

PROJECT SUMMARY

EXISTING ZONING: C-1, COM. OR-3
EXISTING FORM DISTRICT: NEIGHBORHOOD
PROPOSED USE: RETAIL RESTAURANT/OFFICE/RESIDENTIAL
GROSS FLOOR AREA: 291,852 SF
OFFICE: 92,000 SF
RESTAURANT: (INCL. 2,900 S.F. OUTDOOR SEATING) 219,852 SF
RESIDENTIAL: 250,000 SF (132 UNITS)
PARKING DECK: 67,352 SF
PROPOSED LAND AREA: 847,242 SF (19.45 AC)
FLOOR AREA RATIO (DEVELOPMENT SITE): 0.34
RESIDENTIAL DENSITY (DEVELOPMENT SITE): 17.04 D.U./AC
OPEN SPACE PROVIDED: 2,9 AC (127,086 S.F.)
PRIVATE OPEN SPACE: 1,37 AC (59,567 S.F.)
COMMON/CREATION OPEN SPACE: 1.57 AC (68,518 S.F.)
SITE BUILDING FOOTPRINT: 125,098 S.F.
SITE AMENITY PROVIDED (10%): 1,171 AC (50,860 S.F.)
SITE AMENITY PROVIDED

PARKING SUMMARY

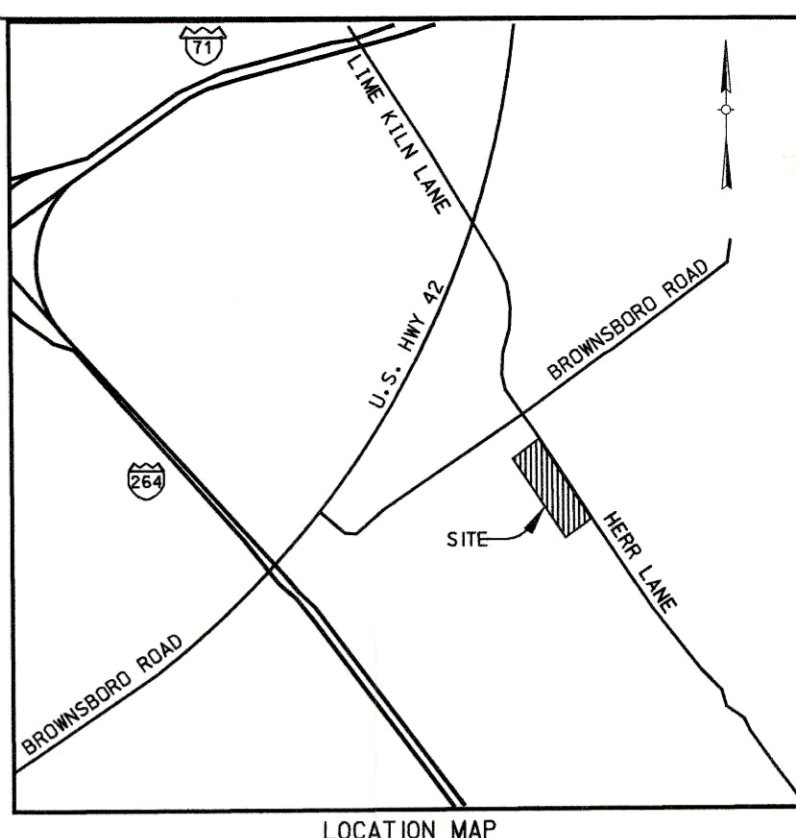
OFFICE	= 126 SPACES
RESTAURANT	= 227 SPACES
RESIDENTIAL	= 126 SPACES
TOTAL	= 479 SPACES

V.I.U.A. SUMMARY

TOTAL V.I.U.A.	= 310,857 S.F.
TOTAL V.I.U.A. REQUIRED (17.5X)	= 33,314 S.F.
V.I.U.A. PROVIDED	= 18 TREES
INTERIOR TREES REQ.	= 18 TREES

- ### WAIVER/VARIANCE GRANTED
- A WAIVER HAS BEEN GRANTED TO ALLOW TWO RESIDENTIAL CONDOMINIUM BUILDINGS AND A PARKING STRUCTURE TO ENDOACH APPROXIMATELY 1.5 FEET INTO THE REQUIRED LANDSCAPE BUFFER AREA ALONG THE WEST PROPERTY LINE.
 - A VARIANCE HAS BEEN GRANTED FROM THE 50' REAR YARD BUFFER/SETBACK IN THE OR-3 AND C-1 ZONE (NON-RESIDENTIAL USE ADJACENT TO A RESIDENTIAL USE - TABLE 5.3.2) TO ALLOW A RESIDENTIAL CONDOMINIUM, PARKING, SIGNAGE STRUCTURE AND A SCREENED SERVICE AREA INCLUDING 8' SCREEN WALL TO ENDOACH APPROXIMATELY 31' INTO THE REQUIRED BUFFER/YARD ALONG THE WEST PROPERTY LINE.
 - A VARIANCE HAS BEEN GRANTED FROM TABLE 5.3.3 TO ALLOW THE MAXIMUM BUILDING SETBACK TO EXCEED 150' WITH 45% OF BUILDING FRONTAGE WITHIN THE MINIMUM AND MAXIMUM SETBACKS TO BE PROVIDED WITH PRIVATE OPEN SPACE (50% PRIVATE OPEN SPACE PROVIDED).
 - A WAIVER HAS BEEN GRANTED FROM CHAPTER 10.2.4 TO ALLOW NO LBA BUFFER BETWEEN THE OR-3 AND C-1 ZONE AND BETWEEN THE OR-3 AND C-1 ZONE INTERNAL TO THE SITE AND BETWEEN THE OR-3 AND BA ZONE ALONG THE SOUTH PROPERTY LINE.
 - A VARIANCE HAS BEEN GRANTED TO ALLOW THE RESIDENTIAL CONDOMINIUM BUILDINGS TO EXCEED THE 35' MAXIMUM HEIGHT TABLE 5.3.2(1).
- ### WAIVER/VARIANCE REQUESTS
- A WAIVER IS BEING REQUESTED FROM CHAPTER 10.2.4 B TO ALLOW PORCHES AND BALCONIES FOR INDIVIDUAL CONDOMINIUM UNITS TO EXTEND INTO THE REQUIRED LBA 6' ALONG HERR LANE AND THE REAR PROPERTY LINE.
 - A WAIVER IS BEING REQUESTED FROM CHAPTER 10.2.4 B TO ALLOW A UTILITY EASEMENT TO ENDOACH INTO MORE THAN 50% OF THE LBA ALONG HERR LANE.
 - A VARIANCE IS BEING REQUESTED FROM THE 50' REAR YARD BUFFER/SETBACK IN THE C-1 ZONE (NON-RESIDENTIAL USE ADJACENT TO A RESIDENTIAL USE - TABLE 5.3.2) TO ALLOW A SECOND PARKING STRUCTURE AND DUMPSTERS TO ENDOACH APPROXIMATELY 31' INTO THE REQUIRED BUFFER/YARD ALONG THE WEST PROPERTY LINE.
 - A WAIVER IS BEING REQUESTED TO ALLOW A SECOND PARKING STRUCTURE TO ENDOACH APPROXIMATELY 6 FEET INTO THE REQUIRED LANDSCAPE BUFFER AREA ALONG THE WEST PROPERTY LINE.
 - A VARIANCE IS BEING REQUESTED FROM TABLE 5.3.3 TO ALLOW THE MAXIMUM BUILDING SETBACK TO EXCEED 150' WITH 45% OF BUILDING FRONTAGE WITHIN THE MINIMUM AND MAXIMUM BUILDING SETBACKS TO BE PROVIDED WITH PRIVATE OPEN SPACE (50% PRIVATE OPEN SPACE PROVIDED).
 - A VARIANCE IS BEING REQUESTED FROM TABLE 5.3.2 TO ALLOW THE MAXIMUM BUILDING SETBACK TO EXCEED 150' WITH 45% OF BUILDING FRONTAGE WITHIN THE MINIMUM AND MAXIMUM BUILDING SETBACKS TO BE PROVIDED WITH PRIVATE OPEN SPACE (50% PRIVATE OPEN SPACE PROVIDED).

- ### EROSION PREVENTION AND SEDIMENT CONTROL NOTES
- THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPSC PLAN SHALL BE REVIEWED AND APPROVED BY METRO PRIVATE DEVELOPMENT REVIEW OFFICE (PDRO). EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDED AND STABILIZED.
- ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.
- SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADEQUATELY COVERED THROUGHOUT THE USE OF S/LT FENCE.
- ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.
- WHEN CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
- SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE, OR CATCH BASIN.



APPROVED DISTRICT DEVELOPMENT PLAN

LOUISVILLE METRO DOCKET NO. 9-8-00
APPROVAL DATE 5/9/07
EXPIRATION DATE 5/9/09
SIGNATURE OF PLANNING COMMISSION *J. K...*
FDH LLC PLANNING

TREE CANOPY REQUIREMENTS

EXISTING LAND USE	VACANT
PROPOSED LAND USE	RETAIL/OFFICE/REST./RESIDENTIAL
ZONING	C-1, COM. OR-3
NEIGHBORHOOD FORM DISTRICT	NEIGHBORHOOD
TRANSITION STANDARDS	NONE
CANOPY COVERAGE CLASS	CLASS "C"
CANOPY COVERAGE CLASS	PRESERVED = 0% / NEW = 20%
CROSS SITE AREA	11,948 AC. 847,242 SF
MINIMUM CANOPY AREA REQUIREMENTS	183,448 SF
EXISTING TREE CANOPY COVERAGE PRESERVED	NONE

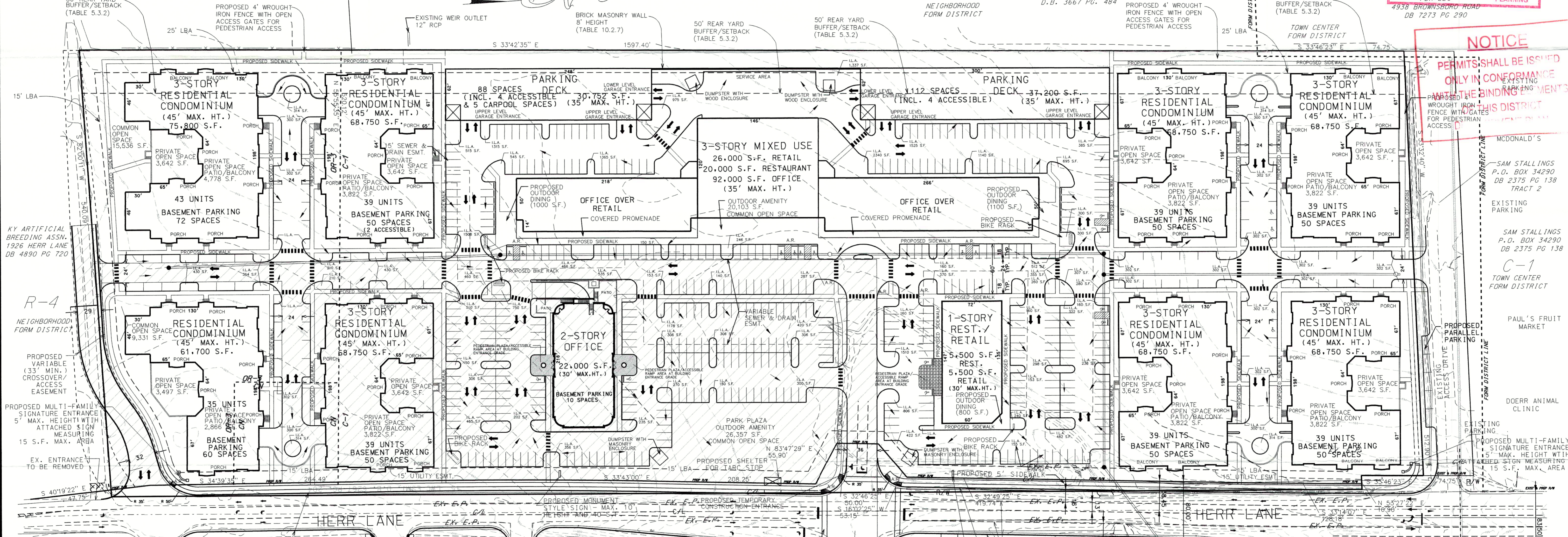
TREE CANOPY NOTES:

- TREE CANOPY PLAN SHALL BE SUBMITTED TO PDRO AND APPROVED PRIOR TO OBTAINING A BUILDING PERMIT.
- TREE CANOPY PLAN SHALL MEET REQUIREMENTS IN EFFECT AT TIME OF CONSTRUCTION APPROVAL FOR THE LAND DEVELOPMENT CODE.

DETENTION BASIN CALCULATIONS

$X = D \cdot R \cdot A / 12$
 $1.295 \text{ MGD} = 27 \text{ THO. 45}$
 $A = 19.45 \text{ ACRES}$
 $X = 2.8 \text{ INCHES}$
 $X = (2.8 \text{ INCHES}) \cdot (19.45 \text{ ACRES}) \cdot (1.812) = 2.08 \text{ AC. FT.}$
 $2.08 \text{ AC. FT.} \cdot (1200 \text{ DESIGN VOLUME}) = 4.16 \text{ AC. FT.}$
 $4.16 \text{ AC. FT.} = 181,210 \text{ CU FT.}$
 $181,210 \text{ CU FT.} = 183,300 \text{ SQ. FT.}$
 $183,300 \text{ SQ. FT.} \cdot 6 \text{ FT. DEPTH} = 1,099,800 \text{ CU FT.}$
 $1,099,800 \text{ CU FT.} = 183,300 \text{ SQ. FT.}$

KY ARTIFICIAL BREEDING ASSN. 1926 HERR LANE DB 4890 PG 720



NOTICE

PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING AGREEMENTS ATTACHED TO THIS DISTRICT DEVELOPMENT PLAN.

SAM STALLINGS P.O. BOX 34290 DB 2375 PG 138 TRACT 2
EXISTING PARKING

SAM STALLINGS P.O. BOX 34290 DB 2375 PG 138
C-1 TOWN CENTER FORM DISTRICT

G S & P

Design Services
For The Built Environment

Atlanta
Birmingham
Charlotte
Columbus
Dallas
Fort Lauderdale
Indianapolis
Jacksonville
Louisville
Memphis
Nashville
Raleigh
Richmond
Tampa

GRESHAM SMITH AND PARTNERS

101 South Fifth Street
1400 National City Tower
Louisville, Kentucky 40202
502.627.8900
WWW.GSPNET.COM

REVISED DETAILED DISTRICT DEVELOPMENT PLAN

PROVIDENCE POINT

SITE ADDRESS: 2050 HERR LANE LOUISVILLE, KY 40222

PRELIMINARY NOT FOR CONSTRUCTION

RECEIVED

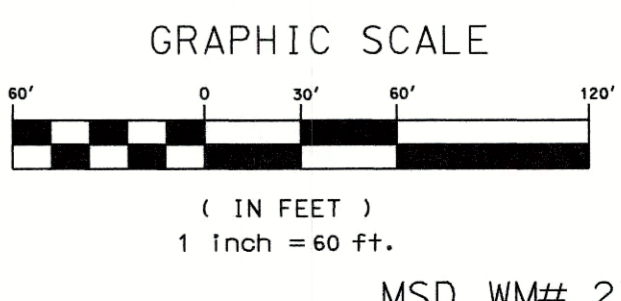
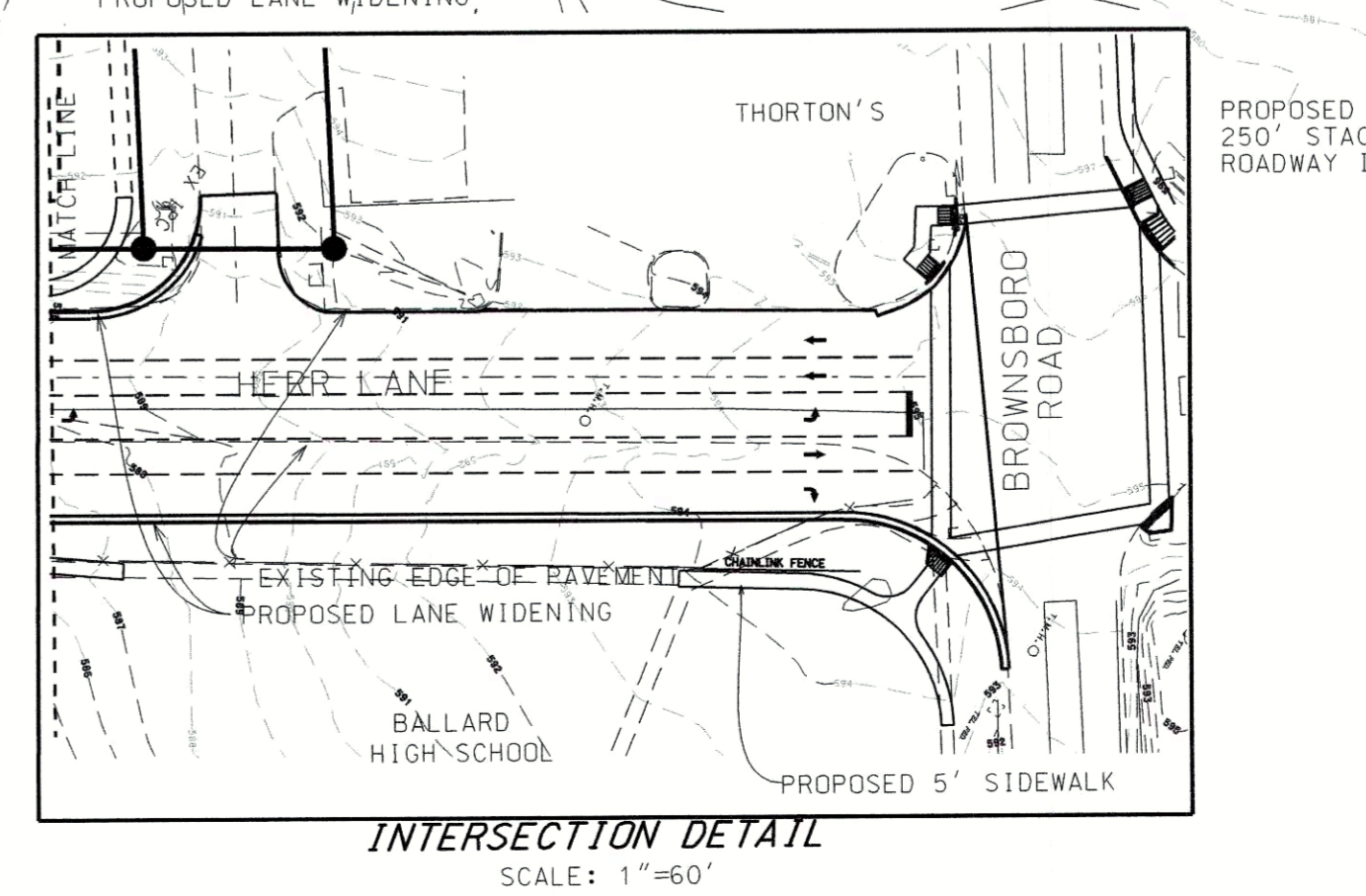
DESIGN SERVICES
MAY 10 2007

OWNER/DEVELOPER:
HAGAN PROPERTIES, LLC
12975 SHELBYVILLE ROAD, SUITE 100
LOUISVILLE, KY 40243
(502) 245-8800

DOCKET NO. 09-099-79-008-00
TAX BLOCK W003 LOT 0021
REVISED DETAILED DISTRICT DEVELOPMENT PLAN

FILE: 53292bmm
PROJECT: 24680.00
DATE: 16 JAN 07

- ### GENERAL NOTES
- NO PORTION OF THE SITE IS WITHIN THE 100 YEAR FLOOD PLAIN PER FIRM MAP NO. 2111C0080 D AND 2111C0085 D DATED FEBRUARY 2, 1994.
 - THE PROPOSED DRAINAGE AND STORM SEWERS SHOWN ON PLAN ARE CONCEPTUAL. FINAL DESIGN SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS AND SHALL CONFORM TO MSD REQUIREMENTS. DETENTION IS BEING PROVIDED UNDERGROUND. THERE SHALL BE NO INCREASE IN DRAINAGE TO THE RIGHT-OF-WAY.
 - A TREE PRESERVATION PLAN WILL BE SUBMITTED TO THE PLANNING COMMISSION FOR APPROVAL PRIOR TO BEGINNING CONSTRUCTION.
 - ALL DUMPSTERS AND SERVICE STRUCTURES ARE TO BE SCREENED PER CHAPTER 10.
 - THE LOUISVILLE WATER COMPANY WILL PROVIDE DOMESTIC WATER SERVICE TO THE SITE. THE EXPENSES FOR ANY IMPROVEMENTS REQUIRED TO PROVIDE SERVICE TO THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER.
 - DOCUMENTATION WILL BE REQUIRED PRIOR TO CONSTRUCTION APPROVAL, SHOWING THAT THE DEVELOPMENT COMPLIES WITH ALL THE LIGHTING REGULATIONS FROM CHAPTER 4, PART 1, SECTION 3.
 - BOUNDARY TAKEN FROM DEED(S) AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
 - CORPS OF ENGINEERS APPROVAL REQUIRED FOR PRESENCE OF HYDRIC SOILS.
 - GEOTECHNICAL REPORT REQUIRED FOR BUILDING OVER EXISTING POND.
 - SANITARY SEWER SERVICE WILL BE PROVIDED BY LATERAL EXTENSION AND SUBJECT TO APPLICABLE FEES. A REQUEST FOR SANITARY SEWER CAPACITY WILL BE SUBMITTED TO MSD.
 - ALL LIGHTING ON THE SITE SHALL COMPLY WITH CHAPTER 4 OF THE LAND DEVELOPMENT CODE.
 - NO SIGNS WILL BE PERMITTED WITHIN THE RIGHT-OF-WAY CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED PRIOR TO CONSTRUCTION APPROVAL BY METRO PUBLIC WORKS AND KENTUCKY TRANSPORTATION CABINET.
 - ALL LUMINAIRES SHALL BE AIMED, DIRECTED, AND FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARD RESIDENTIAL USES OR PROTECTED OPEN SPACES ON ADJACENT OR NEARBY PARCELS, OR TO CREATE GLARE PERCEPTIBLE TO PERSONS OPERATING MOTOR VEHICLES ON PUBLIC STREETS AND RIGHT-OF-WAY.
 - LUMINAIRES 7,000 LUMENS SHALL BE FULLY-SHIELDED LUMINAIRES SO THAT THEY DO NOT EMIT ANY DIRECT LIGHT ABOVE A HORIZONTAL PLANE THROUGH THE LOWEST DIRECT-LIGHT-EMITTING PART OF THE LUMINAIRE.
 - PEDESTRIAN FACILITIES (SIDEWALKS, PATHS, ETC.) LEADING FROM A PARKING FACILITIES SHALL NOT EXCEED AN AVERAGE LIGHTING LEVEL OF 2.5 FOOT-CANDELES.
 - THE LEVEL OF LIGHTING RESULTANT FROM LUMINAIRES INSTALLED ON A SUBJECT SHALL NOT EXCEED ONE-HALF (0.5) FOOT-CANDELES AT ANY PROPERTY BORDER ADJOINING A LOW-OR-MEDIUM-DENSITY RESIDENTIALLY ZONED OR UNZONED PROPERTY BORDER, AND 1.0 FOOT-CANDELES ON ANY HIGH-DENSITY RESIDENTIALLY ZONED OR UNZONED PROPERTY BORDER.
 - DEVELOPER SHALL BE RESPONSIBLE FOR UTILITY RELOCATIONS, FINAL SURFACE OVERLAY, AND STRIPING ASSOCIATED WITH REQUIRED ROAD IMPROVEMENTS.
 - ALL EXPOSED SIDEWALKS SHALL BE A MINIMUM OF 8" IN WIDTH.
 - ACCESS EASEMENT MUST CONFORM TO ORDINANCE 187, SERIES 2003 AS AMENDED. THE ALIGNMENT OF THE RELOCATED/SHARED ACCESS DRIVE SHALL BE COORDINATED WITH THE KENTUCKY ARTIFICIAL BREEDERS ASSOCIATION (KABA) AS AGREED UPON.
 - THERE SHALL BE NO CROSSLAKES AT UNSIGNALIZED INTERSECTIONS.
 - THERE SHALL BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
 - PROPOSED ENTRANCES SHALL BE HEAVY DUTY ASPHALT.
 - DEVELOPER SHALL COORDINATE WITH TARC, JCP, METRO PUBLIC WORKS AND KTC TO DETERMINE A FEASIBLE LOCATION FOR A TARC STOP SERVING BALLARD HIGH SCHOOL.
 - DEVELOPER SHALL WORK WITH KTC AND METRO PUBLIC WORKS TO DESIGN LANE IMPROVEMENTS TO HERR LANE AT THE INTERSECTION OF BROWNBSORO ROAD. ANY PROPOSED TARC STOPS SHALL BE CONSIDERED IN THE LANE IMPROVEMENTS.
 - EXACT LOCATION OF SIDEWALKS CONNECTING TO ADJOINING PROPERTIES SHALL BE COORDINATED WITH ADJOINING PROPERTY OWNERS DURING CONSTRUCTION.
 - RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY PUBLIC WORKS.
 - UTILITY EASEMENTS SHALL NOT OVERLAP LBAs BY MORE THAN 50% IN COMPLIANCE WITH CHAPTER 10.2.4.B.
 - SIGNATURE ENTRANCE WALLS SHALL COMPLY WITH LDC CHAPTER 4.4.3.B.
 - OUTDOOR AMENITY AREAS ARE PROVIDED THROUGH A LANDSCAPED GREEN WITH 24" REAR YARD BUFFER/SETBACK TO BROADWAY, PLAZA AND PATIO AREAS MEASURING AT LEAST 15 FEET WIDE AND PROVIDING SEATING ACCORDING TO CHAPTER 5.13.2.
 - ALL STREET SIGNS SHALL BE INSTALLED BY THE DEVELOPER, AND SHALL CONFORM WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REQUIREMENTS. STREET SIGNS SHALL BE INSTALLED PRIOR TO THE RECORDING OF THE SUBDIVISION RECORD PLAT OR OCCUPANCY OF THE FIRST RESIDENCE ON THE STREET, AND SHALL BE IN PLACE AT THE TIME OF ANY REQUIRED BOND RELEASE. THE ADDRESS NUMBER SHALL BE DISPLAYED ON A STRUCTURE PRIOR TO REQUESTING A CERTIFICATE OF OCCUPANCY FOR THAT STRUCTURE.



MSD WM# 2338

BINDING ELEMENTS

DOCKET NO. 9-08-00 & 9-99-79
DRC Meeting: May 9, 2-007

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. 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.
2. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. Site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service and adequate fire protection
 - n. dumpsters
3. The development shall not exceed 791,852 square feet of gross floor area.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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 system 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.
6. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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/dedicating additional right-of-way. 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. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - e. 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.
7. 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.
8. 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 assigns, contractors, subcontractors and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
10. **Surface Water Detention.** On-site surface water detention facilities shall be sized to contain 200% of the volume of surface water required by the Metropolitan Sewer District ("MSD").
11. **Signage.** Signs shall be in accordance with Chapter 8.
12. **Lighting.** At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
13. **Outdoor Storage; Delivery Vehicle Idling; Dumpster Hours.**
 - a. There shall be no outdoor storage on site.
 - b. In the area between the retail buildings and the west property line, there shall be no overnight parking of idling vehicles between 11 PM and 7 AM daily, and between 10 AM and 12 noon on Sundays.
 - c. Dumpster unloading, movement, replacement or servicing shall not occur between the hours of 11 PM and 7 AM daily, and between 10 AM and 12 noon on Sundays.
14. **Bicycle Storage Facilities.** One or more bicycle storage facilities shall be located on-site at a location or locations convenient for use by customers.
15. **Soil Erosion and Sediment Control.** Applicant/Developer shall comply with applicable recommendations or requirements by MSD or USDA Natural Resources Soil Conservation Service regarding soil erosion and sediment control.
16. Developer shall install, at its sole expense:
 - a. A traffic signal in compliance with all Kentucky Department of Transportation requirements at a location shown on an amended district development plan approved by the Planning Commission; and
 - b. A left turn lane on Herr lane in compliance with all Kentucky Department of Transportation requirements into Ballard High School as shown on an amended development plan approved by the Planning Commission.
 - c. The improvements in a. and b. above shall be fully installed and operational prior to requesting or the issuance of any certificates of occupancy for the development.
17. Prior to filling the existing pond(s) on site, a geotechnical study shall be performed for review and approval by MSD and Public Works.
18. Building materials shall not contain vinyl siding. Construction materials in each building of the development shall include no less than 75 percent brick, stone or manufactured stone, with wood, Hardy Plank and stucco not exceeding 25 percent but with a material generally known as Drivit to be used in cornices and eaves. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the May 17, 2006 Planning Commission meeting. The façade elevations shall be in accordance

with applicable form district standards and shall be approved by PDS staff prior to transmittal of the plan to the appropriate agencies.

19. The following uses shall not be permitted in the development:
 - Apartment Hotels
 - Arcades
 - Automobile Rental agencies
 - Automobile Service Stations
 - Beer Depots
 - Boarding and Lodging Houses
 - Bowling Alleys
 - Car Washes
 - Commercial Communications Towers
 - Dry-cleaning Facilities Greater than 3000 square feet in size
 - Hotels and Motels
 - Ice Storage Plants
 - Massage Parlors and other Adult Entertainment Facilities
 - Medical Laboratories
 - Restaurants Typically Referred to as "Fast Food" ("Fast Food" Means Restaurants with Drive-Through Facilities)
 - Tattoo Parlors
 - Two-Family Dwellings
 - Mini-warehouses
 - Pawn Shop
20. No drive through facilities shall be permitted, except a drive-through associated with a drug store or coffee shop (but not a restaurant) shall be permitted, and provided any permitted drive-through use shall be located in a freestanding building.
21. Sidewalks shall be included through the development and specifically along Herr Lane where drainage shall be piped rather than left in an open ditch.
22. Construction plans, bond, and KTC encroachment permit for Herr Lane roadway improvements are required prior to construction approval by Public Works. Road improvements shall be completed prior to any request for certificate of occupancy.
23. The roadway improvements shall be completed before any certificates of occupancy are issued.
24. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line of the entire development site.
25. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
26. Multi-family development of the property shall be limited to development under a horizontal property regime.
27. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.