

**Board of Zoning Adjustment**  
**Staff Report**  
February 4, 2019



<b>Case No:</b>	18CUP1169
<b>Project Name:</b>	Stor-All
<b>Location:</b>	12113 Shelbyville Road
<b>Owner(s):</b>	Multiple Owners
<b>Applicant:</b>	Stor-All
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts, PLLC
<b>Jurisdiction:</b>	City of Middletown
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Joel P. Dock, Planner II

**REQUEST(S)**

- **Modified Conditional Use Permit** for mini-warehouse, Land Development Code (LDC), section 4.2.35 with relief from item 'B'

**CASE SUMMARY**

A modified conditional use permit is being requested for a recently approved mini-warehouse facility along Shelbyville Road in the City of Middletown. The primary modifications are in the areas near Tract 3 & 4 on the development plan. Buildings in this area have been slightly reduced, property boundaries have been shifted, and drive lanes have been reconfigured.

**Associated Cases**

17ZONE1077: Change in zoning from R-4 to C-2 with CUP for mini-warehouse (approved 5/24/18)  
18DEVPLAN1201: To be heard by DRC on 2/6/19

**STAFF FINDING**

The conditional use permit appears to be adequately justified based on the staff analysis contained in the standard of review.

**TECHNICAL REVIEW**

Preliminary approvals have been received from MSD and Transportation Planning staff.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The use itself does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor. Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with surrounding uses and provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Woodland protection area and landscape buffering are being provided to preserve vegetation and reduce the impact upon abutting single-family homes

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary public facilities are available or being provided by the proposal as demonstrated on the detailed district development plan.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The requested conditional use permit meets each of these guidelines and the relief being sought from item 'B' does not appear to negatively impact surrounding land uses as the immediately abutting use is zoned for high-intensity commercial use.

**REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Modified Conditional Use Permit** for mini-warehouse, Land Development Code, section 4.2.35 with relief from item 'B'

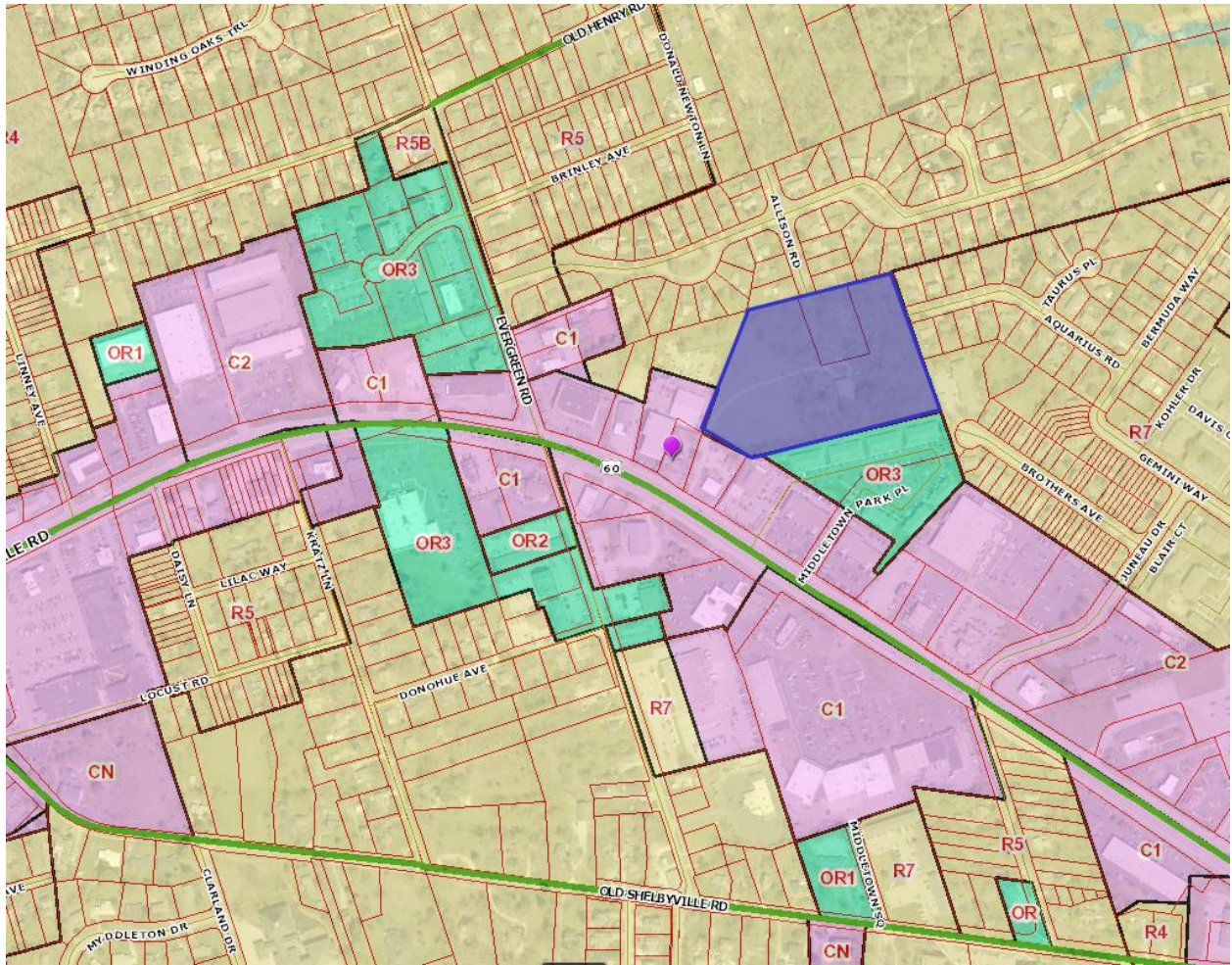
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1/18/19	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in District 19

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

