

**Land Development and Transportation Committee**  
**Staff Report**  
September 28, 2017



<b>Case No:</b>	17WAIVER1029
<b>Project Name:</b>	Starbucks Middletown
<b>Location:</b>	12620 Shelbyville Rd
<b>Owner(s):</b>	Thomas and Joyce Engle
<b>Applicant:</b>	State Permits
<b>Jurisdiction:</b>	Middletown
<b>Council District:</b>	19 – Julie Denton
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- Waiver of Land Development Code section 10.3.6 (Middletown) to allow an existing building and proposed Vehicle Use Areas to encroach into scenic corridor landscape buffer areas and setback standards.

**CASE SUMMARY**

The applicant is proposing to renovate an existing vacant gas station into a Starbucks coffee shop. The proposal involves replacing and altering the vehicle use area surrounding the building to accommodate a drive-thru window and a parking layout appropriate for the use. The site is shaped like a wedge, with both Shelbyville Rd and Old Shelbyville Rd being designated scenic corridors. The application of the scenic corridor setbacks and buffer areas on both of these corridors leaves an extremely limited area to build on, as most of the site falls under these requirements.

**STAFF FINDING**

The building is an existing structure, so granting relief of these regulations would allow the nonconforming structure to come into compliance with current Land Development Code regulations. The waiver would also be required to construct the drive through and other vehicle use areas as proposed.

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

**TECHNICAL REVIEW**

There is no outstanding technical review items associated with this request.

**INTERESTED PARTY COMMENTS**

Staff has received multiple inquiries about the nature of this project, but no one has explicitly expressed support or opposition.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section  
10.3.6, Scenic Corridor Development Standards, to allow an existing  
building and proposed Vehicle Use Area to encroach into required buffers  
and setbacks.**

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

STAFF: The waiver will not adversely affect adjacent property owners since landscape requirements will still be met elsewhere on site and adequate screening will be provided for adjacent properties.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policies 21 and 22 calls for 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. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The proposed development will be an improvement of the visual experience of the corridor, as the gas station canopy will be removed, and significant additional plantings will be installed throughout the site.

- (c) The extent of the 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.

- (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 deprive the applicant of the reasonable use of the land due to the presence of dual scenic corridors, which make most of the site unbuildable without granting this relief.

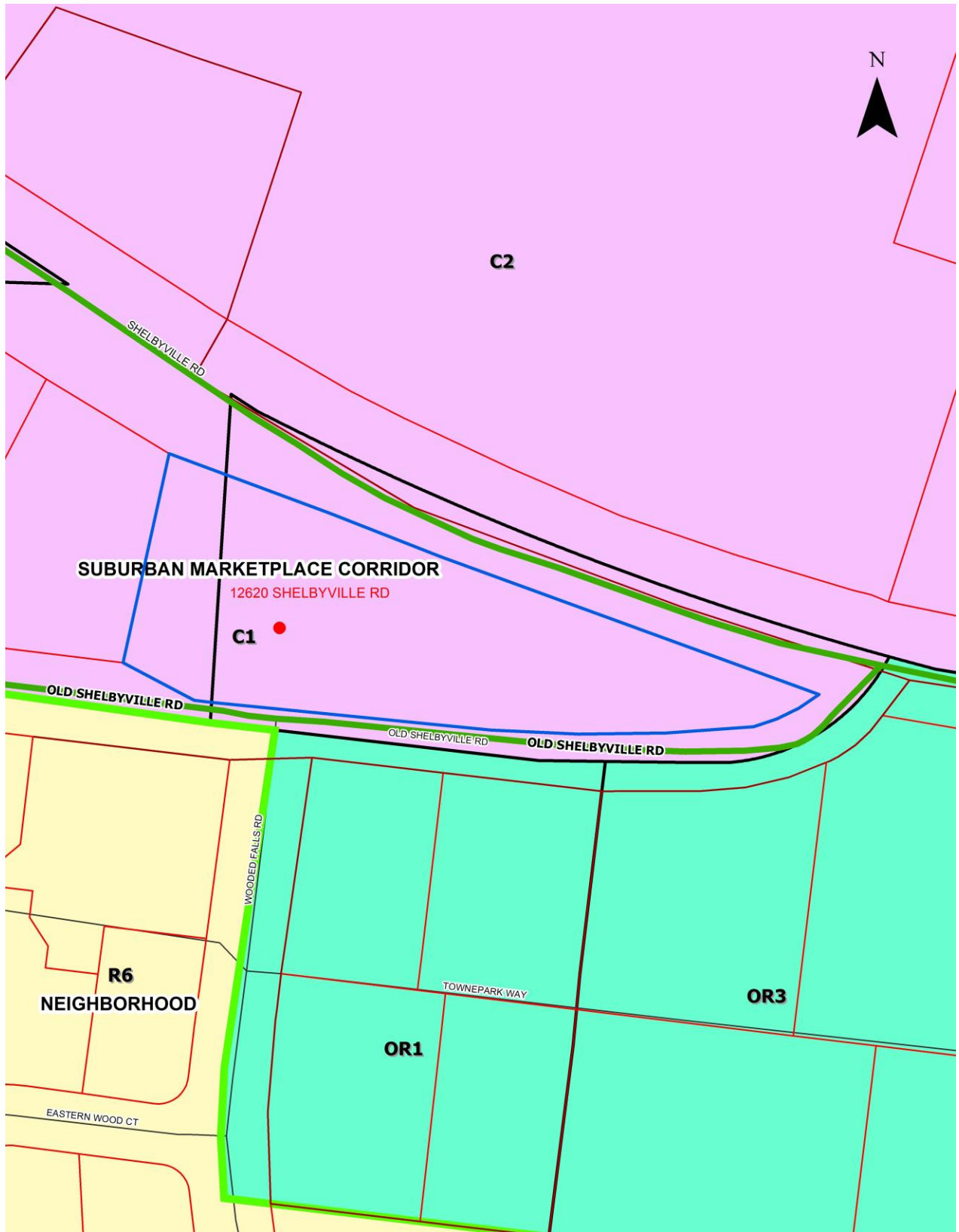
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
9-15-17	Hearing before LD&T	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**



2. Aerial Photograph

