

Development Review Committee

Staff Report

September 18, 2019



Case No:	19-DDP-0036
Project Name:	Schumacher Homes Office
Location:	121 Huntington Ridge Drive
Owner(s):	Schumacher Homes of Kentucky Inc.
Applicant:	Schumacher Homes of Kentucky Inc.
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Dante St. Germain, AICP, Planner II

REQUEST

- **Revised Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject property is currently undeveloped. The applicant proposes to construct a new 6,150 sf. sales office and two model homes. The property abuts the Gene Snyder Freeway right-of-way in the rear, where the ramp from Shelbyville Road to the Gene Snyder Freeway is located. The applicant proposes to construct one of the model homes facing the Gene Snyder Freeway ramp. City of Middletown Land Development Code section 5.5.2.A.1 requires principal structures to face the abutting street serving the development or an alternative focal point within the development.

This request was previously heard on February 6, 2019 by the Development Review Committee under case number 18DEVPLAN1172. At that time, three model homes were proposed, with all three facing the Gene Snyder ramp. DRC approved the waiver and recommended approval of the development plan to the City of Middletown. The development plan was not approved by the City of Middletown, with an alternate plan approved on June 13, 2019 having one model home face the Gene Snyder ramp. Because the plan allowed by the City of Middletown differed significantly from the one recommended for approval by DRC, the plan was resubmitted for review.

This property was rezoned in 2008 from R-4 Single Family Residential to C-1 Commercial under docket 9-8419-07. This parcel was proposed at the time to be a hotel. There was some discussion at the Planning Commission hearing regarding tree canopy at the rear of the lots to be rezoned and the intention to preserve it. This tree canopy has since been removed on the subject property.

STAFF FINDING

Staff finds that the development plan generally meets the guidelines of the Comprehensive Plan and requirements of the City of Middletown Land Development Code. The Development Review Committee is responsible for making recommendations to the City of Middletown.

TECHNICAL REVIEW

Plan 2040

Land Development Code (2018) City of Middletown.

The plan has received preliminary approval from all applicable agencies.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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. The site is undeveloped and no natural resources appear to exist on the site. The tree canopy which previously existed on the site has been removed.

- 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. Louisville Metro Public Works has provided preliminary approval of the 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. The subject site is located in an area with both developed and undeveloped 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 development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the City of Middletown Land Development Code, with the exception of a granted waiver.

REQUIRED ACTIONS:

- **RECOMMEND** to the City of Middletown to **APPROVE** or **DENY** the **Revised Detailed District Development Plan and Proposed Binding Elements**

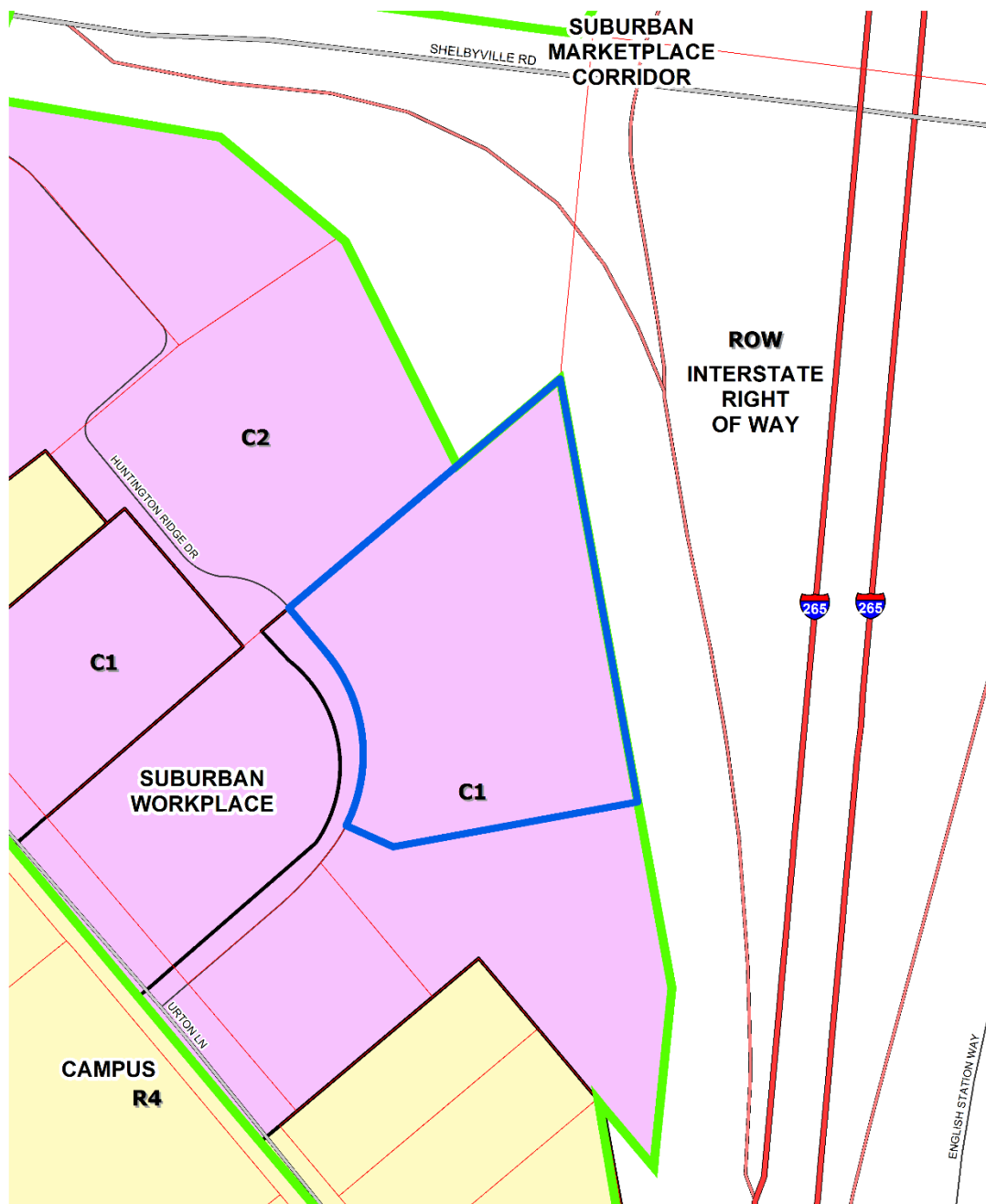
NOTIFICATION

Date	Purpose of Notice	Recipients
09/03/2019	DRC Public Meeting	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing and Proposed Binding Elements

1. Zoning Map



121 Huntington Ridge Drive

feet

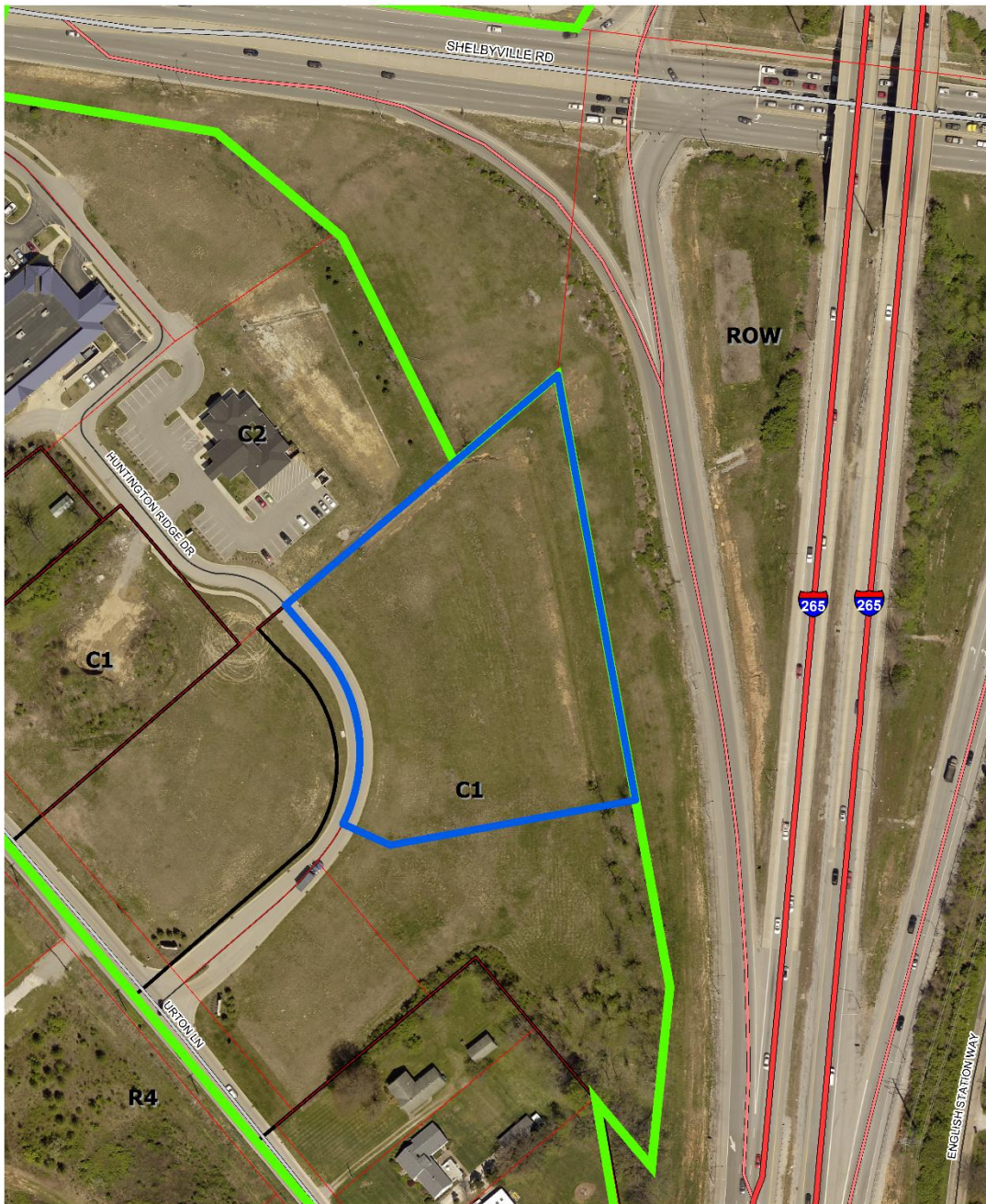
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Map Created: 1/23/2019



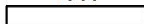
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2. Aerial Photograph



121 Huntington Ridge Drive

feet



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Map Created: 1/23/2019



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3. Existing and Proposed Binding Elements

1. The development shall be in accordance with the approved revised detailed district development plan, which shall match the example presented to the City Commission on the 13th day of June, 2019, showing the front of all buildings facing Huntington Ridge except for one of the model homes, and the agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission and City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The model homes shall not be occupied as residential structures and the renderings of all structures must be the same as the renderings approved by the City of Middletown. If any structure is torn down and rebuilt, Developer must resubmit new renderings to the City of Middletown for review and approval prior to requesting a building permit.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site. Attached signage on the model homes will be allowed, if compliant with the City of Middletown sign ordinance and after review and approval of a sign permit from the City of Middletown.
4. Construction fencing shall be erected with 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. No outdoor construction on Sunday prior to 1 p.m. Prior to and during construction, applicant shall give the City of Middletown full contact information (cell phone), for the employee or other individual in charge of site maintenance.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown 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. There shall be no removal of the required landscaping without City Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be as are deemed adequate by the City to mitigate the impact.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. Unless a building permit or a clearing and grading permit is issued within two years from the date of the City of Middletown's approval herein, then the development plan must return to the Planning Commission and the City of Middletown for re-approval before any work can commence.

- e. The Mayor is hereby authorized by the City Commission (at the Mayor's option), to issue any subsequent City of Middletown approvals for the revised detailed district development plan changes detailed herein, the landscape plan and other permit approvals.
6. 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.
7. 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 the 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.
8. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4, Part 1.3 of the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the Land Development Code.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
10. All binding elements and/or conditions of approval set out herein have been accepted in total, without exception, by the entity requesting this approval.