

Development Review Committee

Staff Report

June 15th, 2016



Case No:	16DEVPLAN1102
Request:	Revised Detailed District Development Plan
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

- Revised Detailed District Development Plan

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 and four total bike parking spaces. The bank will have a canopy with three drive-thru lanes. The development will have two access points from Huntington Ridge Drive. All aspects of the plan meet or exceed the Land Development Code requirements.

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

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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: The proposal meets all requirements for tree canopy and is preserving the natural slope to the northeast of the development and proposing a retaining wall.

- 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 have been provided with the completion of the public sidewalk along Huntington Road and pedestrian connections onto the site. The applicant has chosen to do a fee in lieu of the sidewalk requirement along Shelbyville Road. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed.

- 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 for this development.

- 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 provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. There is a detention basin on the parcel to the southeast.

- 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 land use and building design are compatible with the existing and future development of the area. This portion of Shelbyville Road has recently seen an increase in commercial development. The design and use of the proposal will fit in nicely with the surrounding development.

- 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 is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- The applicant has chosen to pay a fee in lieu of the sidewalk requirement along Shelbyville Road.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan 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 hearing, the Development Review Committee must determine if the proposal meets the standards for recommending approval of the RDDDP established in the Land Development Code to the City of Middletown.

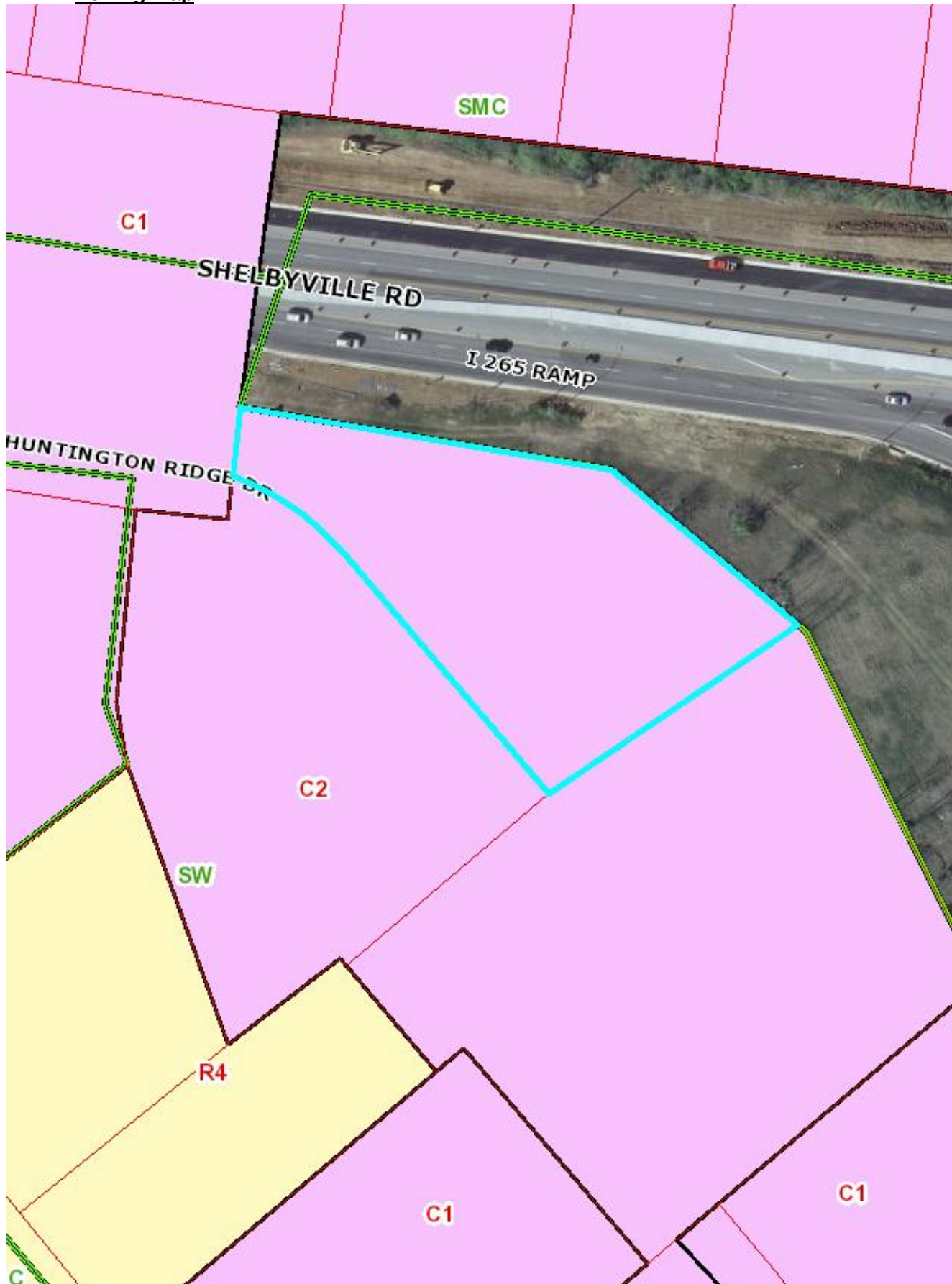
NOTIFICATION

Date	Purpose of Notice	Recipients
06/01/2016	Public Hearing - DRC	Neighborhood notification recipients
06/01/2016	Public Hearing - DRC	1 st tier adjoining property owners

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing 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/ 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 following uses shall not be permitted on the subject property; adult entertainment, taverns, bars and saloons (except that taverns with or without live entertainment operated in conjunction with the hotel shall be permitted), auto sales, used auto sales, bowling alleys, and bingos. Any use other than that shown on the approved development plan, is not allowed without the prior written consent of the City of Middletown. Operation hours for the Goodwill store shall be 7 a.m. to 9 p.m.
3. The only permitted freestanding sign shall be located as shown on the approved development plan. The sign on Tract 4 shall not exceed 120 square feet in area per side and 22 feet in height. No sign shall have more than two sides. All signs shall conform to City of Middletown Ordinances and all must be monument in style.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, advertising balloons, or banners shall be permitted on the site.
5. Outdoor lighting 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 two foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
6. 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.
7. The property owner/developer must obtain approval by the Planning Commission staff landscape architect and the City of Middletown showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect and the City of Middletown if the changes are in keeping with the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topography is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District and the City of Middletown.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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 existing landscaping or required landscaping without City of Middletown 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 such as are deemed adequate by the City to mitigate the impact.
 - d. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and City of Middletown; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and City of Middletown; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
9. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, 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 and the City of Middletown.

10. 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.
11. No outdoor music (live, piped, radio or amplified), outdoor entertainment or outdoor PA system shall be audible beyond the property line.
12. 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 assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
13. 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.
14. The materials and design of proposed structures on Tract 1 shall be substantially the same as depicted in the rendering as presented to the Middletown City Commission at the April 22nd, 2009 meeting.
15. All commercial trash receptacles shall be enclosed to a height greater than the height of the commercial trash receptacle which enclosure shall be of the same materials as the main structure(s) and shall be permanently maintained.
16. These binding elements may be amended as provided in the Zoning District Regulations upon approval by the City of Middletown.
17. The property owner shall provide a cross over access easement if the residential properties to the southwest are ever developed as something other than a single family residential use. A copy of the signed easement agreement shall be provided to Planning Commission staff and the City of Middletown upon request.
18. The façade elevations for Tracts 2 and 3 shall be approved by PDS staff and the City of Middletown prior to construction permit approval.
19. In accordance with Binding Element 16 of case number 8419 (Huntington Ridge at Middletown), properties located at 13404 and 13406 Shelbyville Road and 203 and 205 Urton Lane which are redeveloped within 5 years after July 3rd, 2008, shall be responsible for a contribution toward Urton Lane Road improvements. The cost-sharing contribution shall be calculated on the basis of the acreage that the project contributes compared to the total acreage of all projects located at 114, 118, 201, 203, 205, 211, 213, 215 Urton Lane, the rear portion of 108 Urton Lane and the rear portion of 217 Urton Lane and 13404 and 13406 Shelbyville Road. Metro works shall collect the required cost-sharing contribution and remit the same to the developer who undertakes the Urton Lane road improvements. Neither the Planning Commission nor Metro Public Works shall bear any liability to the applicant, developer and/or land owner in this case to collect such amounts or make such payments, this being only a statement of intent and anticipation. Road improvements shall include widening Urton Lane to provide a three (3) lane section across the frontage of 211, 213, 215 and 217 Urton Lane and a northbound right turn lane at the intersection of Urton Lane and Shelbyville Road per the approved schematic and Kentucky Transportation Cabinet and Metro Public Works standards and requirements. The developer shall be responsible for utility relocation (if required), final surface overlay, signage, stumping and signal modification associated with road improvements. Construction plans bond and encroachment permits shall be obtained prior to construction approval by metro Public Works. The developer shall not request a Certificate of Occupancy until improvements are complete.
20. The materials and design of proposed structures on Tract 4 shall be the same as depicted in the photos as presented to the City of Middletown on the 12th day of November, 2009.

4. Proposed Amended Binding Elements

2. The following uses shall not be permitted on the subject property; adult entertainment, taverns, bars and saloons (except that taverns with or without live entertainment operated in conjunction with the hotel shall be permitted), auto sales, used auto sales, bowling alleys, and bingos. Any use other than that shown on the approved development plan, is not allowed without the prior written consent of the City of Middletown. ~~Operation hours for the Goodwill store shall be 7 a.m. to 9 p.m.~~
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