

A/20  
PC

**Land Development & Transportation Committee  
Staff Report**  
March 23, 2017

\* STATEMENT RE:  
WAIVERS, ETC FROM  
CITY  
  
\* HOURS OF OPERATION  
PBE  
  
\* BOUNDARIES?



<b>Case No.</b>	16ZONE1071
<b>Project Name</b>	Hwang's Martial Arts
<b>Location</b>	9017 Taylorsville Road
<b>Owners</b>	Dr. Mohammad A. Mian, Asia Mian
<b>Applicant</b>	Hwang's Martial Arts Inc.
<b>Representative</b>	Bardenwerper Talbott & Roberts PLLC
<b>Project Area</b>	1.11 acres/48,471 sq ft
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	18 – Marilyn Parker
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

\* ~~NO~~ NO LEFT INTO  
SITE AVAILABLE

- Change in zoning from OR-3 to C-1 for 1.11 acres
- Revised District Development Plan
  - Waiver to omit the required sidewalk along Axminster Drive (LDC 6.2.6)

**CASE SUMMARY / BACKGROUND / SITE CONTEXT**

The applicant is requesting a zone change to C-1 and approval of a Revised Detailed District Development Plan. The site is within a Suburban Marketplace Corridor, currently zoned OR-3 Office/Residential and located on Taylorsville Road, a major arterial. The site is currently developed with a single-family home most recently used as a rental residence and medical office. The proposed development includes a new 14,966 sq ft two-story structure with the medical office on the first floor and a martial arts facility on the second.

The site is accessed via an existing shared access point from Taylorsville Road. The proposed development includes 50 parking spaces, including 2 ADA, 3 compact, 2 carpool, 1 motorcycle and 1 bus space; four bike spaces are also included.

The site requires a 9% tree canopy; an existing tree canopy of 21% is to be preserved. A sidewalk waiver is being requested to omit the required sidewalk along Axminster Drive; all other required sidewalks are being installed.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Mixed-Use Residential/Office	OR-3	Suburban Marketplace Corridor
<b>Proposed</b>	Martial Arts Studio Professional Office	C-1	
<b>Surrounding Properties</b>			
<b>North</b>	Retail	C-2	Suburban Marketplace Corridor
<b>South</b>	Single-Family Residential	R-4	Neighborhood
<b>East</b>	Single-Family Residential	R-4	Neighborhood
<b>West</b>	Restaurant	C-2	Suburban Marketplace Corridor

### PREVIOUS CASES ON SITE

Plan Certain 9-66-88: Detailed District Development Plan approved by Planning Commission on 2/10/92. Binding elements attached. Considered simultaneously with PW-1-92 to amend parking requirements from 15 to 12 spaces.

In part, binding elements attached to the development plan:

- limit the total gross floor area to 3,000 sf
- prohibit access to the parcel from Axminster Drive
- restrict the use to a psychiatrist office without Planning Commission approval
- require a detailed screening/buffering/landscaping plan, to be maintained in perpetuity
- restrict signage to one freestanding sign not to exceed 5 sf in area and 3 feet in height.

### INTERESTED PARTY COMMENTS

No comments from interested parties have been received.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### TECHNICAL REVIEW

All technical review comments have been resolved.

### STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

### NOTIFICATION

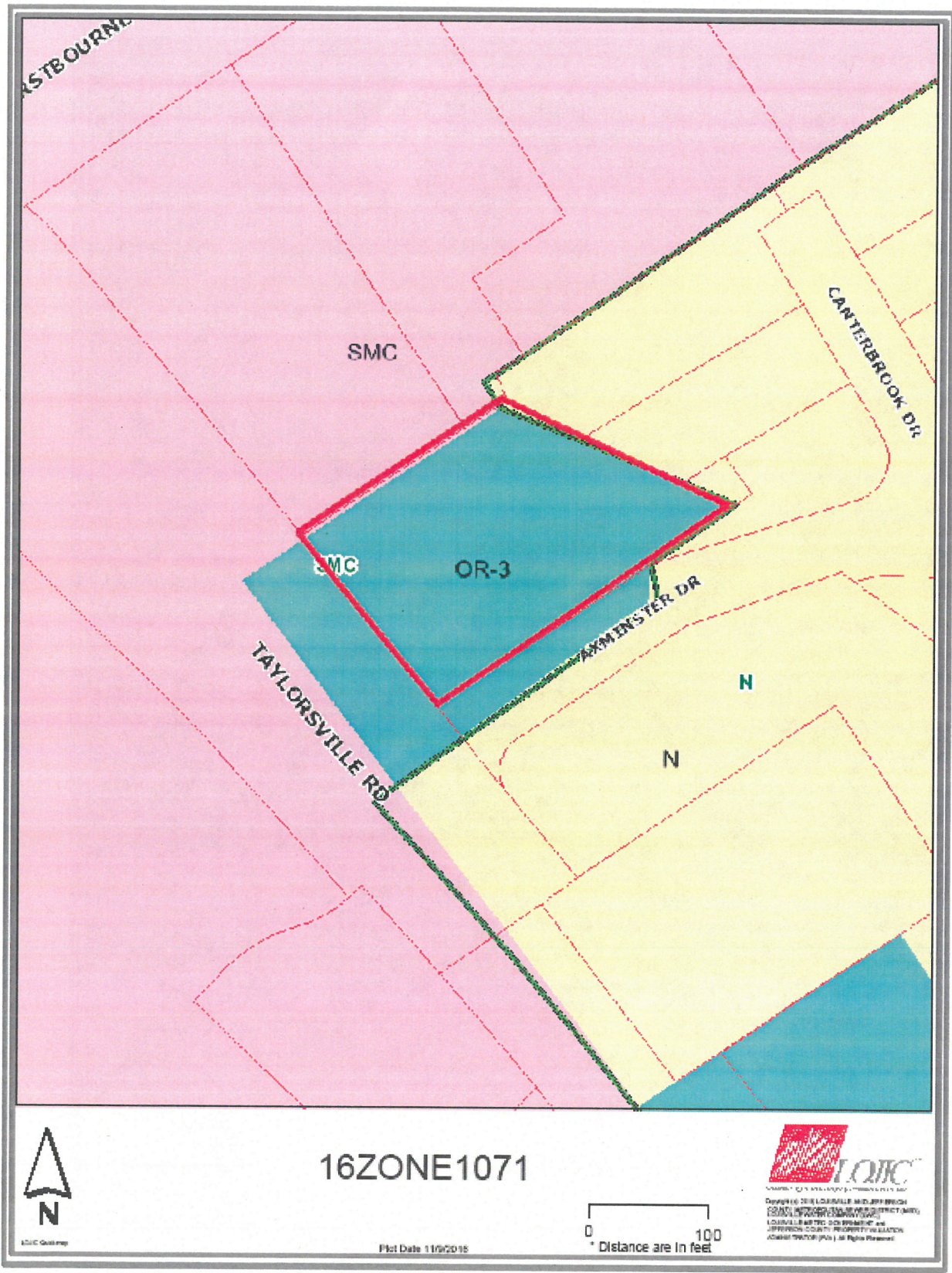
Date	Purpose of Notice	Recipients
10/10/16	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 18
3/8/17	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 18

### 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, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development will occur without prior approval from the Planning Commission.
2. The development shall not exceed 3,000 square feet of gross floor area.
3. There shall be no access from Axminister Drive to the subject property.
4. Before a building or alteration permit and/or 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/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
5. Only one permitted freestanding office identification sign shall be located as shown on the approved district development plan. The sign shall not exceed 15 square feet in area and 6 feet in height. Only one permitted freestanding entry sign shall be located as shown on the approved district development plan. The sign shall not exceed 5 square feet in area and 3 feet in height.
6. If a certificate of occupancy is not issued within one year of the date of approval of the plan, 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.
7. 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 requiring action and approval must be implemented.

### **4. Recommended Binding Elements**

- ~~1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development will occur without prior approval from the Planning Commission.~~
  - ~~2. The development shall not exceed 3,000 square feet of gross floor area.~~
  - ~~3. There shall be no access from Axminister Drive to the subject property.~~
  - ~~4. Before a building or alteration permit and/or a certificate of occupancy is requested:
    - ~~e) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
    - ~~d) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~~~
  - ~~5. Only one permitted freestanding office identification sign shall be located as shown on the approved district development plan. The sign shall not exceed 15 square feet in area and 6 feet in height. Only one permitted freestanding entry sign shall be located as shown on the approved district development plan. The sign shall not exceed 5 square feet in area and 3 feet in height.~~
  - ~~6. If a certificate of occupancy is not issued within one year of the date of approval of the plan, 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.~~
  - ~~7. 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 requiring action and approval must be implemented.~~
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 LDC. Any changes/additions/alterations to any binding element(s) shall be submitted to the



Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
3. There shall be no vehicular or pedestrian access from Axminister Drive to the subject property.
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 is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
  - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.
7. The applicant, developer or property owner shall provide copies of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all 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 rendering as presented at the xxxxxx Planning Commission meeting.