

# Planning Commission

## Staff Report

August 4, 2016



<b>Case No:</b>	16zone1014
<b>Request:</b>	Change in zoning from R-4 to CM
<b>Project Name:</b>	River Glen
<b>Location:</b>	500 N. English Station Road
<b>Owner:</b>	C & T Developers LLC
<b>Applicant:</b>	River Glen
<b>Representative:</b>	Land Design and Development; Michael Tighe
<b>Jurisdiction:</b>	City of Middletown
<b>Council District:</b>	19-Julie Denton
<b>Case Manager:</b>	Julia Williams, RLA, AICP, Planning Supervisor

### REQUEST

- Change in zoning from R-4 to CM
- District Development plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for 4 office/warehouse structures on the last single family residential zoned lot in the vicinity. Access to the site will be shared with the adjacent lot to the south. There are no significant natural features on the site.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single Family Residential	R-4	SW
<b>Proposed</b>	Office/Warehouse	CM	SW
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Office/Warehouse	M-1/M-2	SW
<b>South</b>	Office/Warehouse	CM	SW
<b>East</b>	Office/Warehouse	M-2	SW
<b>West</b>	Office/Warehouse	CM	SW

### PREVIOUS CASES ON SITE

None found.

### INTERESTED PARTY COMMENTS

None received.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed rezoning change complies with the applicable guidelines and policies Cornerstone 2020;  
**OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

## STAFF ANALYSIS FOR REZONING

The proposed form district is the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

Staff finds that the existing zoning classification is inappropriate and the proposed classification is appropriate due to the major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. This parcel of land is the last piece of residentially zoned property along English Station Road north of Aiken Road until after Old Henry Road. All other parcels along this corridor are zoned industrially.

## TECHNICAL REVIEW

- All agency comments have been addressed.

## STAFF CONCLUSIONS

Staff finds that the existing zoning classification is inappropriate and the proposed classification is appropriate due to the major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. This parcel of land is the last piece of residentially zoned property along English Station Road north of Aiken Road until after Old Henry Road. All other parcels along this corridor are zoned industrially.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the existing zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

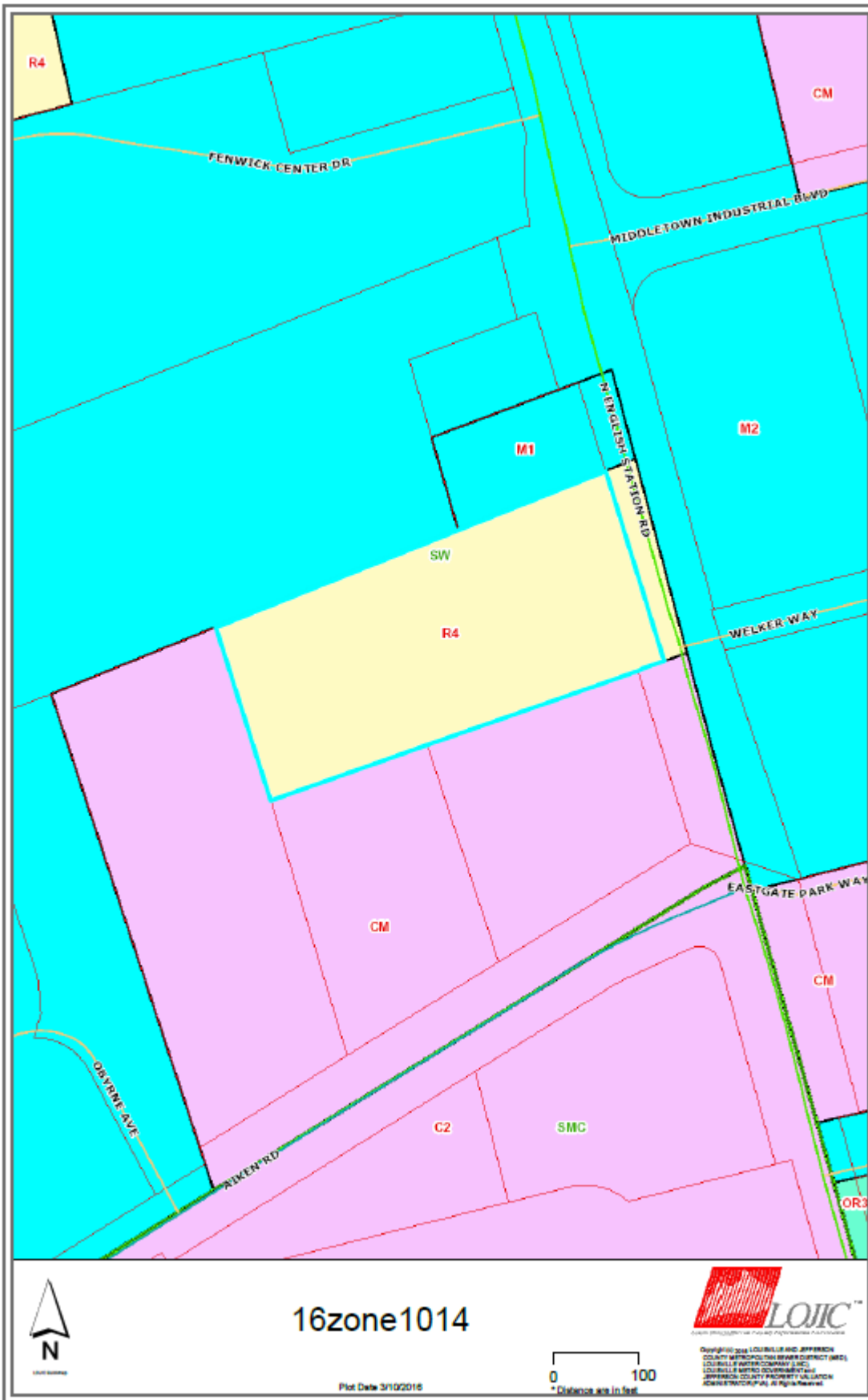
## NOTIFICATION

Date	Purpose of Notice	Recipients
6/9/16	Hearing before LD&T on 6/23/16	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
7/13/16	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
7/20/16	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



**3. Proposed 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 60,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit including but not limited to building, parking lot, change of use, site disturbance, alteration permit is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, 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.
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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The property owner shall provide a cross over access easement if the property to the north is ever re-developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 4, 2016 Planning Commission meeting.

11. The developer shall contribute their prorated portion, not to exceed \$1,800, to the cost of the signal installation at Aiken Road and North English Station Road. This shall be paid within 30 days of the request by the Director of Metro Public Works. The request shall be made to the developer when Metro Public Works obtains the balance of the cost of the installation and no sooner than construction plan approval.
12. If at the time of final certificate of occupancy, sidewalks have not been constructed along N. English Station Rd by KYTC project 5-353 a sidewalk fee in lieu will be applied. A bond will also be required, and will be released at the time the fee-in-lieu is paid.