

Development Review Committee

Staff Report

November 5th, 2014



Case No:	14DEVPLAN1126/14PARK1006
Request:	Revised Detailed District Development Plan with Parking Waiver
Project Name:	Panera
Location:	4024 Shelbyville Road
Owner:	Nicklies LLC #1
Applicant:	Nicklies Development
Representative:	Heritage Engineering LLC
Jurisdiction:	St. Matthews
Council District:	9 – Tina Ward-Pugh
Case Manager:	Christopher Brown, Planner II

REQUEST

- Parking Waiver to reduce the required minimum number of parking spaces from 25 to 20
- Amendment to Binding Element
- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2, Commercial
 Existing Form District: TC, Town Center
 Existing Use: Restaurant
 Minimum Parking Spaces Required: 25
 Maximum Parking Spaces Allowed: 70
 Parking Spaces Proposed: 20
 Plan Certain Docket #: 9-35-84

The applicant is proposing to construct a 520 SF outdoor dining patio for the existing 3,000 SF Panera restaurant along Shelbyville Road. The increase in dining space requires additional parking spaces for the use as well as an amendment to the existing binding elements. The applicant has an existing onsite 15 spaces, 3 on street spaces and 2 off site spaces. Mutli-modal access will exist for the site with the existing sidewalk network, bicycle parking and service from multiple transit routes.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Restaurant	C-2	TC
Proposed	Restaurant	C-2	TC
<i>Surrounding Properties</i>			
North	High School	C-2	TC
South	Insurance Office	C-1	TC
East	Restaurant	C-1	TC
West	Restaurant	C-1	TC

PREVIOUS CASES ON SITE

- 9-35-84: Subject site rezoned to C-2, Commercial, for automobile service station use.
- 13DEVPLAN1065: Development plan approved to allow existing structure on site to be renovated for a restaurant use.

INTERESTED PARTY COMMENTS

The City of St. Matthews has concerns regarding the demand for parking in the area.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Development Code (2006 Chapter 9 Parking Standards)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP 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: 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 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 has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

- 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 with the current proposal. Future multi-family developments proposed on the subject site will be required to meet Land Development Code 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 has approved the preliminary development plan and will 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. Appropriate landscape buffering and 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: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested parking waiver which meets the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The subject site is located in an urban neighborhood that has good availability of alternative modes of transportation including transit use, pedestrian accessibility and existing bicycling routes on nearby road corridors. The site has several means of direct multi-modal access. .

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant has provided on street parking spaces along the property frontage and obtained the use of two off site spaces for use by employees to maximize the on-site spaces for patron use. For these reasons, the applicant has made a good faith effort to provide as many parking spaces as possible on the site.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The applicant has combined the use of both on-site and on street parking with some off site therefore the requested parking waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: The adjacent or nearby properties are similar uses with their own parking lots for each use and office spaces with minimal parking requirements. For these reasons, and the reasons stated above, adjacent or nearby properties will not be adversely affected.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: The requested reduction will accommodate the parking demand to be generated by the proposed use. The parking space demand created by the proposed use on the subject site, with the requirements found in table 9.1.2 of the Land Development Code, which mandate the number of parking spaces required to be provided off-street, do not accurately depict the parking needs of the proposed use due to the availability of alternative methods of transportation. There is an allowed reduction in parking for carry out restaurants but the reduction in parking is not permitted by the City of St. Matthews since minimal outdoor dining will be provided on the site. The majority of the business for the site is a carry out service.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand;

STAFF: There are on street spaces that the subject site is using to assist in accommodating the generated parking demand.

TECHNICAL REVIEW

- Recommendations require review by the City of St. Matthews.

STAFF CONCLUSIONS

The standard of review has been met for the minimal parking waiver request. The applicant is proposing a small outdoor dining space associated with their mainly carry out oriented restaurant on the subject site. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for making a recommendation to the City of St. Matthews regarding the requested parking waiver and revised detailed district development plan as established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
10/22/14	Hearing before DRC	1 st tier adjoining property owners Any property owner within 100 feet of any on-street parking space proposed to be used to meet the parking requirements. Speakers at Planning Commission public hearing Subscribers of Council District 9 Notification of Development Proposals

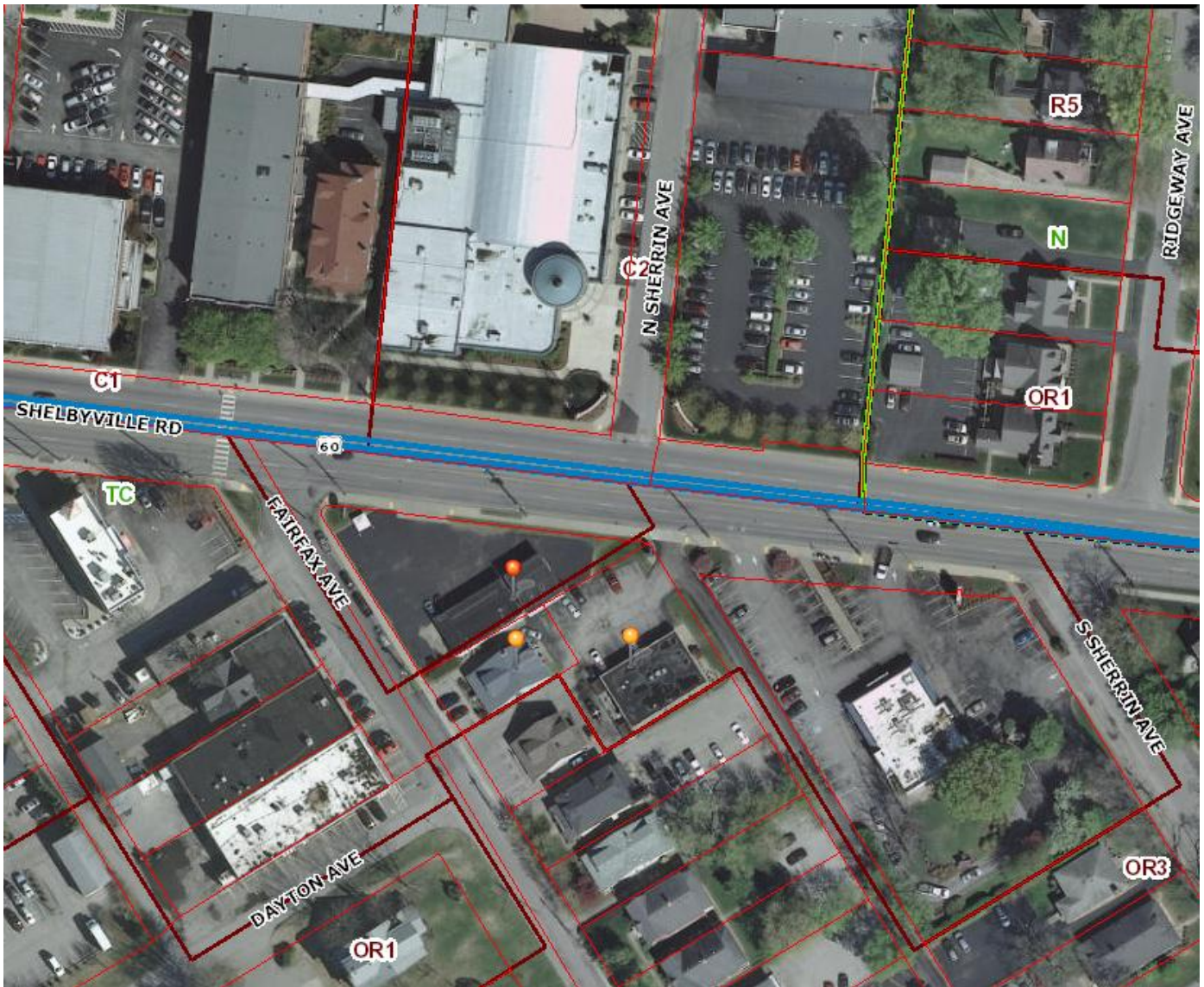
ATTACHMENTS

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 will be in accordance with the approved district development plan. No further development will occur unless a district development plan is approved by the Planning Commission and by the City of St. Matthews.
2. The development shall not exceed 19,600 square feet of gross leasable area. Retail space shall not exceed 2,420 square feet of gross floor area.
3. Use of the subject property shall be limited to those uses permitted in a C-1 Commercial District, plus use as a muffler shop and mechanical work.
4. Before a certificate of occupancy is issued:
 - a) The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
 - b) The size and location of any existing and proposed signs must be approved by the City of St. Matthews.
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.
7. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Elements

2. The development shall not exceed **3,520** ~~19,600~~ square feet of gross leasable area **which will consist of a 3,000 square foot restaurant and a 520 square foot patio area for outside dining**. Retail space shall not exceed ~~2,420 square feet of gross floor area~~.