

BINDING ELEMENTS
Case No. 9108
DOCKET NO. 9-32-06
Meeting: 10/18/07

1. 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.
2. The residential density of the condominium development shall not exceed 12 dwelling units per acre (35 units on 2.9 acres).
3. Office square footage in two buildings shall be limited to 16,128 sf.
4. Signs shall be in accordance with Chapter 8.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded dividing the residential condominium property from the office property and dedicating any required additional right of way. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
8. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line).
11. 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.

12. Multi-family development of the property shall be limited to development under a horizontal property regime.
13. The site shall be developed in accordance with the Tree Canopy Protection Areas (TCPAs) delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.
 - a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
 - b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field to include canopy area of all trees at or within the dimension line.
 - c. Tree protection fencing shall be erected adjacent to all TCPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
 - d. No parking, material storage or construction activities are permitted within the TCPAs.
 - e. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.
14. The construction materials of all buildings shall be primarily of brick or stone, with accent areas of "hardy plank" or dryvit/stucco and other maintenance free materials. No vinyl siding shall be used. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 18, 2007 Planning Commission hearing.
15. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
16. All exterior pole lighting will be directed down and away from properties, or shall be the typical LG&E residential style (acorn or coach lamp) low-wattage lighting. Attached building lights shall be low-wattage, coach lamp style or otherwise directed down and away from off site properties. Spotlights shall not be permitted.
17. All parking areas shall be screened from Taylorsville Road.
18. Contemporaneous with the Developer's required submittal of the landscape plan to Planning Commission staff, the Developer shall at the same time also submit such plan to the City of Forest Hills for comment.
19. Contemporaneous with the Developer's required submittal to the Planning Commission staff (and/or MSD) of any proposed improvements to the stream located at the rear of the subject property, the Developer shall at the same time also submit such plans and /or other description of the improvements to the City of Forest Hills for comment.
20. The landscaping shall be irrigated.