

# Development Review Committee

## Staff Report

April 1, 2015



<b>Case No:</b>	14DEVPLAN1182
<b>Project Name:</b>	157 Thierman Lane
<b>Location:</b>	157 Thierman Lane
<b>Owners:</b>	JAG Services, LLC
<b>Applicant:</b>	Joe Gottbrath
<b>Representative:</b>	Joe Gottbrath
<b>Project Area/Size:</b>	0.20 ac.
<b>Existing Zoning District:</b>	OR-1, Office/ Residential
<b>Existing Form District:</b>	SMC, Suburban Marketplace Corridor
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Matthew R. Doyle, Planner I

### REQUEST

- Revised Detailed District Development Plan (RDDDP) with amendments to binding elements

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject is located within the boundaries of the City of St. Matthews and is subject to the Development Code in effect as of April 2001.

The applicant requests to revise the approved development plan to show improvements to the site since 1980 as well as delete binding elements 1 and 2 and modify binding element 3.

The proposed plan has three changes to the approved plan: (1) The proposed plan shows an existing parking pad in the front yard; (2) The sign is located in a slightly different location; and, (3) the 15 ft. of additional right-of-way that was to be granted has been removed as the City of St. Matthews no longer sees the need for it.

The applicant requests to delete binding elements 1 and 2 as they are no longer applicable. Binding element 1 required the 15 ft. of additional right-of-way to be dedicated to Thierman Lane and binding element 2 required a variance to allow the proposed business sign to encroach into the required front yard. Since the City of St. Matthews no longer sees the need for the additional right-of-way, the sign no longer needs a variance.

The applicant requests to modify binding element 3 to allow the current sign to be replaced with a new sign of the same size and height. It reads as follows:

3. The proposed advertising sign shall be located as shown on the approved District Development Plan if the appropriate variances are obtained and St. Matthews sign permit is obtained. The sign shall not exceed 20 square feet in area (double faced sign 10 square feet on each side) and six feet, four inches above grade.

The applicant would like it to read as follows:

3. The proposed advertising sign shall be located as shown on the approved district development plan if ~~the appropriate variances are obtained and~~ St. Matthews sign permit is obtained. The sign shall not exceed 20 square feet in area (~~double faced sign 10 square feet on each side~~) and six feet, four inches above grade.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Insurance office	OR-1	SMC
<b>Proposed</b>	Insurance office	OR-1	SMC
<b>Surrounding Properties</b>			
<b>North</b>	Condominiums	R-7	SMC
<b>South</b>	Commercial retail	OR-1	SMC
<b>East</b>	Apartments	OR-2	SMC
<b>West</b>	Duplex, Commercial office	R-6, OR-3	SMC

### PREVIOUS CASES ON SITE

- 9-37-80:** Approval of a change in zoning from R-5 to OR-1.
- B-114-90:** Approval of a variance to allow a sign to be 5 feet from the front property line.
- 15VARIANCE1007:** Approval of a variance from section 5.2 of the Development Code to allow existing parking to encroach into the required front yard.

### INTERESTED PARTY COMMENTS

N/A

### APPLICABLE PLANS AND POLICIES

Development Code (April 2001)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR A REVISED DETAILED DISTRICT DEVELOPMENT PLAN AND AMENDMENT TO BINDING ELEMENT

- 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 continue to 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 will continue to be provided.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Provisions of sufficient open space will continue to be provided.

- 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 will continue to 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 continue to be provided to screen adjacent properties and roadways.

- 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.

### TECHNICAL REVIEW

The Board of Zoning Adjustment approved a variance from section 5.2 of the Development Code to allow existing parking to encroach into the required front yard earlier this year on March 16, 2015.

### STAFF CONCLUSIONS

- The proposed RDDDP and amendments to binding elements appear adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the RDDDP and amendments to binding elements.

### REQUIRED ACTION

- **RECOMMEND** that the City of St. Matthews **APPROVE** or **DENY** the RDDDP and amendments to binding elements.

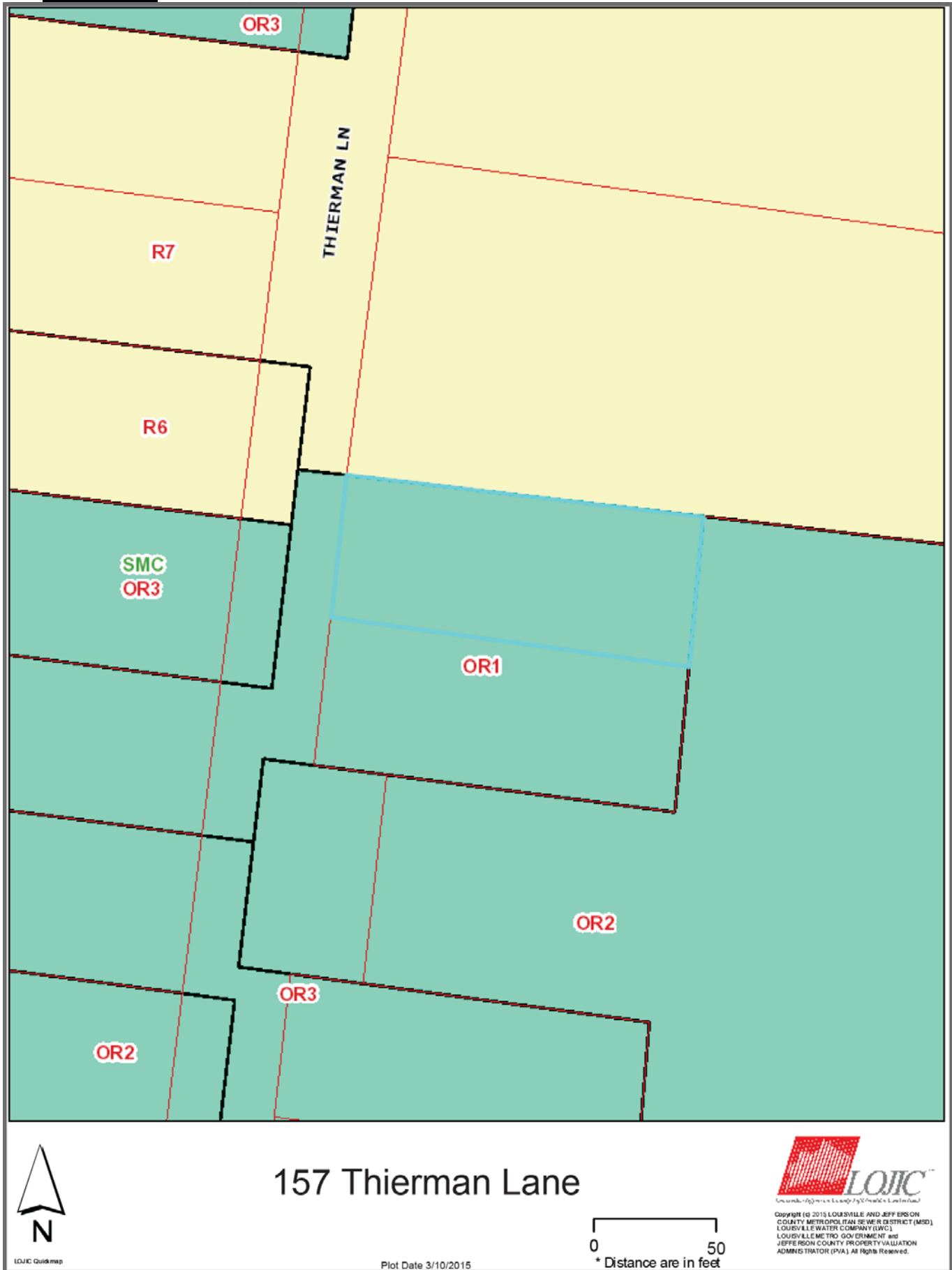
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/18/15	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered neighborhood groups

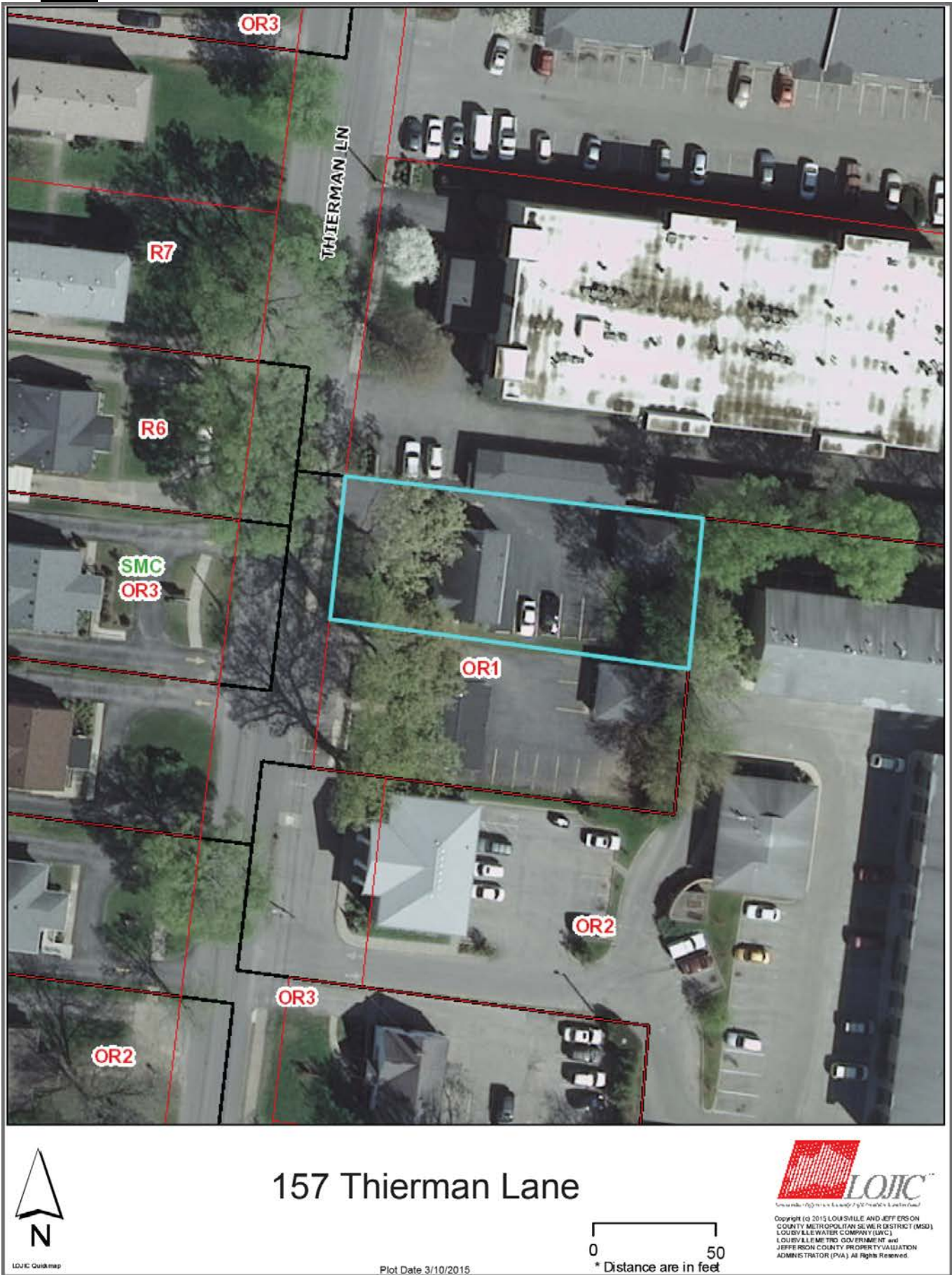
### ATTACHMENTS

1. Zoning Map
2. Aerial
3. Existing Binding Elements
4. Proposed Changes to Binding Elements

1. **Zoning Map**



2. Aerial



**3. Existing Binding Elements**

1. Fifteen feet of additional right-of-way will be dedicated to Thierman Lane to provide a total of 35 feet from the centerline of the existing roadway. The right-of-way dedication will be by minor subdivision plat.
2. Appropriate variances will be obtained from the Board of Zoning Adjustment to allow the proposed business sign to encroach into a required front yard. If such variances are not obtained the property may not be used for any new use until a revised district development plan has been submitted to and approved by the Planning Commission.
3. The proposed advertising sign shall be located as shown on the approved district development plan if the appropriate variances are obtained and St. Matthews sign permit is obtained. The sign shall not exceed 20 square feet in area (double faced sign 10 square feet on each side) and 6 feet, 4 inches above grade.
4. The plan must be reapproved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation prior to occupancy of the building for the proposed use.
5. Unless use in accordance with the approved plan and binding elements have been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

**4. Proposed Changes to Binding Elements**

- ~~1. Fifteen feet of additional right-of-way will be dedicated to Thierman Lane to provide a total of 35 feet from the centerline of the existing roadway. The right-of-way dedication will be by minor subdivision plat.~~
- ~~2. Appropriate variances will be obtained from the Board of Zoning Adjustment to allow the proposed business sign to encroach into a required front yard. If such variances are not obtained the property may not be used for any new use until a revised district development plan has been submitted to and approved by the Planning Commission.~~
3. The proposed advertising sign shall be located as shown on the approved district development plan if ~~the appropriate variances are obtained~~ and St. Matthews sign permit is obtained. The sign shall not exceed 20 square feet in area ~~(double faced sign 10 square feet on each side)~~ and 6 feet, 4 inches above grade.