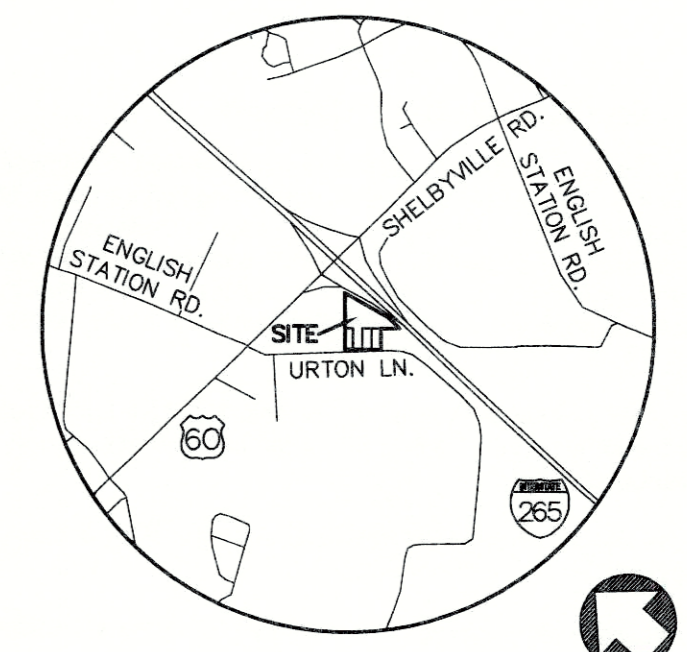


**NOTICE**  
 PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
 CONDITIONS:  
 BY: *Arthur M. ...*  
 DATE: 7/12/08  
 LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS



**ACCESSIBLE PARKING SPACES**  
 NO SCALE

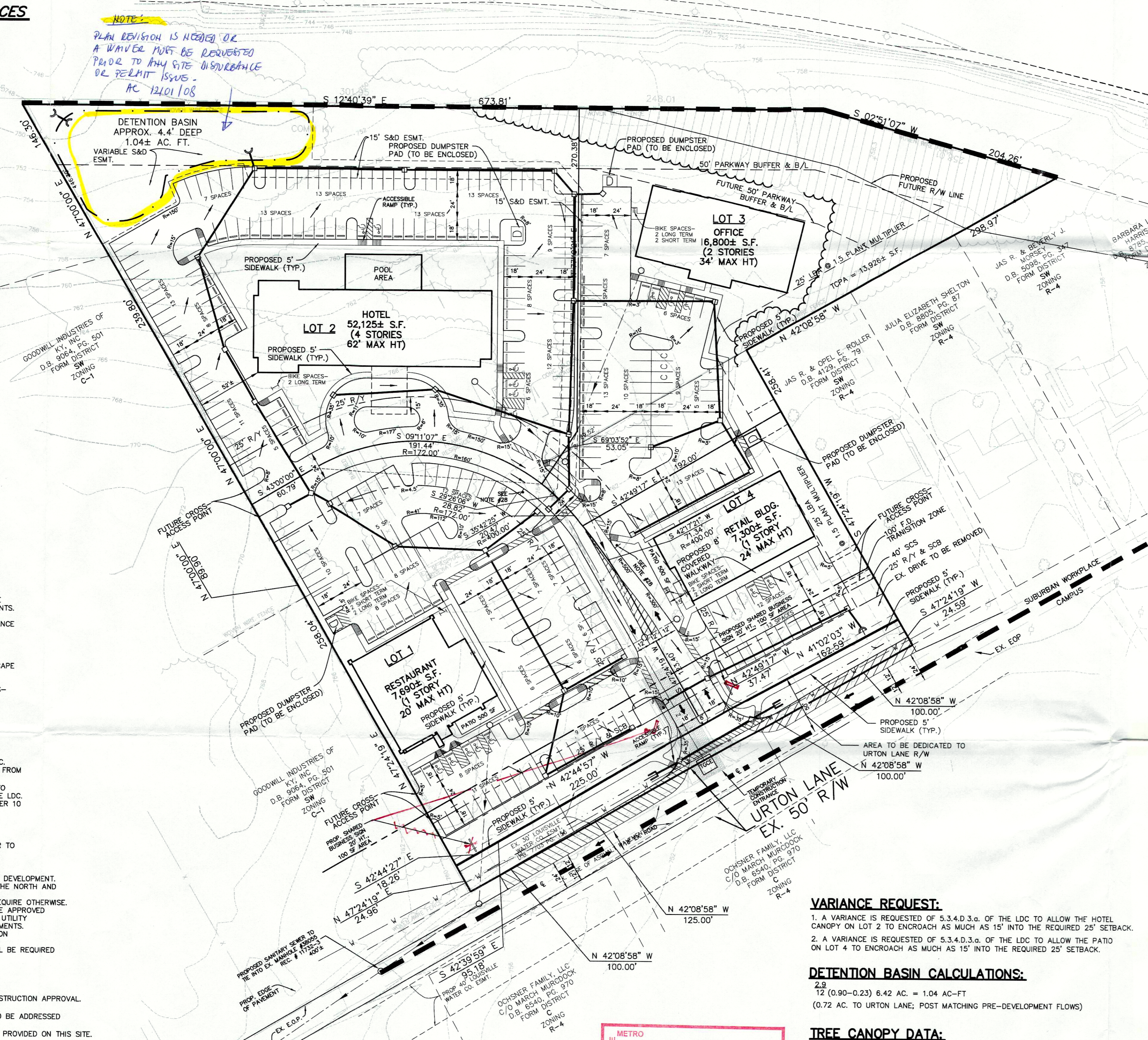
NOTE:  
 PLAN REVISION IS NEEDED OR A VARIANCE MUST BE REQUESTED PRIOR TO ANY SITE DISCUSSANCE OR PERMIT ISSUES.  
 AC 12/01/08

- LEGEND**
- EXISTING CONTOUR
  - EXISTING FENCE
  - EXISTING DITCH/SWALE
  - EXISTING TREE MASS
  - EXISTING STORM SYSTEM
  - EXISTING UTILITY POLE
  - PROPOSED SANITARY SEWER (CONCEPT)
  - PROPOSED STORM SYSTEM (CONCEPT)
  - PROPOSED DITCH/SWALE (CONCEPT)
  - REQUIRED YARD
  - LANDSCAPE BUFFER AREA
  - SCENIC CORRIDOR BUFFER
  - SCENIC CORRIDOR SETBACK
  - CARPOOL SPACES
  - PROPOSED STOP SIGN
  - PROPOSED INTERIOR LANDSCAPE AREA (ILA)
  - PROPOSED TREE CANOPY PROTECTION AREA (TCPA)
  - PROPOSED TREE LINE
  - DRAINAGE FLOW ARROW
  - TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT
  - FORM DISTRICT BOUNDARY
  - FORM DISTRICT TRANSITION ZONE (100')

- NOTES**
- WASTEWATER: SANITARY SEWER WILL CONNECT TO THE FLOYDS FORK WASTEWATER TREATMENT PLANT BY LATERAL EXTENSION AGREEMENT, SUBJECT TO FEES. SANITARY SEWER CAPACITY TO BE APPROVED BY METROPOLITAN SEWER DISTRICT.
  - DOMESTIC WATER SUPPLY: SUBJECT SITE CAN BE SERVED BY THE LOUISVILLE WATER COMPANY. THE NECESSARY WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER / DEVELOPER'S EXPENSE.
  - DRAINAGE / STORM WATER DETENTION: DETENTION TO BE PROVIDED IN THE PROPOSED BASIN AS DEPICTED ON THE PLAN SUBJECT TO MSD FACILITY FEES. POST-DEVELOPED PEAK FLOWS WILL NOT EXCEED PRE-DEVELOPED PEAK FLOWS FROM DEVELOPMENT FOR THE 2,10 & 100 YEAR STORMS. DRAINAGE PATTERN DEPICTED BY ARROWS (---) IS FOR CONCEPT PURPOSES ONLY. FINAL CONFIGURATION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
  - EROSION & SILT CONTROL: A SOIL AND SEDIMENTATION CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS. DOCUMENTATION OF MSD'S APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
  - TREE PRESERVATION: A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES ON THE SITE.
  - PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE ERRECTED 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 DRIP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE. NO STAKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
  - THE DEVELOPMENT LIES IN THE MIDDLETOWN FIRE DISTRICT.
  - THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, (211110015 D).
  - IDENTIFICATION SIGN SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING STAFF PRIOR TO CONSTRUCTION PLAN APPROVAL AND SHALL MEET THE REQUIREMENTS OF CHAPTER 8, OF THE LDC.
  - ALL LUMINAIRES SHALL BE DIRECTED, OR FOCUSED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM THE LUMINAIRE TO BE DIRECTED TOWARDS RESIDENTIAL USES OR PROTECTED OPEN SPACES (i.e. CONSERVATION EASEMENTS, GREENWAYS, OR PARKWAYS) ON ADJACENT OR NEARBY PLOTS, OR TO CREATE GLARE PERCEPTIBLE ON PUBLIC STREETS AND RIGHT OF WAYS PER CHAPTER 4.1.3 OF THE LDC.
  - ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS, GENERATOR PADS TO BE SCREENED PER CHAPTER 10 OF THE LDC.
  - ALL RADII TO BE 4.5' UNLESS OTHERWISE INDICATED.
  - BUILDING ARCHITECTURE TO COMPLY WITH CHAPTER 5.4 OF THE LDC.
  - ALL INTERIOR SIDEWALKS THAT ADJUT PARKING TO BE 5' WIDE MINIMUM.
  - A LANDSCAPE AND TREE CANOPY PLAN PER CHAPTER 10 OF THE LDC SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.
  - METRO WORKS BOND AND ENCROACHMENT PERMIT REQUIRED FOR WORK WITHIN THE COUNTY RIGHT OF WAY.
  - A BLANKET CROSSEVER/SHARED ACCESS AGREEMENT IS PROPOSED BETWEEN ALL 4 LOTS OF THE DEVELOPMENT. THE DEVELOPER SHALL COORDINATE AN AGREEMENT FOR FUTURE ACCESS TO THE PROPERTY TO THE NORTH AND SOUTH AT THE LOCATIONS SHOWN.
  - COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS APPLICABLE AGENCIES REQUIRE OTHERWISE.
  - DEVELOPER SHALL PROVIDE A 3-LANE SECTION ON URTON LANE ACROSS SITE FRONTAGE PER THE APPROVED SCHEMATIC DRAWING AND PUBLIC WORKS REQUIREMENTS. DEVELOPER SHALL BE RESPONSIBLE FOR UTILITY RELOCATIONS, FINAL SURFACE OVERLAY AND STRIPING ASSOCIATED WITH REQUIRED ROAD IMPROVEMENTS.
  - RIGHT-OF-WAY DEDICATION BY MINOR PLAT OR DEED MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY METRO PUBLIC WORKS.
  - THERE SHOULD BE NO INCREASE IN DRAINAGE RUNOFF TO THE RIGHT OF WAY. CALCULATIONS WILL BE REQUIRED FOR ANY RUNOFF TO THE INTERSTATE RIGHT OF WAY.
  - THERE SHOULD BE NO COMMERCIAL SIGNS ON THE RIGHT OF WAY.
  - THERE SHOULD BE NO LANDSCAPING IN THE RIGHT OF WAY WITHOUT AN ENCROACHMENT PERMIT.
  - ALL EXISTING DRIVEWAYS SHALL BE REMOVED.
  - ALL EXISTING BUILDINGS SHALL BE REMOVED.
  - KTC REVIEW AND PERMIT (IF REQUIRED) MUST BE OBTAINED PRIOR TO METRO PUBLIC WORKS CONSTRUCTION APPROVAL.
  - FINAL GEOMETRICS AT URTON LANE ENTRANCE TO BE DETERMINED AT CONSTRUCTION PHASE.
  - PEDESTRIAN CROSSWALK SIGNAGE SHALL BE INSTALLED TO MEET MUTCD STANDARDS. DETAILS TO BE ADDRESSED ON CONSTRUCTION PLAN DRAWINGS.
  - AT CONSTRUCTION, ENGINEER TO COORDINATE WITH MSD IN THE LOCATION OF BIO-SWALES TO BE PROVIDED ON THIS SITE.

**BENCHMARK (NAVD 1988)**  
 SOURCE BENCHMARK STA 058-2004 NAVD 1988 ELEV. 755.63'  
 FROM GENE SNYDER FREEWAY AND SHELBYVILLE ROAD TRAVEL EAST ON SHELBYVILLE ROAD 0.43 MILES. STATION ON THE NORTH SIDE OF SHELBYVILLE ROAD AT ENTRANCE OF ASCENSION LUTHERAN CHURCH.

I-265 (ON RAMP) R/W VARIES



**PROJECT DATA:**

EXISTING FORM DISTRICT	EXISTING ZONING	EXISTING LAND USE	NET LAND AREA	GROSS TOTAL LAND AREA	NET TOTAL LAND AREA
R4	R4	VACANT/ SINGLE FAMILY RESIDENTIAL	7.14± AC.	7.14± AC.	6.88± AC.

**LOT 1 PROJECT DATA:**

PROPOSED ZONING	PROPOSED USE	GROSS LAND AREA	NET LAND AREA	PARKING	REQUIRED MIN. 1/125 S.F.; MAX. 1/50 S.F.	66-164 SPACES
C-2	RESTAURANT (WITH OUTDOOR DINING)	1.88± AC.	1.74± AC.	117 SPACES	MIN 1/250 S.F.; MAX 1/100 S.F.	117 SPACES

**LOT 2 PROJECT DATA:**

PROPOSED ZONING	PROPOSED USE	GROSS LAND AREA	NET LAND AREA	PARKING	REQUIRED MIN. 1/ROOM; MAX. 1.5/ROOM	80-120 SPACES
C-1	HOTEL	2.60± AC.	2.60± AC.	131 SPACES	MIN 1/250 S.F.; MAX 1/100 S.F.	131 SPACES

**LOT 3 PROJECT DATA:**

PROPOSED ZONING	PROPOSED USE	GROSS LAND AREA	NET LAND AREA	PARKING	REQUIRED MIN. 1/350; MAX. 1/200	48-84 SPACES
C-1	GENERAL OFFICE	1.71± AC.	1.40± AC.	55 SPACES	MIN 1/250 S.F.; MAX 1/100 S.F.	55 SPACES

**LOT 4 PROJECT DATA:**

PROPOSED ZONING	PROPOSED USE	GROSS LAND AREA	NET LAND AREA	PARKING	REQUIRED MIN. 1/350; MAX. 1/200	48-84 SPACES
C-1	RETAIL	1.71± AC.	1.40± AC.	55 SPACES	MIN 1/250 S.F.; MAX 1/100 S.F.	55 SPACES

**VARIANCE REQUEST:**

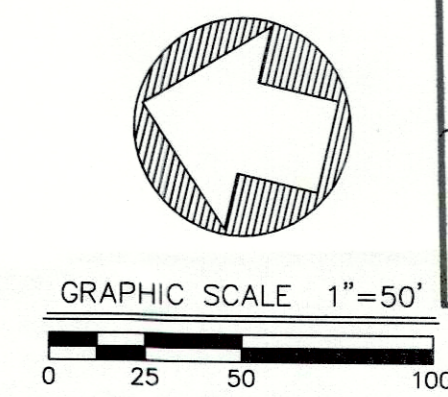
- A VARIANCE IS REQUESTED OF 5.3.4.D.3.g. OF THE LDC TO ALLOW THE HOTEL CANOPY ON LOT 2 TO ENCRACH AS MUCH AS 15' INTO THE REQUIRED 25' SETBACK.
- A VARIANCE IS REQUESTED OF 5.3.4.D.3.g. OF THE LDC TO ALLOW THE PATIO ON LOT 4 TO ENCRACH AS MUCH AS 15' INTO THE REQUIRED 25' SETBACK.

**DETENTION BASIN CALCULATIONS:**

2.9	12 (0.90-0.23) 6.42 AC. = 1.04 AC-FT
(0.72 AC TO URTON LANE; POST MATCHING PRE-DEVELOPMENT FLOWS)	

**TREE CANOPY DATA:**

GROSS SITE AREA	266,617± S.F.
TREE CANOPY CATEGORY	CLASS C
TOTAL TREE CANOPY REQUIRED/TO BE PROVIDED	57,323± S.F. (20%)
EXISTING TREE CANOPY TO BE PRESERVED	29,467± S.F. (10%)
TREE CANOPY TO BE PLANTED	27,856± S.F. (10%)



**PRELIMINARY APPROVAL**  
 Conditions of Approval:  
 RECEIVED 7/12/08  
 LOUISVILLE & JEFFERSON COUNTY METRO PUBLIC WORKS DISTRICT METRO SERVICES  
 MSD W.M. # 9570  
 DOCKET # 8419

**Mindel, Scott & Associates, Inc.**  
 Planning • Engineering • Surveying • Landscape Architecture  
 Utility Consulting • Property Management  
 1515 Jefferson Boulevard, Louisville, KY 40219  
 Phone: (502) 485-1558 • Fax: (502) 485-1508 • E-Mail: ms@msai.com

**MSA**

**OWNER/DEVELOPER**  
 URTON INVESTMENTS, LLC  
 4175 WESTPORT ROAD,  
 SUITE 100  
 LOUISVILLE, KY. 40207  
 (502) 896-0300

**OWNER**  
 RLV HOLDINGS, INC.  
 3025 ELEMENT LANE  
 LOUISVILLE, KY. 40299

**GENERAL/DETAILED DISTRICT DEVELOPMENT PLAN**  
**HUNTINGTON RIDGE AT MIDDLETOWN**  
 211, 213, 215 & 217 URTON LANE  
 LOUISVILLE, KY 40223  
 D.B. 8870, PG. 647 D.B. 7766, PG. 550  
 TAX BLDG#: 32 LOTS: 65, 67, 71, 72

10/22/07 PER ADJCT. COMMENTS	Vertical Scale: N/A
11/26/07 REC. METRO MTS. 1-265 R/W	Horizontal Scale: 1"=50'
02/14/08 REC. METRO MTS. 1/21/08	Date: 10/01/07
02/26/08 REC. METRO MTS. COMMENTS	Job Number: 2576002
09/24/08 REC. CROSSING, NOTE 28 & 29	Sheet
01/01/09 Sign Backstay on Urton Ln	1

of 1



**Case No. 8419 - Binding Elements**

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, and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The square footage of the development shall not exceed: 7,690 SF for the restaurant on Lot 1; 51,125 SF for the hotel on Lot 2; 6,800 SF for the offices on Lot 3; and 7,300 SF for the retail space on Lot 4.
4. The only access to the site will be provided from the curb cuts on Urton Lane as shown on the development plan.
5. Signs shall be in accordance with Chapter 8, or as presented at the public hearing.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. 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.
8. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from 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. A minor subdivision plat shall be recorded to create lot lines as shown on the development plan, and dedicating additional right-of-way to Urton Lane to provide a total of 50 feet from the centerline. 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 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.
  - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. 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.

11. The materials and design of proposed structures shall be substantially the same as depicted in the photographs as presented at the May 15 and July 3, 2008 Planning Commission Public Hearings.
12. 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 there after. 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.
13. At the time that construction plans are submitted for approval, if funding is not in place for the US 60/Snyder Freeway interchange to commence concurrent with construction, as contemplated in the traffic analysis prepared by BTM Engineering, Inc., then, prior to approval of those construction plans, Metro Works may require that further traffic analysis be done by the developer in order to demonstrate the impact of this approved development and the possibility of phasing and/or delay in construction plan approval in the event that the referenced intersection improvements are not funded as contemplated.
14. The developer shall construct Urton Lane Road improvements and Shelbyville Road right-turn lane per the approved schematic and Kentucky Transportation Cabinet and Metro Public Works standards and requirements. The developer shall be responsible for utility relocation (if required), final surface overlay, signage, stumping and signal modifications associated with road improvements. Construction plans, bond, and encroachment permits shall be obtained prior to construction approval by Metro Public Works. The developer shall not request a Certificate of Occupancy until improvements are complete.
15. All street signs shall be installed by the Developer, and shall conform to 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.
16. If, within 5 years of the date of this approval, an application for rezoning, "Plan Certain" development or other discretionary development review is received and thereafter approved for any of the subject properties (i.e., 201, 203, 205, 118 and the rear portion of 106 Urton Lane, and 13404 and 13406 Shelbyville Road as shown on the map attached hereto), the developer of this project shall be entitled, through cost-sharing, to recapture a portion of the costs of its non-frontage-related road improvements required as part of this development plan approval. Such recapture shall only occur to the extent that Metro Public Works and the Planning Commission require from such future developer(s) a contribution to the cost of the road improvement project in this case. To the extent that such contribution is required, it is anticipated that such cost-sharing contribution shall be calculated on the basis of the acreage that each new project contributes to the total acreage of all projects (i.e., those referenced above plus 114, 211, 213, 215 rear and 217 Urton Lane). Metro Works shall collect the required cost-sharing contribution and remit same to the developer in this case. Neither the Planning Commission nor Metro Public Works shall bear any liability to the applicant, developer and/or land owner in this case to collect such amounts or make such payments, this being only a statement of intent and anticipation.

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

PRELIMINARY APPROVAL  
DEVELOPMENT PLAN  
CONDITIONS  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
LOUISVILLE METRO PUBLIC WORKS  
LOUISVILLE, KENTUCKY

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



LOUISVILLE METRO PUBLIC WORKS  
LOUISVILLE, KENTUCKY

METRO DISTRICT 3