

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE**

**Staff Report**

Thursday, October 27, 2016



<b>Case No.</b>	<b>16DEVPLAN1172</b>
<b>Project Name</b>	<b>V3 Aesthetics Building Additions</b>
<b>Location</b>	<b>13015 Middletown Industrial Blvd</b>
<b>Owner</b>	<b>Rich Van Camp</b>
<b>Applicant</b>	<b>Jonathan Lamar, Lamar Architecture &amp; Design</b>
<b>Representative</b>	<b>Jonathan Lamar, Lamar Architecture &amp; Design</b>
<b>Jurisdiction</b>	<b>Middletown</b>
<b>Council District</b>	<b>19 – Julie Denton</b>
<b>Case Manager</b>	<b>Beth Jones, AICP, Planner II</b>

**REQUEST**

- Approval of Revised District Development Plan
- Amendment of Binding Elements
- Sidewalk waiver

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant proposes to make additions to two of the existing structures on the site. The existing 1,800 sf Building 1 will have an 1,800 sf addition; the existing 12,660 sf Building 2 will have a 6,000 sf addition. Under Plan Certain # 09-049-01, existing Binding Element 2 requires amendment to reflect proposed building square footage.

The site is located within the Middletown Industrial Park, under the jurisdiction of the City of Middletown. It is currently zoned CM-Commercial Manufacturing and is located within a Suburban Workplace form district.

A sidewalk waiver is being requested. The surrounding properties are fully developed and do not have sidewalks.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b><i>Subject Property</i></b>			
<b>Existing</b>	Office/Warehouse	C-M	Suburban Workplace
<b>Proposed</b>	Office/Warehouse	C-M	Suburban Workplace
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Industrial Warehouse	M-2	Suburban Workplace
<b>South</b>	Industrial Warehouse		
<b>East</b>	Commercial Office		
<b>West</b>	Industrial Warehouse		

## PREVIOUS CASES ON SITE

- Louisville Metro Docket No. 9-49-01: Zone change from M-2 Industrial district to CM-Commercial Manufacturing district on property located at 13015 Middletown Industrial Boulevard.
- City of Middletown Ordinance No. 01-10: Zone change from M-2 Industrial district to CM-Commercial Manufacturing district on property located at 13015 Middletown Industrial Boulevard containing one acre, being in the city of Middletown, and containing binding elements.

## INTERESTED PARTY COMMENTS

No comments have been received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (October 2016)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP AND AMENDMENT TO BINDING ELEMENTS

- a. 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: Existing natural resources are not further damaged by the proposed development.

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

STAFF: The development makes no changes to existing transportation conditions on the site and within the industrial park. Sidewalks are not being added but are also not present elsewhere within the industrial park. A sidewalk waiver is being requested.

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

STAFF: The proposed development does not further encroach on open space.

- d. 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 proposed development does not increase impervious surface on the site and does not require changes in existing drainage patterns.

- e. 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 proposed development is compatible with existing development on the site and on adjacent parcels.

- 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 proposed development complies with existing Louisville Metro plans and regulations. It is non-residential and does not include mixed-use components.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIDEWALK WAIVER**

- a. The waiver will not adversely affect adjacent property owners; and

STAFF: The industrial park is fully developed and adjacent properties do not include sidewalks.

- b. The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 7 Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. The Applicant states that the proposed development will not increase traffic to the site.

Guideline 9 Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver will not violate this guideline as the project site is located within a large industrial development which does not provide pedestrian access via sidewalks. No parcels in the vicinity of the site include sidewalks.

- c. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The remainder of the proposed development complies with all existing Louisville Metro plans and regulations.

- d. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect);

STAFF: The site includes well-maintained landscaping elements, making it attractive from the public right-of-way.

### **TECHNICAL REVIEW**

- Agency comments from DPW and MSD have not been fully resolved.

### **STAFF CONCLUSIONS**

Staff recommends approval of the development plan and the sidewalk waiver based on existing conditions on the site and on surrounding parcels, upon submittal of a site revised plan document which

satisfies the remaining comments from DPW and MSD. Staff also recommends approval of the required amendment to the Binding Elements currently associated with the site. The plan must further be approved by the City of Middletown before work may begin.

Based upon information in the staff report and testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must recommend to the City of Middletown approval, approval with conditions or denial of the development plan and Sidewalk Waiver.

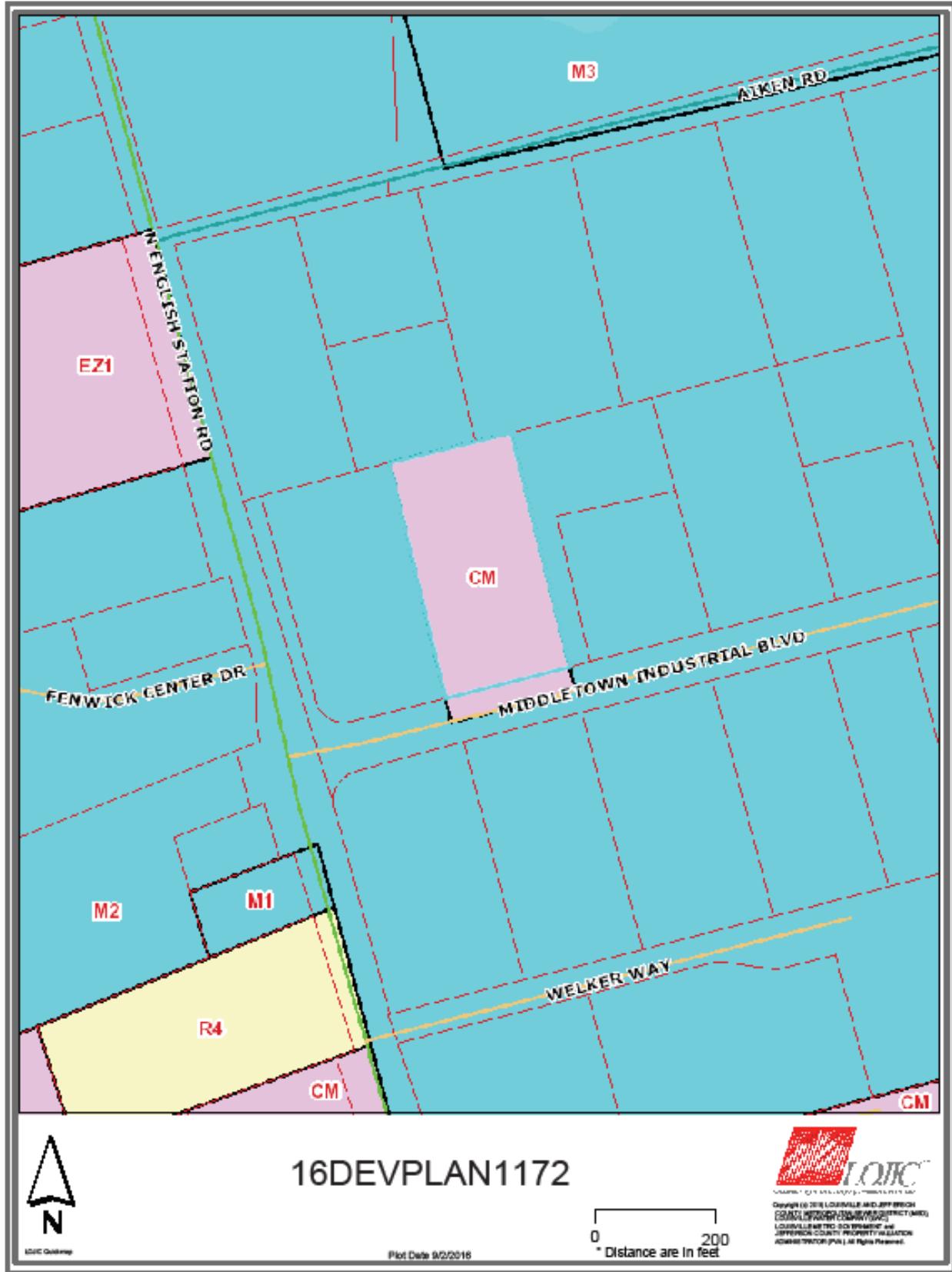
### NOTIFICATION

Date	Purpose of Notice	Recipients
10/14/2016	Hearing before LD&T	1st and 2nd Tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals

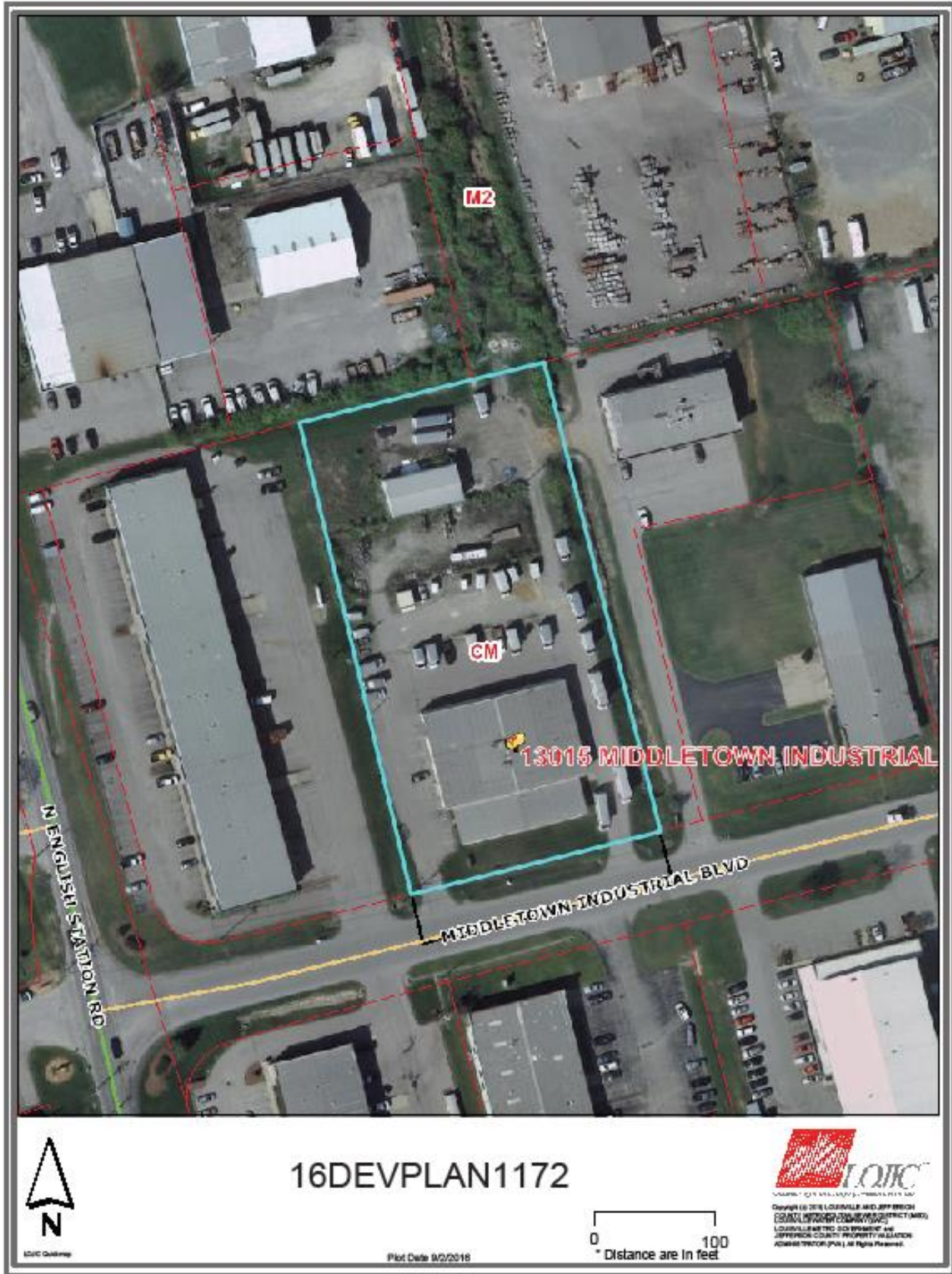
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Binding Elements
4. Amendment to Binding Elements

1. Zoning Map



2. Aerial Photograph



16DEVPLAN1172



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Plot Date 9/2/2016

0 100  
\* Distance are in feet

### **3. Existing Binding Elements**

CITY OF MIDDLETOWN  
ORDINANCE NO. 01-10

AN ORDINANCE RELATING TO THE CHANGING OF THE ZONING FROM M-2 INDUSTRIAL DISTRICT TO CM-COMMERCIAL MANUFACTURING DISTRICT ON PROPERTY LOCATED AT 13015 MIDDLETOWN INDUSTRIAL BOULEVARD CONTAINING ONE ACRE, BEING IN THE CITY OF MIDDLETOWN, AND CONTAINING BINDING ELEMENTS, DOCKET NO. 9-49-01 (Orr Properties Limited Partnership)

Subject to the following binding elements:

1. All 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 and/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 and/or alterations not so referred shall not be valid.
2. The development shall not exceed 14,400 square feet of gross floor area.
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 10 feet to front property line. The sign shall not exceed 36 square feet in area per side and 6 feet in height. No sign shall have more than two sides. Any sign must comply with the City of Middletown Sign Regulations.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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 the 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.
6. Before any permit, including but not limited to building, parking lot, change of use or alteration permit, is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b. 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.
7. If a building permit is required but 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
8. 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.

9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment.
10. 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.
11. 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.
12. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City of Middletown.

**4. Amendment to Binding Elements**

2. The development shall not exceed 23,730 square feet of gross floor area.