



Amendment to Binding Element Application

Louisville Metro Planning & Design Services

Case No.: 15MD1011 Intake Staff: KMC

Date: 5/27/15 Fee: _____

Once complete, please bring the application and supporting documentation to Planning and Design Services, 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Note: This application is not required in conjunction with an application for a District Development Plan.

Project Information:

Project Description (e.g., retail center and office development, etc.): Amendment to Binding Element under Docket No. 9-82-78 to allow automobile garage/repair

Project Name: Christian Brothers Automotive - Middletown Station

Primary Project Address: 12965 Aiken Road

Additional Address(es): _____

Primary Parcel ID: Block 23, Lot 731

Additional Parcel ID(s): _____

of Residential Units: n/a Commercial Square Footage: n/a

Proposed Use: Automotive Repair Existing Use: Vacant/Outlot

Existing Zoning District: C-2 Existing Form District: Sub. Marketplace

Deed Book(s) / Page Numbers²: Deed Book 7436, Page 212

The subject property contains _____ acres. Number of Adjoining Property Owners: 34

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ ☒ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: 9-82-78 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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CONTACT INFORMATION:

Owner Information:

Entity or Individual Name: Middletown Partners, LLC

By: Kristen Hedden

Address 12949 Shelbyville Road, Suite 101

City Louisville State KY Zip Code 40243

Phone: 502-245-8800

E-mail: Kristen@haganmail.com

Signature Kristen Hedden Director of Development
Name & Title

Applicant Information:

Entity or Individual Name: same as owner

By: _____

Address _____

City _____ State _____ Zip Code _____

Phone: _____

E-mail: _____

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Plan Prepared by: Primary Contact _____

Print Name n/a

Company Name: _____

Address _____

City _____ State _____ Zip Code _____

Phone: _____

E-mail: _____

Attorney: Primary Contact X

Print Name William B. Bardenwerper

Company Name: Bardenwerper Talbott & Roberts, PLLC

Address 1000 N. Hurstbourne Parkway 2nd floor

City Louisville State KY Zip Code 40223

Phone: 502-426-6688

E-mail: wbb@bardlaw.net

CERTIFICATION STATEMENT: A Certification Statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Kristen Hedden in my capacity as Authorized Agent
Representative/authorized agent/other

hereby certify that Middletown Partners, LLC is/are the owner(s) of the property which is the
name of LLC / corporation / partnership / association / etc.

subject of this application, and that I am authorized to sign this application on behalf of the owner.

Signature: Kristen Hedden Date: 5/26/15

I understand that knowingly providing false information on this Application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010 et seq., knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his duty is punishable as a Class B misdemeanor.

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BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

William B. Bardenwerper
Direct dial: 426-0388, ext. 135
Email: WBB@BARDLAW.NET

May 27, 2015

Case Manager
Louisville Metro Planning & Design Services
444 S. Fifth Street
Louisville, Kentucky 40202

Re: Amendment to Binding Element for Middletown Station, previous Docket No. 9-82-78

Dear Case Manager:

We are herewith filing an application for an Amendment to Binding Element to allow Automotive Garages within the Middletown Station Shopping Center. The applicant/owner of the Middletown Station Shopping Center is actively seeking buyers and leasees for the vacant outlots in the shopping center. One interested buyer is Christian Brothers Automotive. Christian Brothers provides many similar services as the nearby Walmart Automotive Center, including oil changes and tire services, however they provide many services Walmart cannot offer like air conditioning service, engine and transmission repair, as well as many other services.

We look forward to discussing this matter with you in further detail. If you have any questions, please do not hesitate to contact me. Many thanks.

Sincerely,



William B. Bardenwerper

Cc: Hon. Byron Chapman, Mayor, City of Middletown
Hon. John Singler, Attorney, City of Middletown
Hon. Julie Denton, Councilman, District 19

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Binding Element Amendment Justification:

In order to justify approval of any amendments to binding elements, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- 1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

There are no natural resources on this site. This lot within the Middletown Station shopping center has remained vacant for many years. This lot was graded and cleared many years ago when the Middletown Station shopping center was first developed and as outlots were sold and built.

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- 2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Yes. The Christian Brother Auto Care will be an addition to the existing Middletown Station shopping center. Infrastructure has been in place for many years and sidewalks are provided throughout the shopping center.

- 3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

LDC open space requirements for Middletown Station shopping center, to the extent there are any, were long ago met.

- 4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

This lot within the Middletown Station shopping center has remained vacant for many years. This lot was graded and cleared many years ago when the Middletown Station shopping center was first developed and as outlots were sold and built. Storm water management issues were addressed on the original plan for this shopping center and will further be addressed, if at all, as required by MSD, if any on the detailed development plan for this site.

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5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

Most of the Middletown Station shopping center has been developed and has a similar look in building style and design throughout the development. The outlot will be no different in that parking, screening and buffering will be provided in a way that will meet the LDC requirements as well as the other Binding Elements for the Middletown Station shopping center.

6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

Yes, as this is an addition to the already built Middletown Station shopping center. The proposed Christian Brothers Auto Center is similar in use to the already existing Walmart Auto Care Center within this same shopping center.

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Land Development Report

May 26, 2015 11:02 AM

About LDC

Location

Parcel ID: 002307310000
Parcel LRSN: 91026736
Address: MULTIPLE ADDRESSES

Zoning

Zoning: C2
Form District: SUBURBAN MARKETPLACE CORRIDOR
Plan Certain #: 09-082-78
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: MIDDLETOWN PARTNERS
Plat Book - Page: 53-016
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
National Register District: NONE
Urban Renewal: NO
Enterprise Zone: NO
System Development District: A
Historic Site: NO

Environmental Constraints

Flood Prone Area
FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Floodplain Ordinance Review Zone: NO
Conveyance Zone Review Zone: NO
FEMA FIRM Panel: 21111C0049E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: YES
Drainage Credit Program: MS4 (outside of incentive area)

Services

Municipality: MIDDLETOWN
Council District: 19
Fire Protection District: MIDDLETOWN
Urban Service District: NO

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5/29/15