

16DEVPLAN1213

Existing General Plan Binding Elements

1. Prior to development (including clearing and grading) of each site or phase of this project, 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. Notice of all Detailed District Development Plans, Revised Detailed District Development Plans, Amendment to General Plan Binding Elements, Amendment to Detailed Plan Binding Elements, Conditional Use Permits, Waivers, and Variances shall be sent at least 45 days prior to a hearing by the Planning Commission, Board of Zoning Adjustment, or Committee thereof, except for Revised Detailed District Development Plans and Amendment to Detailed Plan Binding Elements that meet the criteria for approval by the Planning Director. This notice requirement shall include notice to the mayor of the City of Bellemeade.
Amended by Metro Council, Ordinance No. 63, Series 2010
2. **120-foot perimeter Landscape Buffer Area.** A 120 foot Landscape Buffer Area shall be provided along the west property line abutting properties within the city of Bellemeade, as shown on the General District Development Plan.
 - (a) The 120-foot perimeter landscape buffer area within the Bellemeade Protection Area [see Bellemeade Protection Area Exhibit] shall consist of (i) a minimum of 10.7 trees per 100 linear feet (a minimum of 353 planted trees) and a 6-foot high landscaped/irrigated berm, and (ii) the preservation of the existing mature tree canopy except to the extent trees are dead, diseased or hazardous.
 - (b) The 120-foot perimeter landscape buffer area shall be maintained by the University of Louisville Foundation, Inc., its successor in interest or designee,
 - (c) If agreed upon by the owner of Subject Property and the city of Bellemeade, a pedestrian and bicycle passageway may be cut through the 120-foot perimeter landscape buffer area referred to in (a) for access directly to the city of Bellemeade at Charing Cross Road.
3. **Building height maximum.** (a) Except as provided for in (b) hereof and excluding walk-out basements or underground parking, no building on Subject Property shall exceed five (5) floors or ninety (90) feet in height.
 - (b) No portion of any building within the Bellemeade Protection Area shall exceed three (3) stories or forty-five (45') feet in height.
 - (c) Building height shall be determined pursuant to the Land Development Code.
4. **Sidewalks along Shelbyville Road frontage.** A sidewalk shall be constructed along the Shelbyville Road frontage within eighteen months of approval of the

change in zoning by the Louisville Metro Council. The sidewalk shall be planned and located in conjunction with the Kentucky Transportation Cabinet and Metro Public Works and shall be designed to accommodate the future expansion of Shelbyville Road.

Amended by Metro Council, Ordinance No. 63, Series 2010

5. **Residential limitation.** Except for university housing, no two-family or multi-family residential uses shall be permitted on the Subject Property.
6. **Limitation of external construction hours in Bellemeade Protection Area.** No external building construction within the Bellemeade Protection Area shall be conducted during the hours of 9 PM – 7 AM Monday through Saturday; Sunday construction hours shall be limited to 10 AM – 4 PM.
7. Within the Bellemeade Protection Area, and except for (i) emergency fire alarms or activation of other safety alarms, and (ii) occasional cultural or musical events, no outdoor public address systems shall be permitted.
8. **Rooftop mechanical equipment.** Rooftop mechanical equipment located in the Bellemeade Protection Area shall be screened from properties within the city of Bellemeade abutting the Subject Site.
9. **Ground-based mechanical equipment and building trash receptacles.** All ground-based mechanical equipment and building trash receptacles (excluding temporary construction waste receptacles) within the Bellemeade Protection Area shall be shielded or hidden from view from properties in the city of Bellemeade that abut the Subject Property.
10. **Stormwater runoff.** Stormwater runoff exiting the Subject Property and entering the city of Bellemeade shall not exceed stormwater runoff volumes entering the city of Bellemeade from the Subject Property existing as of July 1, 2010.
11. **Lighting limitation.** (a) Within the Bellemeade Protection Area, permanent parking lot lighting and permanent building-mounted lighting designed to illuminate the ground and parking lot areas, whether freestanding or attached, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground or otherwise down and away from the city of Bellemeade.

(b) Except for sites fronting on Shelbyville Road, lighted attached building signage within the Bellemeade Protection Area shall not be visible from the city of Bellemeade.
12. **Freestanding sign limitation.** Except for development identification signs, leasing signs, wayfinding signs, construction-related signs, traffic-related signs or directional signs, freestanding signs on the Subject Property shall be monument-style.
13. **Traffic and Air Quality.** The proposed development shall occur in phases. The first phase shall consist of approximately 300,000 square feet generally along the eastern boundary of the property adjacent to Hurstbourne Parkway (KY 1747), Weakley Way and Porter Place, north of the existing commercial development

and south of the newly constructed Center of Predictive Medicine ("Phase 1"). Phase 1 shall occur on approximately 20 acres of the property and has a forecasted build-out date of 2016. The Traffic Impact Study dated February 2, 2010 and the Air Quality Analysis dated February 2, 2010, both prepared by QK4 Engineers, relate to Phase 1. Prior to or at the time of the submittal of a development plan for any subsequent phase of the development, an updated trip generation, traffic impact study and air quality analysis, or additional analysis if warranted by change in development character, shall be provided in accordance with Metro Public Works ("MPW") and Kentucky Transportation Cabinet and Air Pollution Control District requirements. The development plan for any subsequent phase may be denied on the basis of an updated analysis provided as required by this binding element which reveals an increased, unacceptable level of service at any analyzed intersection, including, where required by MPW, the intersection of Shelbyville Road and Hurstbourne Parkway, without reasonable, appropriate and feasible mitigation measures designed to offset traffic impacts as determined by MPW and the Kentucky Transportation Cabinet, which measures shall be implemented prior to completion of the proposed development as shown on the development plan.

Amended by Metro Council, Ordinance No. 63, Series 2010

14. 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.
15. A sidewalk along Whipps Mill Road from Whittington Parkway west to the extent the subject site has frontage on Whipps Mill Road shall be constructed within one year of approval of the change in zoning by the Louisville Metro Council.
16. No garbage or recyclables collection services and no parking lot sweeping or cleaning (except snow and ice removal) shall be conducted between the hours of 10 PM and 7 AM within the Bellemeade Protection Area.
Added by Metro Council, Ordinance No. 63, Series 2010
17. If amendments to these general plan binding elements are requested or a detailed plan is presented proposing a use of the subject property that differs from the uses presented at the February 4, 2010 Planning Commission public hearing (which included research, office and an academic core), the application shall receive final approval by the Metro Council based on a recommendation of the Planning Commission or a committee thereof after a duly-noticed public meeting as required pursuant to all applicable laws and regulations. This binding element shall not require Metro Council approval of a detailed plan proposing an accessory use that is different from the mix of uses presented at the February 4, 2010 Planning Commission public hearing.
Added by Metro Council, Ordinance No. 63, Series 2010

4. Proposed Detailed Plan Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. Notice of all Revised Detailed District Development Plans, Amendment to General Plan Binding Elements, Amendment to Detailed Plan Binding Elements, Conditional Use Permits, Waivers, and Variances shall be sent at least 45 days prior to a hearing by the Planning Commission, Board of Zoning Adjustment, or Committee thereof, except for Revised Detailed District Development Plans and Amendment to Detailed Plan Binding Elements that meet the criteria for approval by the Planning Director. This notice requirement shall include notice to the mayor of the City of Bellemeade.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permit Review and Transportation Planning and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. 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.

5. 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.
6. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.

15DevPlan 1170, 15DevPlan 1171 and 15DevPlan 1172

Transportation-related Binding Elements

1. **"Main Campus."** The "main campus" of the University of Louisville's Shelbyhurst Research & Office Park consists of all contiguous parcels owned by the University of Louisville bounded by Shelbyville Road to the south, the city of Bellemeade generally to the west, A.B. Sawyer Park and Whipps Mill Road generally to the north and northwest, and North Hurstbourne Parkway generally to the east.

2. **Main Campus Phase 1.** Phase 1 of the Main Campus shall consist of (i) the complete development of four hundred (400,000) square feet of office space (excluding 500, 600 and 700 North Hurstbourne) within the OR-3 (15DevPlan1170, 15DevPlan1171 and 15DevPlan1172), and (ii) the complete development of C-2 commercial sites 1-8 (15ZONE1024). Unless the Kentucky Transportation Cabinet determines that construction of a single right turn lane from westbound Shelbyville Road to North Whittington Parkway (the "North Whittington Improvement") is not required, construction approvals for Phase 1 shall not be granted until such time as the North Whittington Improvement has been let for construction and bonds have been secured for the Improvement. To the extent not funded or constructed by another source the Applicant shall bear the responsibility of completing the Improvement. Prior to requesting a certificate of occupancy for any building in Main Campus Phase 1, the North Whittington Improvement shall be open to traffic.