

Development Review Committee

Staff Report

November 15, 2021



Case No:	21-DDP-0074/21-PARKWAIVER-0014
Project Name:	Morris Pointe
Location:	124, 126 and 128 St Matthews Ave; 3939 Shelbyville Rd
Owner(s):	Burdorff Properties, LLC.
Applicant:	Morris Pointe, LLC.
Jurisdiction:	St Matthews
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Parking Waiver** to reduce required parking from 256 to 216 spaces.
- **Revised Detailed District Development plan** with revisions to binding elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to renovate an existing structure and site for a mix of office, restaurant and retail uses. The development proposes an expanded outdoor patio for the first-floor restaurant, as well as general and medical office space on the 2nd and 3rd floors. Some alteration to existing parking and circulation are proposed on site as well. The subject site is located at along Shelbyville Rd at St Matthews Ave and is zoned C-2 in the City of St Matthews. The site was rezoned under docket 16ZONE1055.

STAFF FINDING

The Revised Detailed District Development Plan is adequately justified and meets the standards of review. It allows for a variety of neighborhood serving uses in an established commercial activity center. The Parking waiver is adequately justified and meets the standard of review, as the proposed mix of uses have different peak times and the proposed parking should be able to adequately serve the proposed uses. The subject site is also well served by transit and other alternative modes of transportation.

TECHNICAL REVIEW

No outstanding technical issues are associated with this proposal.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER

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

STAFF: The waiver is in compliance with the Comprehensive Plan, as it allows for a mix of neighborhood serving uses in an existing commercial activity center. The subject site is well served by transit and other alternative transportation options such as biking, taxis and ride-sharing services.

- (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.

STAFF: The applicant has made a good faith effort to provide as many parking spaces as possible on the subject site.

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

STAFF: The requested waiver is the smallest possible to accommodate the proposed mix of uses.

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

STAFF: Nearby properties will not be adversely affected. The subject site is in an area of mixed commercial development with a variety of on-site, off-site and shared parking arrangements.

- (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 requirements found in Table 9.1.2 do not accurately depict the parking needs for the proposed combination of uses. The differing peak operating times for office and restaurant uses means that the proposed mix of uses can be adequately served by the proposed parking.

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

STAFF: There is a significant number of on-street parking spaces in the area that users of the site may utilize.

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 do not appear to be any environmental constraints or historic resources 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 have been provided. Transportation Planning has 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 pertinent to 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 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.

- 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 the Comprehensive Plan. The proposed uses are in keeping with other development and the general character of the area. Adequate screening and buffering will be provided around the subject site. Provisions have been made for safe vehicular and pedestrian maneuvering around the subject site.

REQUIRED ACTIONS:

- **RECOMMEND** that the **City of St Matthews APPROVE** or **DENY** the **Parking Waiver**
- **RECOMMEND** that the **City of St Matthews APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to binding elements.

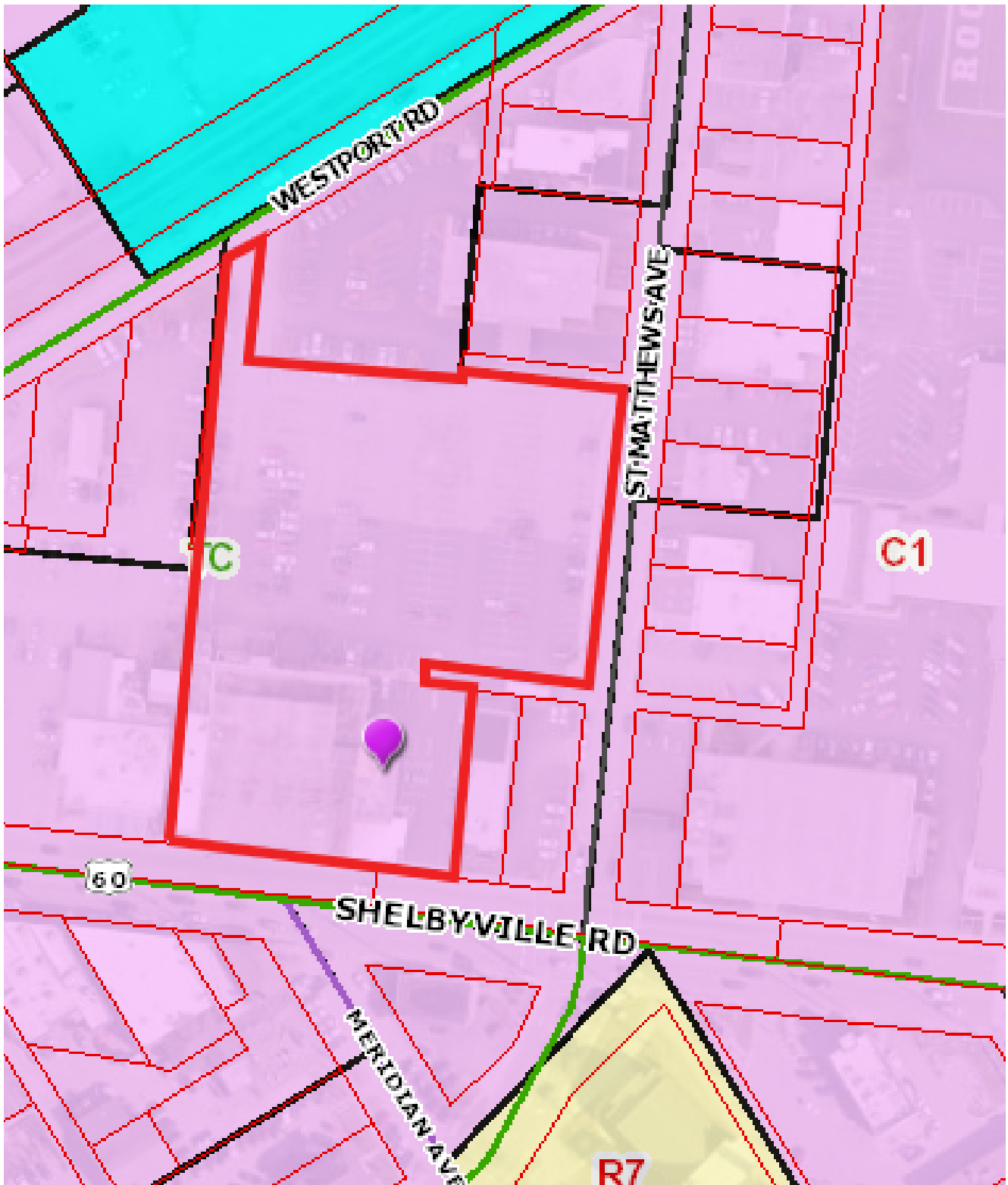
NOTIFICATION

Date	Purpose of Notice	Recipients
12-3-21	Hearing before DRC	1 st tier adjoining property owners and residents, property owners and residents of all property 200 feet of subject property Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 9

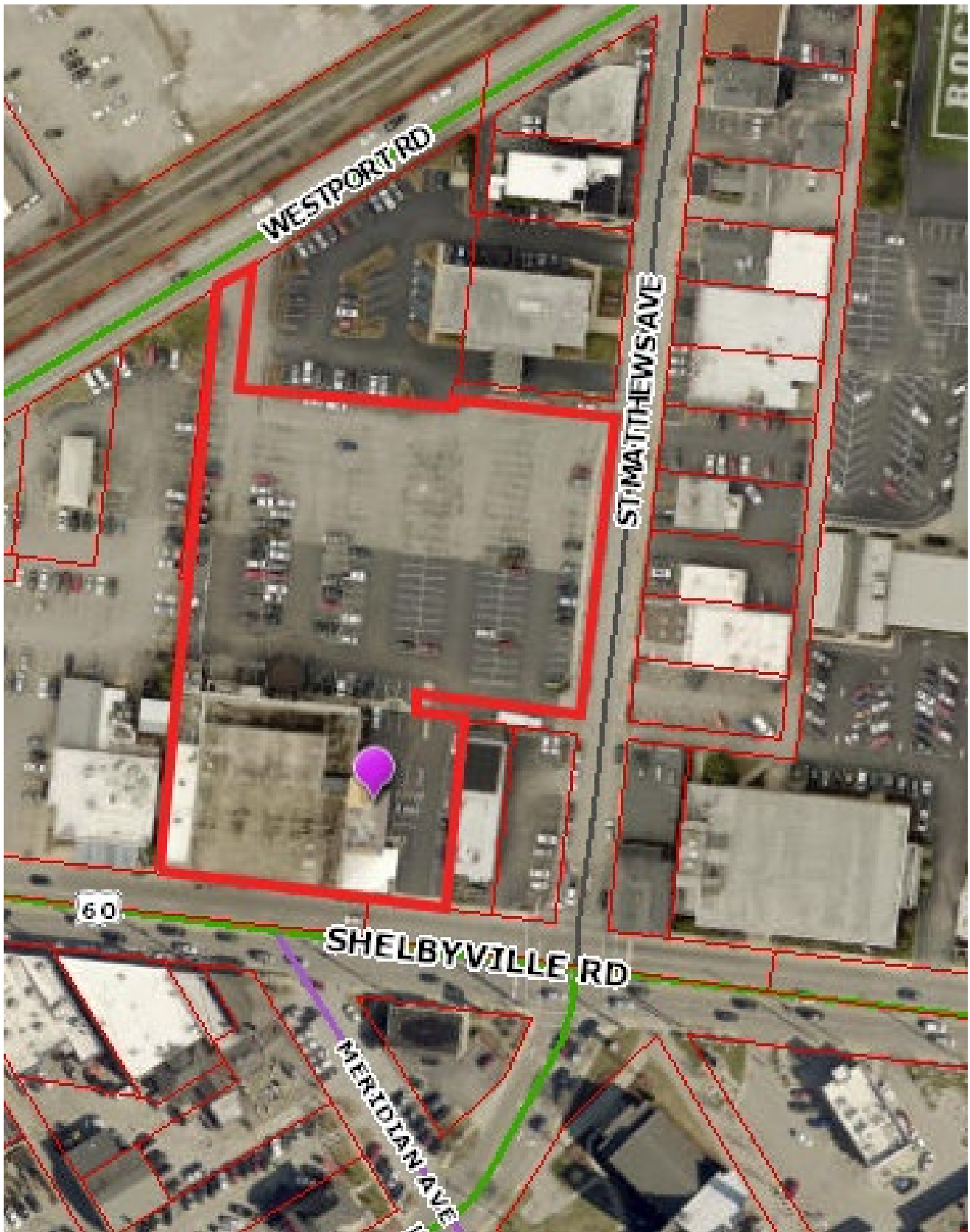
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. The full site (more particularly described in attached Exhibit One) shall be in accordance with the approved general development plan, all applicable sections of the Saint Matthews Development Code, Land Development Code and agreed upon binding elements unless amended pursuant to the Saint Matthews Development Code and Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Saint Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The purpose of this application is to bring into compliance the full site (see attached Exhibit One) existing and proposed uses in the existing 62, 417 SF of gross floor area building. There shall be no further development of the site unless and until a Detailed District Development Plan is reviewed and approved by the Planning Commission, or the Planning Commission's designee, and the City of St. Matthews.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site. The attached Drake's sign on the east façade of the building will be removed within 30 days, unless the applicant can produce a sign permit approved by the City of St Matthews for the change to a Drake's sign now on the site. The existing freestanding sign located along St Matthews Avenue shall be reduced in size to an area not to exceed 80 square feet within 60 days of the affective date of this ordinance.
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 (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works 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 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and the City of St Matthews; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.

8. Medical Office uses on the subject site shall not occupy greater than 18,200 SF (17,650 plus 550 sq. ft. of the common service area.) and shall not be open past 5 PM.

4. Proposed Binding Elements

1. The full site (more particularly described in attached Exhibit One) shall be in accordance with the approved general development plan, all applicable sections of the Saint Matthews Development Code, Land Development Code and agreed upon binding elements unless amended pursuant to the Saint Matthews Development Code and Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Saint Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
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