

STATEMENT OF BINDING ELEMENTS

This Statement of Binding Elements is filed pursuant to Article 3 of the Joint Zoning Ordinance of Bowling Green and Warren County, Kentucky.

Property Owner: The property owner is Farmers Investment Company, Incorporated

Description of Affected Property and Source of Title: *See Exhibit "A" attached.*
PVA Parcel: 053A-01-020

BINDING ELEMENTS

1. It is the intent of the Developer that the property subject to these Binding Elements contain mixed uses of a commercial nature, including retail sales and service, eating establishments, overnight accommodations and office/professional use, all of which are uses permitted in the highway business zone.

2. The property which is the subject of these Binding Elements is to be served by a new through street to be constructed from Scottsville Road to Shive Lane. Lots may be sold and building permits acquired prior to the construction of such street; however, no commercial enterprise shall be open to the public until such street is substantially complete to provide continuous traffic flow from Scottsville Road to Shive Lane without the prior approval of the Planning Commission.

3. The subject real property shall be served by sanitary sewer.

4. All fire control and commercial building code standards of the City of Bowling Green shall be met prior to occupancy.

5. Any lighting which is installed on the subject property shall be down lighting, high intensity discharge shoebox luminary type or wall-pack lighting specifically designed to direct all lighting on the subject premises and away from any adjacent property. All lighting at the rear of buildings abutting any adjacent residential property shall be wall-pack lighting on the building which shall be focused downward onto the site and utilize internal fixture shielding to prevent light trespass and shall be mounted no higher than fifteen (15) feet. No illuminated wall signs shall be permitted on the building exteriors on lots adjacent to real property zoned for residential use.

6. Parking areas will be designed with the utilization of internal islands and appropriate landscaping as required by the Zoning Ordinance and designed in such a manner that parking areas on adjacent lots within the development shall have interconnectivity in order to provide for an orderly flow of traffic.

7. All buildings on the site shall be constructed of modern architectural building materials and shall present a unified appearance in that all buildings shall be built of the same or similar materials comprising principally brick, stone, drivit, stucco or similar masonry material. The use of "Quik Brik" and similar brick-like masonry materials are encouraged. No plain concrete block (other than foundation) or metal wall exteriors shall be allowed.

8. Each lot shall comply with all landscaping requirements of the zoning ordinance. To the extent that any development adjacent to residential use creates a lighting nuisance, appropriate buffering through landscaping, fencing and/or lighting control may be required in planning commission approval of a landscape plan that is required prior to development of any lots within the subject real property.

9. In addition to the required compliance with the landscape and land use buffer provisions of the Zoning Ordinance, an eight (8) foot high wooden privacy-style fence will be constructed along the entire boundary of the tract where it adjoins the RM-4 and AG zones along its western boundary to provide a buffer from the current use of such adjacent property for multi-family and assisted living facilities. A twenty-five (25) foot landscape buffer shall also be established along this portion of the western boundary. The required landscaping and fence will be permanently maintained by the owner of that lot. The described fence shall be constructed in its entirety prior to the commencement of construction of any buildings on any lot adjacent to the RM-4 zone.

10. The height of any building on any lot adjacent to property zoned for residential use shall be limited to forty (40) feet, exclusive of parapets or screening for HVAC.

11. A twenty-five (25) foot landscape buffer shall be provided along the northern boundary of the tract. In addition, to the landscape buffer, an eight-foot high wooden privacy-style fence will be constructed along the entire boundary of the tract where it adjoins the MHP zone along such northern boundary to provide a buffer from the current use of such adjacent property as a mobile home park. The required landscaping and fence will be permanently maintained by the owner of the lot upon which such landscaping and fence is located. The described fence shall be constructed in its entirety prior to the commencement of construction of any buildings on any lot adjacent to the MHP zone.

12. All loading docks and outdoor storage facilities shall be screened in order to conform with the landscaping and land use requirements set forth in the Zoning Ordinance.

13. All freestanding signs shall be monument style and limited to thirteen (13) feet in height and one hundred (100) square feet sign area on each face with respect to each lot within the proposed development except lots adjacent to I-65. Lots adjacent to I-65 shall be entitled to one (1) additional sign to be placed in the proximity of the I-65 right-of-way not to exceed thirty-five (35) feet in height and two hundred (200) square feet in sign area. With the exception of those lots adjacent to I-65, no lot shall have more than one freestanding sign regardless of the number of tenants.

14. To ensure the quality of commercial development, all plans and specifications shall be submitted to the Developer for review at least thirty (30) days before construction is to commence. The Developer shall approve or reject same within thirty (30) days after said plans have been submitted for approval and shall provide copies of such written approval to the Planning Commission.

15. All retention/detention areas will be required to be maintained by the owner of the lot upon which such retention/detention areas are located.

16. The following are prohibited uses:

- a. any use which emits or results in a strong, unusual or obnoxious odor or which emits offensive fumes, dust or vapors
- b. any animal raising facility (except that this prohibition shall not prohibit pet shops or veterinarian facilities within pet shops)
- c. any establishment or store selling, exhibiting or providing "pornographic materials" or any other adult entertainment activities as defined in Article 8 of the Zoning Ordinance as such is determined by a final decree of a court of competent jurisdiction
- d. any tavern, restaurant or other establishment with more than 60 percent of its seating being located at a free-standing or other type of bar
- e. any flea market, dance hall, massage parlor, adult entertainment, pawn shop or any gambling facility or operation other than charitable gambling including, but not limited to, track or sports betting parlor, table games such as blackjack or poker, slot machines, video poker/blackjack/keno machines or similar gambling devices or a bingo hall (provided, however, that any facility may sell lottery tickets as an incidental part of its business)

The foregoing binding elements shall be binding upon the Owner, its successors and assigns, the Planning Commission and legislative bodies of Bowling Green and Warren County, Kentucky as of the date of adoption unless otherwise amended pursuant to Article 3 of the Zoning Ordinance/Resolution. These binding elements are adopted effective this the 4 day of DECEMBER, 2003.

FARMERS INVESTMENT
COMPANY, INCORPORATED

BY: X *[Signature]*

COMMONWEALTH OF KENTUCKY

COUNTY OF WARREN

SUBSCRIBED AND SWORN TO before me by *Lester B. [Signature]*,
Vice President of Farmers Investment Company, Incorporated, on this
10 day of *Nov*, 2003.

[Signature]
Notary Public, Ky. State-at-Large

My Commission Expires: *2-11-2004*

THIS INSTRUMENT PREPARED BY:

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BY: *[Signature]*
KEITH M. CARWELL
299451-2

EXHIBIT "A"

Beginning at a point located 762' East of Scottsville Road (US 231) R/W in the Northern R/W of Old Scottsville Road (Alvaton Road). Thence continuing along said R/W N 89°13'04" E, 82.14' to a point; thence continuing along said Northern R/W of Old Scottsville Road S 89°46'49" E, 109.11' to a point; Thence continuing along said Northern R/W N 89°44'50" E, 141.04' to a point; thence continuing along said Northern R/W S 89°24'40" E, 119.27' to a point on said R/W of Old Scottsville Road; thence continuing along said R/W S 87°02'11" E, 49.28' to a point; thence continuing along said R/W S 85°05'28", 50.80' to a point; thence along said R/W S 80°54'27" E, 53.48' to a point; thence continuing along said R/W S 76°43'05" E, 129.24' to a point; thence leaving said Northern R/W of Old Scottsville Road to continue along the Western R/W of Interstate 65 N 20°55'58" E, 933.68' to a point on said Western R/W of Interstate 65; thence N 14°47'10" E, 784.51' to a point; thence leaving said Western R/W line of Interstate 65 N 04°11'40" E, 428.72' to a post; thence heading along Countryside Village property N 84°59'00" W, 966.53' to a point on said property line; thence heading along said property N 62°08'41" W, 902.20' to a point on the Southern R/W line of Shive Lane; thence heading along said R/W S 61°10'07" W, 24.57' to a point on said Southern R/W of Shive Lane; thence leaving said R/W heading S 10°40'55" E, 1403.72' along Fern Terrace Lodge and Colony Group property respectively to a point; thence continuing along the East side of Chester Hock & John Perkins property S 11°21'50" E, 1150.60' to a point on the northern side of Old Scottsville Road (Alvaton Road) to the point of beginning, containing 65.42 acres, more or less.

This being a portion of the same property conveyed to Farmers Investment Co., Inc. by James K. Bale and Nell O'Bryan Bale, by deed dated 1 June 1993 and recorded in Deed Book 669, Page 555, in the office of the Warren County Clerk.

DOCUMENT NO: 469712
RECORDED ON: FEBRUARY 06, 2004 02:46:43PM
TOTAL FEES: \$13.00
COUNTY CLERK: DOROTHY OWENS
COUNTY: WARREN COUNTY
DEPUTY CLERK: CARLA HILL
BOOK D876 PAGES 492 - 496