

# Development Review Committee

## Staff Report

September 1, 2021



<b>Case No:</b>	21-DDP-0070
<b>Project Name:</b>	Proposed Car Wash
<b>Location:</b>	12945 Shelbyville Road
<b>Owner(s):</b>	Auto Wash USA, LLC.
<b>Applicant:</b>	Ann Richards – LD&D
<b>Jurisdiction:</b>	City of Middletown
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Molly Clark, Planner I

### REQUEST(S)

- Revised Detailed District Development plan with Amendment to Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to tear down the existing car wash structure and build a new 4,200 square foot car wash. The site is currently zoned C-2 in the Suburban Marketplace Corridor form district. This site is located in the City of Middletown.

Previous cases:

- 9-82-78: 9-82-78 Change in zoning from R-4 Residential Single Family to C-2 Commercial and a general development plan for a commercial center.
- 9-82-78: Detailed District Development Plan for a proposed Car Wash (2002).

### STAFF FINDING

The Revised Detailed District Development Plan is adequately justified and meets the standard of review. The Committee should discuss whether or not sidewalks should be constructed along the sites frontage to connect to the existing sidewalk on the adjacent property to the east.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

### INTERESTED PARTY COMMENTS

Staff has not received any interested party comments

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP**

- 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 do not appear to be any environmental constraints or historic resources 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 vehicular transportation within and around the development have been provided, and Metro Public Works has approved the preliminary development plan. A pedestrian connection and sidewalks are not required per the Land Development Code along Development Way since it is a private road. Providing the sidewalk would allow for safe pedestrian access to the development along Development Way from N. English Station Road.

- 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 pertinent to the current proposal. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- 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 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.

- 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. Buildings and parking lots will meet all required setbacks.

- 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 meets requirements of the Land Development Code but does not meet Community Form and Mobility goals of the Comprehensive Plan since a sidewalk is not being provided along the frontage that connects to the existing sidewalk along Development Way.

**REQUIRED ACTIONS:**

- **RECOMMEND APPROVAL** or **DENIAL** of the **Revised Detailed District Development Plan with Amendment to Binding Elements** to the **City of Middletown**.

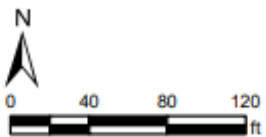
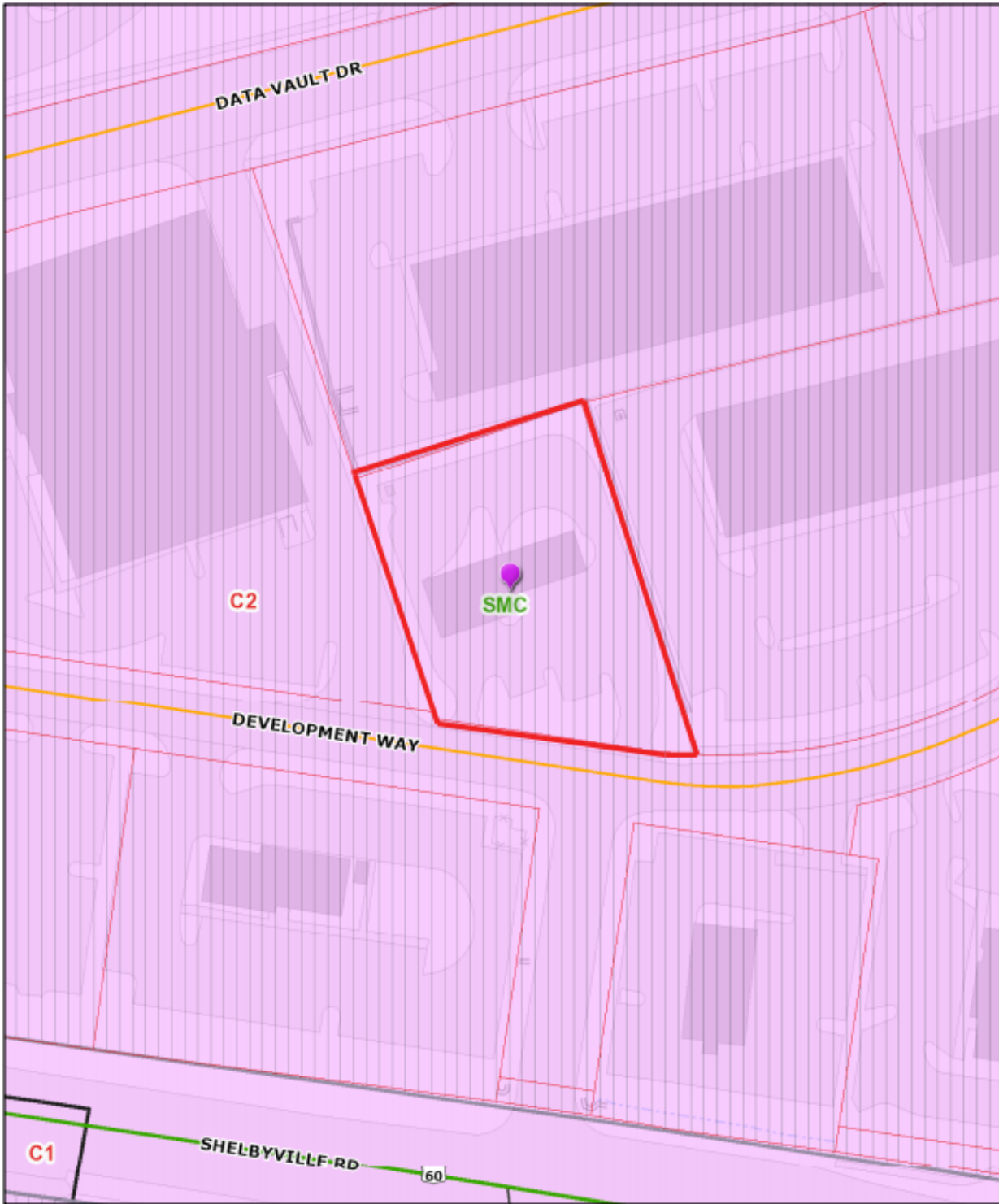
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8/19/21	Hearing before DRC 9/1/21	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19

**ATTACHMENTS**

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

1. Zoning Map



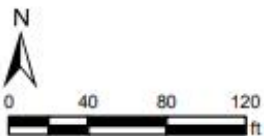
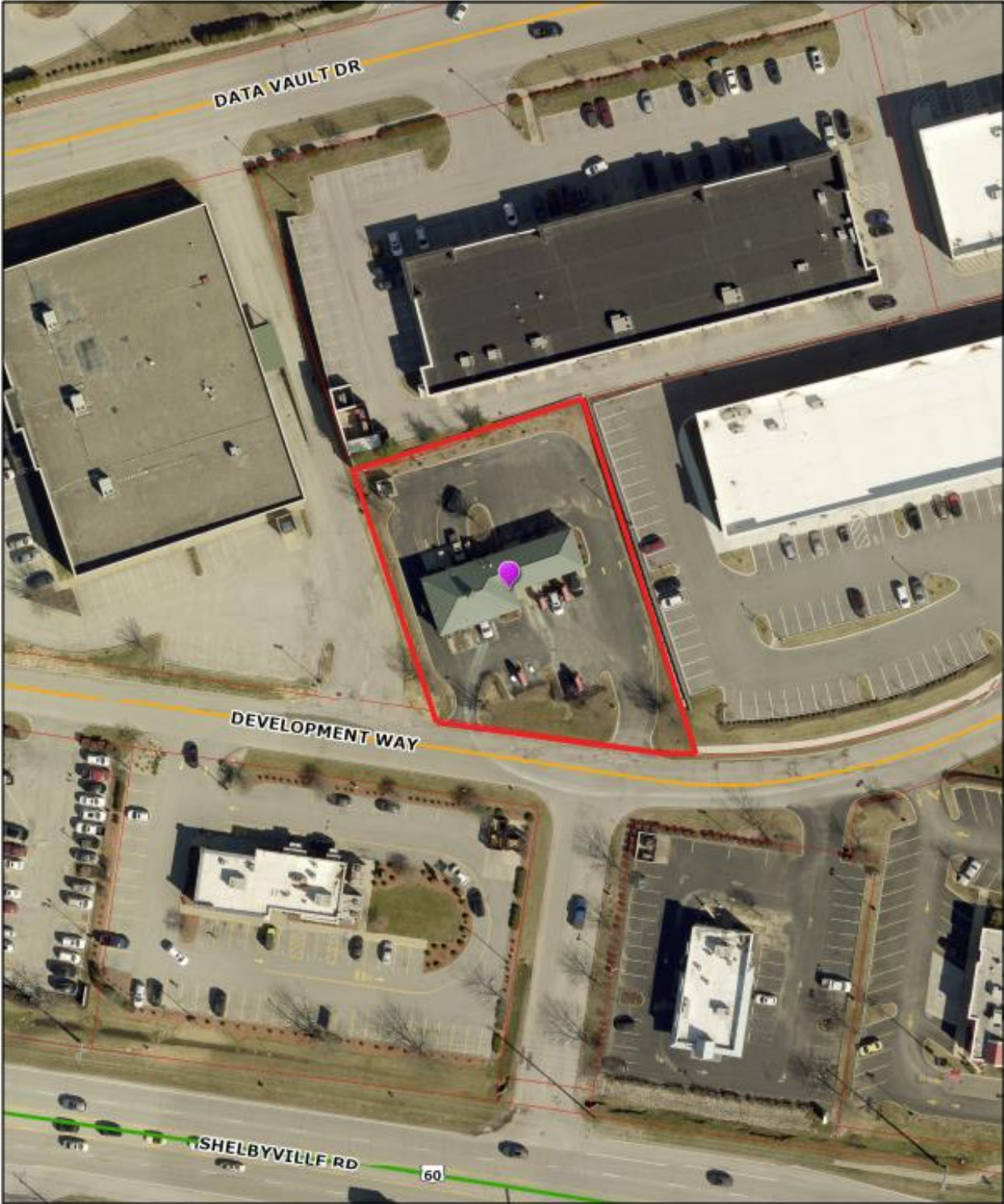
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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



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### 3. Existing Binding Elements

1. All binding elements from the approved General Development Plan are applicable to this site in addition to those contained herein.
2. 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, or alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~3. The development shall not exceed 3,109 square feet of gross floor area.~~
4. There shall be no freestanding sign permitted on site without prior approval. DPDS staff may approve monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways." Signs that exceed those limits are permitted only if approved by LD&T or the Planning Commission may require the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
6. There shall be no outdoor storage, display or sales permitted on the site.
7. Outdoor lighting (for parking lot illumination and security) 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.
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 the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - ~~b. A minor subdivision plat shall be recorded instrument shall be submitted to the Division of Planning and Development 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 Article 12 prior to requesting a building permit. Such plan shall be subject to the approval of the City of Middletown and implemented prior to occupancy of the site and shall be maintained thereafter.
  - ~~d. An access and crossover easement agreement in a form acceptable to the Planning Commission Legal Counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
9. All service structures and trash receptacles shall be screened in accordance with Article 12, Section 11.
10. If a building permit is not issued 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 and the City of Middletown.
11. 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 by the City of Middletown.

12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
13. 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 on the site, shall be responsible for compliance with these binding elements.
14. 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.
15. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~April 11, 2002, LD&T meeting~~ **September 1, 2021 Development Review Committee meeting.**
16. The above binding elements may be amended as provided for in the Zoning District Regulations , upon approval of the City of Middletown.

#### 4. Proposed Binding Elements

1. All binding elements from the approved General Development Plan are applicable to this site in addition to those contained herein.
2. 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, or alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
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