

Development Review Committee

Staff Report

October 18, 2017



Case No:	17DEVPLAN1167
Project Name:	Middletown Apartments
Location:	114 Urton Lane
Owner(s):	Three Oaks, LLC
Applicant:	The Housing Partnership, Inc
Representative:	Sabak, Wilson, & Lingo, Inc
Jurisdiction:	Middletown
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- Detailed District Development Plan

CASE SUMMARY/BACKGROUND

This proposal is located in the City of Middletown just southwest of the intersection of Shelbyville Road and I-265. The site is currently vacant and bounded by Urton Lane on the east and Meridian Hills Drive on the west. The proposal includes access from both roadways, a commercial outlot on Urton Lane and four multi-family structures with a total of 80 units.

STAFF FINDING

The proposal is in compliance with the Land Development Code and meets the standard of review. All required setbacks, buffers, pedestrian connections and other site improvements have been provided.

TECHNICAL REVIEW

- Preliminary approvals have been given by MSD and Transportation

INTERESTED PARTY COMMENTS

Staff has received an email in support from David Dries that also included requests for roadway and sanitary sewer improvements.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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: LOJIC has not identified any hydric soils, streams or steep slopes at this site. The site does contain tree canopy that will not be preserved, although the proposal meets the requirements for replanting tree canopy.

- 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 and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. The proposal includes all required sidewalks and pedestrian connections and all existing binding elements concerning traffic have been addressed.

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

STAFF: The proposal has met the open space requirements for multi-family developments, including the 50% dedication of recreational space.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- Recommend the City of Middletown **APPROVE or DENY** the Detailed District Development Plan with noted changes to existing binding elements.

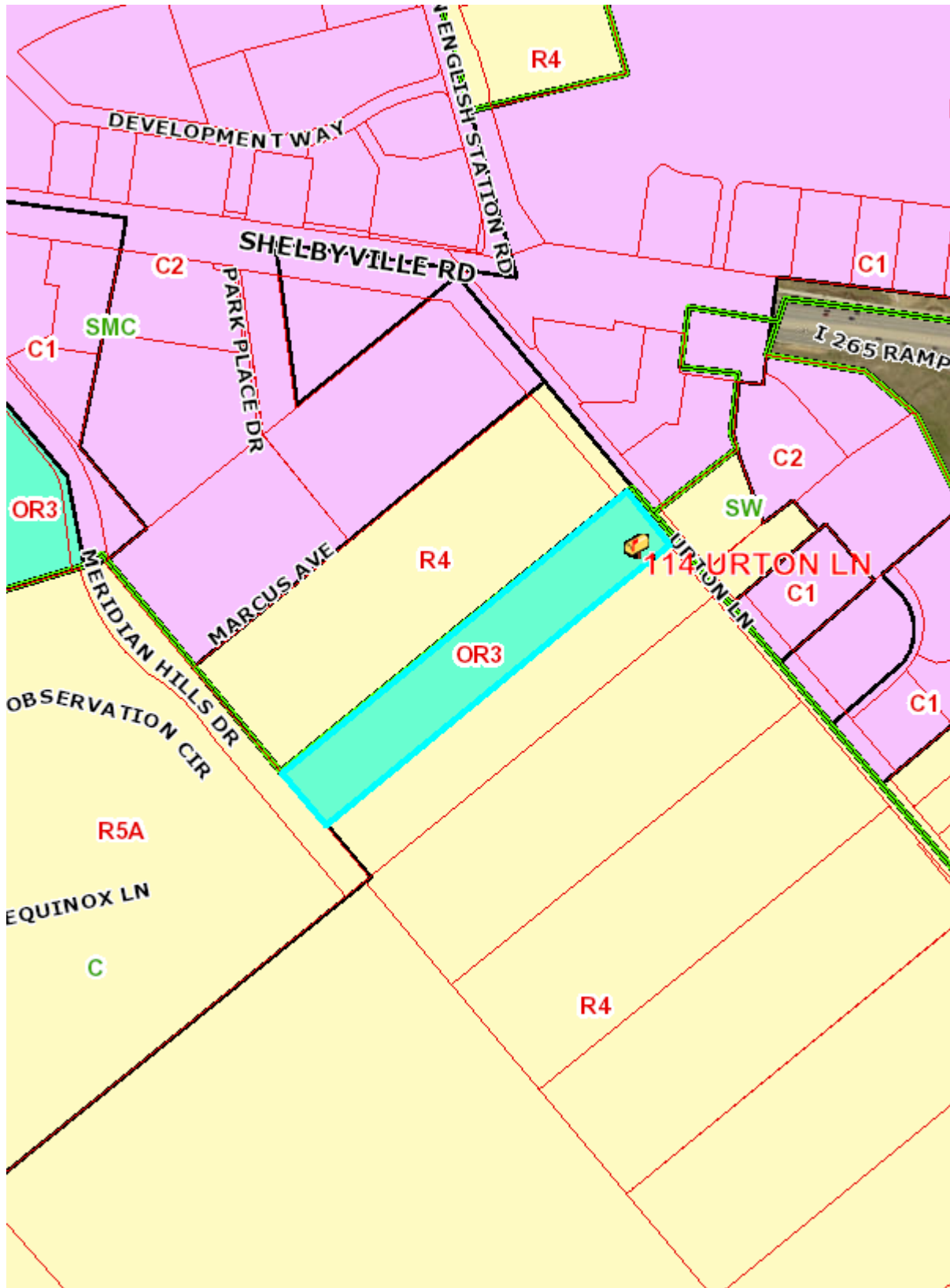
NOTIFICATION

Date	Purpose of Notice	Recipients
10/5/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing 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



2. Aerial Photograph



3. Existing 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The square footage of the development shall not exceed 67,150 square foot of office space.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
 - a. The development plan must receive full construction approval from 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. A minor subdivision plat shall be recorded dedicating additional right-of-way to Urton Lane to provide a total of 50 feet from the centerline. 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.
 - d. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown 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. There shall be no removal of the existing landscaping or required landscaping without City Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

- f. Unless a building permit or a clearing and grading permit is issued within two years from the date of the City of Middletown's approval therein, then the development plan must return to the Planning Commission and the City of Middletown for reapproval before any work can commence.
- 6. 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*.
- 7. 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.
- 8. The materials and design of proposed structures shall be substantially the same as depicted in the photographs as presented at the May 15 and July 3, 2008 Planning Commission Public Hearings.
- 9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
- 10. All street signs shall be installed by the Developer, and shall conform to the *Manual on Uniform Traffic Control Devices* (MUTCD) requirements and shall be of the same type and quality as the standard Middletown street signage. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
- 11. Developer shall improve Urton Lane in order to provide adequate sight distance for access and provide a 3-lane section and Westbound & Northbound right-turn lanes at Shelbyville Road/Urton Lane intersection per the approved schematic drawing and Public Works & KTC requirements. Developer shall be responsible for utility relocations if required, final surface overlay, and striping associated with road improvements.

Construction plans, bond and permit are required by Metro Public Works prior to construction approval. Developer shall not request a certificate of occupancy until road improvements are complete.

12. If, within 5 years of the date of this approval, an application for rezoning, "Plan Certain" development or other discretionary development review is received and thereafter approved for any of the subject properties (i.e., 201, 203, 205, 118 and the rear portion of 108 Urton Lane, and 13404 and 13406 Shelbyville Road as shown on the map attached hereto), the developer of this project shall be entitled, through cost-sharing, to recapture a portion of the costs of its non-frontage-related road improvements required as part of this development plan approval. Such recapture shall only occur to the extent that Metro Public Works and the Planning Commission require from such future developer(s) a contribution to the cost of the road improvement project in this case. To the extent that such contribution is required, it is anticipated that such cost-sharing contribution shall be calculated on the basis of the acreage that each new project contributes to the total acreage of all projects (i.e., those referenced above plus 114, 211, 213, 215 rear and 217 Urton Lane). Metro Works shall collect the required cost-sharing contribution and remit same to the developer in this case. Neither the Planning Commission nor Metro Public Works shall bear any liability to the applicant, developer and/or land owner in this case to collect such amounts or make such payments, this being only a statement of intent and anticipation.
13. At the time that construction plans are submitted for approval, if funding is not in place for the US 60/Snyder Freeway interchange to commence concurrent with construction, as contemplated in the traffic analysis prepare by BTM Engineering, Inc., then, prior to approval of those construction plans, Metro Works may require that further traffic analysis be done by the developer in order to demonstrate the impact of this approved development and the possibility of phasing and/or delay in construction plan approval in the event that the referenced intersection improvements are not funded as contemplated.
14. The developer shall construct Urton Lane Road improvements and Shelbyville Road right-turn lane per the approved schematic and Kentucky Transportation Cabinet and Metro Public Works standards and requirements. The developer shall be responsible for utility relocation (if required), final surface overlay, signage, stumping and signal modifications associated with road improvements. Construction plans, bond, and encroachment permits shall be obtained prior to construction Certificate of Occupancy until improvements are complete.
15. The proposed project shall be developed in conformance with the Campus Form District design standards to ensure that this office park located at the northern edge of the Campus with be integrated with the future developments to the west and south in terms of function, design, connectivity, open space, building materials and landscape standards.

3. **Proposed Binding Elements**

2. ~~The square footage of the development shall not exceed 67,150 square foot of office space.~~
8. The materials and design of proposed structures shall be substantially the same as depicted in the photographs as presented at the ~~May 15 and July 3, 2008 Planning Commission Public Hearings.~~ **October 18, 2017 Development Review Committee Public Meeting.**
15. The proposed project shall be developed in conformance with the Campus Form District design standards to ensure that this ~~office park~~ **development** located at the northern edge of the Campus with be integrated with the future developments to the west and south in terms of function, design, connectivity, open space, building materials and landscape standards.