

RESOLVED, That the Land Development and Transportation Committee does hereby **APPROVE** the Revised Detailed District Development Plan for Docket No. 9-37-95, subject to the following binding elements:

1. 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. No further development shall occur without prior approval from the Planning Commission.
2. The development shall not exceed 242,850 square feet of gross floor area (208,850 square feet for the retail store and 34,000 square feet for the garden center).
3. There shall be only one permitted freestanding sign located as shown on the approved district development plan. The sign for the retail shall not exceed 88.5 square feet and 25 feet in height. No sign shall have more than 2 sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
7. The developer will lengthen the existing northbound left turn lane on Preston at the proposed entrance per Kentucky Department of Highways requirement.
8. The developer will construct a separate south bound right turn lane on Preston at the Meijer entrance per Kentucky Department of Highways requirement.
9. Traffic improvements will be made to the intersection of Preston and South Park/Manslick in conformance to a preliminary drawing that has been submitted to the Jefferson County Department of Public Works and Transportation. The following conditions will apply to this proposed improvement.

The developer will

- a. Provide to the County the construction drawings and specifications for the improvement.
- b. Pay for the construction of the improvements including water line relocation if any are required.
- c. Post necessary bonds for improvements prior to construction approval.

The County will:
a. Purchase all right-of-way and easements required for the proposed improvements.
b. Bind the project and provide construction supervision.

The developer will be able to obtain construction drawing approvals, building permits and occupancy permits regardless of whether or not the County has obtained the right-of-way and easements required by this binding elements.

If the County is unable to obtain the right-of-way and within easements within 4 years of construction approval, the Developer's requirements under this binding element are null and void.

10. The applicant agrees to permit a transit stop to be located on the site at an appropriate location as determined in concert with the Transit Authority of River City (TARC).
11. 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 MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
12. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).

- c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
13. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in the parkway policy and Article 12 prior to requesting a building permit. Such plan shall be implemented prior to the applicant requesting a Certificate of Occupancy for the site and shall be maintained thereafter.
 - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. 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.
 14. If a building permit is not issued within two years of the date of approval of the plan, 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.
 15. A certificate of occupancy must be received from the appropriate code enforcement office 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.
 16. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in

development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

17. The western end of the five foot berm along the southern property line shall maintain the 525 foot elevation as near to the western most power pole along that berm as staff determines possible while the 2.5:1 slope is maintained.
18. Prior to the applicant requesting a certificate of occupancy, the applicant shall obtain approval of a revised plan showing the extended berm from the staff landscape architect.