

Development Review Committee

Staff Report

November 16, 2022



Case No:	22-DDP-0096
Project Name:	114 Urton Lane
Location:	114 Urton Lane
Owner(s):	DF Construction Co, LLC
Applicant:	DF Construction Co, LLC
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a mixed use office and model home. The subject site was originally proposed to be developed as apartments under case number 9081. Subsequently, the plan was revised under docket number 17DEVPLAN1167 to subdivide the site into two separate lots and apartments were developed on lot 1.

STAFF FINDING

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

TECHNICAL REVIEW

Land Development Code (2006) Middletown.

MSD and Transportation Planning have approved the preliminary development plan.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- 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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject 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, and Metro Public Works has approved the preliminary development plan.

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

STAFF: Provisions of sufficient open space has been provided and meet the needs of the proposed development.

- 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 are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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 **Detailed District Development Plan**

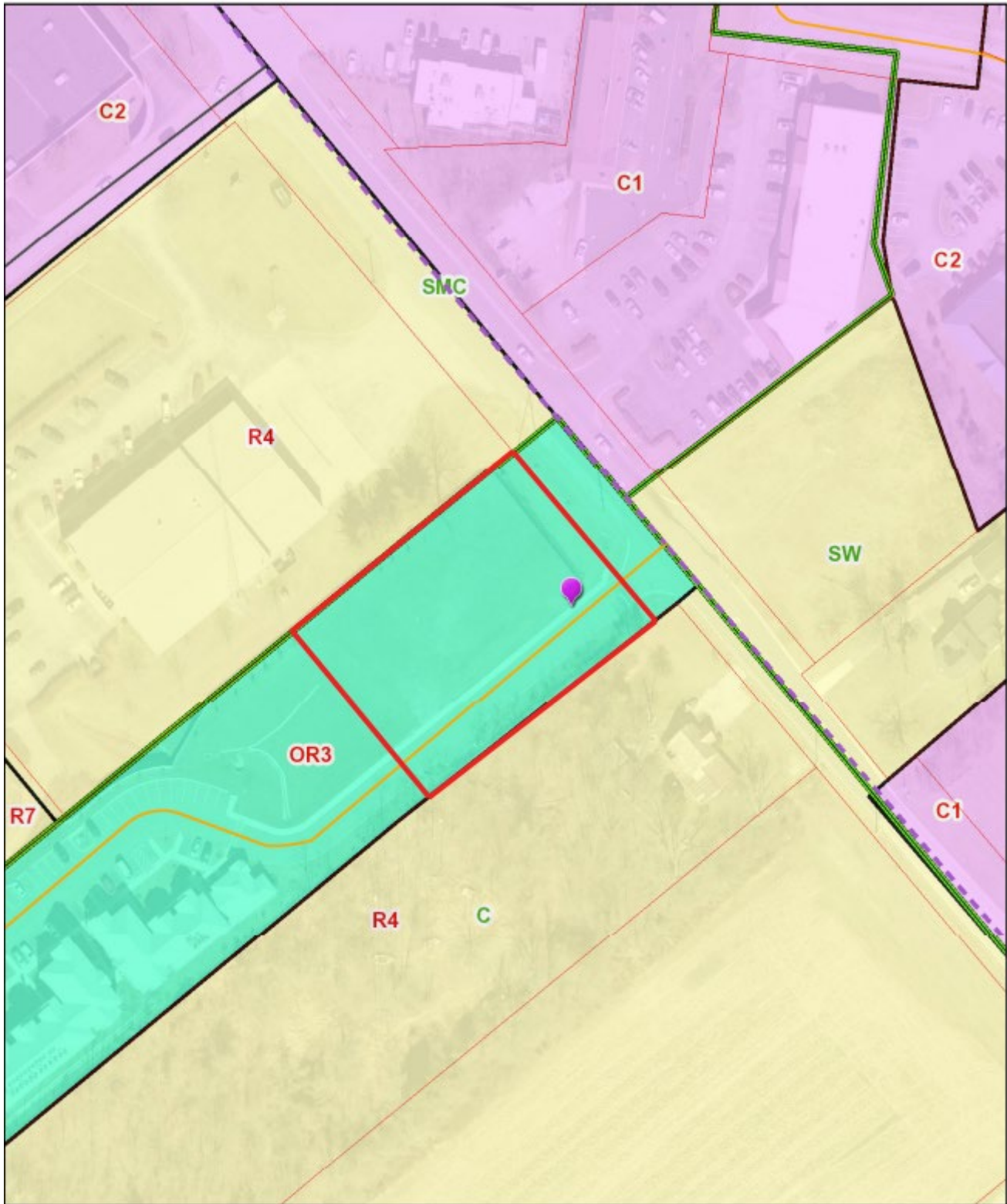
NOTIFICATION

Date	Purpose of Notice	Recipients
11/02/2022	Hearing before DRC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 19

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



4. Existing Binding Elements with Changes

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. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission and the City of Middletown. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or Planning Commission's designee and the City of Middletown for review and approval: any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising sign, small freestanding sign, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
 - a) The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
 - b) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c) A minor subdivision plat shall be recorded dedicating additional right-of-way to Urton Lane to provide a total of 50 feet from centerline. 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 property owner/developer, prior to Certificate of Occupancy, must obtain City of Middletown approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit, which at a minimum shall include a 6 foot tall vinyl fence the entire length of the North side of the property and a 4 foot tall, 4 board wood fence along the entire length of the South side of the property. Such landscape plan shall be implemented expeditiously as buildings are completed and shall be maintained thereafter. There shall be no removal of the existing landscaping or required landscaping without the written consent of the City. 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.
 - e) A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f) Unless a building permit or a clearing and grading permit is issued within two years from the date of the City of Middletown's approval therein, then the development plan must return to the Planning Commission and the City of Middletown for re-approval before any work can commence.

5. 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 and the City of Middletown.
6. 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.
7. The materials and design of the ~~proposed~~ **multi-family** structures shall be the same as depicted in the photographs present at the November 9th, 2017, City of Middletown Commission meeting. **The materials and design of the proposed office and model home shall be the same as depicted in the renderings present at the November 16, 2022 Development Review Committee Meeting.**
8. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 part 1.3 of the land development code.
9. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. Development shall be responsible for utility relocation if required, final surface overlay, and striping associated with road improvements. Developer shall contact the Middletown Fire Protection District (MFPD) and request that MFPD sign off on the utility plat for the purpose of relocating and realigning the drainage easement on the North side of the development with the existing and proposed drainage structures. Construction plans, bond, and permits are required by Metro Public Works prior to construction approval. Developer shall not request a certificate of occupancy until road improvements are complete.
11. The developer shall construct Urton Road improvements and Shelbyville Road right-turn per the approved schematic and Kentucky Transportation Cabinet and Metro Public Works standards and requirements. The developer shall be responsible for utility relocation (if required), final surface overlay, signage, stumping and signal modification associated with road improvements. Construction plans, bond, and encroachment permits shall be obtained prior to construction. Developer shall not apply for a Certificate of Occupancy until these road improvements are complete.
12. The proposed project shall be developed in conformance with the Campus Form District design standard to ensure that this development located at the northern edge of the

Campus will be integrated with the future developments to the west and south in terms of function, design connectively, open space, building materials and landscape standards.

13. The Applicant, its successors and assigns, shall maintain the apartments and site in a high state of repair, including, but not limited to:
 - a) Maintenance of exterior finishes, no peeling paint, broken or non-functioning light fixtures, holes in exterior, windows and stairways in good condition.
 - b) Maintenance of grounds, including regular mowing, landscape upkeep and replacement of any plant material which might die, sidewalks repaired, exterior lighting kept functioning, common areas picked up and kept clean.
 - c) Retention ponds must be kept clean and attractive.
 - d) Maintenance of parking, no significant pavement degradation allowed, no abandoned cars allowed to remain in parking area, keep any signage painted and well kept.
 - e) Applicant, its successors and assigns, acknowledges and agrees that the City of Middletown has additional authority (along with Louisville Metro) to enforce these binding elements, including the duty to maintain the property.
14. The Applicant, its successors and assigns, shall develop a set of rules and regulations for the residents of the apartments, to help ensure that the structures and ground remain in the high state of repair. Such rules shall be sent to the City of Middletown for review and approval, prior to the issuance of a Certificate of Occupancy on any building shown on the Revised Detailed Development Plan.
15. The Applicant, its successors and assigns, agrees that during the construction phase, the site shall be kept mowed and picked up, to the greatest reasonable extent possible, given the necessities of the construction operations.