

Development Review Committee

Staff Report

December 1, 2021



Case No:	21-DDP-0105
Project Name:	Mike's Car Wash
Location:	13310 Taylorsville Rd
Owner(s):	Leong Family Limited Partnership
Applicant:	Midcore, LLC.
Jurisdiction:	Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- Revised Detailed District Development plan with revisions to existing binding elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to renovate and rebrand an existing car wash. The subject site is zoned C-1 in the Suburban Marketplace Corridor form district within the City of Middletown. The site was rezoned and developed under docket 9-39-95.

STAFF FINDING

The request is adequately justified and meet the standards of review. The site will remain a car wash and utilize the existing structure, with some alterations to the structure and reconfiguration of the lot.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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.

- 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 Staff 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.

- 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** with revisions to Binding Elements

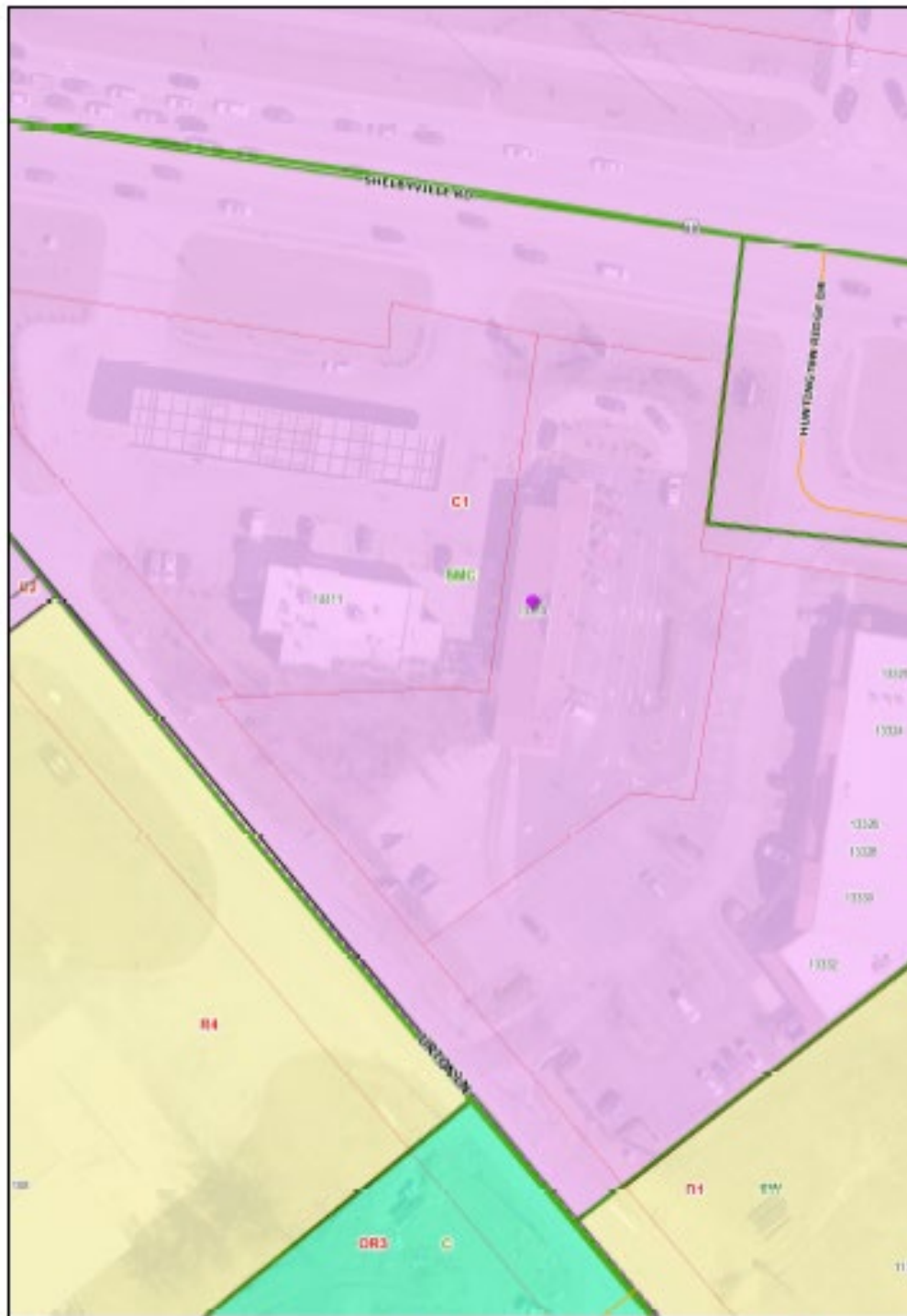
NOTIFICATION

Date	Purpose of Notice	Recipients
11-17-21	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



21-DDP-0105

Tuesday, November 23, 2021 | 4:02:20 PM



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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



21-DDP-0105

Tuesday, November 23, 2021 | 4:00:35 PM



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This map is not a legal document and should only be used for general reference and identification.

3. Existing Binding Elements with proposed changes

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission (and to the city Middletown) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 4,350 square feet of gross floor area for Lot No. 2 and 12,000 square feet of gross floor area for Lot No. 1. No individual business (tenant) located on Lot No. 1 shall occupy more than 3,000 square feet of gross floor area without the prior consent of the City of Middletown.
3. The only permitted freestanding signs shall be located as shown on the district development plan. The sign on Urton Lane shall be a monument type sign not to exceed 30 square feet in area and six feet in height. The sign on Shelbyville Road shall not exceed 64 square feet in area and 20 feet in height for lot 1 and shall be a monument style sign 64 square feet in area and 16 feet high maximum, design to be approved by staff for lot 2 (carwash). No sign shall have more than two sides. All other signage shall be limited to attached signage in conformance with the Middletown Sign Ordinance.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Upon request of the City of Middletown, the applicant or then owner of the subject property shall construct and maintain sidewalks within the public right-of-way adjacent to the subject property.
7. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line.
8. The following uses (or conditional uses) shall NOT be allowed on the subject property:
 - a. Automobile service stations
 - b. Beer Depots where alcoholic beverages are not consumed on the premises
 - c. Bowling alleys
 - d. Business Schools
 - e. Clubs, private, non-profit or proprietary
 - f. Day care centers, day nurseries, nursery schools and kindergartens
 - g. Health spas
 - h. Hotels and Motels
 - i. Laundries or laundrettes (drop off point permitted)
 - j. Package liquor stores
 - k. Restaurants with drive-through windows or other uses with drive through windows
 - l. Restaurant with outdoor seating or outside service
 - m. Tanning salons
 - n. Temporary buildings
 - o. Towers (radio/tv Receiving or Transmitting) including microwave towers

- p. Airports, heliports
 - q. Camping areas, public and private
 - r. Commercial kennels
 - s. Excavations
 - t. Hospitals, institutions, nursing homes and homes for the infirmed and aged
 - u. Social rehabilitation residences
9. All commercial trash receptacles shall be enclosed by a brick structure (wall) (except entrance gate which shall be of compatible material) to a height greater than the height of the commercial trash receptacle and permanently maintained.
 10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 11. 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.
 12. Any public address system shall be designed to be inaudible offsite.
 13. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from The Louisville Metro Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat shall be recorded (creating the lot lines as shown on the development plan/dedicating additional right-of-way to Urton Lane to provide a total of 45 feet from the centerline). A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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 Article 12 (and in conformance with the Parkway Policy) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner-and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plan to the office responsible for permit issuance will occur only after receipt of said instrument.
 - ~~14. The development plan and the architecture and materials used shall be substantially similar to those shown in the presentation to the City Commission on January 25, 1996, which shall include:

 - a. The rear of the building facing adjacent property shall be constructed of brick or split face block integrally colored with brick appearance, provided however that the short rear wall facing the rear line shall be brick only.
 - b. The other three sides of the building shall be brick with Drivit areas.
 - c. The roofline shall show gable construction appearance.~~

15. The development plan is referred back to the Louisville and Jefferson County Planning Commission in accordance with this ordinance and the Provisions of the development code.
16. If a building permit is not issued within one year of the date of approval of the plan, 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.
17. A certificate of occupancy must be received from the appropriate wde 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.
18. 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.
19. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
20. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
21. The materials and design of proposed carwash shall be substantially the same as depicted in the rendering as presented at **December 1, 2021 Development Review Committee meeting**, the October 9th, 2003 LD&T, being of similar design as the existing building on Lot 1. The facade of the structure on Lot #1 shall be as shown on January 25, 1996 to the City of Middletown. The landscaping for the carwash site shall be as shown on the concept landscape plan submitted at the October 9, 2003 LD&T.
- ~~22. The only car wash permitted on the subject property pursuant to the approved detailed district development plan shall be as otherwise set forth in these binding elements and as fully described in the spiral bound booklet of explanatory materials submitted at the Middletown City Commission meeting at which the car wash was approved. Any deviation in the use of the property or in the design and materials of the building, lot layout, landscaping, vehicular maneuvering, access, parking, drainage and car wash operations from the details set forth in these binding elements and in the referenced spiral bound booklet of explanatory materials shall be prohibited without specific approval of the Middletown City Commission. The City Commission may disallow any other type of car wash on the site, the design of the building notwithstanding.~~
23. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Commission.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission (and to the city Middletown) for review and approval; any changes/additions/alterations not so referred shall not be valid.
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