

Development Review Committee

Staff Report

February 6, 2019



Case No:	18DEVPLAN1201
Project Name:	Stor-All
Location:	12113 Shelbyville Road
Owner(s):	Multiple Owners
Applicant:	Stor-All
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Waiver** of Land Development Code, section 10.2 to omit the 15' landscape buffer along the south property line
- **Revised detailed district development plan**

CASE SUMMARY

A revised development plan is being requested for a recently approved mini-warehouse facility along Shelbyville Road in the City of Middletown. The primary revisions are in the areas near Tract 3 & 4 on the development plan. Buildings in this area have been slightly reduced, property boundaries have been shifted, and drive lanes have been reconfigured. An overall reduction of roughly 11,000 sq. ft. is proposed. An amendment to binding element #10 is needed to accommodate the property line shift between Tracts 2 & 3. Tract 3 was rezoned to C-2 and has use restrictions. It will no longer be part of the mini-warehouse facility.

Associated Cases

17ZONE1077: Change in zoning from R-4 to C-2 with CUP for mini-warehouse (approved 5/24/18)
18CUP1169: Modified CUP heard by BOZA on 2/4/19

STAFF FINDING

The revised plan appears to be adequately justified based on the staff analysis contained in the standard of review. The requested waiver does not appear to be adequately justified based on staff's analysis contained in the standard of review. Landscape buffer areas are intended to provide transition between uses of differing intensities and scales. There do not appear to be any physical or natural constraints that would prevent the installation of plantings or screening in this area and no mitigation to compensate for the omission of the LBA has been provided.

TECHNICAL REVIEW

Preliminary approvals have been received from MSD and Transportation Planning staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will adversely affect adjacent property owners as the adjacent use is a lower intensity district which allows for office and residential uses. It is not clear whether the tree canopy along the shared line will be lost in its entirety; thus leaving no transition between incompatible districts.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 as Guideline 3, policies 21 & 22 call for appropriate transitions between uses of different scales or intensities and when these uses exist between each other sufficient mitigation to reduce negative impacts is needed. The adjacent use is a lower intensity district which allows for office and residential uses. It is not clear whether the tree canopy along the shared line will be lost in its entirety; thus leaving no transition between incompatible districts.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as there are no physical or natural features preventing the installation plantings and screenings along this property line. Further, there is significant canopy in the area that does not appear to prevent development of the site and could be used to mitigate impacts.

- (d) Either:

(i) 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); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as there are no physical or natural features preventing the installation plantings and screenings along this property line.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- 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: The proposed development plan provides a woodland protection area for the permanent protection of resources.

- 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 are provided as sidewalks along the frontage will be provided and access from the site will be restricted to the major arterial road; thus, eliminating any adverse impacts of its traffic on residential property.

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

STAFF: A woodland protection area for the permanent protection of resources is provided.

- 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 provisions 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 is consistent with the corridor and has a limited impacted on the primary roadway. Sufficient transition is provided on all but one property line upon which a waiver has been requested.

- 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 for mini-warehouse is in conformance with applicable policies of the comprehensive plan as the subject site is located to the rear of a commercial corridor consisting of a mixture of uses of varying intensities. The use itself does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Waiver** of Land Development Code, section 10.2 to omit the 15' landscape buffer along the south property line
- **RECOMMEND** to the City of Middletown that the Revised Detailed District Development Plan be **APPROVED** or **DENIED**

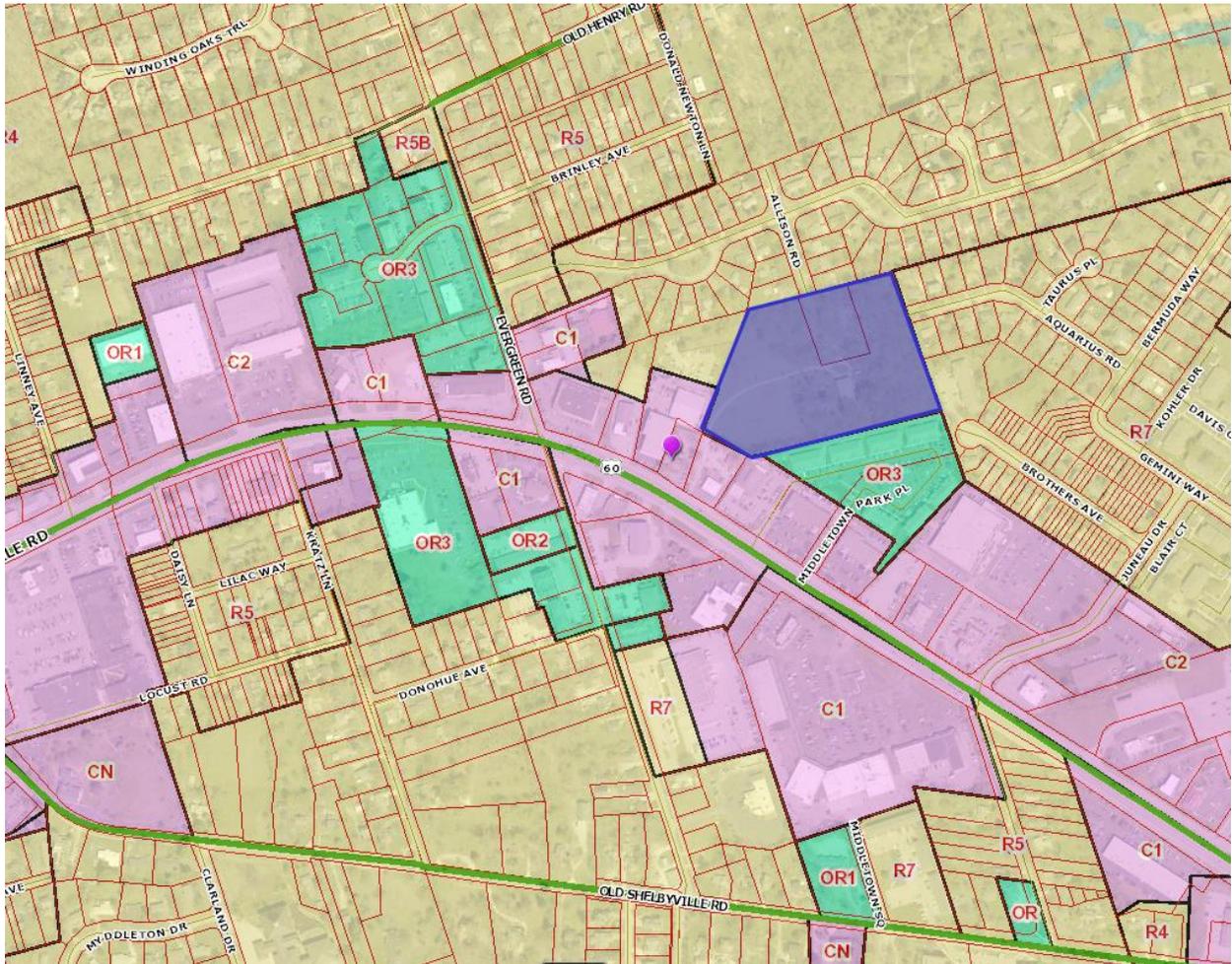
NOTIFICATION

Date	Purpose of Notice	Recipients
1/18/19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Revision to binding element #10

1. **Zoning Map**



2. Aerial Photograph



4. Revision to binding element #10

- ~~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.~~
10. The only C-2 use permitted on Tract 2 as shown on the approved district development of case 18DEVPLAN1201 shall be a mini-warehouse, unless approved by the Louisville Metro Planning Commission and the City of Middletown.