127, and,

WHEREAS, the owners of the property herein described have agreed to certain Binding Elements on said property, which are conditions of approval and are set out fully herein,

BE IT ORDAINED BY THE CITY OF HURSTBOURNE:

Section 1: That subject to full compliance with the restrictions contained in all the Binding Elements placed on this site in Section 2 herein, the requested Detailed District Development Plan on property known as 101 Whittington Parkway (that property being more particularly described as a 28 acre tract with legal description as set out in the Planning Commission record of Case Number 17DEVPLAN11270), **BE AND HEREBY IS APPROVED**, subject to the agreed upon Binding Elements set out in Section 2 herein. Further, the City of Hurstbourne Commission does hereby specifically adopt in full (incorporated as if set out in full herein) the Findings set out in the record of Case Number 17DEVPLAN1127, supporting the application.

Section 2: The following shall be Binding Elements which shall be applicable and enforceable concerning the future use of the real property described in Section 1 of this Municipal Order:

Case Number 17DEVPLAN 1127

1. The development shall be in accordance with the approved Detailed 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), or the Detailed District Development Plan, shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Hurstbourne Parkway or Shelbyville Road.
3. There shall be no street parking marked, constructed, or allowed, on Whittington

Parkway and the Detailed District Development Plan shall be revised to remove the street parking that it shows on Whittington Parkway.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit, or demolition permit) is requested for each tract:
 - a. The property owner/developer must obtain approval from Louisville Metro and from the City of Hurstbourne of a detailed plan for screening (buffering/landscaping) as described in Chapter 10.
 - b. A subdivision plat creating the tracts as shown on the approved district development plan shall be recorded, excluding clearing and grading, site disturbance, alteration, or demolition permits.
 - c. Renderings of each building shall be provided to Planning and Design Services and the City of Hurstbourne for review and approval and incorporated into the case file, excluding the renderings for the apartment project on Tract 1, which shall be substantially similar to those presented to the Planning Commission and the City of Hurstbourne in connection herewith.
 - d. A cross access and shared parking agreement shall be recorded for all tracts as shown on the approved detailed district development plan. A blanket cross parking and access easement shall satisfy this requirement.
 - e. The applicant shall receive the approval of MSD that its construction plans comply with current drainage requirements.
5. Except as otherwise permitted by the City of Hurstbourne Sign Ordinance, no outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted. All signs must be in compliance with City of Hurstbourne ordinances and applicant must obtain City of Hurstbourne sign permits for any signage.
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 and the City of Hurstbourne.
7. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The applicant shall provide documentation to Planning and Design Services staff for incorporation into the case file showing that the development complies with the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
9. The applicant, its successors and assigns, shall maintain the apartments and site in a high

state of repair, including, but not limited to:

- a. Maintenance of exterior finishes, no peeling paint, broken or non-functioning light fixtures, holes in the exterior, windows, and stairways in good condition.
 - b. Maintenance of grounds, including regular mowing, landscape upkeep and replacement of any plant material which might die, sidewalks repaired, exterior light kept functioning, common areas picked up and kept clean.
 - c. Maintenance of parking and all interior access roads, no significant pavement degradation allowed, no abandoned cars allowed to remain in parking area, snow removal, keeping any signage painted and well kept.
10. The applicant, its successors and assigns, shall develop a set of rules and regulations for the residents of the apartments, to help insure that the structures and grounds remain in a high state of repair and provide those rules to the City of Hurstbourne.
 11. The applicant, its successors and assigns, agree that during the construction phase, the site shall be kept mowed and picked up, to the greatest extent possible, given the necessities of the construction operations. Construction vehicles shall not cut through Hurstbourne local access streets and shall be directed to access the site through Whittington Parkway.
 12. The applicant, developer and 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. The applicant agrees that the City of Hurstbourne may also enforce these binding elements along with Louisville Metro.

Section 3: This Municipal Order shall take effect upon its passage and approval as required by law.

