

Development Review Committee

Staff Report

November 19, 2014



Case No:	14DEVPLAN1103
Request:	Detailed District Development Plan and Binding Element Amendments
Project Name:	Middletown Station
Location:	12941 & 12961 Shelbyville Rd.
Owner:	Middletown Partners, LLC Bassett Direct NC, LLC
Applicant:	Middletown Partners, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC BTM Engineering, Inc.
Jurisdiction:	Middletown
Council District:	19 – Jerry Miller
Case Manager:	David B. Wagner – Planner II

REQUEST

- Detailed District Development Plan
- Binding Element Amendments

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 6,250 SF restaurant for a new lot that sits at the intersection of three internal streets, including Frontage Road and Development Way, within the Middletown Station development. Access will be provided by a right-in/right-out to the unnamed internal street and through a cross over access and shared parking agreement with Bassett Furniture Store. The northwest corner will have a TARC shelter and sidewalks will be provided along the west and north lot lines which will connect the existing sidewalk to the east along the south side of Frontage Road. The required parking and landscaping will be provided on the new lot and Bassett Furniture lot.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-2	SMC
Proposed	Restaurant	C-2	SMC
<i>Surrounding Properties</i>			
North	Retail	C-2	SMC
South	Bank, Retail	C-2	SMC
East	Retail	C-2	SMC
West	Restaurant	C-2	SMC

PREVIOUS CASES ON SITE

- 9-82-78: Re-zoning from R-4 and C-1 to C-2, General District Development Plan, and Binding Elements for commercial uses.
- 9-82-78: Detailed District Development Plan, Parking Waiver, and Binding Elements for Bassett Furniture.
- Case 10791: Revised General District Development Plan, Detailed District Development Plan, Waiver, and Binding Elements for Target (includes the area of the new lot for this proposal).

INTERESTED PARTY COMMENTS

- Staff has received no inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND 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: The site was previously cleared during development of the surrounding sites. There are no existing natural resources on the site to be preserved.

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

STAFF: Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and access to the three internal streets within the development. Bicycle parking is being added to the site to assist cyclists in using the site and there is vehicular access to the public road network through the cross over agreement.

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

STAFF: Open space is not required for this 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: MSD has approved the drainage facilities for the site.

- 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 proposal is compatible with the surrounding area as it is being used for a restaurant within a larger commercial development. The surrounding area has commercial uses and does not adjoin residential homes that would be negatively impacted by a commercial use. The building location, parking lots, screening, and landscaping on the site are all compatible with the surrounding commercial 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 proposal conforms to the Comprehensive Plan and Land Development Code as the land use is a proper use for an activity center in the Suburban Marketplace Corridor Form District and helps to finish out a larger planned development. The proposal complies with the LDC or has previously obtained relief through Waivers.

TECHNICAL REVIEW

- The proposal complies with the requirements of the LDC.
- MSD and Transportation Review have given preliminary approval for the plan.

STAFF CONCLUSIONS

The proposal allows the development to be developed as a restaurant which is a similar use to the surrounding commercial development which includes retail and other restaurants. Appropriate landscaping and screening will be provided on site and it will not adversely affect any nearby residential uses.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **RECOMMEND** the City of Middletown **APPROVE** or **DENY** the proposal for a Detailed District Development Plan and Amendment to Binding Elements.

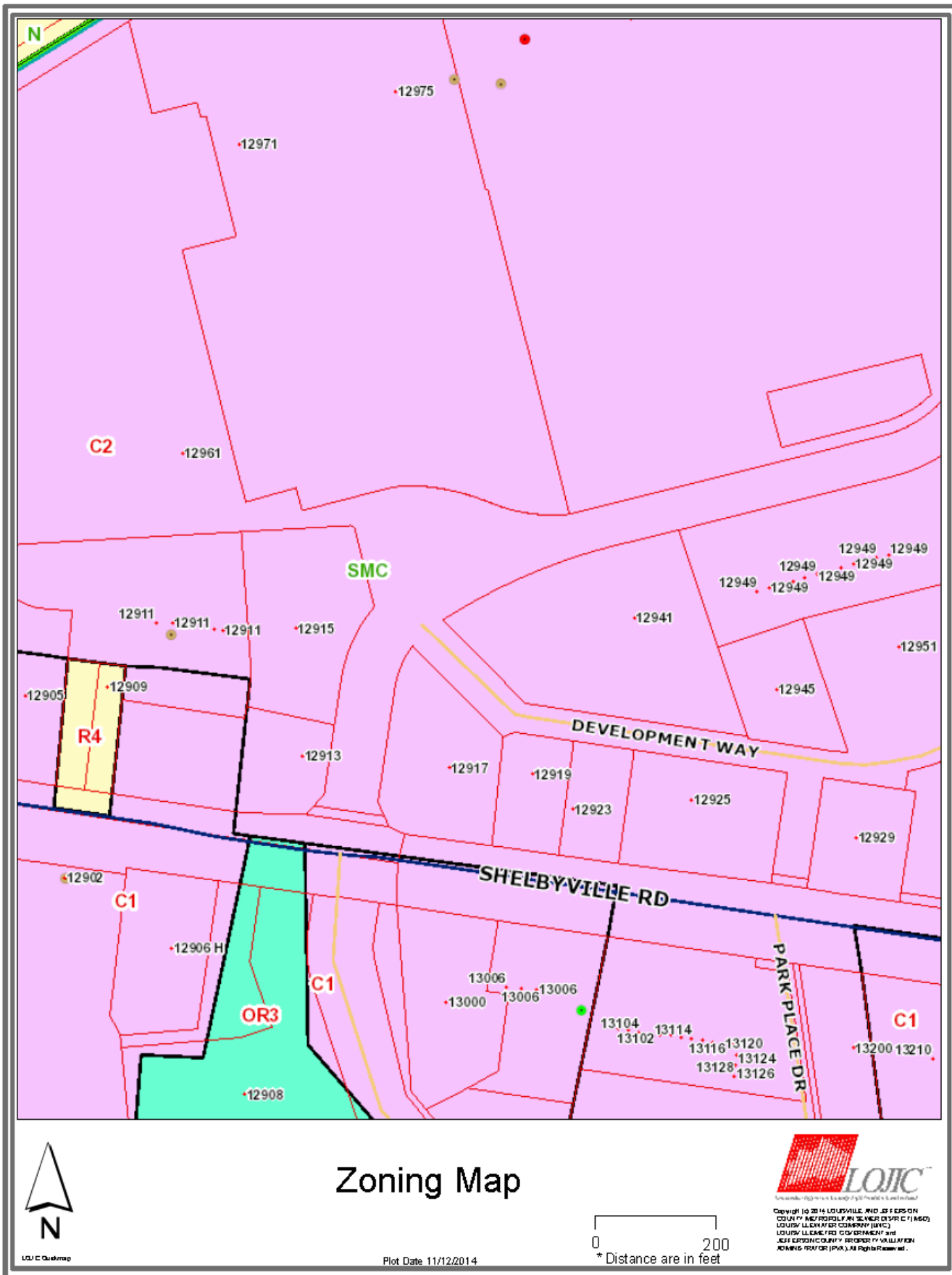
NOTIFICATION

Date	Purpose of Notice	Recipients
11/6/14	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 19 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Detailed Plan Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Proposed Detailed Plan Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval 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.
 - 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. 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.
5. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 19, 2014 Development Review Committee meeting.
6. 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.