

CITY OF MIDDLETOWN
ORDINANCE NO. 12-11-2025-A

AN ORDINANCE RELATING TO THE APPROVAL OF A CHANGE IN ZONING FROM R-4 TO R-5A, APPROVAL OF A DETAILED DEVELOPMENT PLAN AND BINDING ELEMENTS ON PROPERTY LOCATED AT 1024 & 1110 WATTERSON TRAIL.
(CASE NUMBER 25-ZONE-0080)

WHEREAS, the City Commission of the City of Middletown has received and reviewed the findings and recommendations of the Louisville Metro Planning Commission, as contained in Minutes dated November 6th, 2025, Case No. 25-ZONE-0080, as provided in KRS 100.211, and

WHEREAS, the Louisville Metro Planning Commission has recommended to the City Commission of the City of Middletown that the proposed rezone and Detailed Development Plan, with certain binding elements, on the following described property, be approved, and

WHEREAS, the owners of the property herein described have agreed to certain Binding Elements, now, therefore,

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

Section 1. That subject to full compliance with the restrictions of the Binding Elements contained in Section 2 herein, the proposed change in zoning from R-4 to R-5A, the Detailed Development Plan on property more particularly described in the legal description contained in Case Number 25-ZONE-0080; BE AND HEREBY IS APPROVED. In support of said approval, the City of Middletown does hereby adopt as its own all the findings in favor of said approval in the minutes of the Case No. 25-ZONE-0080

Section 2. The following Binding Elements shall apply with respect to the property more particularly described in the legal description in the Planning Commission record, Case 25-ZONE-0080:

Case 25-ZONE-0080

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 LDC. Any changes/additions/alterations of any binding element(s), or development plan revisions and all landscape plans 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 and so approved shall not be valid.
2. Construction fencing shall be erected at the edge of the area of development in accordance with the tree preservation plan prior to any grading or construction to protect the existing tree stands and their 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.
3. Before any permit (including, but not limited to building, parking lot, change of use, site

disturbance, or alteration) is requested:

- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, Metropolitan Sewer District and City of Middletown.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation Cabinet.
 - c. 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site. Landscaping must include only live plants and all landscaping must be maintained with healthy living vegetation at all times. There shall be no removal of the required landscaping without City Commission approval. In the event any tree or other landscaping is removed 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC and the City of Middletown shall be reviewed and approved.
 - e. Development on this site must be substantially consistent with approved renderings and elevations of all buildings. The renderings and elevations must be approved by the City of Middletown prior to the issuance of a building permit.
 - f. The Mayor is hereby authorized by the City Commission (at the Mayor's option), to review and approve any subsequent City of Middletown plan approvals detailed herein if compliant.
4. The Applicant agrees to implement all the comments in the 1/13/26 email from Gary Muller with the Anchorage Middletown Fire & EMS, including revising the Detailed Development Plan to show the 14-foot lane width and including a restriction on street parking within the development, which restriction shall be included in the declaration of covenants and restrictions.
 5. A certificate of occupancy must be received from the appropriate code enforcement department and the City of Middletown 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 a certificate of occupancy unless specifically waived by the Planning Commission and the City of Middletown.
 6. Any road bond release must be approved by an authorized representative of the City of Middletown. Direct contact information for the owners, developers and construction supervisors for this project and updated as needed during construction.
 7. The whole site, including any detention basins, shall be at all times kept mowed, picked up and kept to the standards of the Middletown nuisance ordinances, regardless of the completion of the various phases of construction:
 8. The buffering walls, fences or landscaping shown on the plans shall be completely installed (and kept maintained) as soon as possible, as part of the initial site improvements for any tract.

9. The Applicant, its successors and assigns, hereby consents, and agrees that the City of Middletown has full right and authority to take any and all appropriate direct legal action against Applicant, its successors and assigns, to enforce these binding elements and inspect the premises to determine compliance with the binding elements.
10. KRS 91A.080 requires insurance companies which issue certain insurance policies on risks that are located within the City of Middletown, to designate City of Middletown as the property taxing jurisdiction for insurance premium taxes. For any insurance on this property by the applicant, developer, or property owner, please make sure your agent or insurance company designates it as a City of Middletown Policy.
11. The City of Middletown has a business license and occupational tax. Applicant shall inform its tenants, contractors and subcontractors that they are required to register with the City of Middletown, obtain a business license and pay any occupational tax required.
12. No outdoor construction on Sundays prior to 1:00 p.m. Dumpster and trash collection pickups/emptying shall occur only during the hours of 7:00 a.m. and 7:00 p.m.
13. All binding elements and/or conditions of approval set out herein have been accepted in total, without exception, by the entity requesting this approval.
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.

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

Section 3. This Ordinance shall take effect upon its passage and approval.

First Reading: 12/11/25

Second Reading: 1/22/26

PASSED AND APPROVED: 1/22/26


 J. Byron Chapman, Mayor

ATTEST:


 Brittany Veto, City Clerk

In favor: 5

Opposed: 0

I HEREBY ATTEST THAT I, AS THE AUTHORIZED REPRESENTATIVE OF THE APPLICANT/DEVELOPER HEREIN, HAVE READ FULLY UNDERSTAND AND FULLY AGREE TO ALL THESE BINDING ELEMENTS AND CONDITIONS OF APPROVAL.

BY: Chelsam Properties, LLC

ITS: Kelley Abel-Mattingly-Manager (Print Name and Title)

Contact Email and Phone Kelleyamattingly@gmail.com 502-558-1124

Kelley Abel-Mattingly
Signature

ITS: George B. Mattingly & Kelley Abel-Mattingly - Owners (Print Name and Title)

Contact Email and Phone Kelleyamattingly@gmail.com 502-558-1124

George B. Mattingly Kelley Abel-Mattingly
Signature