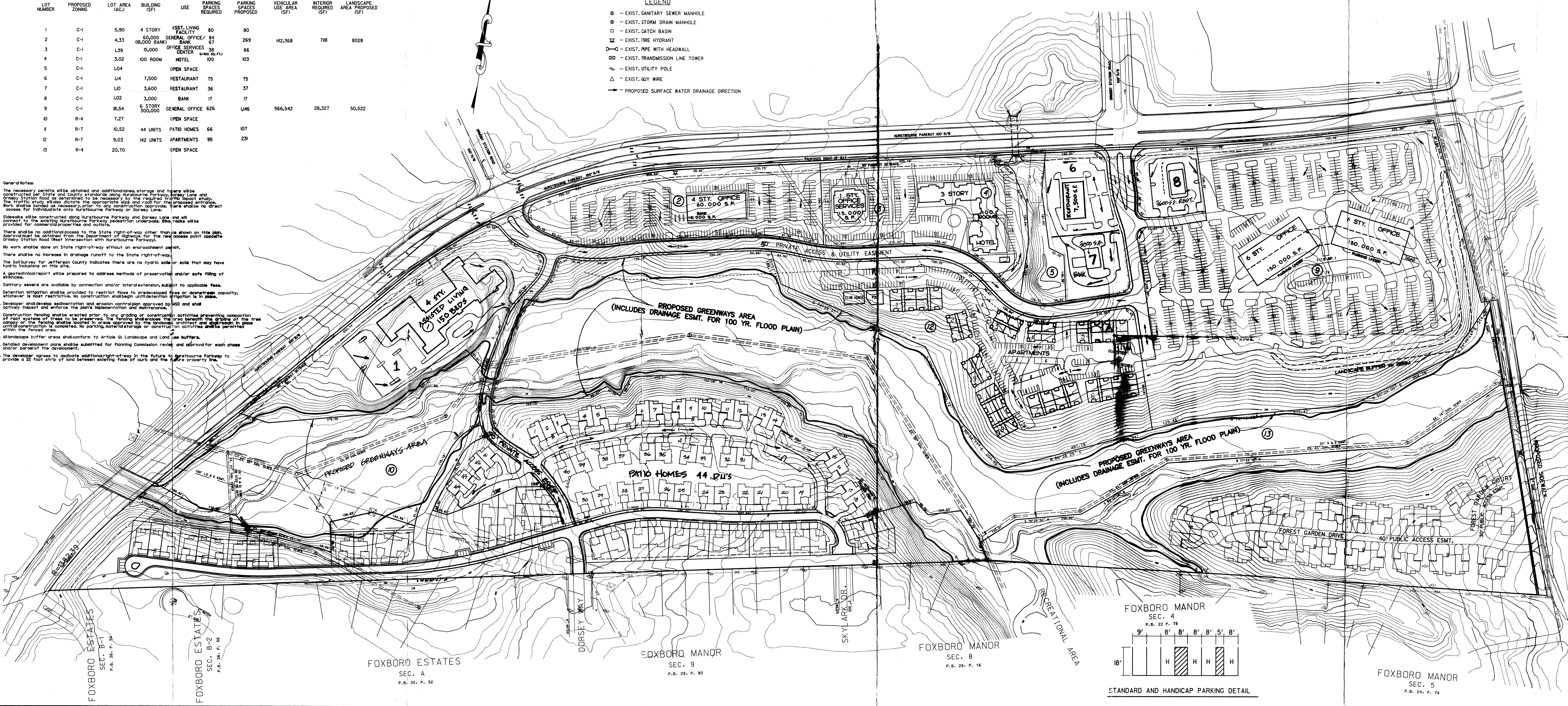
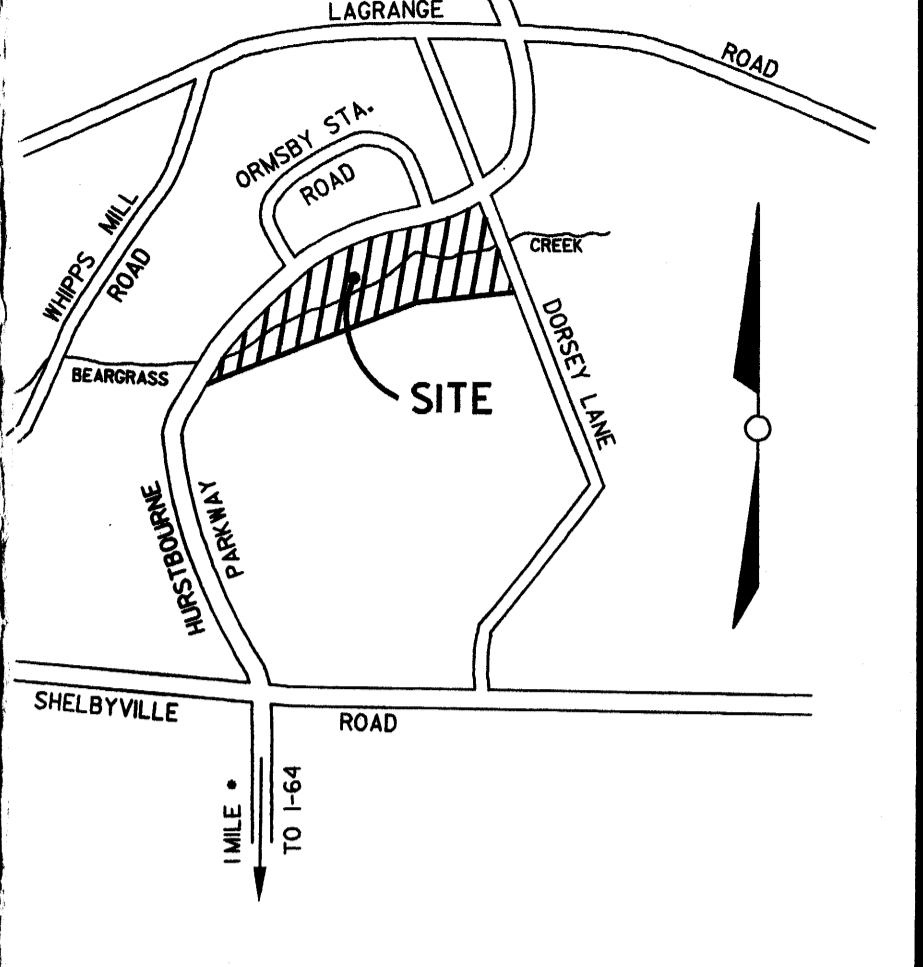


LOT NUMBER	PROPOSED ZONING	LOT AREA (AC.)	BUILDING (SF)	USE	PARKING SPACES REQUIRED	PARKING SPACES PROPOSED	VEHICULAR USE AREA (SF)	INTERIOR REQUIRED (SF)	LANDSCAPE AREA PROPOSED (SF)
1	C-1	5.90	4 STORY	ASST. LIVING FACILITY	80	80			
2	C-1	4.33	60,000 BANK	GENERAL OFFICE/ BANK	84	269	142,368	718	8028
3	C-1	1.39	15,000	OFFICE SERVICES CENTER	38	66			
4	C-1	3.02	100 ROOM	HOTEL	100	103			
5	L04			OPEN SPACE					
6	C-1	1.14	7,500	RESTAURANT	75	75			
7	C-1	1.10	3,600	RESTAURANT	36	37			
8	C-1	1.02	3,000	BANK	17	17			
9	C-1	18.54	6 STORY 300,000	GENERAL OFFICE	626	1,146	566,542	28,327	50,522
10	R-4	7.27		OPEN SPACE					
11	R-7	10.52	44 UNITS	PATIO HOMES	66	107			
12	R-7	9.03	142 UNITS	APARTMENTS	95	231			
13	R-4	20.70		OPEN SPACE					

- General Notes
- The necessary permits will be obtained and additional lanes, storage and towers will be constructed per State and County standards along Hurstbourne Parkway, Dorsey Lane and Ormsby Station Road as determined to be necessary by the required traffic impact study. The traffic study will also determine the appropriate size and roof for the proposed entrance. Work shall be bonded as necessary prior to any construction operations. There shall be no direct access for individuals onto Hurstbourne Parkway or Dorsey Lane.
  - Sidewalks will be constructed along Hurstbourne Parkway and Dorsey Lane and will connect to the existing Hurstbourne Parkway pedestrian underpass. Bike racks will be provided for commercial properties and outdoor.
  - There shall be no additional access to the State right-of-way other than shown on this plan. Approval must be obtained from the Department of Highways for the new access point opposite Ormsby Station Road least intersection with Hurstbourne Parkway.
  - No work shall be done on State right-of-way without an encroachment permit.
  - There shall be no increase in drainage runoff to the State right-of-way.
  - The Soil Survey for Jefferson County indicates there are no hydro soils or soils that may have hydro indications on this site.
  - A geotechnical report will be prepared to address methods of preservation and/or safe filling of alluvials.
  - Sanitary sewers are available by connection and/or lateral extension, subject to applicable fees.
  - Detention mitigation shall be provided to restrict flows to predeveloped flows or downstream capacity, whichever is most restrictive. No construction shall begin until detention mitigation is in place.
  - Developer shall develop sedimentation and erosion control plan approved by MSD and shall actively inspect and enforce the plan's implementation and maintenance.
  - 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 drooping of the tree canopy or the fencing shall be located in areas approved by the landscape architect and shall remain in place until all construction is completed. No parking, material storage or construction activities shall be permitted within the fenced area.
  - All landscape buffer areas shall conform to Article 12 Landscape and Land Use buffers.
  - Detailed development plans shall be submitted for Planning Commission review and approval for each phase and/or parcel of the development.
  - The developer agrees to dedicate additional right-of-way in the future to Hurstbourne Parkway to provide a 22 foot strip of land between existing face of curb and the future property line.



- LEGEND
- ⊙ - EXIST. SANITARY SEWER MANHOLE
  - ⊙ - EXIST. STORM DRAIN MANHOLE
  - - EXIST. CATCH BASIN
  - ⊕ - EXIST. FIRE HYDRANT
  - ⊖ - EXIST. PIPE WITH HEADWALL
  - ⊞ - EXIST. TRANSMISSION LINE TOWER
  - ⊟ - EXIST. UTILITY POLE
  - ⊠ - EXIST. GUY WIRE
  - - PROPOSED SURFACE WATER DRAINAGE DIRECTION



LOCATION MAP  
NO SCALE

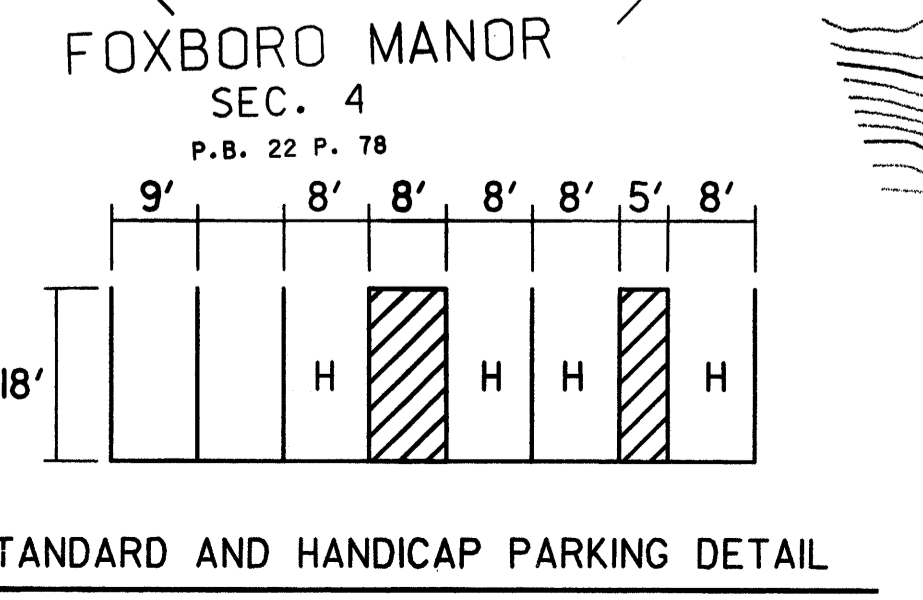
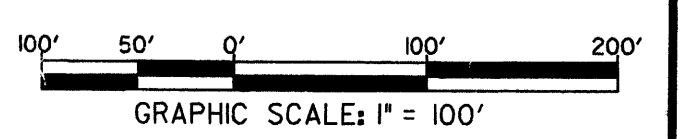
**NOTICE**  
PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN

EXISTING ZONING	AREA (ACRES)
R-7	32.93
R-4	15.20
C-1	4.69
TOTAL	52.82

THIS PLAN SHALL ALSO BE THE DETAILED DISTRICT DEVELOPMENT PLAN FOR LOTS 2 AND 9.

JEFFERSON COUNTY  
**APPROVED DISTRICT DEVELOPMENT PLAN**  
LOCKET NO. 2-102-97  
APPROVAL DATE 2/18/99  
EXPIRATION DATE  
SIGNATURE OF PLANNING COMMISSION  
PLANNING COMMISSION

RECEIVED  
FEB 25 1999



**GRESHAM, SMITH AND PARTNERS**  
Louisville • Nashville • Birmingham • Jacksonville  
239 SOUTH 7TH STREET, SUITE 1200, LOUISVILLE, KENTUCKY 40202, TELEPHONE 402-627-8900

REVISED GENERAL DISTRICT DEVELOPMENT PLAN  
**FOREST GREEN**  
FALLNER - FOREST GREEN - LAND, LLC  
399 Dutchmans Lane, Suite 400  
Louisville, KY 40207  
PHONE: (502) 593-9200

GENERAL DISTRICT DEVELOPMENT PLAN  
SCALE: 1" = 100'  
DATE: FEBRUARY 18, 1999  
SHEET 1 of 1



## **BINDING ELEMENTS**

### **DOCKET NO. 9-106-97**

1. The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall require notice to the Old Dorsey Place Homeowners Association and Owl Creek Community Association via their registered agents thirty (30) days in advance of any Planning Commission meeting (i.e. LD&T) at which any such change/addition/alteration is considered, and any such change/addition/alteration shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.
  
2. Prior to development of each site or phase of this project, a detailed district development plan shall be submitted to the Planning Commission for approval. 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

At the time of detailed district development plan approval, a rendering of buildings proposed for construction on a site shall be submitted to the Planning Commission for review and approval as to consistency with the use, design and locational guidelines of these binding elements and general district development plan.

3. The density of the R-7 multi-family development shall not exceed 9.51 dwelling units per acre (186 units on 19.55 acres). 44 of these units shall be developed as patio homes and 142 shall be developed as apartments. No more than 50% of the apartment units shall be one bedroom units. One bedroom apartments will be a minimum of 700 square feet in size. Each of the other units (two and three bedroom) shall be a minimum of 1000 square feet in size.
4. The commercial/office component of the development shall not exceed the following square feet of gross floor area:
  - a. 300,000 square feet of office space two six-story buildings (150,000 per building)
  - b. 60,000 square feet of office space in one four-story building
  - c. One three-story 100 room hotel
  - c. 15,000 square feet business/office services center
  - d. one 150 bed assisted living facility
  - e. 11,100 square foot on two outparcels for restaurants
  - f. 3,000 on one outparcel for a bank

The following are prohibited uses of the property: adult entertainment; automobile parking areas, public and private; gas stations; automobile service stations with service bays for repair; automobile part stores that have service bays for parts installation and/or for automobile repair; automobile sales agencies; automobile rental agencies; car washes; clubs, private, non-profit or proprietary; community residences; garage or yard sales; laundries or laundrettes, self-service; towers (radio, TV cellular, receiving or transmitting); and all uses of the property (except assisted living facilities, homes for the elderly and nursing homes) that require a conditional use permit in addition to appropriate zoning.

5. The highest peak roof elevation for any apartment building shall not exceed the highest peak roof elevation of the adjoining patio homes.
6. Freestanding signage shall be monument style with uniform brick foundations and uniform tops. No freestanding sign shall exceed seven feet in height and 63 square feet in area. Only two freestanding signs shall be permitted along Hurstbourne Parkway – at the designated entrances to the Forest Green development. All other freestanding signs shall be located along the interior access road (Forest Green Parkway). All freestanding signs shall obtain prior approval from the Planning Commission.
7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.

8. There shall be no outdoor storage on the site.
9. Outdoor lighting shall be designed to be similar in height, style and intensity to that approved at the Woodlawn Center at Hubbards Lane and Westport Road. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line, except that, at the back side of the berm at the rear of the main shopping center, lighting levels shall not exceed one foot candle.
10. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable);
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.);
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps; and
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
11. A note shall be placed on the preliminary plan, construction plan and the record plat that construction fencing shall be erected prior to any grading or construction activities to prevent compaction of root systems of trees to be preserved and to prevent any disturbance of Greenways areas. The fencing shall enclose the area beneath the dripline of the tree canopy and, where necessary, to prevent any disturbance to Greenways areas and shall remain in place until all construction is completed. No parking, material storage or construction activities shall be permitted within the fenced area.
12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District Design Manual and the USDA National Resources Conservation Service

recommendations. The plan shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD. Documentation of MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities. Developer shall actively inspect and enforce plan implementation and maintenance and keep streets free of mud.

13. The developer and its assigns shall mitigate stormwater runoff from impervious surfaces using accepted Best Management Practices ("BMPs") to the extent reasonable and practical in accordance with the accompanying letter from Gresham Smith & Partners. Plans for storm water management shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD.
14. 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 the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) in accordance with the parkway policy, "Section Study at Lots 1, 4 and 7" and as described in Article 12 prior to requesting a building permit. Within the parkway buffer along the frontage of Lots 2 through 10, the owner/developer shall install a berm of no less than 3 feet in height and varying between 3 and 5 feet in height. Such plan shall include enhanced screening along the rear of the main retail center in accordance with the concept plan presented at the public hearing, which shall include a berm with a staggered double row of evergreen trees as approved by the Planning Commission, and shall be implemented prior to occupancy of the site and shall be maintained thereafter.
15. Responsibility for open space areas shall be divided between the Forest Garden/Village Association (herein referred to as the "Homeowners Association", membership in which shall include all of the owners of lots in the innovative residential subdivision) and the Forest Green Development Association (herein referred to as the "Development Association", membership in which shall include all of the owners of all of the lots in the overall Forest Green development) and may also include a Forest Green Commercial Association (hereinafter referred to as the "Commercial Association", membership in which may include the owners of lots in the commercial portion of the Forest Green development). The Homeowners Association shall have responsibility for maintenance of all

areas of the Forest Green innovative subdivision which comprise the lots on which dwelling units are located as well as interior streets, and the Homeowners Association's maintenance obligation shall include signage, streets, street lighting, yards of individual dwelling units and building exteriors. The Development Association shall have responsibility for maintenance of all areas of the Forest Green innovative subdivision, plus areas outside of said subdivision, which comprise areas denoted on the preliminary plan and development plan as reserved as "Open Space" areas and as "Greenways" areas, and the Development Association's maintenance obligations shall include tree and trail preservation and care of other planting and facilities within those Open Space and Greenways areas. The Commercial Association, if formed, will have responsibility for maintenance of all interior streets and public areas outside of the innovative subdivision that are not the responsibility of the Development Association or of an individual lot owner, and the Commercial Association's maintenance obligation will include entrance and street signage, street lighting, street repairs and landscaping along streets and at entrances.

16. Within the "Open Space" areas denoted on the Development Plan, the Developer or its assignee, including any builder other than Developer, shall not be permitted to remove any healthy shade tree of 4 inch or greater caliber. Open Space areas and building setbacks as denoted on the Preliminary Plans shall not be reduced on the record plat.
17. Within the "Greenways" areas denoted on the Development Plan, no development shall occur except as shown on the approved district development plan. Within these "Greenways" areas and within areas located outside of Greenways areas which contain slopes greater than 15 percent inside Open Space areas, the Developer or its assignee shall not be permitted to engage in any land disturbing activities until such time as a plan, prepared generally in accordance with the Louisville and Jefferson County Multi-Objective Stream Corridor/Greenway Plan, which shall include provisions for preservation of vegetation, stream and slope protection and public usage of Greenways areas, has been approved by the Planning Commission. Such plan shall also be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to applicable agencies. The plan for stream corridor preservation mandated by this binding element shall be implemented within six months of approval of said plan by the Planning Commission. No portion of the "Greenways" area shall be the subject of any future rezoning request. (A portion of the "Greenways" area is the subject of the present rezoning application.) Grading within the "greenways" area shall be limited to that necessary for pedestrian paths, vehicular and pedestrian stream

crossings, with possible minor incursions into the "Greenways" in the vicinity of Lots 1, 2, and 3.

18. The level of quality and design and building materials shall be generally consistent with the renderings and photographs produced at the April 2, 1998 public hearing and at the March 18, 1999 Planning Commission review of the Revised District Development Plan. Buildings shall be constructed of brick except for minor accent treatments, and except that Lot 9 office buildings shall be constructed in accordance with the rendering produced at the March 18, 1999 Planning Commission meeting, which includes mostly glass, concrete, and stone.
19. Developer shall provide at its cost a deceleration (right-turn) lane heading north on Hurstbourne Parkway into the Old Dorsey Place Subdivision. Construction of the deceleration lane shall begin at approximately the same time as reconstruction of Dorsey Lane, or, in any event, no later than any occupancy permit is issued for the apartments and/or commercial use.
20. Drive-thru businesses shall be limited to Outlots 6, 7, 8. No more than one of those outlots shall be utilized for what is typically known as fast food restaurants.
21. Hours of operation (i.e, when customers are served) for businesses other than groceries, pharmacies and hotels shall be limited to 6:00 a.m until 12:00 midnight.
22. Construction activity shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 pm. No construction activity (except on the interior of a building) shall be permitted on Sundays or holidays. Heavy equipment operation shall be prohibited on weekend days. Construction traffic shall be prohibited from using neighborhood streets.
23. Cleaning of lots and waste pick up shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. Waste receptacles shall be bricked on three sides and wood gated with all sides high enough to completely conceal interior receptacles.
24. 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.
25. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the