Case No. 22-ZONE-0076 Binding Elements

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan/Major Preliminary Subdivision with the following **BINDING ELEMENTS**:

- 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 for review and approval; any changes/additions/alterations not so referred shall not be valid. The Planning Commission shall be the only body which can review and approve any changes to the binding elements.
- 2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- Prior to development (includes clearing and grading) of any portion of the C-1 zoned areas of the site, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
- 4. 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 compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
- 5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the S Hurstbourne Parkway or Bardstown Road right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

- e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the site to the north and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
- f. The materials and design of proposed structures shall be reviewed and approved by the Planning Commission or a committee thereof.
- 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.
- 7. 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. 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. 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.
- 8. A qualified geotechnical consultant's services be retained during construction to call if/when sinkholes are encountered. Care shall be taken during earthwork to investigate and properly remediate potential sinkholes, per the geotechnical engineer's recommendations.
- 9. Development shall be limited to 199 units until such time as the road connection to Bardstown Road is dedicated via record plat and constructed. The 199-unit limit shall be shared between the properties described under 22-ZONE-0012 and 22-ZONE-0076.
- 10. All property owners within 500 ft of a proposed blasting location shall be notified 30-days before any blasting operation occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided with copies of all materials resulting from that survey, including any phots and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.

11. Lighting:

a. All exterior lighting, whether freestanding or attached to any structure, including street lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground.

- b. No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin.
- c. No parking lot light fixtures shall be more than fourteen feet high, measured from ground level.

- REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER/DEVELOPER'S EXPENSE.
- APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES ON THE SITE.
- CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES-PREVENTING COMPACTION OF ROOT SYSTEMS OF TREES TO BE PRESERVED. THE FENCING SHALL ENCLOSE THE AREA BENEATH THE DRIP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
- ISSUANCE OF BUILDING PERMIT.
- TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROJECTED OPEN SPACES (IE. CONSERVATION EASEMENTS. GREENWAYS OR PARKWAYS) ON ADJACENT OR NEARBY PARCEL'S, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC
- REACHING EXISTING ROADS AND NEIGHBORHOODS.
- STOPS SHALL BE AT LEAST 3 FEET AWAY FROM ANY ADJACENT WALL, FENCE, PROPERTY LINE, WOODY VEGETATION.
- 4700 AND 4900 S HURSTBOURNE PARKWAY.
- SYSTEM SHALL BE DEVELOPED TO REDUCE THE NUMBER OF CURB CUTS AND PROVIDE FOR VEHICULAR MOVEMENT THROUGHOUT ADJACENT SITES AS DETERMINED APPROPRIATE BY THE DEPARTMENT OF PUBLIC WORKS. A CROSS ACCESS AGREEMENT TO RUN WITH THE LAND AND IN A FORM ACCEPTABLE TO PLANNING COMMISSION LEGAL COUNSEL SHALL BE RECORDED PRIOR TO THE TIME OF CONSTRUCTION APPROVAL FOR THE ADJACENT PROPERTY TO BE DEVELOPED. UPON SUBMITTAL OF DETAILED PLANS FOR THE COMMERCIAL PROPERTY THE PROPERTY OWNER TO THE

- STANDARD SPECIFICATIONS.

- CONSERVATION SERVICE RECOMMENDATIONS.
- PER FEMA'S FIRM MAPPING (21111C0079F).

- APPROVAL CONSTRUCTION PLAN APPROVAL.





