

**Development Review Committee**  
**Staff Report**  
April 20, 2022



<b>Case No:</b>	22-WAIVER-0055
<b>Project Name:</b>	River City Foundations
<b>Location:</b>	13120 Aiken Road
<b>Owner(s):</b>	River City Foundations, LLC
<b>Applicant:</b>	Land Design and Development, INC
<b>Jurisdiction:</b>	Middletown
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Molly Clark, Planner I

**REQUEST(S)**

- **Waiver** of section 10.2.9 of the Middletown LDC to reduce the required VUA/LBA from 10 FT to 5 Ft.

**CASE SUMMARY**

The applicant is proposing to build a 60 FT x 100 FT warehouse (6,840 SF) and expand the parking lot on a lot zoned M2 in the Suburban Workplace Form District. This site is located in Middletown. A small portion of the site in the rear is plan certain under 09-54-78 but does not affect the existing and proposed development.

**STAFF FINDING**

The request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

There are no outstanding technical issues associated with this request.

**INTERESTED PARTY COMMENTS**

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

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

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant is still providing all the required plantings.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: Plan 2040 calls for protection of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate, appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact

caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances, that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered and ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The applicant is still providing a VUA/LBA and all the required plantings.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the site has an existing building and parking that they are working around.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as it would require the applicant to relocate existing parking and an existing building.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver** of section 10.2.9 of the Middletown LDC to reduce the required VUA/LBA from 10 FT to 5 Ft.

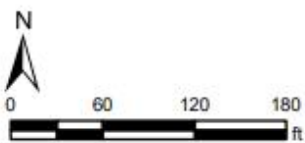
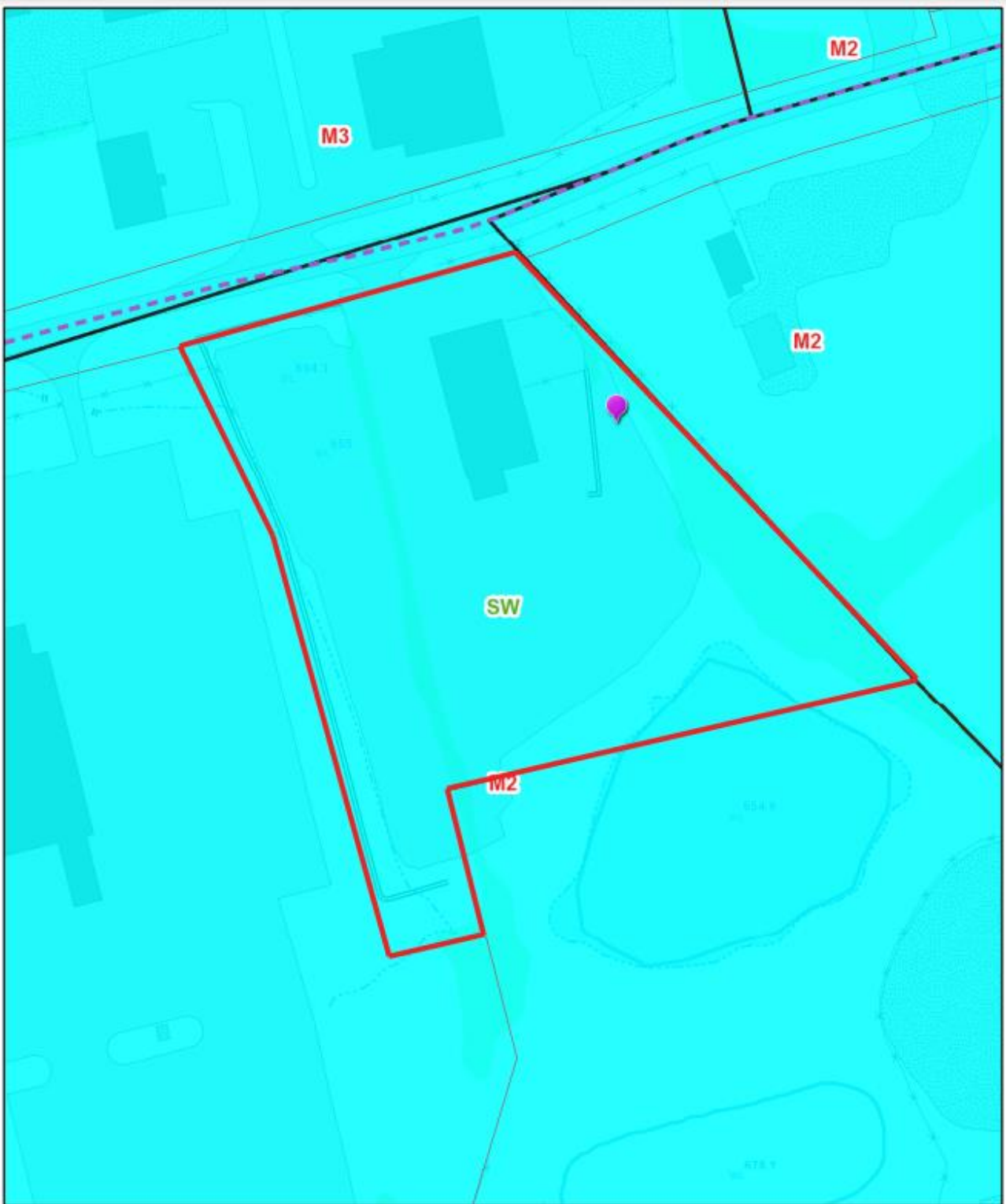
**NOTIFICATION**

Date	Purpose of Notice	Recipients
04/8/22	Hearing before DRC 4-20-22	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



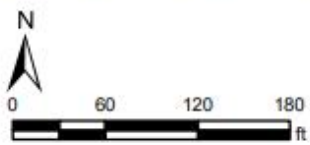
Friday, April 15, 2022 | 9:55:34 AM



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2. Aerial Photograph



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