

Development Review Committee

Staff Report

June 4th, 2014



Case No:	14MOD1004
Request:	Binding Element Amendment
Project Name:	Middletown Commons
Location:	13403-13409 Shelbyville Road 201-203 North English Station Road
Owner:	GBT Realty Corporation
Applicant:	GBT Realty Corporation
Representative:	Bill Bardenwerper
Jurisdiction:	Middletown
Council District:	19 – Jerry Miller
Case Manager:	Christopher Brown, Planner II

REQUEST

- Binding Element Amendment

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located in the northwestern quadrant of Shelbyville Road / I-265 Interchange with frontage on Shelbyville Rd and N. English Station Rd and has a main access from Data Vault Drive.

Zoning District: C-1, Commercial
Form District: SMC, Suburban Marketplace Corridor
Existing Use: Vacant
Proposed Use: Mixed Commercial Retail & Restaurant
Plan Certain Docket #: 10723

The applicant is requesting to amend existing binding element 20 (a) regarding roadway improvements along Shelbyville Road. The existing language is as follows:

20. Per the approved road improvement exhibit dated 02/16/10, Metro Public Works requirements and KTC requirements, the applicant shall provide the following:
 - a. For Shelbyville Road, install a right turn lane for the proposed right-in-right-out access. Turn lane shall measure 150' in storage length with a 100' taper. The third westbound lane of Shelbyville Road shall be extended through the intersection with North English Station and tie into the existing right turn lane for Shelby Station. A minimum of width of 2 ft. widening with 6-8 ft shoulders is required. Sidewalks shall be relocated as necessary.

The applicant is requesting to eliminate all language after the 100' taper requirement of sentence two. The amendment has been discussed with the Kentucky Transportation Cabinet and they concluded that the binding element needed to be revised.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	SMC
Proposed	Mixed Commercial	C-1	SMC
Surrounding Properties			
North	Water Storage Tower	R-4	SW
South	ROW/Mixed Commercial	C-1	SMC
East	Gene Snyder	N/A	N/A
West	Mixed Commercial	C-2	SMC

PREVIOUS CASES ON SITE

10723: The Planning Commission and City of Middletown approved a change in zoning from R-4 and R-7, residential, to C-1, commercial, a change in form district from Suburban Workplace to Suburban Marketplace Corridor, a conditional use permit for outdoor alcohol sale and consumption for restaurants in C-1 zoning, a variance to reduce the required yard along the northern property line from 50' to 25' and approval of a detailed district development plan.

13DEVPLAN1051: A revised general and detailed district development plan was approved for the Middletown Commons commercial shopping center with several landscape waivers, setback variances and amendments to the previously existing binding elements.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
2004 Land Development Code (Middletown)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DEVELOPMENT PLAN 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 does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided 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 pedestrian transportation within and around the development and the community has been provided and the vehicular transportation needs have been evaluated and approved by both Metro Public Works and the Kentucky Transportation Cabinet.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The open spaces requirements of the site are met with the focal point and amenity areas to be provided throughout the property.

- 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.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. The buildings will follow the proposed pattern book to incorporate the property into the larger Regional Center.

- 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 2004 Land Development Code.

TECHNICAL REVIEW

- Binding element amendment requires final action by the City of Middletown.

STAFF CONCLUSIONS

The standard of review for the requested binding element amendment has been met. A recommendation needs to be made to the City of Middletown. 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 the binding element amendment as established in the Land Development Code.

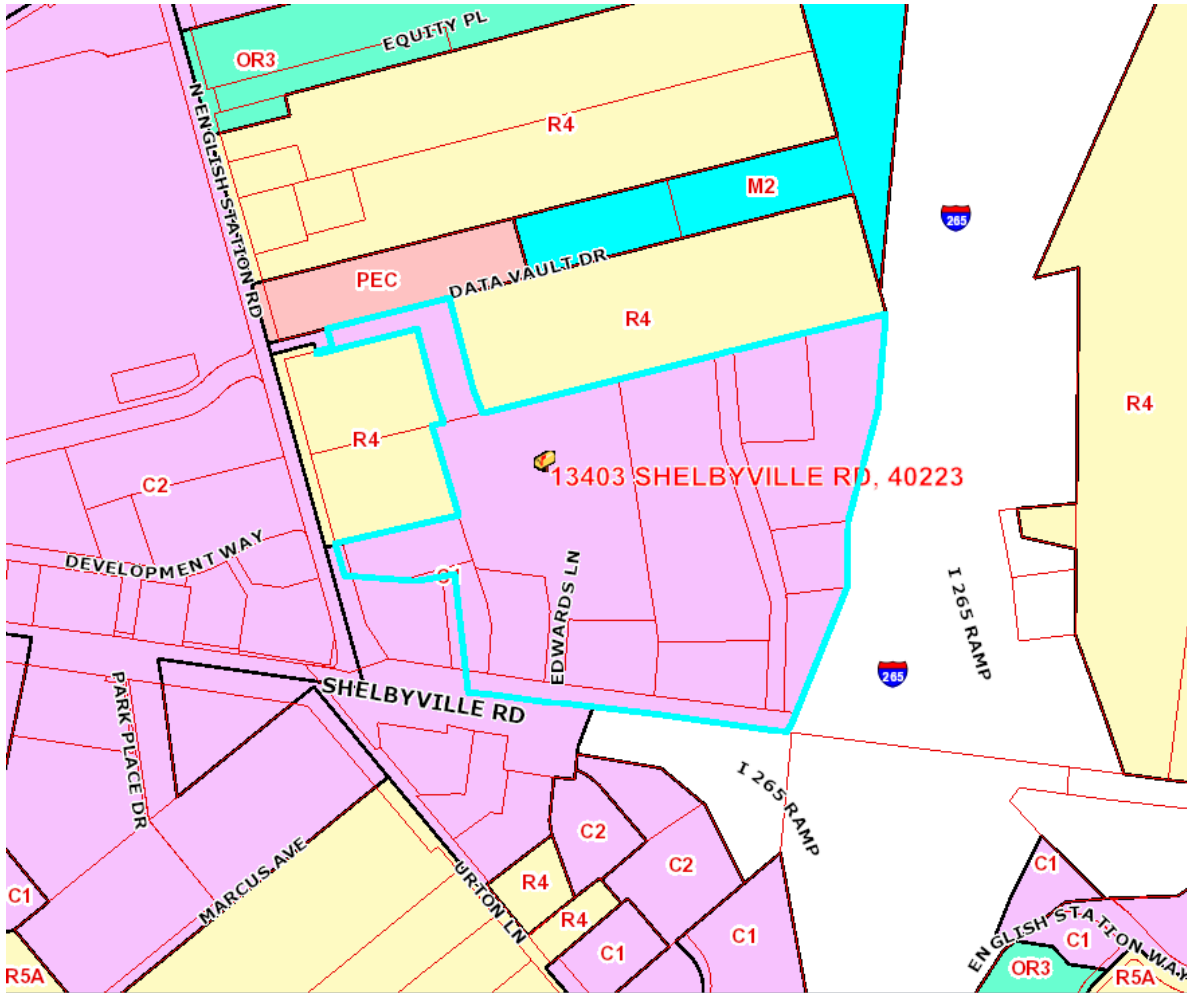
NOTIFICATION

Date	Purpose of Notice	Recipients
5/21/14	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Council District 19 individuals

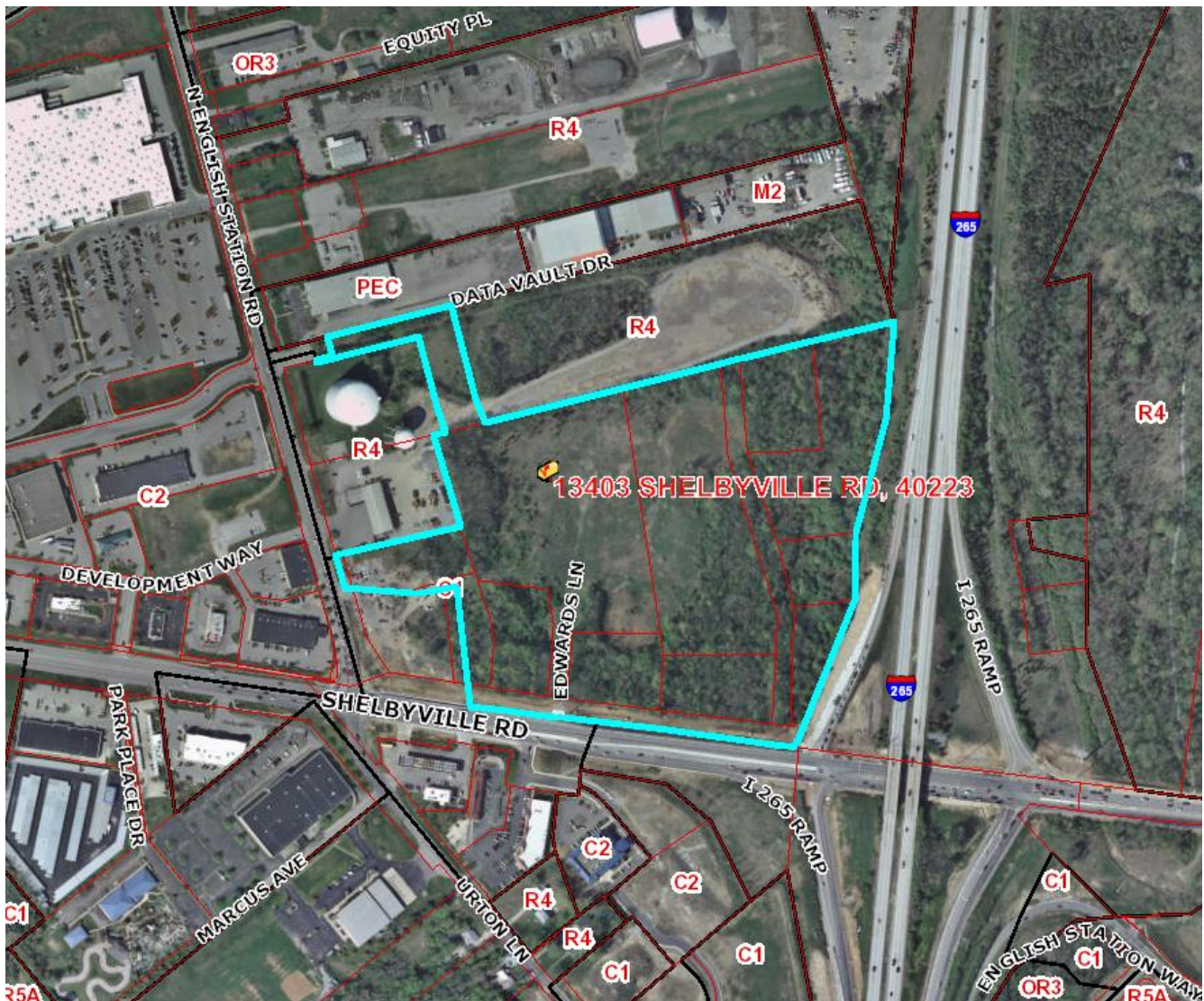
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

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 - b. The southbound approach from North English Station Road at its intersection with Shelbyville Road shall be widened to provide an additional southbound left turn lane. The widening shall continue northward on North English Station to accommodate required taper lengths as necessary.
 - c. Developer shall be responsible for signal installation at N. English Station and Data Vault Dr. and required modifications to the existing traffic signal at the intersection of N. English Station and Shelbyville Road.
 - d. If proposed KTC multiuse path along Shelbyville Road frontage has not been installed at the time of site construction, the area of the path shall be pregraded per KTC requirements. If path has been installed

at the time of site construction, the path will be relocated to accommodate Shelbyville Road improvements per KTC requirements.

4. Proposed Binding Elements

20. Per the approved road improvement exhibit dated 02/16/10, Metro Public Works requirements and KTC requirements, the applicant shall provide the following:
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