

# Development Review Committee

## Staff Report

June 17, 2015



<b>Case No:</b>	15MOD1005
<b>Project Name:</b>	149 Chenoweth Lane
<b>Location:</b>	149 Chenoweth Lane
<b>Owners:</b>	Paul M. Lockhart
<b>Applicant:</b>	Paul M. Lockhart
<b>Representative:</b>	Paul M. Lockhart
<b>Project Area/Size:</b>	0.23 ac.
<b>Existing Zoning District:</b>	C-1, Commercial
<b>Existing Form District:</b>	TC, Town Center
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Matthew R. Doyle, Planner II

### REQUEST

- Amendment to Binding Element

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is plan certain under Docket 9-4-85 and located in the City of St. Matthews.

Binding element 7 in Docket 9-4-85 restricts the use of this site to low-impact retail and office uses listed in the C-1 Commercial Zoning District of the Development Code for Jefferson County. The applicant requests to add personal trainer to the list of permissible uses. Planning Commission staff spoke with Jack Ruf from the City of St. Matthews about whether the use could be permitted in C-1, since it is not explicitly listed. In response, Mr. Ruf stated that “the entries of ‘athletic facilities’ and ‘health spas’ are sufficiently similar to what a personal trainer would do to consider it a C-1 use ... Recognizing that ‘personal trainer’ is not a specific listing in the C-1, I suggest that the amendment to the Binding Element might state, ‘Health spa (personal trainer)’. I think that this will cover the use desired and keep it sufficiently narrow for my City Council.” Planning Commission staff agrees with this interpretation and recommendation.

Zoning District: C-1, Commercial

Form District: TC, Town Center (used for parking calculations only)

Existing Use: Office/Retail

Proposed Use: Health spa (personal trainer)

Minimum Parking Spaces Required: 5

Maximum Parking Spaces Allowed: 14

Existing Parking Spaces: 13

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Office/retail	C-1	TC
<b>Proposed</b>	Health spa (personal trainer)	C-1	TC
<b>Surrounding Properties</b>			
<b>North</b>	Cosmetology school	C-2	TC
<b>South</b>	Chiropractor	C-1	TC
<b>East</b>	Chiropractor/single family residential	C-1/R-4	TC/N
<b>West</b>	Beauty salon, consignment shop	C-1	TC

### PREVIOUS CASES ON SITE

9-4-85: Approval of a change in zoning from R-4 to C-1 along with a General District Development Plan.

### INTERESTED PARTY COMMENTS

N/A

### APPLICABLE PLANS AND POLICIES

Development Code for all of Jefferson County, Kentucky

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR AN 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 City of St. Matthews adopted the parking provisions in Chapter 9 of the Land Development Code.

### STAFF CONCLUSIONS

- The proposed amendment appears to be 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 Amendment to Binding Element.

### REQUIRED ACTION

- RECOMMEND** that the City of St. Matthews **APPROVE** or **DENY** the Amendment to Binding Element.

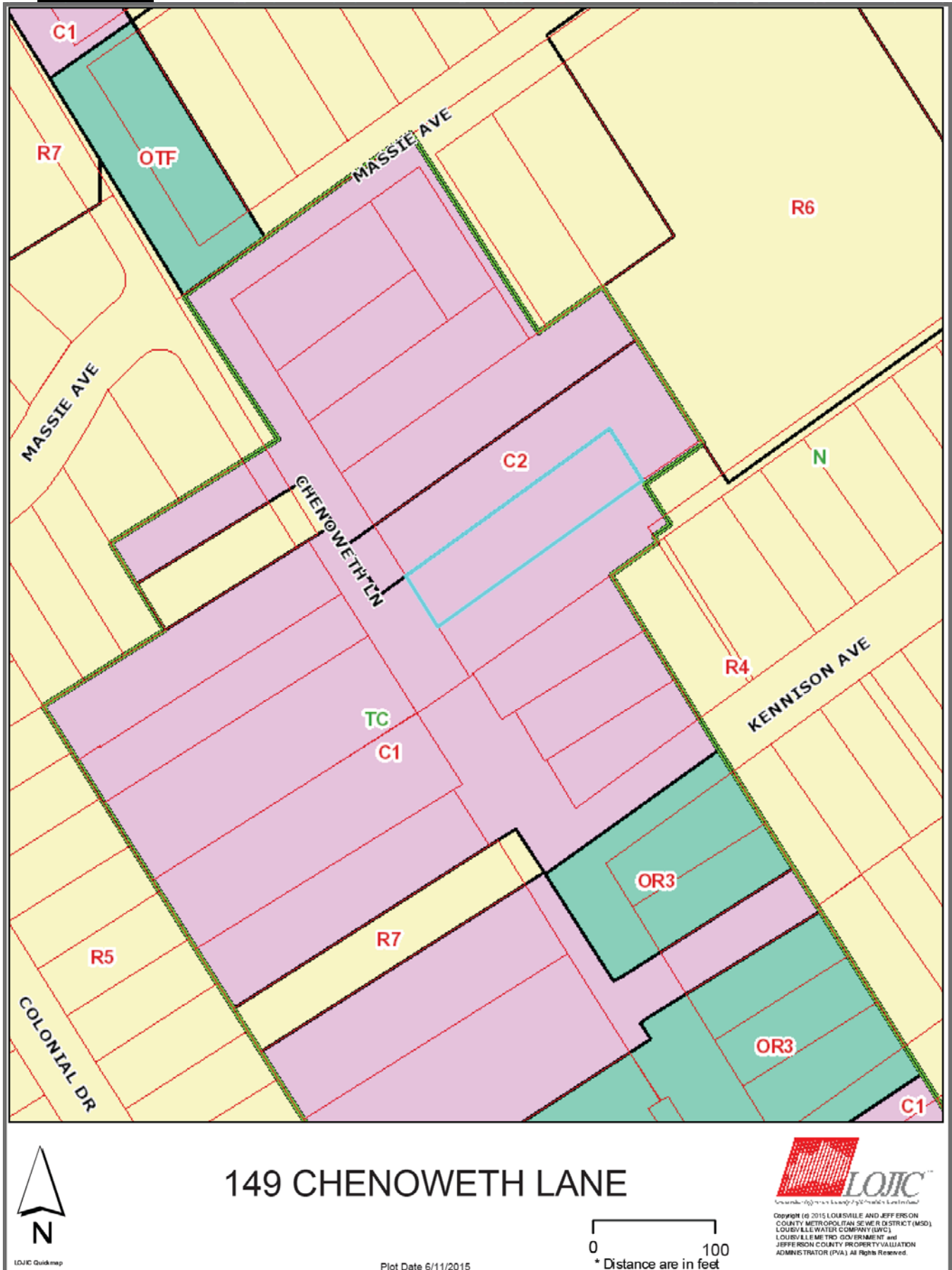
### NOTIFICATION

Date	Purpose of Notice	Recipients
6/3/15	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered neighborhood groups

### ATTACHMENTS

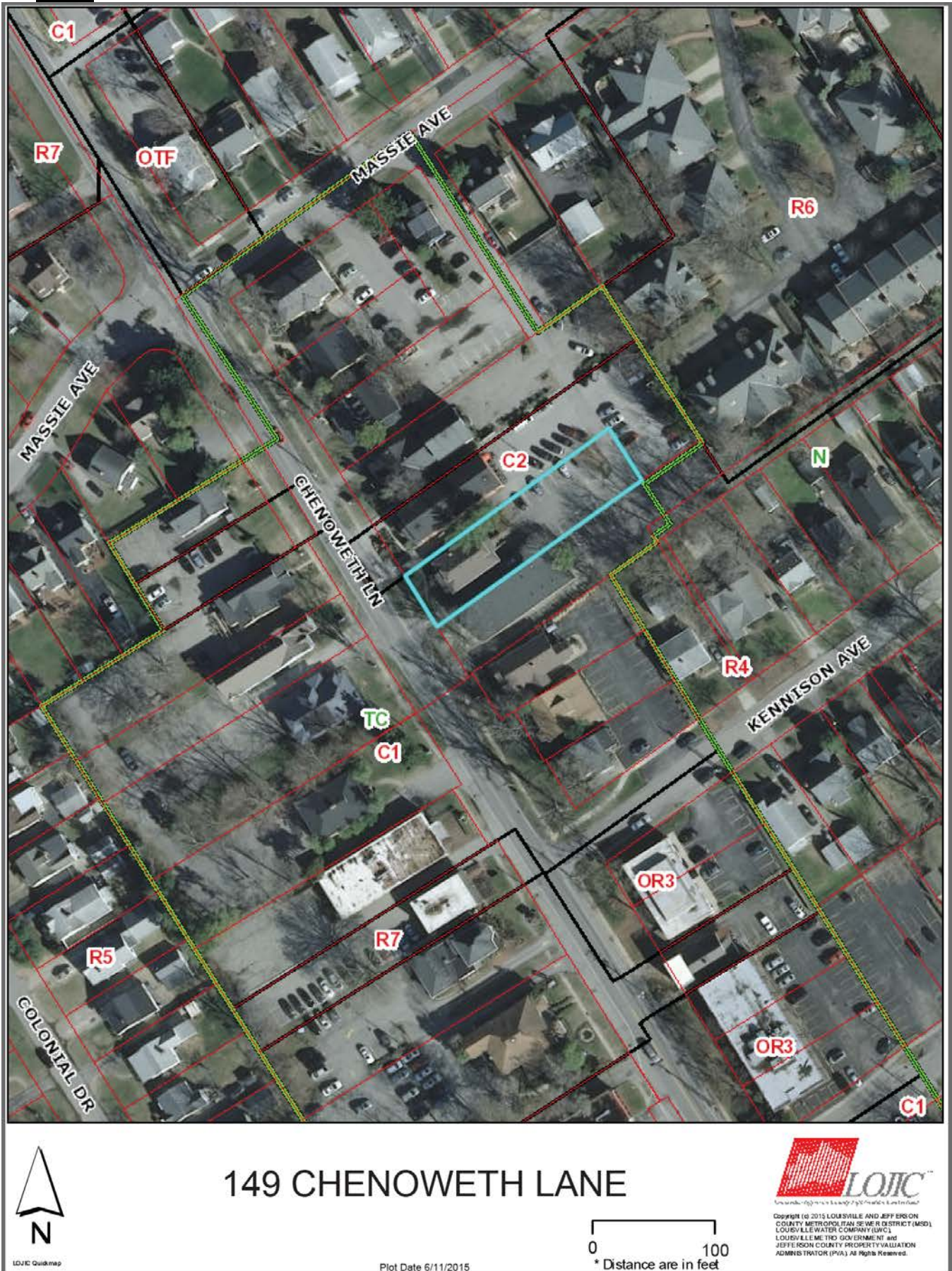
- Zoning Map
- Aerial
- Existing Binding Elements
- Proposed Change to Binding Elements

1. Zoning Map





2. Aerial



**3. Existing Binding Elements**

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. Vehicular access may be had from Chenoweth Lane but traffic shall not be permitted to exit from the subject property to Chenoweth Lane.
3. The development shall not exceed 1,400 square feet of gross floor area.
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 proposed signs must be approved by the City of St. Matthews. Any sign shall not exceed 12 square feet on each face.
  - c) The appropriate variances must be obtained from the Board of Zoning Adjustment to the development as shown on the approved district development plan.
  - d) Additional right of way shall be dedicated to provide a total of forty five feet from the center line of existing right of way of Chenoweth Lane.

Dedication shall be by minor subdivision plat and Certificate of Occupancy shall not issue until such time as the additional right of way has been created in the event forty feet of right of way does not already exist.
  - e) All necessary recording fees shall be paid.
5. The screening (buffering and landscaping) plan shown on the approved district development plan shall be implemented prior to occupancy and maintained thereafter.
6. The residential character of the structure shall be maintained. Any structural alteration must be approved by the City of St. Matthews.
7. Use of the property shall be limited to the following uses:
  - a. Book store
  - b. Confectionery or candy store
  - c. Dressmaking or millinery store
  - d. Dry goods and notion stores
  - e. Florist shop
  - f. Interior decorating shop
  - g. Jewelry store
  - h. Office, business, professional or governmental
  - i. Photographic shop
  - j. Radio or television store
  - k. Shoe store
  - l. Stationery store
  - m. Variety store
  - n. Wearing apparel store
  - o. Gift shops
  - p. Antique shop
  - q. Household accessories store (excluding major appliances)
  - r. Retail art store or gallery

8. 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 and the City of St. Matthews.
9. 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.
10. The above binding elements may be amended as provided for in the zoning district regulations upon approval by the City Council.

**4. Proposed Change to Binding Elements**

7. Use of the property shall be limited to the following uses:
  - a. Book store
  - b. Confectionery or candy store
  - c. Dressmaking or millinery store
  - d. Dry goods and notion stores
  - e. Florist shop
  - f. Interior decorating shop
  - g. Jewelry store
  - h. Office, business, professional or governmental
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  - m. Variety store
  - n. Wearing apparel store
  - o. Gift shops
  - p. Antique shop
  - q. Household accessories store (excluding major appliances)
  - r. Retail art store or gallery
  - s. **Health spa (personal trainer)**