

## Blankenbaker Station II DOCKET # 9-67-05 BINDING ELEMENTS

<sup>:</sup> any proposals for detailed district development plans or proposals for changes to these binding ele re made, written notice shall be given to the Tucker Station Neighborhood Association, Blackacre oundation and Floyd's Fork Environmental Preservation Association. he development shall be in accordance with the approving the Land Development Code (LDC) and agreed upon and Development Code. Any changes/additions/alterate Planning Commission's Planning Commission's anges/additions/alterations not so referred shall not be In the approved district development plan, all applicable sections greed upon binding elements unless amended pursuant to the tions/alterations of any binding element(s) shall be submitted to immission's designee for review and approval; any shall not be valid.

development shall be in accordance with the approved Predivision of the land into a greater number of lots than origina Planning Commission. elopment of each site or phase of this project, the applicant, developer, or property owner shall aval of a detailed district development plan in accordance with Chapter 11, Part 6. Each future shall be in adequate detail and subject to additional binding elements.

Instruction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common proper e. Fencing shall be in place prior to any grading or construction to protect the existing root systems from mpaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place un construction is completed. No parking, material storage or construction activities are permitted within the steeted area.

any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration or demolition permit) is requested for a given lot:

The development plan for such lot must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitar Sewer District.

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 for such lot. Such plan shall be implemented prior to occupancy of the lot and shall be maintained thereafter. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved for such lot prior to obtaining approval for site disturbance on such lot. indicating the lotting pattern for the overall development site shall be submitted to staff and any proposal which affects the lotting pattern as approved on the General District Developm July 11, 2007, case # 8918

tificate of occupancy must be received from the appropriate code enforcement department prior to pancy of any structure or land for a proposed use. All binding elements requiring action and approval be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived a Planning Commission. time a building permit is requested, the applicant shall submit a certification statement to the permit g agency, from an engineer, or other qualified professional stating that the lighting of the proposed ppment is in compliance with Chapter 4 Part 1.3 of the Land Development Code and shall be maintained ifter. No building permits shall be issued unless such certification statement is submitted. Lighting shall intained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

Standards
Façade elevations for each detailed district development plan shall be in accordance with applicable form Faistrict standards and shall be reviewed by the Planning Commission, or a committee thereof prior to apprand transmittal of the plan(s) to the appropriate permitting agencies.

Lightir 13.

12  $\omega$ ed 300 square feet in size to six feet in I

14. Use of the subject site (except as stated in BE# 15 below) shall be limited to uses permitted in the PEC district, with the following exceptions: residential uses; trailer courts or recreation vehicle campgrounds; junk yards; drilling for and removing of oil, gas or other hydrocarbon substances; refining of petroleum products; commercial petroleum storage yards; commercial excavation of building or construction materials (except as incineration or reduction of garbage, sewer, dead animals or other refuse; fat rendering; stockyard or slaughter of animals; smelting of iron, tin, zinc or other ores; cemeteries; jall or honor farms; labor or migrant worker camps; foundries; animal or poultry farms; production of insecticides, fungicides or disinfectants; bus amend this binding element shall be given in accordance with the Planning Commission's policies and element. **9**All exterior lighting shall be turned off or dir the hours of 11:00 p.m. and 7:00 a.m. ed to the lo

16. Uses on Lot 8 and the portion of Lot 24 iden permissible in the PRO zoning district.

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There shall be no loading docks and no truck parking or idling on the south side of any building within 200 feet of the south property line of Lot 24 or within 150 feet of the west property line of Lot 8 (the "Areas"). Truck maneuvering (as opposed to truck parking and idling) shall be permitted within the referenced Areas outside the landscaped buffer areas required in binding element 19 below. However, loading docks or truck parking and idling may be located within the Areas outside the landscaped buffer areas described in binding element 19 below if located on the east, west and north sides of any building on lot 24 and if located on the north, within the Areas, a screening wall shall be constructed adjacent to the loading docks or truck parking and idling area from exceeding the average decibel level as measured over a 24-hour period (leg) at the south property line of lot 24 or the west property line of lot 8. The wall shall be designed with the assistance of an expert in Modified by the Development Review Committee on September 22, 2010, case # 14489 No garbage or recyclable collection services, no parking lot sweeping, no exterior mainte other properties (except snow removal), no idling of vehicles, and no external constructio be conducted between the hours of 9:00 PM and 7:00 AM. For lots other than lot 8 and the portion of Lot 24 identified on the de be permitted within 100 feet of single-family residences. *Modified by the Development Review Committee on September 22,* er 22, 2010, ca ent pla lance of yards or or remodeling sh

& Environmental

There shall be a 75-foot wide 10-foot tall (as measured at the property line) irrigated landscaped berm and a 6-foot privacy fence along the portions south side of Lot 24 and a 50-foot wide 6-foot tall (as measured at the property line) irrigated landscaped berm and a 6-foot privacy fence along the west side of Lot 8. Berms on these lots shall be constructed prior to the issuance of a building permit and shall be landscaped in accordance with the requirements of the Land Development Code. A planting plan for these buffer areas (retaining mature trees near the property line where possible and enhanced with evergreen trees planted on the residential side of the berms to create a solid visual screen) shall be submitted for approval by the Planning Commission, or committee thereof, with the detailed district development plan for each of these lots.

ng the north and east property lines common to the property which tract or owns
Ig Tucker Station Road north of Plantside Drive and any other pub rnal to the development.

er or narrower buffer areas may be required by the Planning Comr ary 21, 2009, case # 12224

All abutting properties shall be provided easement access to sanitary sewer at the property line. To the extent that a sewer easement runs parallel instead of perpendicular to the property line of an adjoining property to be served by the referenced sewer easement, said easement, if desired by the adjoining property wner, shall run half on each property. er to provide stream protection and a wildlife corridor which links to the off-site blue line stream, the two nittent streams on the subject property, identified on the development plan, shall be protected 25 feet on side of the centerline of these streams (50 total), except as may be disturbed, if at all, for utilities, with nated tree preservation areas assuring the maintenance of healthy trees over 3 inches in caliper.

Furthermore, no sight disturbance outside of "to be dedicated rights-of-way" or "to be dedicated utility assements, including (should be excluding) (see entry at 01:20) the areas necessary for construction and eccommodation of these rights-of-ways and utility easements shall be permitted prior to approval of Details is trict Development Plans."

stormwater drainage from impervious areas of development shall be channeled to a series of stormwanagement basins or designed wetlands in order to achieve established standards for minimizing impact water quality, quantity and rate of flow onto neighboring properties and into neighboring streams and nds. A note to this effect shall be added to the development plan. This requirement shall be monitored forced by the Metropolitan Sewer District.

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The Jordon Jones and Goulding Traffic Impact Study dated October 24, 2005 ("JJG Study") requires that Urton Lane Corridor be constructed from Plantside Drive / Rehl Road to Taylorsville Road er before development relating to the final 25% of the total a.m. and p.m. peak hour trips anticipated by the above-referenced Study can occur. Approval for development (based on this final 25% or final 25% of the total land area) shall require an updated traffic and air quality impact study.

Ide Drive shall not connect to Rehl Road until such time as:

Urton Lane is constructed from Plantside Drive/Rehl Road to Taylorsville Road; or After a public hearing with advance written notice to first and second tier adjoining property owners, registered neighborhood organizations, and anyone who spoke at a previous public hearing on this case, the Planning Commission determines, with input from transportation planning staff, that the area road network can adequately support the traffic that will result from the connection.

3 Development Review Committee on September 22, 2010, case # 14489

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ior to construction plan approval by Metro Public Works for any lot fronting on Tuc'ker Station Road that will quire tractor trailer access from its west frontage along Tucker Station Road or generate trips resulting in a need for a center turn lane, the Developer shall provide construction plans for and bond improvements to den Tucker Station Road. Prior to development of Lot 1, developer shall create left turn lanes south onto antiside Drive, north onto Bluegrass Parkway. Metro Public Works shall make efforts to assure utility ocation on Tucker Station Road between Bluegrass Parkway and Plantside Drive, and the developer shall dicate additional area for the utility relocation as needed.

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of-way for the Urton Lane Corridor, if not already constructed, as shown on the developr dicated by developer within 60 days of a request from the Director of Public Works or at ling of Lots indicated on the RGDDP, whichever occurs first.

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#19 above, the perimeter where under contract, shall have to the perimeter where under contract, shall have to the yellowing Commiss which the applicant/developer has under contract, shall he Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan. Wider buffer areas may be required by the Planning Commiss in the General Plan in in th bove, the perimeter of the site, except along the north and east property lines the applicant/developer has under contract, shall have a 50-foot Landscape eneral Plan. Wider buffer areas may be required by the Planning Commission ublicly-dedicated rights-of-way

"An analysis for each individual lot or development plan identifying environmental constraints which may require mitigation including but not limited to topography, soils and karsts, shall be submitted at the time of DDDP review." flood plain areas, all areas containing slopes steeper than 20 percent, areas with unique or sensitive vironmental features and all perimeter landscape buffer areas, should be protected until DDDP review and all be evaluated at that time for each lot within the overall development.

prendicular crossing of perimeter 50 ft LBAs with a "to be dedicated right-of-way" or a "to be dedicated ity easement", shall only be permitted at a minimum width necessary to extend the utility or infrastructur other encroachment into a perimeter 50 ft LBA shall occur until DDDP approval."

\*\*Idified by the Planning Commission on November 15, 2007, case # 9992

Transportation

If street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first building on the street, and shall be in place at the time of any equired bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

26. 27.

(b) elopment shall be prohibited on lots 27, 28, 29, and the portion of lot 26 shown on the appr eral district development plan as area reserved for future corridor alignment, which is eximately 25% of the overall net land area, until such time as the Snyder Freeway interchation and Urton/Plantside corridor alignment are determined.

No later than prior to construction plan approval on the first lot of the development generating the last 25 percent of total a.m. and p.m. peak hour trips anticipated by the "JJG Study", the road improvements identified on page 17 of the "JJG Study" for the Blankenbaker Parkway and Plantside Drive intersection, which are reproduced and set forth in the exhibit book presented at the March 23, 2006 public hearing, shall be constructed by this Developer per KTC requirements, assuming these improvements have not already been constructed by other developers. Financial contributions to the cost of same may be made by or required as a consequence of other development plan approvals.

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later than prior to construction plan approval on the last lot of the development generating the first 50 cent of the total a.m. and p.m. peak hour trips anticipated by the "JJG Study", the road improvements intified on page 15 of the "JJG Study" for the Blankenbaker Parkway and Plantside Drive intersection, ich are reproduced and set forth in the exhibit book presented at the March 23, 2006 public hearing, shall constructed by this Developer per KTC requirements, assuming these improvements have not already an constructed by other developers. Financial contributions to the cost of same may be made by or quired as a consequence of other development plan approvals.

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ds shall be provided by ss Parkway if and when s a consequence of tro Electrical

33 32 iired by Transportation ttee on July 11, 2007, c ianning stat ise # 8918

Interpretation and Restrictions (Car's)

The development shall include an amended set of Covenants, Conditions and Restrictions (CCRs), from Blankenbaker Station Phase I, applicable to Phase II, substantially in accordance with that produced at the March 23, 2006 Planning Commission public night hearing, which final set of CCRs shall be reviewed prior to recording by the Planning Commission legal counsel for consistency with these binding elements and the CCRs finally presented to the Planning Commission in this case. the Car's ref

Existing natural vegetation, with enhancements where necessary, are preferred over replanting in landscape buffer areas; in open areas, native grasses and heavy vegetation are encouraged; and need for mowing and maintenance can be minimized by this practice.

Except for security for three or four-board "fencing shall be requ ncing where required as a consequence of the nature of a particularse fencing" shall be encouraged where fencing is utilized, and ed along Tucker Station Road. orridor shall be dark in color and mea ing in nat

Except for landscape whether on building lenses, and shall be nds or other windo elihood that night i at may be closed o low treatments shall be required on all building windows in order to increase the lighting will be eliminated or diminished by virtue of blinds and window treatmen during evening hours. eand accent lighting, all exterior lighting, whether freestanding or attached, and ots or along streets or in common areas, shall be fully shielded, shall utilize flat pointed directly to the ground.

shall be no out /stem audible b utdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor entertainment or outdoor music the property line or permitted on the site.

The property owners association to maintain roads, common areas, or vegetation within common areas of the development and an architectural reproduction by building designs. nent or outdoor

An 8 foot high wall, constructed of brick or stone or combination thereof, shall be constructed along the south right-of-way of the proposed Plantside Drive extension adjacent to 2111 Tucker Station Road. Said wall shall be constructed within one year of the approval of the general development plan. Landscaping shall be installed along the Plantside Drive side of the wall. The design of the wall shall be subject to approval by the Louisville Metro Department of Public Works and shall be designed in accordance with the scenic corridor standards applicable to Tucker Station Road, and shall not interfere with traffic safety along Tucker Station Road or Plantside Drive.

design standards shall be as set forth in the public haring Ma ewed at the March 23, 2006 Planning Commission public hear