

**Development Review Committee**  
**Staff Report**  
May 18th, 2016



<b>Case No:</b>	<b>16DEVPLAN1038</b>
<b>Request:</b>	<b>Revised Detailed District Development Plan and Landscape Waiver</b>
<b>Project Name:</b>	<b>Hilton Garden Inn</b>
<b>Location:</b>	<b>400 Sherburn Lane</b>
<b>Owner:</b>	<b>MSM Property, LLC</b>
<b>Applicant:</b>	<b>Dunn Hospitality Group</b>
<b>Representative:</b>	<b>William Bardenwerper, Bardenwerper, Talbott &amp; Roberts, PLLC</b>
<b>Jurisdiction:</b>	<b>St. Matthews</b>
<b>Council District:</b>	<b>26- Brent Ackerson</b>
<b>Case Manager:</b>	<b>Laura Mattingly, Planner I</b>

**REQUEST**

- Revised Detailed District Development Plan
- Landscape Waiver request of Article 12, Table D.1(b) to allow a sidewalk to encroach into the required 5' LBA along Mall Access Road.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is proposing a 86,073 square foot 5-story hotel on a currently vacant lot within the St. Matthews area, southwest of the intersection of Shelbyville Road and the Watterson Expressway. The lot is irregularly shaped and fronts either public or private roads on all sides. The proposal includes 67,527 square feet of vehicle use area with 149 proposed parking spaces. The site will have two vehicular access points from Sherburn Lane, with pedestrian access from Bowling Blvd that leads throughout the site.

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

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	C-2	RC
<b>Proposed</b>	Hotel	C-2	RC
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Retail/Commercial Entertainment	C-2	RC
<b>South</b>	Retail	C-2	RC
<b>East</b>	Retail	C-2	RC
<b>West</b>	Retail	C-2	RC

**PREVIOUS CASES ON SITE**

9-19-96 - Rezoning from R-4 & R-1 to C-2 for Restaurant, Parking Lot and Open Space, Revised Detailed District Development Plan for parking lot only.

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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: This parcel does not have any natural resources for preservation. The proposal includes the addition of trees and landscaping that will improve the aesthetics of the site and contribute to the addition of tree canopy.

- 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 with pedestrian walkways from the public sidewalk on Bowling Blvd to and around the development. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed.

- 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 for this development.

- 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 land use and building design are compatible with the existing and future development of the area. The Shelbyville Road corridor in this area is primarily occupied by retail and restaurant uses. The use, design and scale will fit in nicely with the surrounding commercial development.

- 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 is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan, with the exception of the Landscape Waiver that is being requested.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Article 12,  
Table D.1(b) of the St. Matthews Land Development Code to allow a sidewalk to  
encroach into the 5' required LBA along Mall Access Road.**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the LBA is located along Mall Access Road, a private roadway and only affects a portion of the LBA.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. These policies are not violated as the sidewalk only encroaches into the LBA for a portion of the LBA along Mall Access Road and all other plantings are provided as required and exceed the requirements in some areas.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the plan does provide all other LBAs and is constrained by the the size and shape of the site.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the parking

would have to be reconfigured in order to accommodate both the LBA and pedestrian connection requirement. The applicant has also exceeded the amount of landscaping on the plan than the LDC requires.

### **TECHNICAL REVIEW**

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- 15MINORPLAT1187 is currently under review to create the parcel lines as shown on the development plan.

### **STAFF CONCLUSIONS**

The Revised Detailed District Development Plan and Waiver requests appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for recommending approval of the RDDDP established in the Land Development Code to the City of St. Matthews.

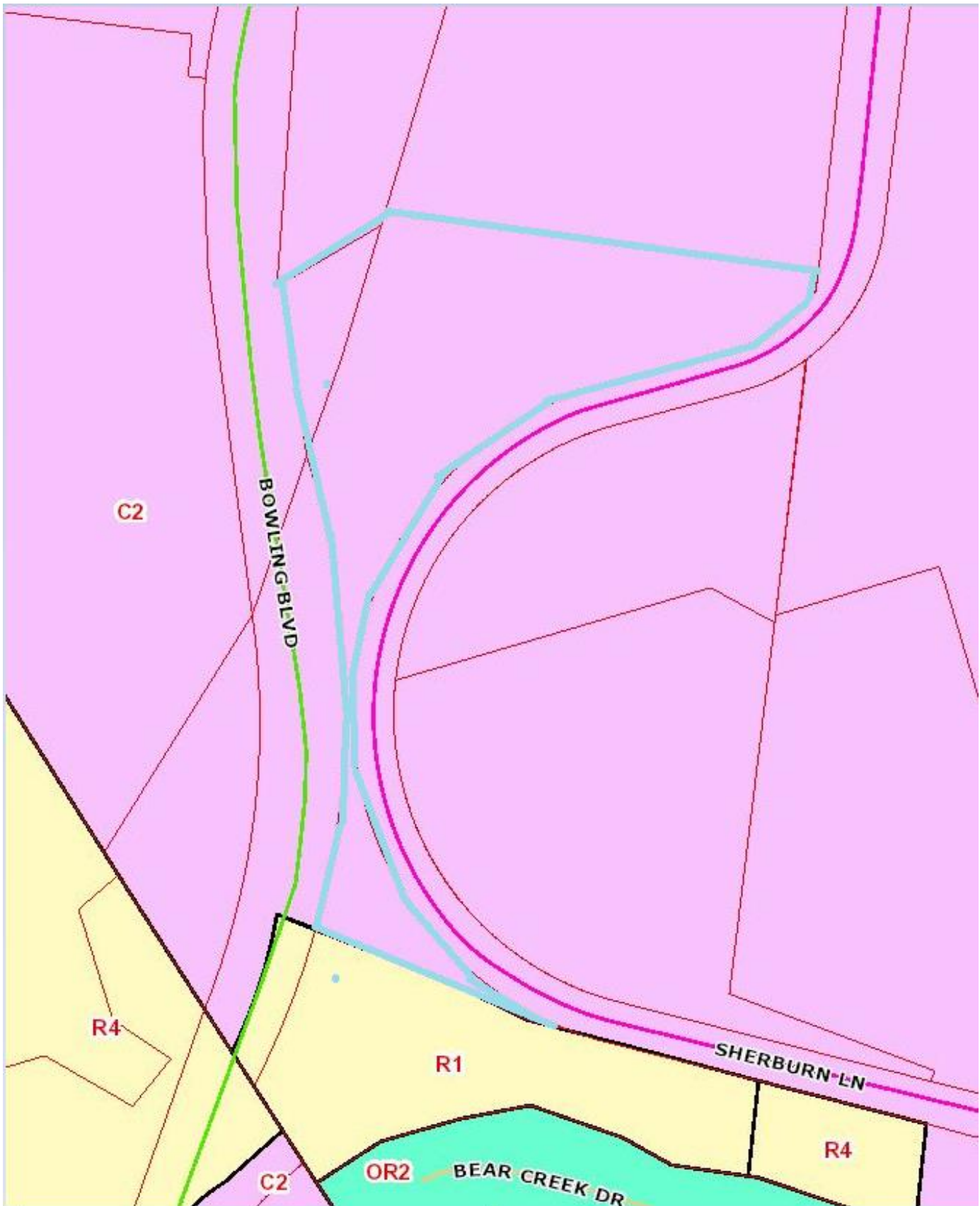
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
05/06/2016	Public Hearing - DRC	Neighborhood notification recipients
05/04/2016	Public Hearing - DRC	1 <sup>st</sup> tier adjoining property owners

### **ATTACHMENTS**

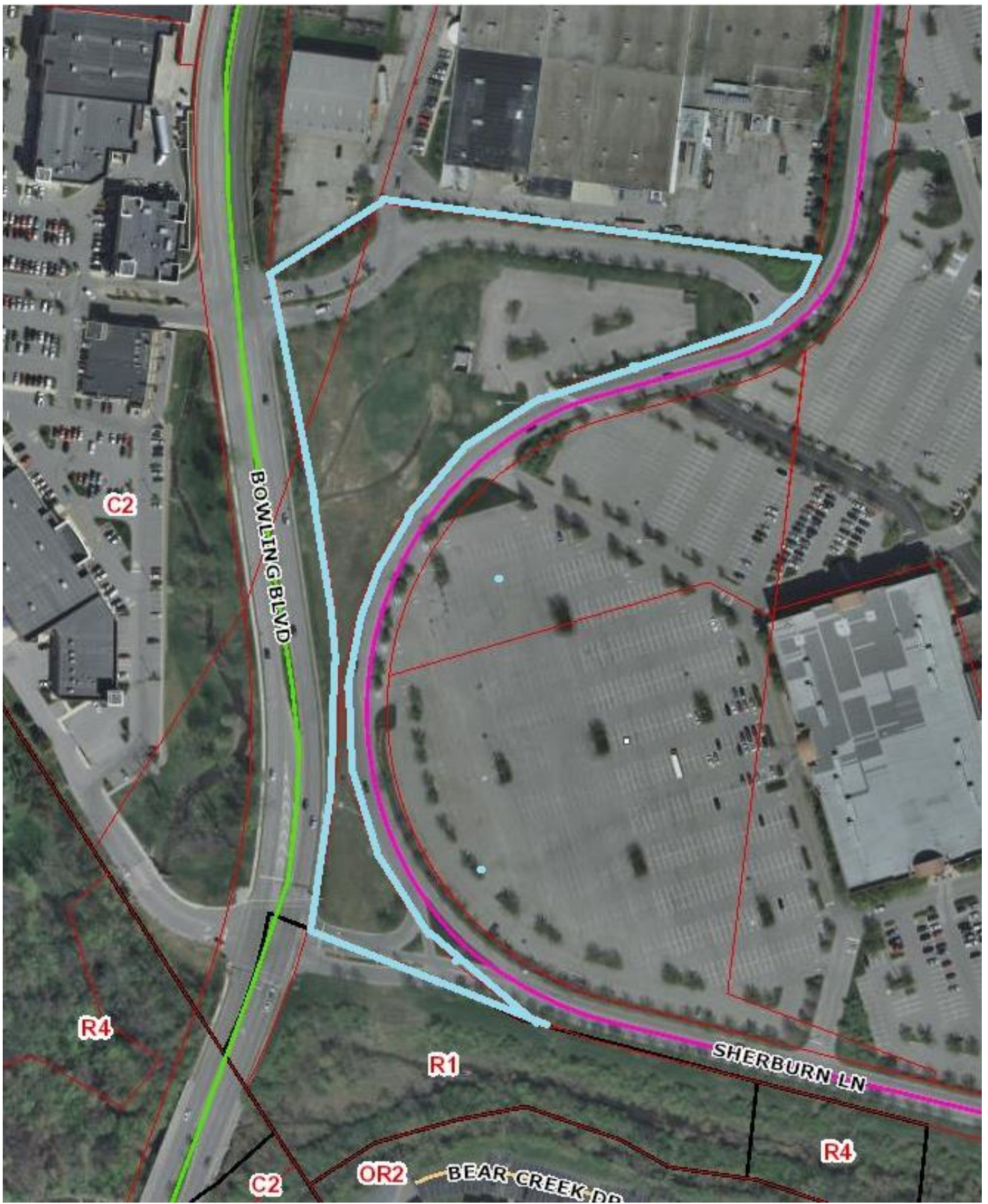
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Amended Binding Elements

1. Zoning Map



2. Aerial Photograph





### **3. Existing Binding Elements**

**All binding elements from the approved General Development Plan (9-19-96) are applicable to this site, in addition to the following:**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission and the City of St. Matthews.
2. Prior to development of each site or phase of this project, a detailed district development plan shall be submitted to the Planning Commission and the City of St. Matthews for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
  - a. screening, buffering, landscaping, tree preservation
  - b. density, floor area, size and height of buildings
  - c. points of access and site layout with respect to on-site circulation
  - d. land uses
  - e. signage
  - f. loading berths
  - g. parking
  - h. sidewalks
  - i. site design elements relating to alternative transportation modes
  1. outdoor lighting
  - k. minor subdivision plat approval
  - l. air pollution
  - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
  - n. dumpsters
3. The development shall be limited to a parking lot. No structures are permitted.
4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties.
7. The following uses, normally allowed in a C-2 Commercial District, shall not be permitted uses on the subject property:
  - Automobile repair garages, unless accessory to a department store
  - Automobile sale agencies
  - Automobile service stations, unless accessory to a department store
  - Ice storage houses
  - Laundries or laundrette, self-service
  - Restaurants with drive-through windows
  - Restaurants where dancing or entertainment is allowed outside
  - Trade Schools
- 8.. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty Street).

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) of the proposed restaurant site (portion of lot 2) 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.

9. If a certificate of occupancy (building permit) 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 City of St. Matthews.

10. 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 prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of St. Matthews.

11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements. The property owner/developer shall ensure compliance with the binding elements.

12. These binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Council.



#### **4. Proposed Amended Binding Elements**

3. The development shall ~~be limited to a parking lot. No structures are permitted.~~ **not exceed 86,073 square feet of gross floor area.**

8.. Before any permit (including but not limled to building, parking lot, change of use or alteration permit)is requested:

a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty Street).

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) of the proposed ~~restaurant site (portion of lot 2)~~ **hotel site** 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 minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.**