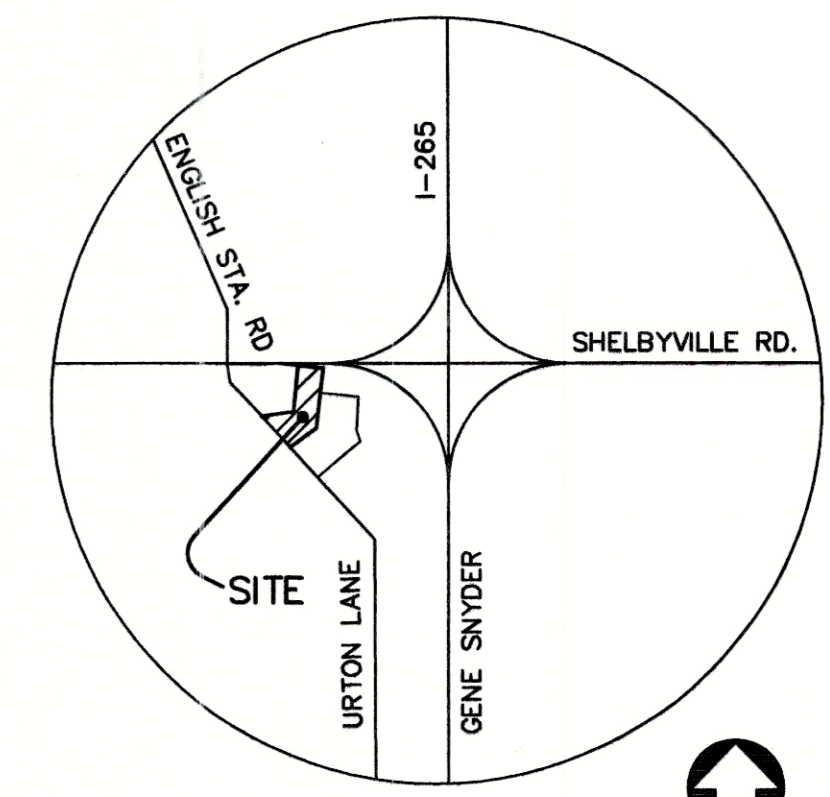
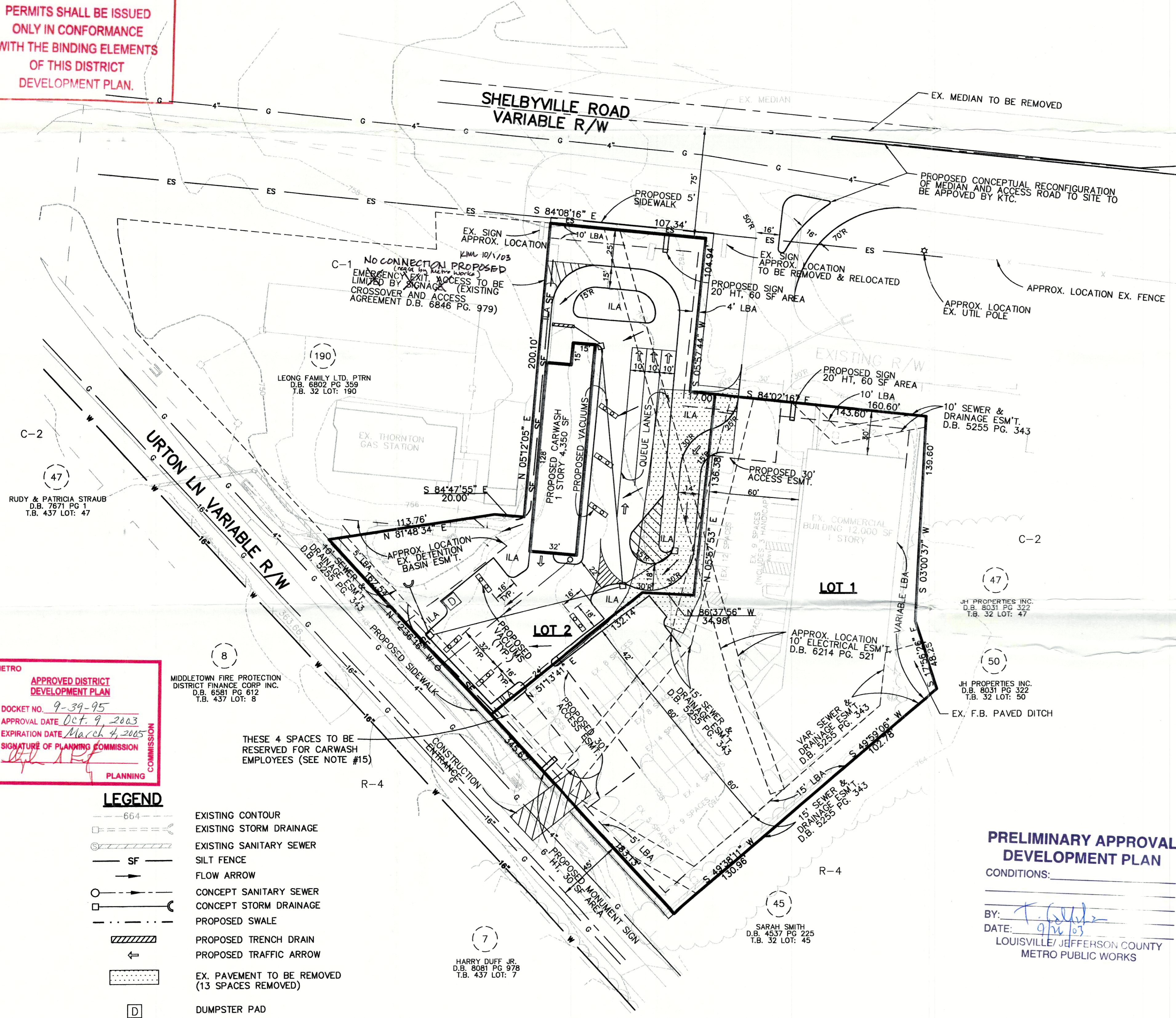


HANDICAP PARKING SPACES
NO SCALE

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



LOCATION MAP
NO SCALE



NOTES

1. WASTEWATER: SANITARY SEWERS SHALL 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.
2. 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.
3. DRAINAGE / STORM WATER DETENTION: SITE IS SUBJECT TO REGIONAL 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.
4. 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.
5. 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.
6. TREE CANOPY: EXISTING TREES ALONG THE PERIMETER OF THE SITE AND AROUND THE DETENTION BASIN SHALL BE PRESERVED, AS POSSIBLE, PER CHAPTER 100F OF THE LAND DEVELOPMENT CODE.
7. PROTECTION OF TREES TO BE PRESERVED: 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 DRIP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
8. THE DEVELOPMENT LIES IN THE MIDDLETOWN FIRE DISTRICT.
9. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, (21111C0115 D).
10. AN IDENTIFICATION SIGN IS PROPOSED ON LOT 2 AS SHOWN. THE EXISTING SIGN FOR LOT 1 SHALL BE REMOVED AS REQUIRED AND A NEW SIGN IS PROPOSED. SIGNS SHALL BE A MAXIMUM OF 20' IN HEIGHT AND 60 SF IN AREA IN COMPLIANCE WITH THE REQUIREMENTS OF ARTICLE 11 DEVELOPMENT CODE.
11. ALL SITE LIGHTING SHALL BE DIRECTED DOWNWARD AND AWAY FROM ALL ADJUTING RESIDENTIAL AREAS.
12. ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS TO BE SCREENED.
13. ALL RADII TO BE 4.5' UNLESS OTHERWISE INDICATED.
14. AN ENCROACHMENT PERMIT SHALL BE REQUIRED FOR ANY WORK PERFORMED WITHIN THE URTON LANE AND SHELBYVILLE ROAD RIGHT-OF-WAY.
15. A SHARED CROSSOVER, ACCESS AND PARKING AGREEMENT IS PROPOSED. FOUR PARKING SPACES SHALL BE PROVIDED ON LOT 1 FOR CARWASH EMPLOYEE USE.
16. THERE SHALL BE NO COMMERCIAL SIGNS LOCATED IN THE RIGHT-OF-WAY. THERE SHALL BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
17. SITE LIGHTING SHALL BE DIRECTED DOWN SO AS NOT TO SHINE IN THE EYES OF DRIVERS AND SHALL BE RE-AIMED, SHIELDED OR TURNED OFF IF IT DOES.
18. THERE SHALL BE NO INCREASE IN DRAINAGE RUNOFF TO THE RIGHT-OF-WAY. CALCULATIONS SHALL BE REQUIRED FOR ANY RUNOFF TO THE STATE RIGHT-OF-WAY.
19. MSD INDUSTRIAL WASTE DISPOSAL (IWD) APPROVAL REQUIRED.
20. SIDEWALKS SHALL BE PROVIDED AS REQUIRED BY THE CITY OF MIDDLETOWN.

SITE DATA

| | |
|------------------------|-------------------------------|
| FORM DISTRICT | SUBURBAN MARKETPLACE CORRIDOR |
| EXISTING ZONING | C-1 |
| GROSS LAND AREA | 2.63± AC. |
| YARD REQUIREMENTS: | |
| FRONT/SIDE/STREET SIDE | 0 FEET |
| REAR | 20 FEET |

LOT 1 (EXISTING DEVELOPMENT)

| | |
|---|-----------------------|
| LAND AREA | 1.32 ± AC. |
| EXISTING USE | RETAIL/MEDICAL/OFFICE |
| FLOOR AREA RATIO | 0.21 |
| TOTAL PARKING REQUIRED: | 68 SPACES |
| EX. RETAIL/MEDICAL/OFFICE (1/200 SF MAX.) | 60 SPACES |
| VACUUM (2 PER EACH) | 68* SPACES |
| PROPOSED VUA | 24,812 SF |
| I/A REQUIRED | 1,241 SF |
| I/A PROPOSED | 1,830 SF |

LOT 2 (PROPOSED DEVELOPMENT)

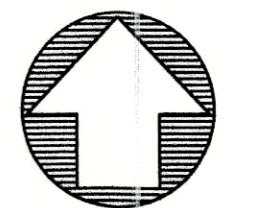
| | |
|--------------------------------|------------|
| LAND AREA | 0.94 ± AC. |
| EXISTING USE | VACANT |
| PROPOSED USE | CARWASH |
| FLOOR AREA RATIO | 0.11 |
| TOTAL PARKING REQUIRED: | 16 SPACES |
| CARWASH (1 PER 2 EMP., 4 MAX.) | 2 SPACES |
| VACUUM (2 PER EACH) | 14 SPACES |
| PARKING PROPOSED: | 14* SPACES |
| QUEUE SPACES REQUIRED | 6 SPACES |
| QUEUE SPACES PROPOSED | 24 SPACES |
| VUA | 22,400 SF |
| I/A REQUIRED | 1,120 SF |
| I/A PROPOSED | 1,750+ SF |

* SHARED PARKING, SEE NOTE #15

PRELIMINARY APPROVAL DEVELOPMENT PLAN

CONDITIONS: _____
DATE: *T. Geller*
DATE: *9/26/03*
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

PRELIMINARY APPROVAL
Conditions of Approval: _____
J. Geller 9/26/03
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT



GRAPHIC SCALE 1"=40'
0 10 20 40 80

RECEIVED
OCT 10 2003
PLANNING & DESIGN SERVICES
WM# 6796
DOCKET# 9-39-95V

LOUISVILLE METRO
APPROVED DISTRICT DEVELOPMENT PLAN
DOCKET NO. 9-39-95
APPROVAL DATE Oct. 9, 2003
EXPIRATION DATE March 4, 2005
SIGNATURE OF PLANNING COMMISSION
[Signature]
PLANNING COMMISSION

LEGEND

- 66.4--- EXISTING CONTOUR
- EXISTING STORM DRAINAGE
- EXISTING SANITARY SEWER
- SF --- SILT FENCE
- FLOW ARROW --- FLOW ARROW
- CONCEPT SANITARY SEWER
- CONCEPT STORM DRAINAGE
- PROPOSED SWALE
- PROPOSED TRENCH DRAIN
- PROPOSED TRAFFIC ARROW
- EX. PAVEMENT TO BE REMOVED (13 SPACES REMOVED)
- [D] DUMPSTER PAD

Mindel, Scott & Associates, Inc.
Planning · Engineering · Surveying · Landscape Architecture
Mailing Address: P.O. Box 7246, Louisville, KY 40257-0246
Phone: (502) 485-1500 Fax: (502) 485-1406 E-Mail: msainfo@msa.com

DEVELOPER
METRO CARWASH
11802 BRINLEY AVENUE, STE. 201
LOUISVILLE, KY. 40243

OWNER
LEONG FAMILY LTD. PTRN.
C/O ABCO REALTY, LLC
239 S. 5TH STREET
LOUISVILLE, KY. 40202

REVISED DETAILED DISTRICT DEVELOPMENT PLAN
METRO CARWASH AND MIDDLETOWN CORNER
105 URTON LANE
LOUISVILLE, KY 40223
T.B. 32 LOT: 191
D.B. 6802 PG. 359

| | |
|-------------------|---------|
| Vertical Scale: | NA |
| Horizontal Scale: | 1"=40' |
| Date: | 8/25/03 |
| Job Number: | 2193 |
| Sheet: | 1 |

of 1

RECEIVED

CITY OF MIDDLETOWN
MUNICIPAL ORDER 04-02

APR 07 2004

PLANNING & DESIGN SERVICES

AN MUNICIPAL ORDER RELATING TO THE APPROVAL OF REVISED DETAILED DISTRICT DEVELOPMENT PLAN AND AMENDED BINDING ELEMENTS ON PROPERTY LOCATED AT 105 URTON LANE, BEING IN THE CITY OF MIDDLETOWN AND CONTAINING BINDING ELEMENTS, DOCKET NO. 9-39-95. (Metro Carwash)

WHEREAS the City Commission of the City of Middletown has received and reviewed the findings and recommendations of the Land Development & Transportation Committee of the Metro Planning Commission, dated October 9, 2003, Docket No. 9-39-95, as provided in KRS 100.211, and

WHEREAS the Land Development & Transportation Committee has found that the proposed use in agreement with the Community's Comprehensive Plan, and

WHEREAS, the City Commission has reviewed the Minutes and the Staff report, and

WHEREAS, the City has received additional assurances from the owner/developer and now concurs with the recommendation,

WHEREAS, the owners of the property herein described have agreed to the binding elements as referred to in Section 2 herein, now, therefore,

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

Section 1. That subject to the provisions of Section 2 hereof, the City Commission does hereby APPROVE the Revised Detailed District Development Plan for Docket No. 9-39-95V, said property being located in the City of Middletown and described as in the aforesaid Docket No.

Section 2. The following shall be considered binding elements with respect to the real estate described in Section 1 of this Municipal Order.

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. The development shall not exceed 4,350 square feet of gross floor area for Lot No. 2 and 12,000 square feet of gross floor area for Lot No. 1. No individual business (tenant) located on Lot No. 1 shall occupy more than 3,000 square feet of gross floor area without the prior consent of the City of Middletown.
3. The only permitted freestanding signs shall be located as shown on the district development plan. The sign on Urtan Lane shall be a monument type sign not to exceed 30 square feet in area and six feet in height. The sign on Shelbyville Road shall not exceed 64 square feet in area and 20 feet in height for lot 1 and shall be a monument style sign 54 square feet in area and 16 feet high maximum, design to be approved by staff and the City of Middletown for lot 2 (carwash). No sign shall have more than two sides. All other signage shall be limited to attached signage in conformance with the Middletown Sign Ordinance.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.

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5. There shall be no outdoor storage, display or sales permitted on the site.
6. Upon request of the City of Middletown, the applicant or then owner of the subject property shall construct and maintain sidewalks within the public right-of-way adjacent to the subject property.
7. Outdoor lighting (for parking lot illumination and security) 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. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line.
8. The following uses (or conditional uses) shall NOT be allowed on the subject property:
 - a. Automobile service stations
 - b. Beer Depots where alcoholic beverages are not consumed on the premises
 - c. Bowling alleys
 - d. Business schools
 - e. Car Washes
 - f. Clubs, private, non-profit or proprietary
 - g. Day care centers, day nurseries, nursery schools and kindergartens
 - h. Health spas
 - i. Hotels and Motels
 - j. Laundries or laundrettes (drop off point permitted)
 - k. Package liquor stores
 - l. Restaurants with drive-through windows or other uses with drive-through windows
 - m. Restaurants with outdoor seating or outside service
 - n. Tanning salons
 - o. Temporary buildings
 - p. Towers (radio/TV Receiving or Transmitting) including microwave towers
 - q. Airports, heliports
 - r. Camping areas, public and private
 - s. Commercial kennels
 - t. Excavations
 - u. Hospitals, institutions, nursing homes and homes for the infirmed and aged
 - v. Social rehabilitation residences
 - w. Department stores
 - x. Medical offices
9. All commercial trash receptacles shall be enclosed by a brick structure (wall) (except entrance gate which shall be of compatible material) to a height greater than the height of the commercial trash receptacle and permanently maintained.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
11. 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.
12. Any public address system shall be designed to be inaudible off-site.
13. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

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- a. The development plan must receive full construction approval from the Louisville Metro Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty Street).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor or major subdivision plat shall be recorded (creating the lot lines as shown on the development plan/dedicating additional right-of-way to Urtan Lane to provide a total of 45 feet from the centerline). A copy of the recorded instrument shall be submitted to the Division of Planning and Development 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 by the Planning Commission and the City of Middletown of a detailed plan for screening (buffering/landscaping) as described in Article 12 (and in conformance with the Parkway Policy) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. 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. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
14. The development plan and the architecture and materials used shall be substantially similar to those shown in the presentation to the City Commission on January 25, 1996, which shall include:
 - a. The rear of the building facing adjacent property shall be constructed of brick or split-face block integrally colored with brick appearance, provided however that the short rear wall facing the rear line shall be brick only.
 - b. The other three sides of the building shall be brick with Drivite areas.
 - c. The roofline shall show gable construction appearance.
 15. The development plan is referred back to the Louisville and Jefferson County Planning Commission in accordance with this Municipal Order and the Provisions of the development code.
 16. 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 and the City of Middletown.
 17. 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.
 18. 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.

-3-

19. 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.
20. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
21. The materials and design of proposed carwash shall be substantially the same as depicted in the rendering as presented at the October 9th, 2003 LD&T, being of similar design as the existing building on Lot 1. The facade of the structure on Lot #1 shall be as shown on January 25, 1996 to the City of Middletown. The landscaping for the carwash site shall be as shown on the concept landscape plan submitted at the October 9, 2003 LD&T.
22. The only car wash permitted on the subject property pursuant to the approved detailed district development plan shall be as otherwise set forth in these binding elements and as fully described in the spiral bound booklet of explanatory materials submitted at the Middletown City Commission meeting at which the car wash was approved. Any deviation in use of the property or in the design and materials of the building, lot layout, landscaping, vehicular maneuvering, access, parking, drainage and car wash operations from the car wash details set forth in these binding elements and in the referenced spiral bound booklet of explanatory materials shall be prohibited without specific prior approval of the Middletown City Commission. The City Commission may disallow any other type of car wash on the site, the design of the building notwithstanding.
23. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Commission.

Section 3. This Municipal Order shall take effect upon its adoption and approval as required by law.

Adopted at a regular meeting of the Middletown City Commission held this 4th day of March, 2004.

J. Byron Chapman
J. Byron Chapman, Mayor

ATTEST:

Betty Daigraport
Betty Daigraport, City Clerk

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

METRO
APPROVED DISTRICT
DEVELOPMENT PLAN
DOCKET NO. 9-39-95V
APPROVAL DATE
REVISION DATE
SIGNATURE OF PLANNING COMMISSION
DATE