

Development Review Committee

Staff Report

November 2, 2022



Case No:	22-DDP-0113
Project Name:	Happy Hounds Doggy Daycare and Boarding
Location:	201 Park Place Drive
Owner(s):	201 Park Place LLC
Applicant:	201 Park Place LLC
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Dante St. Germain, AICP, Planner II

REQUEST

- Revised Detailed District Development Plan

CASE SUMMARY

The subject site is located in the City of Middletown south of Shelbyville Road, and is the site of the current Renaissance Fun Park. The applicant requests a Conditional Use Permit in order to utilize a portion of the site as a commercial kennel.

The site on which the CUP area is proposed was rezoned, and is subject to binding elements, under docket 9-6-91. The site was R-4 and was rezoned to the current C-2 zoning district. A revised detailed district development plan to replace a bumper-boats facility with a laser-tag facility on the site, along with a modified CUP to include the laser-tag facility, was approved in 2003 by the Land Development and Transportation Committee and the City of Middletown.

A related case, 22-CUP-0250, is scheduled to be heard at the Board of Zoning Adjustment on November 7, 2022.

STAFF FINDING

The Revised Detailed District Development Plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

MSD and Transportation Planning have approved the site plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: No natural resources or environment assets appear to exist on the site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: No open space provisions are relevant to the proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses would be compatible with the existing and future development of the area. The proposal re-uses existing structures.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **RECOMMEND** that the City of Middletown **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

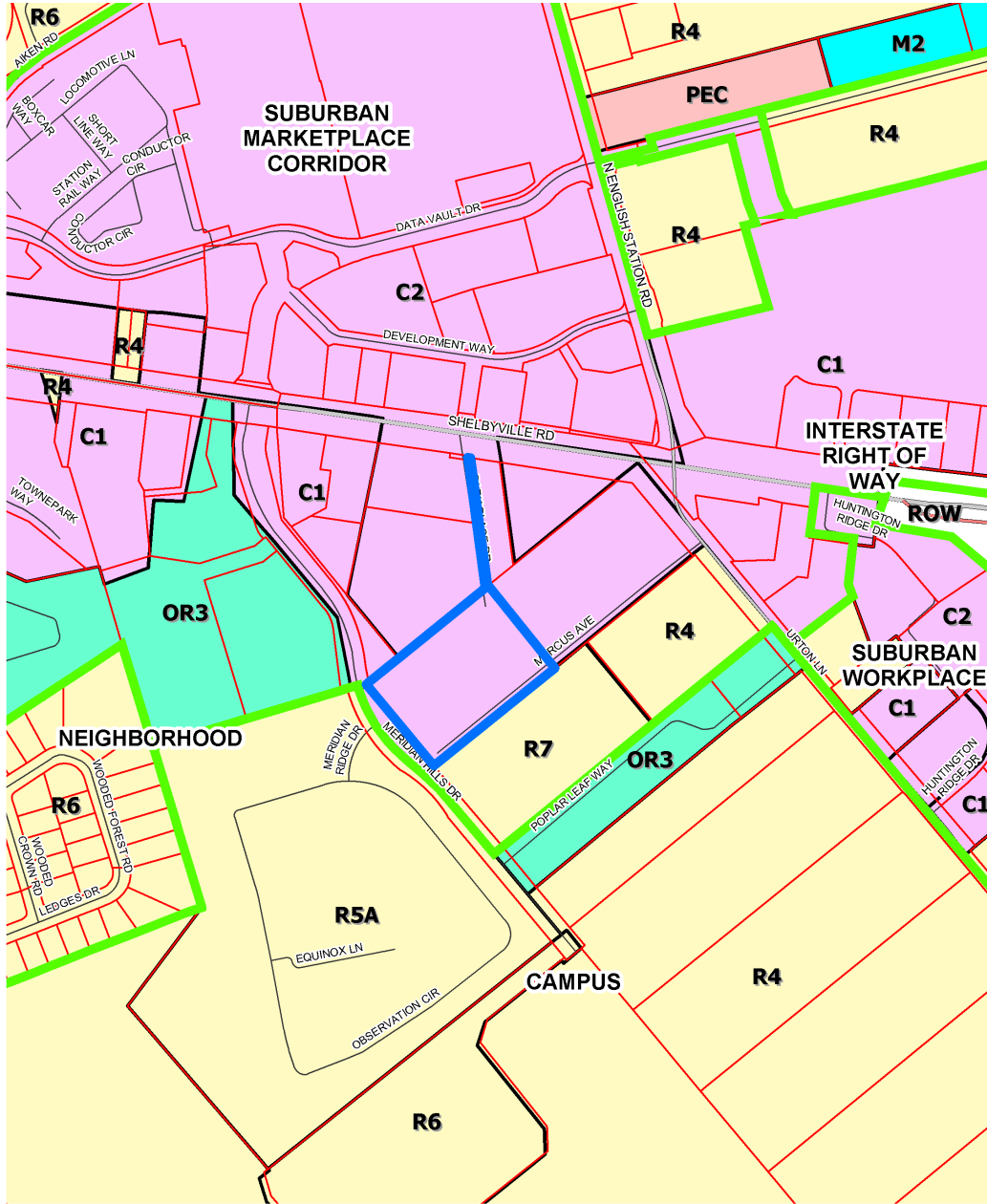
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 19

ATTACHMENTS

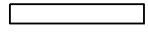
1. Zoning Map
2. Aerial Map
3. Existing Binding Elements

1. **Zoning Map**



201 Park Place Drive

feet



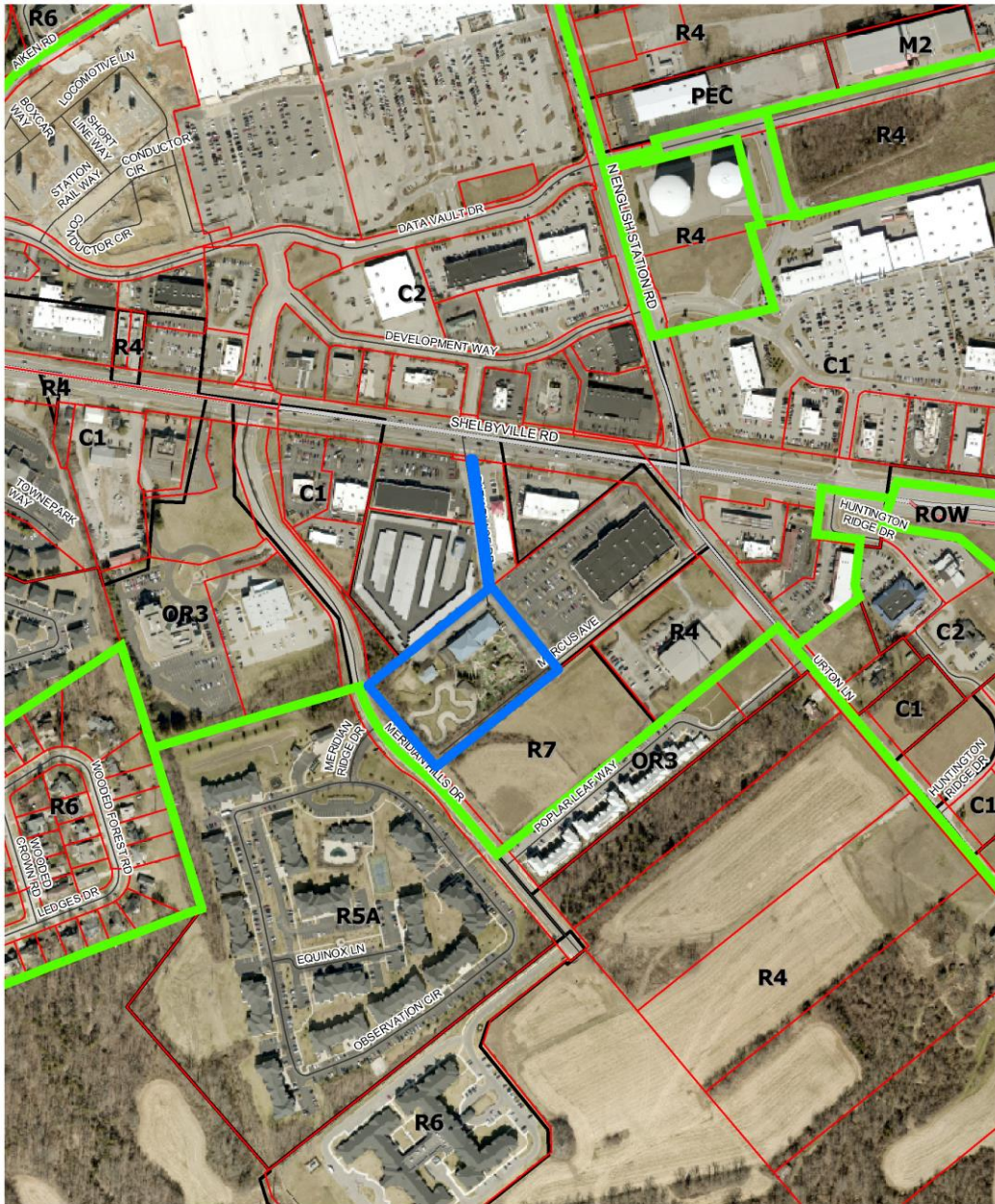
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Map Created: 8/16/2022



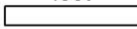
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2. Aerial Map



201 Park Place Drive

feet



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Map Created: 8/16/2022



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3. Existing 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 development shall not exceed 16,277 square feet of gross floor area.
3. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area per side and 8 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, advertising balloons or banners shall be permitted on the site.
5. Outdoor lighting with can-type fixtures shall be directed down and away from surrounding residential properties and shall not illuminate surrounding residential properties.
6. All go-karts will be powered by Honda GX160, 5.5 hp engines or similar engines with properly working mufflers and properly designed enclosures. All go-karts must meet the following criteria: The maximum measured sound level may not exceed 63 dBA at a distance of 50 feet while operating at full throttle. The measurement shall be made in a flat area, with no intervening terrain or structures within 100 feet from either the go-kart or sound meter. The height of the microphone shall be approximately 5 feet above the go-kart. The sound meter used in the measurement shall meet ANSI Type II standards, and be calibrated immediately before the measurement. The applicant shall certify to the Planning Commission and the City of Middletown that this criterion is met initially and upon reasonable demand thereafter. The peak sound level shall not exceed 50 dBA at 1000 feet.
7. Outdoor music (live, piped, radio or amplified), outdoor entertainment, our outdoor PA system permitted on the site shall not exceed the sound levels specified in Binding Element 6, measured at a receptor located at the perimeter of the site.
8. Vehicles shall be limited to a maximum speed not to exceed 18 miles per hour. No racing of motor vehicles shall be allowed. They shall be designed to allow management to shut-off vehicles that violate operating procedures.
9. Operating hours shall be between 8 am and 12 midnight, Monday through Saturday, and 12 noon through 12 midnight on Sunday. Go-kart operations shall cease at 11 pm every day.
10. There shall be no outdoor storage on the site.
11. There shall be no parking on Marcus Avenue. If parking associated with subject site exceeds that available, property owner/developer shall negotiate with adjoining property owner/owners for additional parking spaces. In the event loitering is hereafter deemed a problem by Louisville Metro Police Department, property owner/developer shall install such fencing as is reasonably required by Louisville Metro.
12. The applicant shall submit a plan for approval by the Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

- a. Proposed site plan showing buildings, edges of pavement, property lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detentions, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
13. 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 Inspections, Permits and Licenses (617 W. Jefferson Street) 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 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 Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The appropriate conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - e. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - f. The property owner/developer must submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Such 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.
 - g. The developer shall construct a wall to minimize the noise impact of the go-kart track on the residentially zoned property located southwest of the subject site (Tax block 437, Lot 176) as shown on the detailed district development plan approved April 4, 1996. The wall shall be constructed by August 15, 1996; if not completed by that date, operation shall be discontinued until the wall is completed. Said wall shall not be less than 7 feet in height and shall be constructed to the specifications of a firm or individual with expertise in the field of traffic noise mitigation. A copy of said specifications shall be provided to the Planning Commission and to the City of Middletown.
14. 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.
15. 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.

16. 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 the 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.
17. The tree preservation plan, fencing plan, and the landscaping plan shall be subject to approval by the City Commission prior to implementation. Such approval may be at a regular or special meeting of the City Commission and approval shall not be unreasonably withheld.
18. All commercial trash receptacles shall be enclosed by a 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.
19. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 12, 2003, LD&T meeting.