

Land Development and Transportation Committee
Staff Report
April 26, 2018



Case No:	17DEVPLAN1213
Project Name:	Miller Office Condos
Location:	317 N English Station Rd
Owner(s):	ESOD, Inc.
Applicant:	ESOD, Inc.
Jurisdiction:	Middletown
Council District:	19 – Julie Denton
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 6660 SF office building in the OR-3 zoning district. The site was rezoned from R-4 to OR-3 under docket 9-11-05. The applicant proposes to preserve two existing buildings onsite. A waiver was granted from Land Development Code section 10.2.3 in the previous case to allow for vehicle maneuvering and the existing buildings to remain within a required 15' property perimeter landscape buffer area.

This case was previously approved at the 1-11-18 LD&T meeting, and has been revised to meet requests from the city of Middletown.

STAFF FINDING

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

TECHNICAL REVIEW

Transportation Planning and the Metropolitan Sewer District have given preliminary approval to the development plan.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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 Transportation Planning 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: There are no open space requirements pertinent to the current proposal.

- 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 **Revised Detailed District Development Plan**

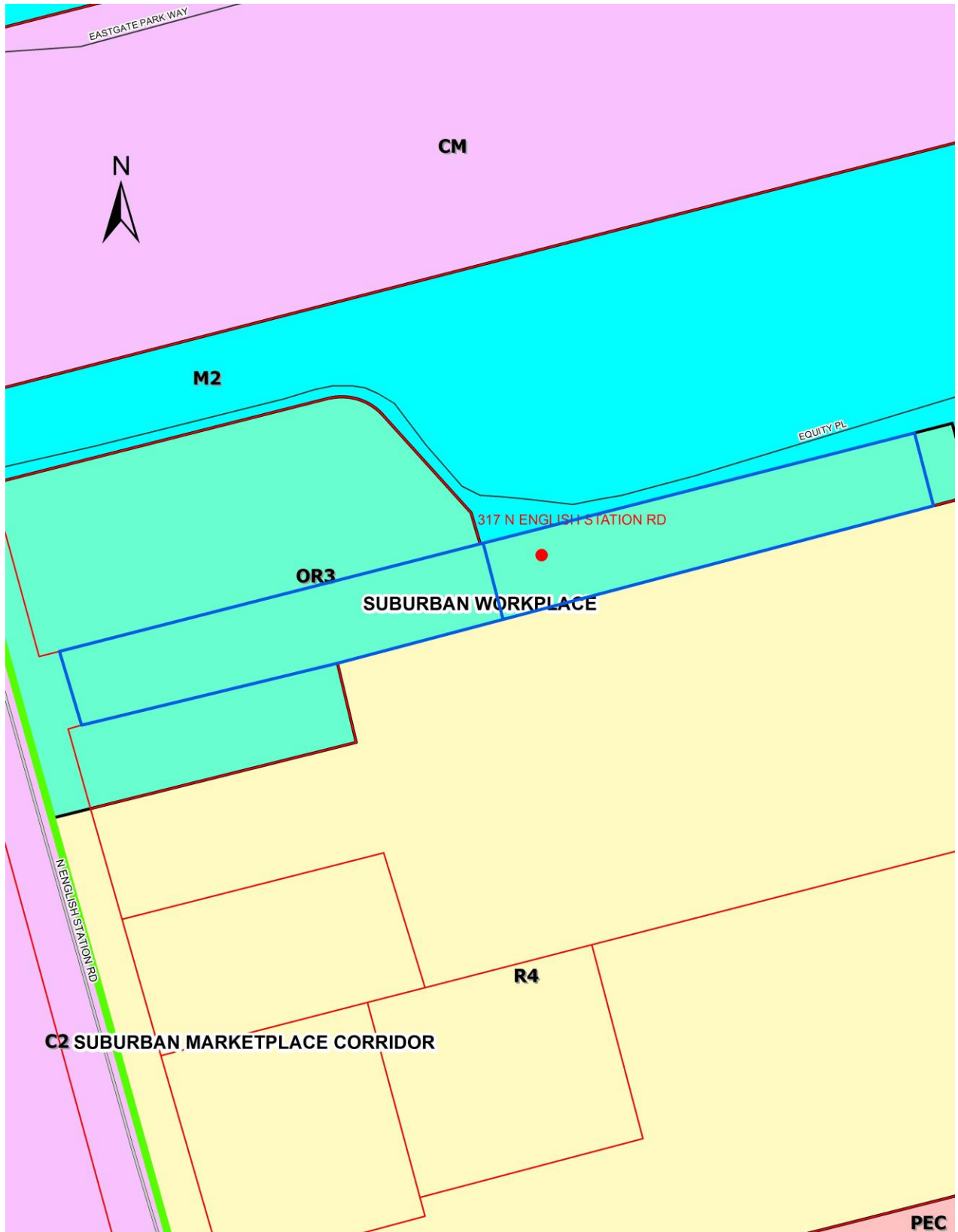
NOTIFICATION

Date	Purpose of Notice	Recipients
4-16-18	Hearing before LD&T	1 st tier adjoining property owners 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

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. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee, and to the City of Middletown, for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 15,600 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code, and to applicable Ordinances of the City of Middletown.
4. Outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall not be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 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 certificate of occupancy 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 and the City of Middletown.
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. 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.

10. ~~The materials and design of proposed structures shall be substantially the same as depicted in the pictures as presented at the April 21, 2005 Planning Commission meeting. External architectural window treatments on the rear and sides of the building shall be the same as the window treatments on the front of the building, which include different brick work with a top center stone. These added window treatments to the other sides of the buildings will assure a consistent, upscale look.~~
11. The facade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
12. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass considerations.
13. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
14. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City of Middletown.