

PLANNING COMMISSION MINUTES

JANUARY 21, 1988

DOCKET NO. 9-102-87

Change in zoning from C-1 Commercial to C-2 Commercial at 3929 Shelbyville Road in the City of St. Matthews.

Owner: Breeland Trust
3932 Shelbyville Road 40207

Developer: Chi-Chi's, Inc.
10200 Linn Station Road 40202

Existing Use: Full service restaurant

Proposed Use: Full service restaurant

Notice of this public hearing appeared in The Courier-Journal on December 22, 1987, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

A summary analysis of the staff report was given by a staff member (See Staff Report Appendix for staff report in full).

The following spoke in favor of this request:

Tom Davis, Manager of Site Development for Chi-Chi's Corporation, Triad East, P. O. Box 32338, Louisville, KY 40232-2338, who submitted the signed binding elements and six 8 x 10 photographs.

No one was present in opposition.

A transcript of the public hearing is on file in this docket.

In a business session conducted subsequent to the public hearing, the Commission took the following action.

On a motion by Commissioner Taylor, the following resolution was unanimously adopted:

WHEREAS, The Commission finds the proposal to be in conformance with Guideline C-1 because the site is located adjacent to a major arterial roadway, is currently zoned commercially and the addition of outdoor eating which requires the C-2 zoning classification does not necessitate further proof of support population;

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WHEREAS, The Commission finds the proposal to be in conformance with Guidelines C-2, C-3 and C-4 because the outdoor eating area which is proposed adjacent to Shelbyville Road is minimal in size and provides an optional dining experience for patrons who wish to enjoy their food out of doors, and is enclosed with a three and one-half feet high brick wall;

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby recommend to the City Council of the City of St. Matthews that the change in zoning from C-1 Commercial to C-2 Commercial on the following described property be APPROVED.

BEGINNING at a point in the north line of Shelbyville Road South 89 degrees 54 minutes 53 seconds West 316.00 feet as measured along said North line from its intersection with the West line of St. Matthews Avenue; thence with said North line South 89 degrees 54 minutes 53 seconds West 178.50 feet to a point in same; thence leaving said North line North 00 degrees 33 minutes West 183.50 feet to a point; thence North 89 degrees 54 minutes 53 seconds East 178.50 feet to a point; thence South 00 degrees 33 minutes East 183.50 feet to the point of beginning, containing 32754.75 square feet, 0.75 acres.

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby APPROVE the district development plan for Docket No. 9-102-87 subject to the following binding elements:

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 5,847 square feet of enclosed gross floor area and 702 square feet of outdoor eating area..
3. Before a certificate of occupancy is requested:
 - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b) The property owner must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented within 6 months of rezoning and maintained thereafter.

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4. The only permitted signs shall be located as shown on the approved district development plan. The freestanding sign shall not exceed 56 square feet in area or 20 feet in height.
5. 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.
6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
7. The above binding elements may be amended as provided for in the Zoning District Regulations.

The vote was as follows:

YES: Commissioners Lurding, Herron, Hutchinson, McDonald and Taylor.

NO: None.

NOT VOTING: No one.