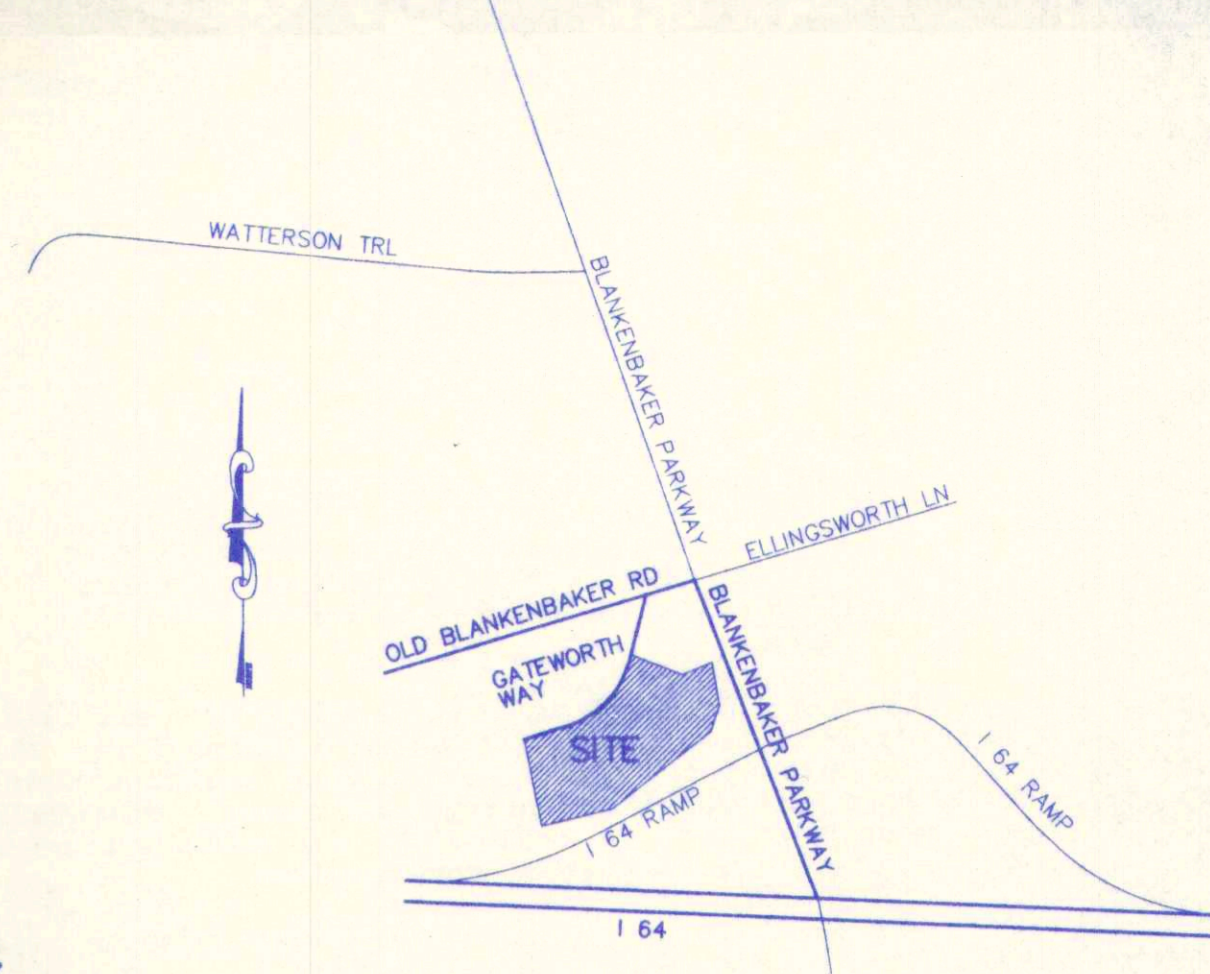
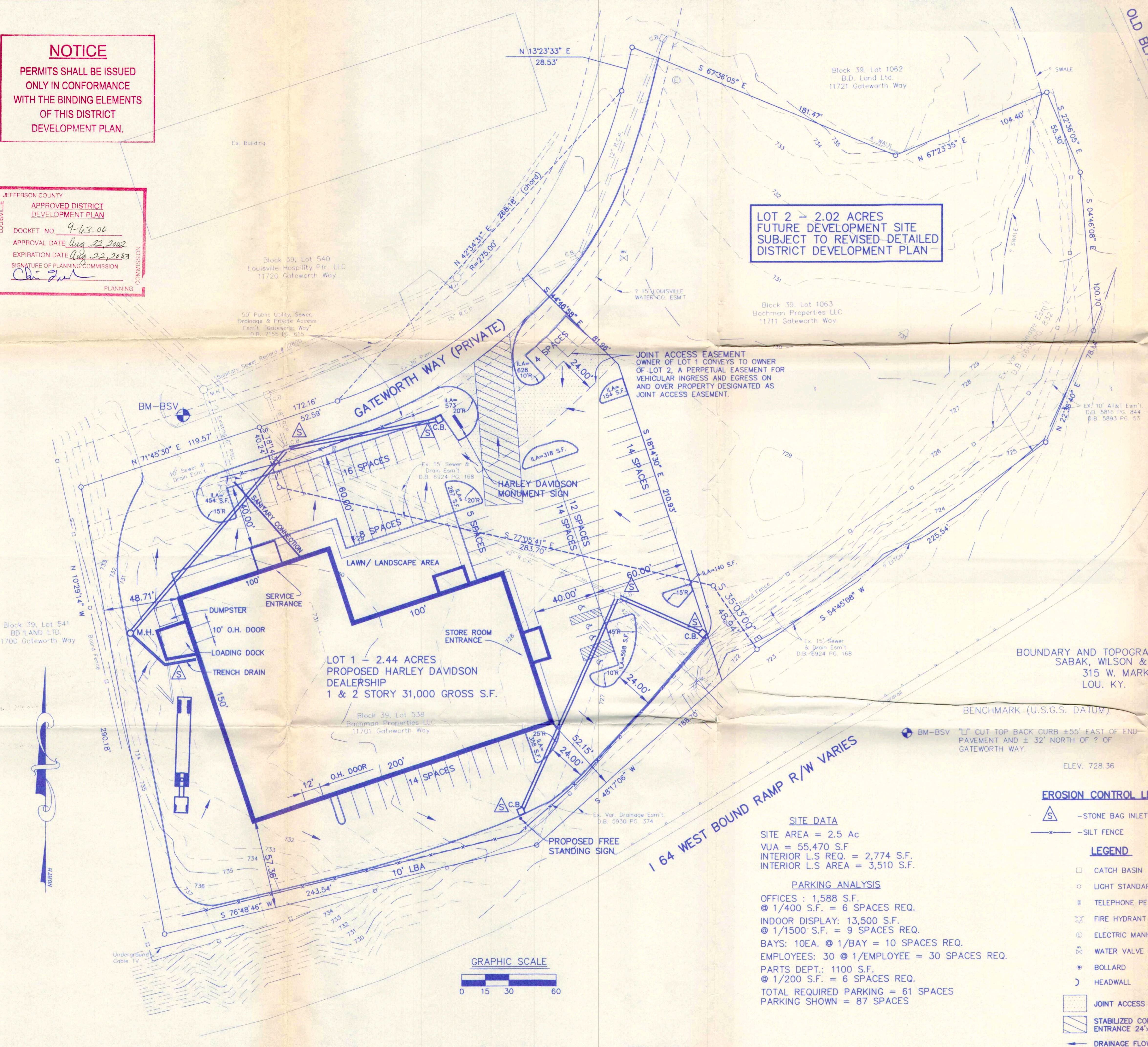


BASE 2436 B-6-99
 BRYANT: 02567d0214.dwg DATE: JUL 23, 2002

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

JEFFERSON COUNTY
 LOUISVILLE
**APPROVED DISTRICT
 DEVELOPMENT PLAN**
 DOCKET NO. 9-63-00
 APPROVAL DATE Aug 22, 2002
 EXPIRATION DATE Aug 22, 2003
 SIGNATURE OF PLANNING COMMISSION
 [Signature]
 PLANNING COMMISSION

**LOT 2 - 2.02 ACRES
 FUTURE DEVELOPMENT SITE
 SUBJECT TO REVISED DETAILED
 DISTRICT DEVELOPMENT PLAN**



LOCATION MAP
 SCALE: N.T.S.

EROSION 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 must be reviewed and approved by MSD's Private Development Review office. EPSC BMP's shall be installed per the plan and MSD Standards.

Detention basins, if applicable, shall be constructed first and shall perform as sediment basins during 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 contained through the use of silt fence. All stream crossings must utilize low-water crossing structures per MSD Standard Drawing ER-02.

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.

Where construction or land disturbing 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.

MSD NOTES

1. DETENTION FOR THIS SITE IS PROVIDED DOWNSTREAM AT SOUTHEAST CHRISTIAN CHURCH BASIN.
2. DRAINAGE TO CONFORM TO APPROVED NORTHGATE CONSTRUCTION PLANS.
3. MSD IWD APPROVAL REQUIRED.
4. SEWERS BY CONNECTION AND TO BE TREATED AT JEFFERSONTOWN WASTE WATER TREATMENT PLANT.

BOUNDARY AND TOPOGRAPHICAL SURVEY BY
 SABAK, WILSON & LINGO, INC.
 315 W. MARKET ST.
 LOU. KY. 40202

BENCHMARK (U.S.G.S. DATUM)
 BM-BSV "L" CUT TOP BACK CURB ±55' EAST OF END-PAVEMENT AND ± 32' NORTH OF ? OF GATEWORTH WAY.
 ELEV. 728.36

SITE DATA
 SITE AREA = 2.5 Ac
 VUA = 55,470 S.F.
 INTERIOR L.S. REQ. = 2,774 S.F.
 INTERIOR L.S. AREA = 3,510 S.F.

PARKING ANALYSIS
 OFFICES : 1,588 S.F.
 @ 1/400 S.F. = 6 SPACES REQ.
 INDOOR DISPLAY: 13,500 S.F.
 @ 1/1500 S.F. = 9 SPACES REQ.
 BAYS: 10EA. @ 1/BAY = 10 SPACES REQ.
 EMPLOYEES: 30 @ 1/EMPLOYEE = 30 SPACES REQ.
 PARTS DEPT.: 1100 S.F.
 @ 1/200 S.F. = 6 SPACES REQ.
 TOTAL REQUIRED PARKING = 61 SPACES
 PARKING SHOWN = 87 SPACES

EROSION CONTROL LEGEND

- △ -STONE BAG INLET PROTECTION
- SILT FENCE
- CATCH BASIN
- LIGHT STANDARD
- ⊗ TELEPHONE PEDESTAL
- ⊕ FIRE HYDRANT
- ⊙ ELECTRIC MANHOLE
- ⊗ WATER VALVE
- BOLLARD
- ⊂ HEADWALL
- ▨ JOINT ACCESS EASEMENT ENTRANCE 24'x100'
- ▨ STABILIZED CONSTRUCTION
- DRAINAGE FLOW

PRELIMINARY APPROVAL

Conditions of Approval _____

Development Review [Signature] 7/21/02

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**PRELIMINARY APPROVAL
 DEVELOPMENT PLAN**

ALL SHALL COMPLY WITH ORDINANCE #28

CONDITIONS: _____

BY: [Signature]
 DATE: 8/5/02

JEFFERSON COUNTY PUBLIC WORKS

RECEIVED
 AUG 06 2002
 PLANNING &
 DEVELOPMENT SERVICES

H. E. RUDY CONSULTING
 STONESTREET & FORD ~ LAND SURVEYORS
 300 W. MAIN STREET LOUISVILLE, KY. 40202
 PHONE (502)584-4118 FAX (502)589-3009

**DETAILED DISTRICT
 DEVELOPMENT PLAN
 HARLEY DAVIDSON
 DEALERSHIP
 FOR
 RICK & JUDY BENNETT
 BACHMAN PROPERTIES LLC- OWNER
 11701 GATEWORTH WAY-PROPERTY ADDRESS**

SCALE: 1"=30'
 JOB NO: 02-567
 DATE: 06-19-02

REV. 07/11/02
 WM# 7992
 DRAWN BY: WBB

9-63-00

CITY OF MIDDLETOWN
MUNICIPAL ORDER 02-18

A MUNICIPAL ORDER RELATING TO APPROVAL OF REVISED DETAILED DISTRICT DEVELOPMENT PLAN AND AMENDING BINDING ELEMENTS ON PROPERTY LOCATED AT 11701 GATEWORTH WAY, BEING IN THE CITY OF MIDDLETOWN, AND CONTAINING BINDING ELEMENTS, DOCKET NO. 9-63-00 (Harley Davidson Motorcycle Dealership).

WHEREAS, the Staff of the Louisville and Jefferson County Planning Commission, in a letter dated September 11, 2002, has recommended approval of a revised detailed district development plan to change the use of property from an auto dealership to a Harley Davidson motorcycle dealership and amendment of binding elements on the above described property, and

WHEREAS, the City of Middletown concurs with the recommendation as amended herein, now, therefore,

BE IT ORDERED by the City of Middletown:

Section 1. That the City of Middletown does hereby approve the Docket No. 9-63-00 request for a Revised Detailed District Development Plan, for Harley Davidson Motorcycle Dealership, subject to the binding elements as contained in Section 2, below.

Section 2. The following shall be considered binding elements with respect to the real estate described herein:

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, or alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to car dealership and motorcycle dealership and other uses permitted in the C-1 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission and the City of Middletown. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 31,000 square feet of gross floor area for Lot one and 8,224 square feet of gross floor area for Lot two.

-1-

4. There shall be no direct vehicular access to Blankenbaker Parkway.
5. The only permitted freestanding signs shall be located as shown on the approved development plan/sign plan. No portion of the signs, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign adjacent to Blankenbaker Parkway shall not exceed 60 square feet in area per side and 23 feet in height. The sign adjacent to Gateworth Way shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides. All such signs shall conform to City of Middletown ordinances.
6. No outdoor advertising signs (billboards), small free-standing signs (temporary), pennants, balloons, or banners shall be permitted on the site.
7. There shall be no outdoor storage on the site.
8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
9. 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.
10. 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) as described in Article 12 and in conformance with the Parkway Policy (unless a waiver is granted by the Planning Commission and the City of Middletown) prior to requesting a building permit. Such plan shall be subject to review and approval by the City of Middletown and shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The property owner, applicant, or developer shall submit to the Planning Commission and the Natural Resources and Environmental Protection Cabinet written procedures for

-2-

tire/oil disposal that comply with applicable state and federal regulations. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.

- d. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded at time of development of Lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services and to the City of Middletown; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. 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 Development Services and to the City of Middletown; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
11. If a building permit is not issued within one year of the date of approval of the plan, 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 and the City of Middletown.
 12. A certificate of occupancy must be received from the appropriate code enforcement office 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 and the City of Middletown.
 13. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property.
 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.

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15. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
16. 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.
17. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m. All areas containing commercial trash receptacles including dumpsters shall be individually enclosed and screened from public view.
18. Hours of operation shall be limited as follows:
 - i. Monday thru Saturday: 8 a.m. to 8 p.m.; and
 - ii. Sunday: 12 Noon to 5 p.m.
19. All servicing of motorcycles shall be done indoors. Noise shall be kept to a minimum and customers making excessive noise shall be advised of this binding element.
20. There shall be no road testing of motorcycles in residential areas.
21. The materials and design of proposed structure shall be substantially the same as depicted in the rendering as presented at the August 22, 2002 Planning Commission meeting.
22. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City of Middletown.

Section 3. This Municipal Order shall take effect upon this adoption by the City Commission and signing by the Mayor, and receipt of executed Binding Element Agreement.

Adopted at a special meeting of the City Commission and held on September 17, 2002.

ATTEST:

Betty Daigrepoint
Betty Daigrepoint, City Clerk

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

RECEIVED
SEP 17 2002
PLANNING COMMISSION