



26-DDP-0016

Development Review Committee
Staff Report
July 15, 2026

Middletown Acquisition LLC

Location: 209 N English Station Road
Applicant: Louisville Water Company
Representative: Milestone Design Group
Jurisdiction: Middletown
Council District: 19 – Anthony Piagentini
Case Manager: Sydney Fawcett, AICP, Planner I

REQUESTS & RECOMMENDED ACTIONS

1. **26-WAIVER-0062:** Waiver of Middletown Land Development Code Section 10.2.4.B to allow a utility easement to encroach more than 50% into a property perimeter Landscape Buffer Area
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **RECOMMEND** that the City of Middletown **APPROVE** the Waiver
2. Detailed District Development Plan with Binding Elements
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **RECOMMEND** that the City of Middletown **APPROVE** the Detailed District Development Plan

CASE SUMMARY

The subject site is approximately 13.4 acres zoned PEC Planned Employment Center in the Suburban Workplace form district. The subject site is located at the intersection of Data Vault Drive and N. English Station Road west of I-265. The applicant is proposing to construct a 159,863 square foot commercial and warehouse development with 199 associated parking spaces. Since the property is zoned PEC Planned Employment Center, additional landscape buffers are required along the rear and side property lines. However, the required landscape buffer is entirely within an existing drainage easement. In order to provide the landscape buffer and required plantings within the easement, the applicant must obtain a waiver.

Case History

- **23-ZONE-0070:** Change in zoning from R-4 Single-Family Residential and C-1 Commercial to PEC Planned Employment Center and C-1 Commercial with General District Development Plan

TECHNICAL REVIEW

- Comprehensive Plan 2040
- Middletown Land Development Code (2004)
- MSD has provided preliminary approval.
- Transportation Planning has provided preliminary approval.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 26-WAIVER-0062

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

STAFF FINDING: The waiver will not adversely affect adjacent property owners as the applicant will still be required to obtain an approved landscape plan and provide trees on site. The required 15-foot PEC Planned Employment Center Landscape Buffer Area (LBA) and associated plantings will be provided along the southern and eastern property lines.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: The waiver will not violate specific guidelines of Plan 2040. Plan 2040 Community Form Goal 1 Policy 4 ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The surrounding developments have varying landscape buffers. The existing drainage easement prevents the applicant from providing the required PEC landscape buffer without requesting a waiver.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the drainage easement is an existing condition of the subject property. The applicant is able to provide the required plantings within the easement to provide additional screening to the adjacent properties and I-265.

(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 FINDING: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as properties with similarly intense zoning districts would not typically require a landscape buffer area. The 15 foot landscape buffer area is required for properties zoned PEC Planned Employment Center regardless of the surrounding zoning districts.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN AND AMENDMENT TO 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 FINDING: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF FINDING: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Metro Public Works have provided preliminary plan approval for the plan.

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

STAFF FINDING: There are no open space requirements for the proposed development.

- 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 FINDING: The Metropolitan Sewer District has preliminarily approved the 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 FINDING: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate screening will be provided to screen adjacent properties and roadways. 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 FINDING: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. Plan 2040 characterizes Suburban Workplace as predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting. In order to provide adequate transportation access in suburban workplaces, connected roads, public transportation, and pedestrian facilities should be encouraged. Community Form Goal 1 Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1 Policy 11 advocates for setbacks, lot dimensions, and building heights are compatible with those of nearby developments that meet Form District guidelines. The proposal demonstrates compatibility in terms of scale and height with adjacent developments.

Community Form Goal 1 Policy 12 seeks to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. The proposal provides access to off-street parking via a variable access easement along the west property line and Data Vault Drive along the northern property line. Aside from the requested waiver, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to the requirements of the Land Development Code.

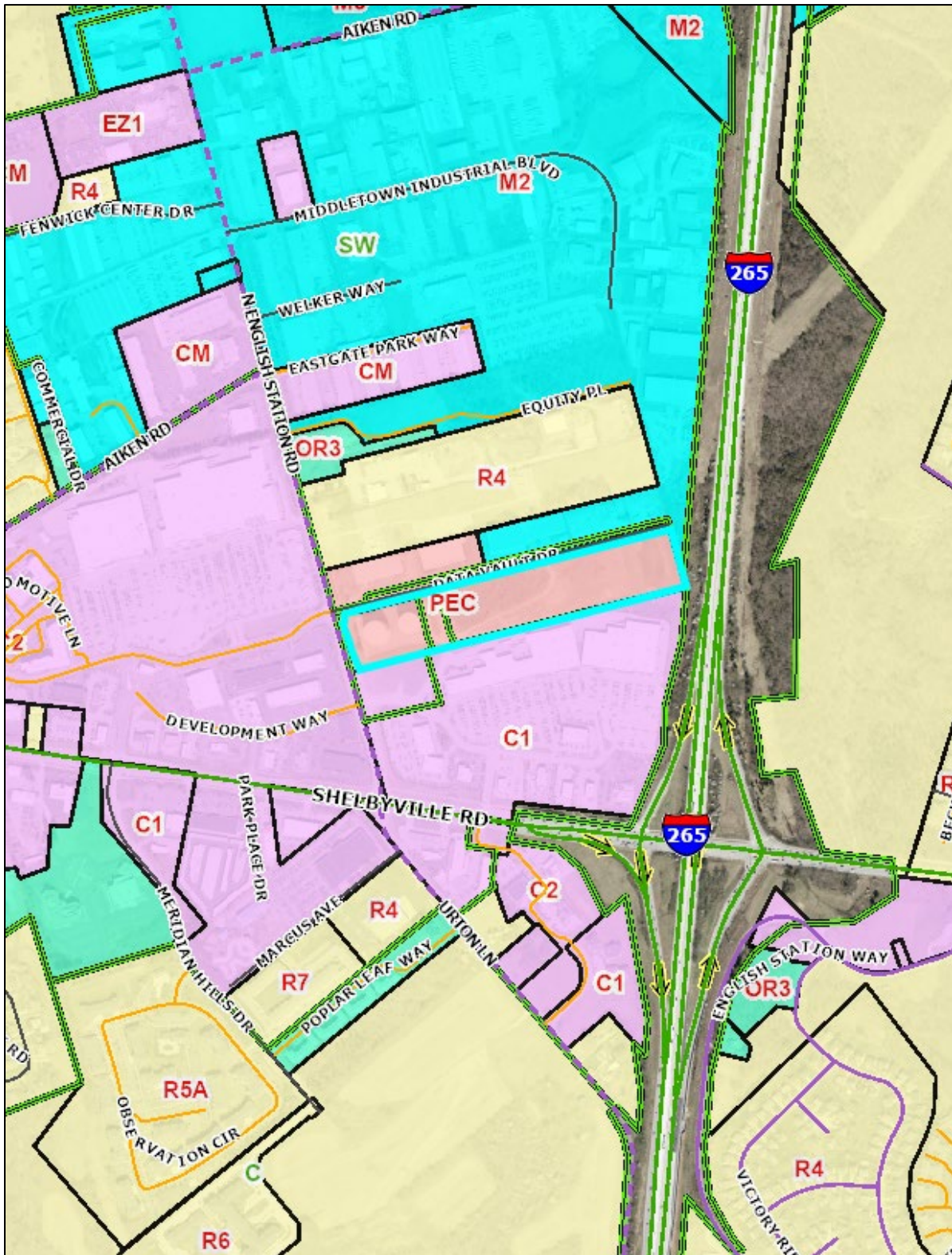
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
6/30/2026	Development Review Committee Public Hearing	1st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 19

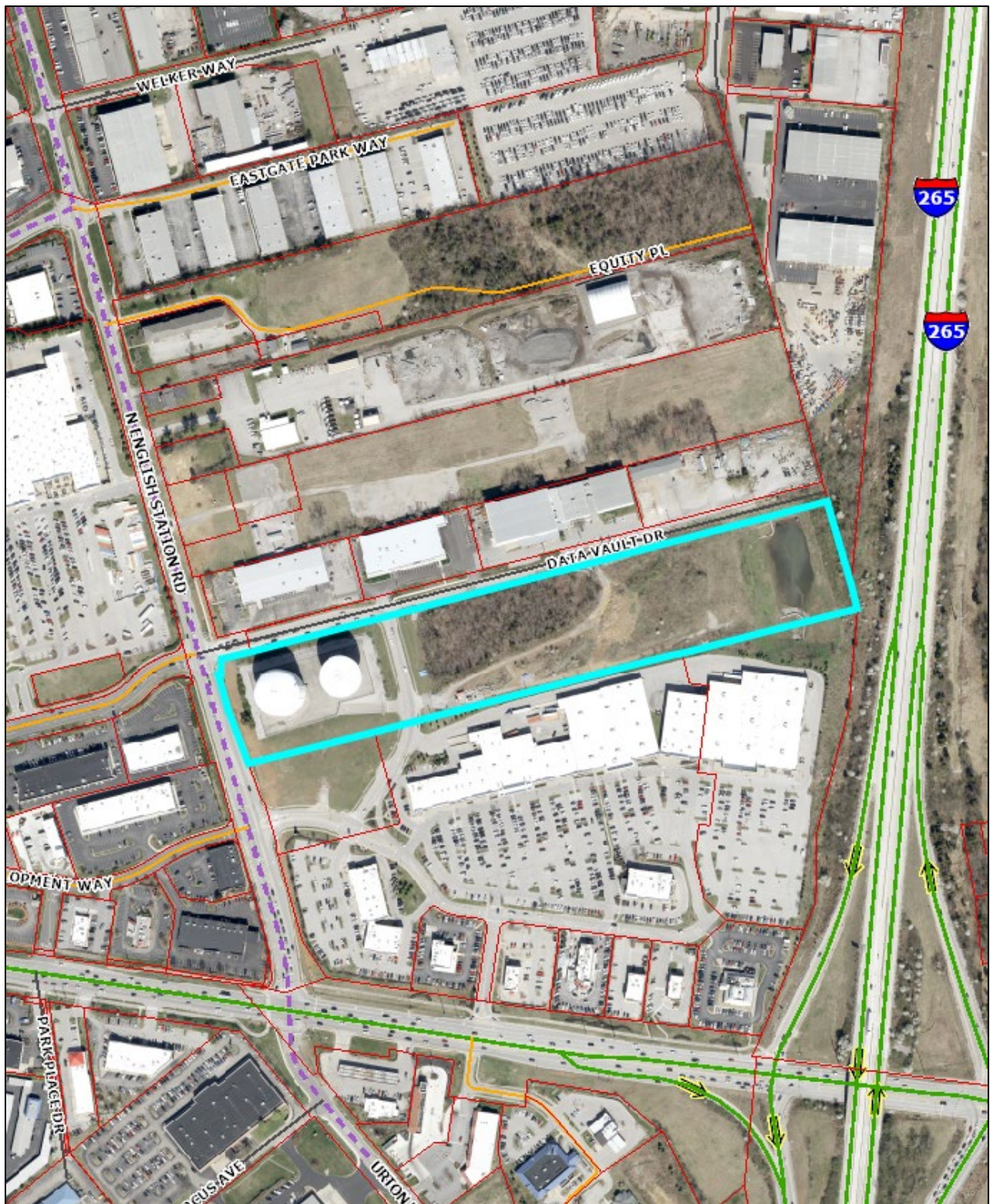
ATTACHMENTS

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

1. ZONING MAP



2. AERIAL PHOTOGRAPH



3. PROPOSED 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, alteration permit or demolition permit is issued:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan.
4. 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.