

Development Review Committee

Staff Report

May 6, 2015



Case No:	15devplan1018
Request:	Revised District Development Plan
Project Name:	Auto Truck
Location:	407 N. English Station Road & 13051 Equity Place
Owner:	Auto Truck Group LLC
Applicant:	Auto Truck Group LLC
Representative:	Mindel Scott and Assoc.
Jurisdiction:	City of Middletown
Council District:	19-Julie Denton
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Waiver from 5.9.2.A.1.b.ii, to not provide vehicular and pedestrian connections to adjacent properties.
- Revised District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: M-2
 Proposed Zoning District: M-2
 Existing Form District: SW
 Existing Use: Industrial
 Proposed Use: Industrial
 Minimum Parking Spaces Required: 36
 Maximum Parking Spaces Allowed: 55
 Parking Spaces Proposed: 51
 Plan Certain Docket #: 14zone1005, 9-27-01, 9-10-80, and 9-17-06

The applicant is proposing a 77,687 sf industrial building to be located near the existing Middletown Industrial Blvd.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Industrial	M-2	SW
Proposed	Industrial	M-2	SW
<i>Surrounding Properties</i>			
North	Industrial/Office	CM/M-2	SW
South	KY State Facility	R-4	SW
East	Industrial	M-2	SW
West	Office	OR-3	SW

PREVIOUS CASES ON SITE

9-10-80, R-4 to M-2 change in zoning approved October 1980.
9-27-01, R-4 to OR-3 change in zoning approved July 2001.
9-17-06, R-4 to M-2 change in zoning approved June 2006.
14zone1005, OR-3 to M-2 change in zoning approved May 2014.

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 is in a karst area but no karst features were identified. The site otherwise does not have any distinguishing natural features.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Vehicular and pedestrian transportation are being provided. An existing sidewalk is located along S. English Station Road and proposed along Middletown Industrial Blvd. Pedestrian connectivity is found from Middletown Industrial Blvd. to the building. The rest of the site is mainly storage where pedestrians and non-associated vehicles should not be.

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

STAFF: Open space is being provided on the site in the form of the landscape buffers and a larger area that will have a 6'-8' berm as well as a VUA LBA along Middletown Industrial Blvd.

- 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: MSD has preliminarily approved the proposal.

- 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 buffer requirements will be met on the site.

- 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 proposal complies with the LDC and Comprehensive Plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the adjacent property owners are all different users that have no connection to this particular business.

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

STAFF: STAFF: Guideline 2, policy 13 calls to Encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, policy 13 calls for the requirement of joint and cross access easements according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and to reduce traffic on the main thoroughfare. The adjacent uses, while compatible, are not compatible to have vehicular and pedestrian connections between them.

- (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 since there are no relationships between businesses that should require cross access.

- (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 would be an unnecessary hardship on the applicant because vehicles from other businesses would be able to enter the site affecting the operation of the proposed facility.

TECHNICAL REVIEW

- The applicant should submit the Middletown Ordinance approving the change in zoning.

STAFF CONCLUSIONS

The proposal meets the requirements of the LDC. The binding elements associated with the detailed plan for 9-10-80 should be removed and replaced with the proposed binding elements under attachment 4.

The DRC will be making a recommendation for the waiver and RDDP to the City of Middletown.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for granting a LDC Waiver and RDDP established in the Land Development Code.

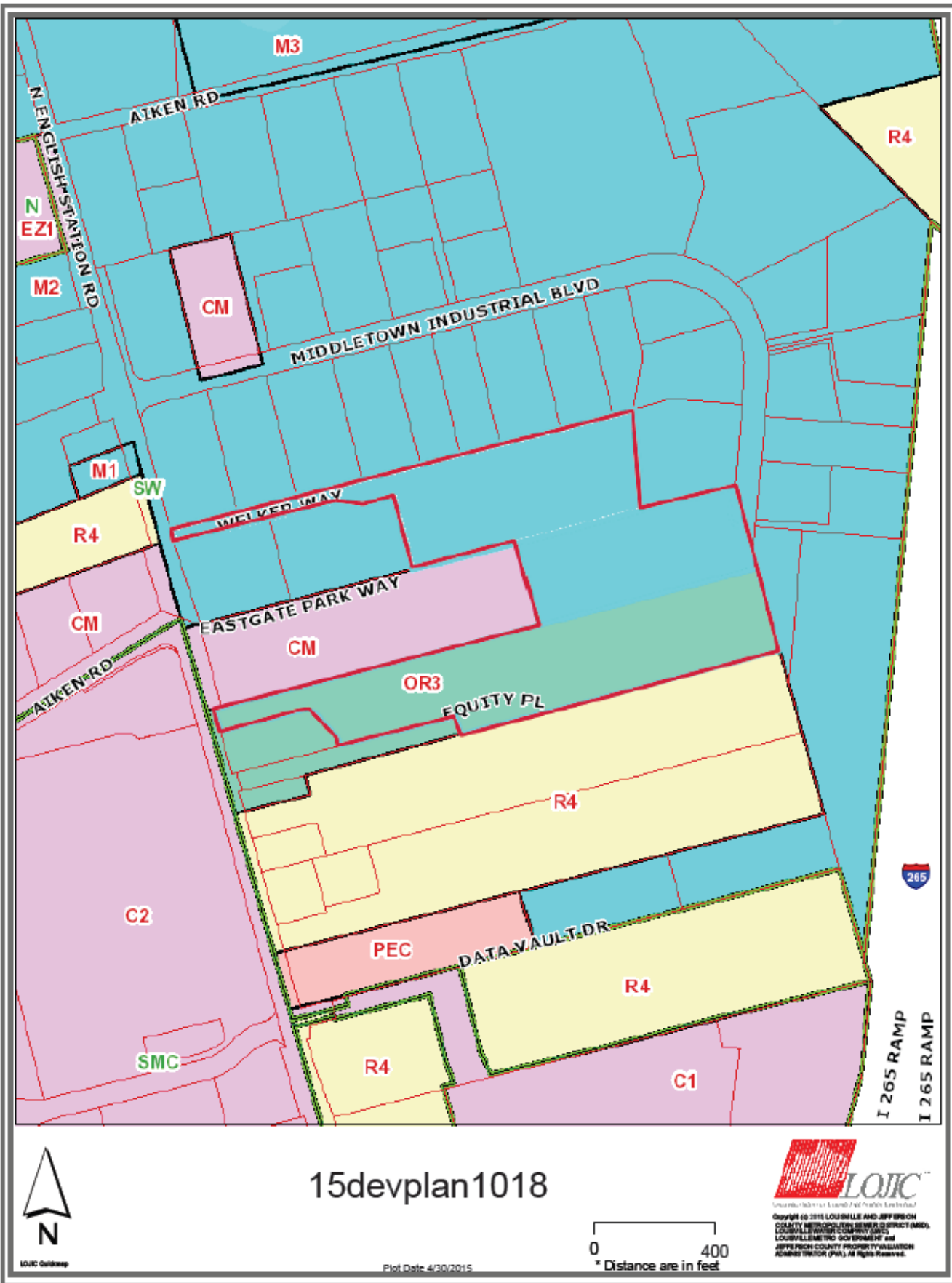
NOTIFICATION

Date	Purpose of Notice	Recipients
4/22/15	Hearing before DRC on 5/6/15	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 19 Notification of Development Proposals

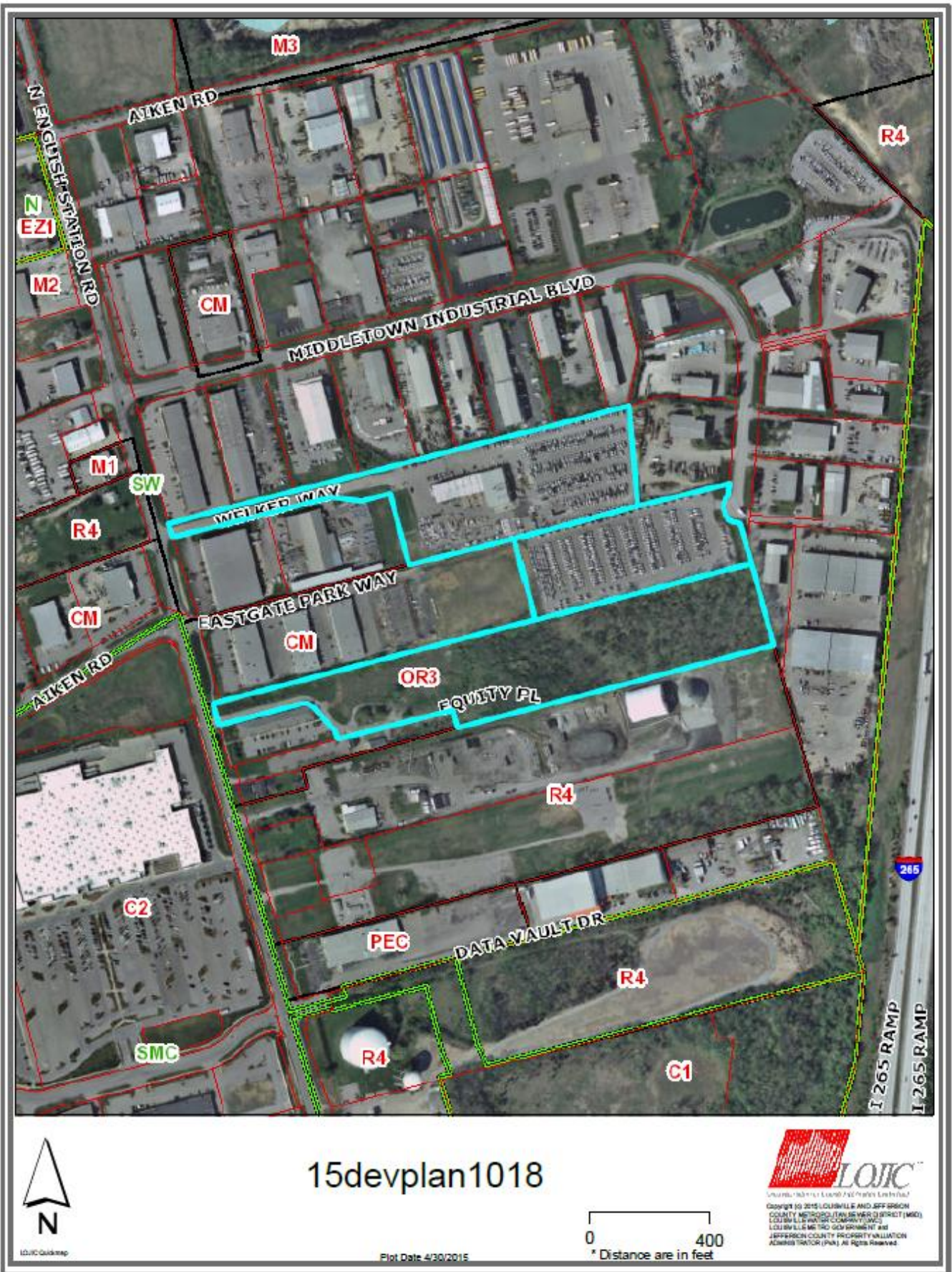
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements 9-10-80
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements 9-10-80 only

Subject to the following binding elements:

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 19,400 square feet of gross floor area of which 3,400 square feet will be office space and the remainder will be warehouse space.
3. The access drive serving the site will be constructed as shown on the approved detailed district development plan no date. No direct access will be permitted to English Station Road from this site at any location other than the access drive. The existing drive along the south property line will be removed when the existing single family residential structure is no longer used for that purpose.
4. Before a certificate of occupancy is issued:
 - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation.
 - b) The size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the sign be smaller than would otherwise be permitted by the Zoning District Regulations.
5. If the certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, 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.
6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure of land for the proposed use.
7. All binding elements must be implemented prior to requesting issuance of the certificate.
8. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Equity Place shall be used for access to Lot 1, 2 and 3 but such access shall be limited to passenger vehicles or delivery vehicles (not tractor-trailers) to service the businesses on said Lots. Signage shall be installed near the intersection of Equity Place and N. English Station Road advising drivers that tractor trailers are not allowed on Equity Place and may not be able to maneuver once on Equity Place.
3. The use of the subject property shall be limited to the following uses. There shall be no other use of the property unless prior approval is obtained from the Land Development & Transportation Committee and the City of Middletown. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Land Development & Transportation Committee may require a public hearing on the request to amend this binding element.

M-1 Uses:

- Automobile parking areas, public and private
- Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building
- Office buildings, as accessory uses only
- Warehouse, storage, including mini-warehouses

Uses, manufacture, processing, treatment, or storage of the following, providing all operations permitted, including storage, must be confined within a building:

- Plastic molding and shaping, excluding manufacturing of basic components
- Sheet metal shops
- Signs and displays (non-metal)

M-2 Uses:

Uses, manufacture, processing, treatment, or storage of the following:

- Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
- Battery, storage (wet and dry cell)
- Implements, agricultural or farm
- Iron or steel (ornamental), miscellaneous, fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products; cleaning, grinding, heat treatment, metal finishing, plating, polishing, rust proofing, sharpening, or similar processes
- Machine, tool, die, and gauge shops
- Machine, tools, including metal lathes, metal presses, metal-stamping machines, wood-working machines, or the like
- Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
- Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
- Shipping containers (corrugated board, fiber or wire bound)

4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition 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.
 - b. A minor subdivision plat or legal instrument 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining a permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

7. If a certificate of occupancy (building permit) is not issued within one year(s) 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.
8. 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.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
10. 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.
11. Equity Place shall not be used as a construction entrance for construction activity on Lot 2.
12. The development shall not exceed 77,687 square feet of gross floor area.