

# Land Development & Transportation Committee Staff Report

May 8, 2014



<b>Case No:</b>	<b>14DEVPLAN1030</b>
<b>Request: with Binding</b>	<b>Revised Detailed District Development Plan Element Amendments</b>
<b>Project Name:</b>	<b>Five Guys</b>
<b>Location:</b>	<b>4226 Shelbyville Rd</b>
<b>Owner:</b>	<b>Hwang's Martial Arts IV, LLC</b>
<b>Applicant:</b>	<b>BGE Operating Partners</b>
<b>Representative:</b>	<b>George Flannery</b>
<b>Jurisdiction:</b>	<b>St. Matthews</b>
<b>Council District:</b>	<b>26 – Brent Ackerson</b>
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

## REQUEST

- Revised Detailed District Development plan

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2, Commercial  
 Existing Form District: SMC, Suburban Marketplace Corridor  
 Existing Use: Vacant  
 Proposed Use: Restaurant  
 Minimum Parking Spaces Required: 26  
 Maximum Parking Spaces Allowed: 66  
 Parking Spaces Proposed: 43  
 Plan Certain Docket #: 9-23-84

The applicant is proposing to enclose additional square footage within the existing building to increase the size from 1,931 SF to 2,729 SF. The applicant is also proposing to create two outdoor patio spaces around the front entry. All parking requirements will be met on the site. Landscape islands will be added as well as a 4' landscape buffer along Shelbyville Road. A pedestrian connection will be provided from the sidewalk to the building along the eastern property perimeter. The applicant is requesting to amend two existing binding elements. The first is to element the limitation on uses for the property. The second binding element amendment is to increase the building square footage approved to the amount shown on the current development plan.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	C-2	SMC
<b>Proposed</b>	Restaurant	C-2	SMC
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Automobile Sales	C-2	SMC
<b>South</b>	Single Family Residential	R-5	N
<b>East</b>	Mixed Commercial	C-1	SMC
<b>West</b>	Goodwill Store	C-1	SMC

## PREVIOUS CASES ON SITE

- 9-23-84: The property was rezoned from C-1 to C-2.
- 9057: Binding element #2 was amended to allow a martial arts studio use on the property.

## INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Development Code (St. Matthews)

## 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.

- 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 Development Code.

### TECHNICAL REVIEW

- No outstanding technical review items need to be addressed.

### STAFF CONCLUSIONS

The applicant is requesting an expansion to the existing building on the site to allow a change in use from a vacant martial arts studio to a restaurant. The standard of review for the development plan and requested binding element amendments has been met. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for granting amendments to the binding elements and revised detailed district development plan as established in the Development Code. The recommendation of the Committee should be made to the City of St. Matthews.

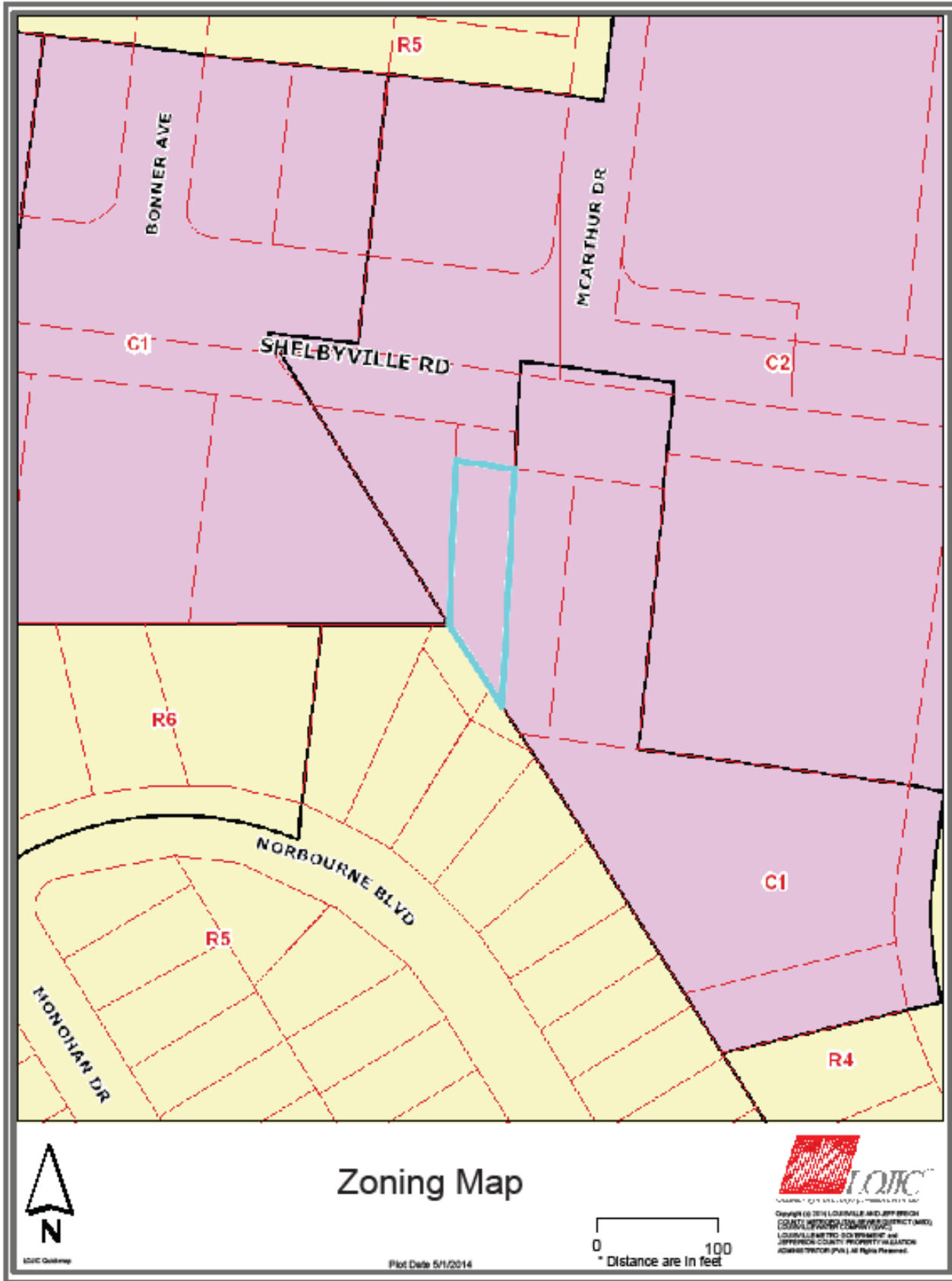
### NOTIFICATION

Date	Purpose of Notice	Recipients
5/23/14	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 26 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.
2. The use of the property shall be limited to automobile dealership and Martial Arts Studio. No repair or maintenance of vehicles shall occur at this site.
3. The development shall not exceed 1,931 square feet in gross floor area.
4. Before building permits are 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 proposed signs must be approved by the City of St. Matthews and by the Planning Commission. The City and the Planning Commission may require that signs be smaller than would otherwise be permitted by the zoning regulations. If the existing sign structure is retained, owner shall modify the structure so that the overall height shall not exceed twenty (20) feet above grade.
  - c. The property owner must obtain approval of a plan for screening (buffering) and landscaping along the southwest property line adjacent to the single family and duplex dwellings along that property line. Such plan shall be implemented prior to occupancy and maintained thereafter.
  - d. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - e. The appropriate variances must be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. If building permits are 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 until a revised district development plan is approved or an extension is granted by the Planning Commission and the City of St. Matthews.
6. A certificate of occupancy must be received from the appropriate code enforcement officer prior to occupancy of the structure or land for the proposed use. Such certificate of occupancy shall not be issued until the height of the sign referred to in paragraph 4 (b) has been reduced in height to not more than twenty (20) feet.
7. The above binding elements may be amended as provided for in the zoning district regulations upon approval by the City Council.

**4. Proposed Binding Elements**

- ~~2. The use of the property shall be limited to automobile dealership and Martial Arts Studio. No repair or maintenance of vehicles shall occur at this site.~~
3. The development shall not exceed ~~1,931~~ **2,729** square feet in gross floor area.