

**PRELIMINARY APPROVAL  
DEVELOPMENT PLAN**

CONDITIONS:

BY: *[Signature]*  
DATE: 4/4/18  
LOUISVILLE/JEFFERSON COUNTY  
METRO PUBLIC WORKS

R-4/N  
Joseph Frederick Ulrich II  
12406 Saint Clair Dr  
Louisville, KY 40243  
D.B. 10925 PG. 0249

R-4/N  
Theresa G Crawford  
402 Allison Rd  
Louisville, KY 40243  
D.B. 5595 PG. 0650

R-4/N  
Steven Bryar & Heather  
Hastin  
403 Allison Rd  
Louisville, KY 40243  
D.B. 8779 PG. 0733

R-4/N  
Matthew D & Christina Fulton  
12310 Saint Clair Dr  
Louisville, KY 40243  
D.B. 7214 PG. 0583

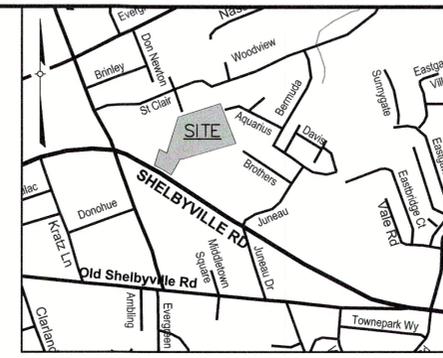
R-4/N  
Ty Evans & Jan D Noe  
12314 Saint Clair Dr  
Louisville, KY 40243  
D.B. 6074 PG. 0716

**CONDITIONAL USE PERMIT:**

1. (TRACTS 1 & 2) A Conditional Use Permit is requested from Section 4.2.35 of The Louisville Metro Land Development Code for Mini-Warehouses

**VARIANCE REQUESTED**

1. (TRACT 2) A Variance is requested from Section 5.3.1.C.5 Table 5.3.2 of The Louisville Metro Land Development Code to vary the 50 ft. Non-Residential to Residential setback for the property line adjacent to the Middletown Professional Park LLC property.



SITE IS LOCATED IN THE CITY OF MIDDLETOWN AND IS SUBJECT TO THE LOUISVILLE METRO LAND DEVELOPMENT CODE DATED JULY 2004, WITH AMENDMENTS PER THE CITY OF MIDDLETOWN.

**TRACT 1 DATA**

TRACT 1 SITE AREA = 0.45 Ac. (19,737 SF)  
EXISTING ZONING TO REMAIN = C-2 (C.U.P. REQUESTED)  
FORM DISTRICT = SUBURBAN MARKETPLACE CORRIDOR  
EXISTING USE = COMMERCIAL  
PROPOSED USE = OFFICE FOR TRACT 2 STORAGE FACILITY  
PROPOSED OFFICE AREA = 1,792 SF  
F.A.R. = 0.09 (5.0 MAX. ALLOWED)  
BUILDING HEIGHT = 1 STORY (35' MAX. ALLOWED NFD)

**PARKING REQUIRED**

OFFICE = 5 SP  
1792/350 S.F. MIN. = 9 SP  
1792/200 S.F. MAX. = 10 SP  
-10% TARC REDUCTION = 9 SPACES  
TOTAL PARKING PROVIDED = (2 HC SP INCLUDED)

**VEHICULAR USE AREA**

INTERIOR LANDSCAPE AREA REQUIRED = 7,685 SF  
INTERIOR LANDSCAPE AREA PROVIDED = 576 SF  
= 607 SF

**TRACT 2 DATA**

TRACT 2 SITE AREA = 7.94 Ac. (345,864 SF)  
EXISTING ZONING = R-4  
PROPOSED ZONING = C-2 (C.U.P. REQUESTED)  
FORM DISTRICT = NEIGHBORHOOD  
EXISTING USE = RESIDENTIAL  
PROPOSED USE = STORAGE FACILITY  
PROPOSED BUILDING AREA = 144,737 SF  
F.A.R. = 0.42 (5.0 MAX. ALLOWED)  
BUILDING HEIGHT = 1 STORY (15' MAX. ALLOWED PER C.U.P. SECTION 4.2.35)

**GENERAL NOTES:**

- Parking areas and drive lanes to be a hard and durable surface.
- A KTC encroachment permit and bond will be required for all work done in the right-of-way prior to construction plan approval.
- No increase in drainage run off to state roadways.
- There shall be no commercial signs in the Right of Way.
- There shall be no landscaping in the Right of Way without an encroachment permit.
- Site lighting shall not shine in the eyes of drivers. If it does it shall be re-aimed, shielded, or turned off.
- Construction fencing shall be erected prior to any construction or grading 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. No parking, material storage, or construction activities shall be permitted within the fenced area.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- City of Middletown approval will be required.
- A crossover access agreement shall be recorded between Tracts 1 and 2 prior to Metro Public Works construction plan approval.
- A Minor Plan or Deed of Consolidation for Tract 2 shall be recorded prior to Metro Public Works construction plan approval.
- A Shelbyville Road right-of-way dedication waiver has been approved by Metro Public Works.

**MSD NOTES:**

- Construction plans and documents shall comply with Louisville and Jefferson County Metro Sewer District Design Manual and Standard Specifications
- Sanitary sewer service is existing.
- No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0046 E dated December 5, 2006.
- Drainage pattern depicted by arrows (=>) is for conceptual purposes. 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.
- The site has thru drainage on easement plat will be required prior to MSD granting construction plan approval.
- On-site detention will be provided. Postdeveloped peak flows will be limited to pre-developed peaks for the 2, 10, 25 and 100-year storms or to the capacity of the downstream system, whichever is more restrictive.
- A Downstream Facilities Capacity Request was approved by MSD by letter dated January 4, 2018.
- The final design of this project must meet all MS4 water quality regulations established by MSD. Site layout may change at the design phase due to proper sizing of Green Best Management Practices.
- Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plans. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
- MSD drainage bond required prior to construction plan approval.

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

**DETENTION BASIN CALCULATIONS**

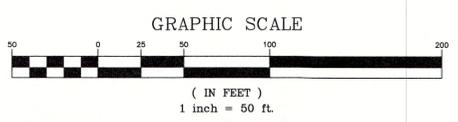
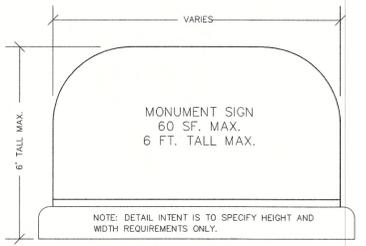
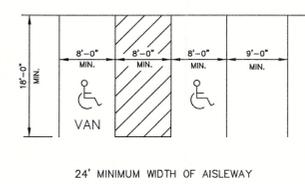
X = Δ CRA/12  
ΔC = 0.85 - 0.35 = 0.50  
A = 9.1 ACRES  
R = 2.8 INCHES  
X = (50)(9.1)(2.8)/12 = 1.06 AC.-FT.  
REQUIRED X = 46,246 CU.FT.  
PROVIDED BASIN = 12,000 SQ.FT.  
TOTAL = 12,000 SQ.FT. @ APPROX. 4' DEPTH  
= 48,000 CU.FT. > 46,246 CU.FT.



| MSD STANDARD EROSION CONTROLS |  |
|-------------------------------|--|
|                               | STONE BAG CHECK DAM IN CONCRETE FLUMES |
|                               | WINGED HEADWALL INLET PROTECTION       |
|                               | SILT FENCE                             |

**LEGEND**

- = PROPOSED WOODLAND PROTECTION AREA
- = PROPOSED STORM SEWER, CATCH BASIN
- = PROPOSED SEWER AND MANHOLE



**TREE CANOPY CALCULATIONS**

TOTAL SITE AREA = 365,601 SF  
TOTAL TREE CANOPY AREA REQUIRED = 20% (73,120 SF)  
EXISTING TREE CANOPY TO BE PRESERVED = 6% (22,829 SF)  
PROPOSED TREE CANOPY TO BE PLANTED = 14% (50,400 SF)  
TOTAL TREE CANOPY TO BE PROVIDED = 20% (73,229 SF)

| REVISIONS |                              |
|-----------|------------------------------|
| NO.       | DESCRIPTION                  |
| 1         | FEB. 7, 2018 AGENCY COMMENTS |
| 2         | 3-21-18 AGENCIES COMMENTS    |

DATE: 3-9-18  
3-26-18

PROJECT DATA  
FILE NAME: 17134-DDBP  
DATE: 3-26-18  
SCALE: AS SHOWN  
CHECKED BY: AER  
DRAWN BY: BR/4H

LAND DESIGN & DEVELOPMENT, INC.  
ENGINEERING - LAND GRADING - LANDSCAPE ARCHITECTURE  
509 WARDEN AVENUE, SUITE 101, LOUISVILLE, KENTUCKY 40222  
TEL: 502.261.4254  
WEB SITE: WWW.LDD&D.COM

**LD&D**  
LAND DESIGN & DEVELOPMENT, INC.  
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DETAILED DISTRICT DEVELOPMENT PLAN  
**STOR ALL**  
12113 SHELBYVILLE ROAD  
DEVELOPER  
**STOR ALL SELF STORAGE**  
253 WOMSTEAD DRIVE  
GRAYSON, KY 41143

JOB NO. 17134  
SHEET 1 OF 1

CITY OF MIDDLETOWN  
ORDINANCE NO. 06-14-18-A

**AN ORDINANCE RELATING TO THE APPROVAL OF A CHANGE IN ZONING AND REVISED DETAILED DISTRICT DEVELOPMENT PLAN ON PROPERTY LOCATED AT 12113 SHELBYVILLE RD., CONTAINING 0.48 ACRES AND BEING IN THE CITY OF MIDDLETOWN (CASE NUMBER 17ZONE1077) For All**

WHEREAS, the City Council of the City of Middletown has received and reviewed the findings and recommendations made by the Louisville Metro Planning Commission staff on May 24, 2018,

WHEREAS, the Planning Commission staff has recommended to the City Council of the City of Middletown that the Applicant's request to approve a change in zoning from R-4 to C-2, and a Detailed District Development Plan on property located at 12113 Shelbyville Rd., be approved, subject to certain agreed upon Binding Elements in Case No. 17ZONE1077, and,

WHEREAS, the owners of the property herein described have agreed to certain Binding Elements on said property, which are conditions of approval and are set out fully herein,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MIDDLETOWN:**

**Section 1.** That subject to full compliance with the restrictions contained in all the Binding Elements placed on this site in Case Number 17ZONE1077, the requested zoning change and Detailed District Development Plan on property known as 12113 Shelbyville Rd., that property being more particularly described as a 0.48 acre tract with the legal description as set out in the Planning Commission record of Case Number 17ZONE1077, **BE AND HEREBY IS APPROVED**, subject to the agreed upon Binding Elements set out in Section 2 herein. Further, the City of Middletown Council does hereby specifically adopt in full (incorporated as if set out in full herein) the Findings set out in the record of Case 17ZONE1077, supporting the Application.

**Section 2.** The following shall be Binding Elements which shall be applicable and enforceable concerning the future use of the real property described in Section 1 of this Ordinance:

**Case 17ZONE1077**

1. The development shall be in accordance with the approved detailed district development plan/ alternative landscaping plan, all sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alteration of any binding element(s) or Development Plan 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.

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without written consent of the city, the city may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the city to mitigate the impact.

- e. A minor plat or legal instrument shall be recorded consolidating the property on proposed Tract 2 into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument. 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.
  - f. Any structure on the site shall be the same as the final renderings and elevations, which shall be approved by the City of Middletown. The warehouse buildings shall be designed to allow 20 feet of clear space between buildings for the access of fire apparatus. The warehouse buildings shall have sprinklers and the main access drive to the warehouses shall have a marked fire lane. The façade of the existing building on the site shall remain unchanged.
  - g. The Mayor is hereby authorized by the City Commission to issue City of Middletown approvals for the landscape plan and permit approvals.
6. A certificate of occupancy must be received from the appropriated 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 and the City of Middletown.
  7. 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 always be responsible for compliance with these binding elements. At all times during development of the site, the applicant, developer, their heirs, successors, assignees, contractors, subcontractors, and other parties engaged in the development of the site shall be responsible for compliance with these binding elements.
  8. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and the LD&T action.
  9. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The applicant shall ensure that the City of Middletown is a named party to and be able to enforce, the deed of restrictions. The form of deed restrictions shall be approved by

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11. Applicant shall pay the cost of advertising this ordinance. No outdoor construction activities may be conducted on the site before 1 p.m. on Sunday. The normal access hours of the facility shall be 6:00 a.m. to 9:00 p.m., with the Applicant/Owner having the right to allow qualified users to have 24-hour access, as long as those users do not violate rules and regulations of the facility.
12. All lighting shall be attached to the buildings and there shall be no lighting on the rear wall of the buildings along the perimeter of the property that is adjacent to the single-family residential properties.

All binding elements and/or conditions of approval set out herein have been accepted in total, without exception, by the entity requesting this approval.

**Section 3.** This Ordinance shall take effect from and after its passage, signing, and publication as required by law.

FIRST READING 6-14-18  
SECOND READING: 8-9-18  
PASSED AND APPROVED 8-9-18

ATTEST:

*Deborah Columbia*  
Deborah Columbia, City Clerk

*Byron Chapman*  
Byron Chapman, Mayor

In Favor: 5  
Opposed: 0

Final: 8/10/18 11:30 a.m.

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2. There shall be no direct vehicular access to Allison Road or Aquarius Road. No construction traffic shall be allowed from these roads.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit, including but not limited to, building, parking lot, change of use, site disturbance, alteration permit, or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review, the Metropolitan Sewer District and the City of Middletown.
  - b. Applicant agrees that its on-site drainage facilities shall be oversized so that post development peak flows will be 50% less than pre-developed peaks, for the 25 and 100-year storm events. Applicant also agrees to pay to the City of Middletown prior to commencement of any construction, the sum of \$35,000.00, to be held in escrow toward the cost of two off-site drainage improvements described herein. Those two improvements include at 12404 St. Clair (re-sizing and re-grading of swale) and 12405 St. Clair (collapsed drainage pipe), which projects will be constructed by MSD under a memorandum of agreement with City of Middletown. Applicant shall receive no certificate of occupancy on this site unless and until either: (i) the City of Middletown has executed a memorandum of agreement in a form acceptable to the City of Middletown; or (ii) applicant has performed the drainage facilities work described in the draft memorandum of agreement (provided the required consents and easements were obtained in time to reasonably complete same), in which case, after review and acceptance of the work and facilities by MSD, the \$35,000.00 shall be returned to applicant. In order to be acceptable, the memorandum of agreement must contain a date certain for those improvements to be completed by MSD.
  - c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for all work within the right-of-way.
  - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 from Louisville Metro and the City of Middletown prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. There shall be no removal of the required landscaping without City Commission approval. In the event any tree or other landscaping is removed

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Planning Commission and the City of Middletown counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:

- a. Woodland protection areas (WPAs) identified on this plan represents portions of the site on which selected trees as shown on the plan shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost through natural causes new trees shall be planted to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/ Landscape Plan.
  - b. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  - c. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing and Grading) to protect the existing tree stands and their root systems, the fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
  - d. No parking, material storage or construction activities are permitted within WPAs.
  - e. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.
  - f. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of the Woodland Protection Areas requires notification of adjoining property owners and LD&T action.
  - g. Prior to any site disturbance permit being issued and prior to any clearing, grading or the issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
  - h. During construction, Applicant shall have Land Development and Design, Inc. conduct twice monthly inspections of the WPA, to ensure continued compliance and submit those reports to the City of Middletown for review. After construction, Applicant agrees to submit compliance inspection reports to the City of Middletown upon its request.
10. The only C-2 use permitted shall be a mini-warehouse, unless approved by the Louisville Metro Planning Commission and the City of Middletown.

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