

Land Development & Transportation Committee

Staff Report

December 8, 2016



Case No:	16WAIVER1049
Request:	Landscape Waiver
Project Name:	CUB Bank and Shell Retail
Location:	101 Huntington Ridge Drive
Owner:	David M. Bowling, Citizens Union Bank of Shelbyville
Applicant:	Jason Sams
Representative:	Jason Sams
Jurisdiction:	Middletown
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Landscape Waiver of Section 10.3.6, Table 10.3.2 to not provide the 3' vehicle use area screen along a scenic corridor.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 4,760 square foot bank and retail space, located in the City of Middletown, southeast of the Shelbyville Road/I-265 interchange. The proposal includes 26 parking spaces. The bank will have a canopy with three drive-thru lanes. The development will have two access points from Huntington Ridge Drive.

The applicant has previously constructed a 4' wooden fence along the top of the existing retaining wall to meet the screening requirement for the Shelbyville Road scenic corridor. The applicant has requested a waiver of the screening requirement in order to remove the fence to ensure visibility of the proposed establishment from Shelbyville Road.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-2	SWC
Proposed	Bank/Retail	C-2	SWC
<i>Surrounding Properties</i>			
North	ROW/ I-265 Ramp	NA	NA
South	Retail/Vacant	C-2	SW
East	ROW/ I-265 / Vacant	C-2	SW
West	Retail	C-2	SW

PREVIOUS CASES ON SITE

9-50-99: Change in zoning from R-4 Single Family Residential to C-1 and C-2 commercial.

12012: Revised detailed District Development Plan for Retail (Goodwill Industries) and Landscape Waiver.

13111 & 13146: Revised Detailed District Development Plans for Retail (Goodwill Industries) and Bank

16DEVPLAN1102: Revised Detailed District Development Plan for Bank and Retail.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER Section 10.3.6, Table 10.3.2 to not provide the 3' vehicle use area screen

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

STAFF: The waiver will not adversely affect adjacent property owners as the screen requirement is for vehicle use area screening from the scenic corridor.

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

STAFF: Guideline 3, policy 9 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. 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 air borne and water borne pollutants. As the upward slope of the land from Shelbyville Road, as well as the existing retaining wall provides some screening and the applicant is still providing all required plantings in the Landscape Buffer Area, these guidelines are not violated.

(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 as all other planting requirements within the Landscape Buffer Area are being met.

(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 and would create an unnecessary hardship on the applicant as the developer purchased this land with the high visibility from Shelbyville Road and the Gene Synder in mind. The slope of the land plus the screen would decrease visibility from the main thoroughfare, Shelbyville Road, thus partially negating the intent of the location of this development.

TECHNICAL REVIEW

- None

STAFF CONCLUSIONS

The Waiver request meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development & Transportation Committee must determine if the proposal meets the standards for recommending approval of the waiver established in the Land Development Code to the City of Middletown.

REQUIRED ACTIONS

Recommend **APPROVAL** or **DENIAL** of the Waiver of Section 10.3.6, Table 10.3.2 to the City of Middletown.

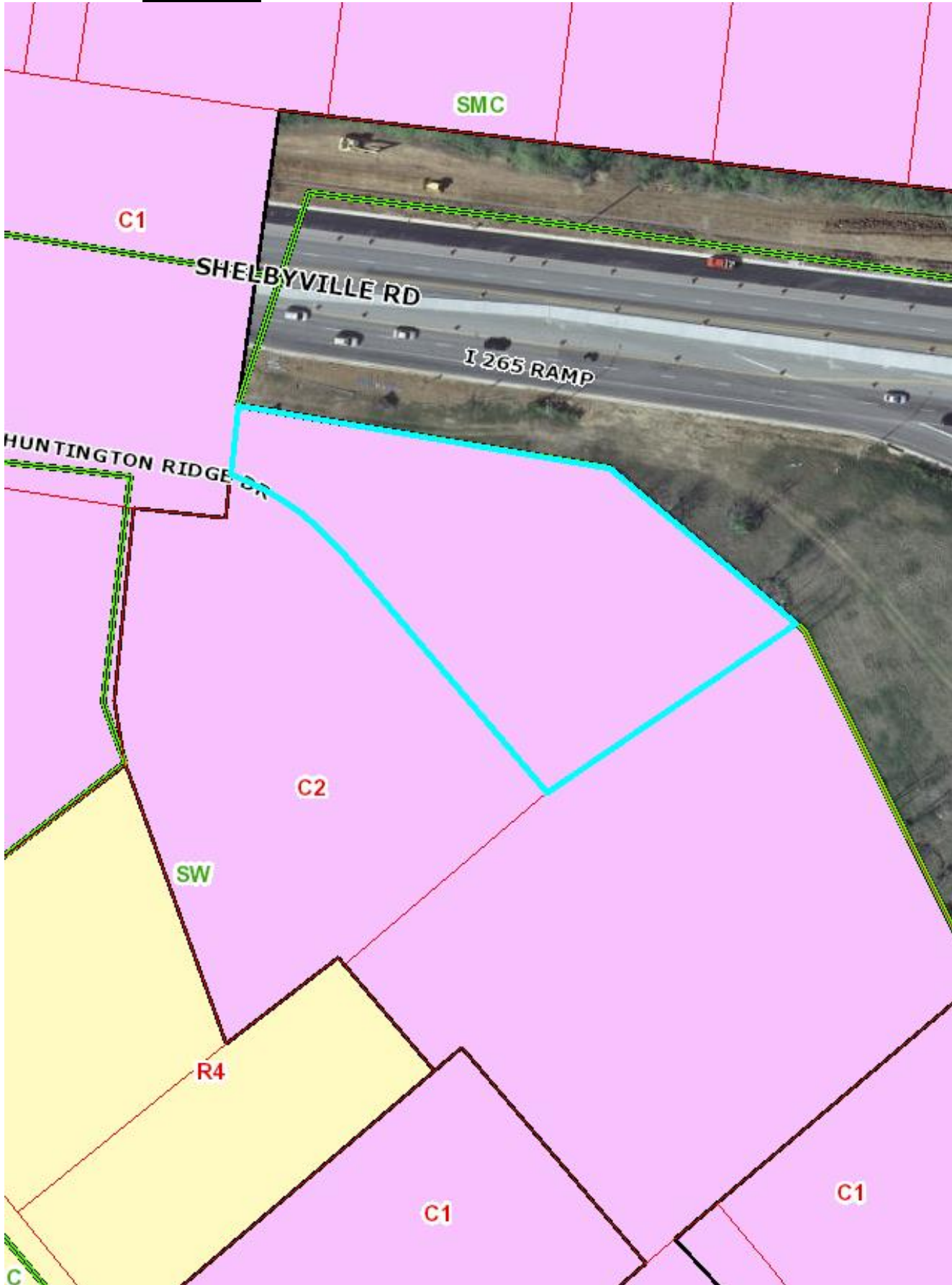
NOTIFICATION

Date	Purpose of Notice	Recipients
11/22/2016	Public Hearing - DRC	Neighborhood notification recipients
11/23/2016	Public Hearing - DRC	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

