

# Development Review Committee Staff Report

March 2, 2016



<b>Case No:</b>	16MOD1000
<b>Project Name:</b>	Waffle House
<b>Location:</b>	612 Lyndon Lane
<b>Owners:</b>	Waffle House Inc.
<b>Applicant:</b>	Waffle House Inc.
<b>Representative:</b>	Advanced Civil Solutions, PLLC
<b>Zoning/Form District:</b>	C-2/Town Center
<b>Jurisdiction:</b>	Lyndon
<b>Council District:</b>	7 – Angela Leet
<b>Case Manager:</b>	Brian Davis, AICP, Planning Supervisor

## REQUEST

- Amendment to Binding Elements

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

This case is continued from the February 3, 2016 DRC meeting.

The subject site is plan certain under Docket 9-41-02 which was approved by the Planning Commission on August 1, 2002.

The applicant requests amend the following binding elements:

2. The development shall not exceed 2,000 square feet.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 1, 2002 Planning Commission meeting.
14. A 6' tall wooden fence shall be provided along the R-4 church property to the rear of the lot for screening purposes.
15. Hours of operation shall be limited to 6:00 a.m. – midnight.

The applicant has received approval (staff level) for a revised development plan to renovate the existing structure to convert it to a Waffle House restaurant.

The as-built size of the building that was constructed on the lot is 2,012 square feet.

The applicant made some minor changes to the façade of the existing structure.

The fence that is referenced in Binding Element 14 was never constructed. The applicant does not wish to construct the fence as it just separates two parking lots.

The proposed Waffle House wishes to be open 24 hours a day.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Commercial	C-2	TC
<b>Proposed</b>	Commercial	C-2	TC
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-1	N
<b>South</b>	Commercial	C-1	TC
<b>East</b>	Commercial	C-1	TC
<b>West</b>	Church	R-4	TC

**PREVIOUS CASES ON SITE**

- 9-41-02: Planning Commission approved a zoning map amendment from C-1 to C-2 with detailed development plan, variances and waivers for a Sonic restaurant.
- 15DEVPLAN1148: Staff approved revised detailed district development plan for slight modifications to the building and site.

**INTERESTED PARTY COMMENTS**

Staff has not received any comments from interested parties.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR  
AN 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: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will continue to 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: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will continue to be provided.

- 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.

- 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 will continue to ensure the provisions 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.

- 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.

### TECHNICAL REVIEW

N/A

### STAFF CONCLUSIONS

- The proposed amendments appear to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the Amendment to Binding Elements.

### REQUIRED ACTION

- APPROVE** or **DENY** the Amendment to Binding Elements.

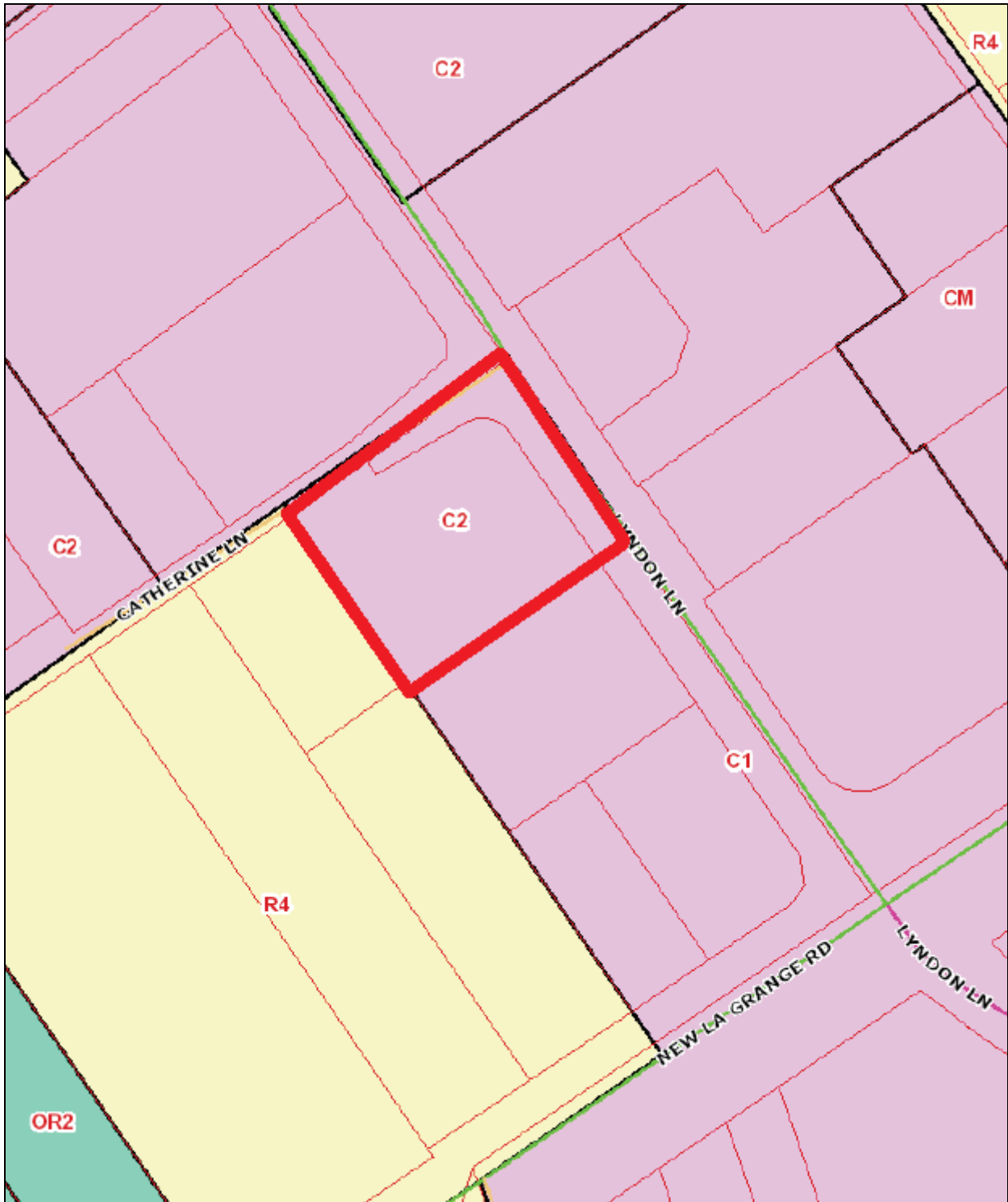
### NOTIFICATION

Date	Purpose of Notice	Recipients
1/22/2016	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered neighborhood groups for District 7

### ATTACHMENTS

- Zoning Map
- Aerial
- Existing Binding Elements
- Proposed Changes to Binding Elements

1. **Zoning Map**



2. Aerial



**3. Existing Binding Elements**

1. 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/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 2,000 square feet of gross floor area.
3. The only permitted freestanding sign shall be located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 36 square feet in area per side and 15 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display, or sales permitted on the site.
6. 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. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter).
7. 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. 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 implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
9. 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.

10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
11. 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.
12. 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.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 1, 2002, Planning Commission meeting.
14. A 6' tall wooden fence shall be provided along the R-4 church property to the rear of the lot for screening purposes.
15. Hours of operation shall be limited to 6:00 am – midnight.

**4. Proposed Changes to Binding Elements**

2. The development shall not exceed 2,000- **2,012** square feet of gross floor area.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 3, 2016 Development Review Committee August 1, 2002, Planning Commission meeting.
14. ~~A 6' tall wooden fence shall be provided along the R-4 church property to the rear of the lot for screening purposes.~~
15. ~~Hours of operation shall be limited to 6:00 am — midnight.~~