

Development Review Committee

Staff Report

August 31, 2016



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| Case No: | 16DEVPLAN1155 |
| Project Name: | Martin's BBQ |
| Location: | 3408 Indian Lake Drive |
| Owner: | Indian Springs Green Space, LLC |
| Representative: | Blomquist Design Group, LLC – Marv Blomquist |
| Project Area/Size: | 3 acres |
| Existing Zoning District: | C-1, Commercial |
| Existing Form District: | N, Neighborhood |
| Jurisdiction: | Louisville Metro |
| Council District: | 17– Glen Stuckel |
| Case Manager: | Joel P. Dock, Planner I |

REQUEST

- Revised Detailed District Development Plan
- Landscape Buffer Area Waiver

CASE SUMMARY

The applicant proposes to add a 1,000 SF patio and 5 employee parking spaces to the approved conditional use permit and detailed district development plan. The existing 6,800 SF building and 2,800 SF outdoor patio were previously used for a golf course clubhouse and was rezoned to C-1 with a conditional use permit for outdoor alcohol sales under case 15ZONE1016. The proposed patio is within the limits of the conditional use permit area, but the expanded improvements require the modification of the approved plans.

A landscape waiver is also being requested to eliminate the required trees and 8' screen along the Western property line.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|------------------------|---------------------------------------|----------|---------------|
| Subject Property | | | |
| Existing | Restaurant | C-1 | N |
| Proposed | Restaurant | C-1 | N |
| Surrounding Properties | | | |
| North | Retail | C-1 | N |
| South | Green Space | R-4 | N |
| East | Multi-Family Residential, Green Space | R-7, OTF | N |
| West | Green Space | R-4 | N |

PREVIOUS CASES ON SITE

| | |
|--------------------------|---|
| <u>9-74-92/10-42-92:</u> | Re-Zoning from R-4 and R-7 to R-4, R-6, & R-7, General District Development Plan, and Preliminary Major Subdivision to create the Indian Springs Golf Community |
| <u>PB 39, PG 93:</u> | Record Plat for Indian Springs Golf Community |
| <u>14627:</u> | Re-Zoning from R-4 to C-1, Variances, Revised General/Preliminary Major Subdivision, and Detailed District Development Plan to allow a grocery store and retail development |
| <u>13DEVPLAN1064:</u> | Revised Detailed District Development Plan to revise the entrance on Indian Lake Drive to correspond with the proposed hotel entrance across the street |
| <u>15ZONE1016:</u> | Change-in-zoning from R-4 to C-1 with a conditional use permit for outdoor alcohol sales |
| <u>16CUP1032:</u> | Presented at BOZA on 8/29/16 |

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (July 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- (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.

- (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. Sidewalks and vehicular access have been provided along Indian Lake Drive. Cross connectivity with the site to the north has been previously provided.

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

STAFF: Open space is being preserved on the adjacent property (formerly golf course) by Indian Springs Community, LLC. Proposed patio provides dining as an outdoor amenity for the restaurant.

- (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. The site design is compatible with existing commercial development in the area. The patio is proposed opposite of the residential development on the backside on the restaurant which will minimize noise.

- (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 proposal complies with the applicable guidelines of the Comprehensive Plan and Land Development Code, with the exception of the requested landscape waiver.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the parcel creating the required buffer is not used residentially and is being maintained by the Indian Springs Community as an open green space.

- (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. The waiver will not violate specific guidelines of Cornerstone 2020 as there are no abutting residential uses and significant space is created by the open green space to the nearest residential to the South/Southwest of the restaurant.

- (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 intent of the buffer is to provide adequate screening from residential zoning districts and uses. The property generating the buffer is not used residentially and is being maintained as a large open space by the Indian Springs Community.

(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 create an unnecessary hardship on the applicant as the required trees would sit 20-25' below the use intended to be screened and the abutting use does not create a need for screening to be provided.

TECHNICAL REVIEW

There are no technical review items at this time.

STAFF CONCLUSIONS

The revised detailed district development plan appears to be adequately justified and meets 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 approving a revised detailed district development plan an landscape waiver as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the revised detailed district development plan for proposed 1,000 SF patio and 5 employee parking spaces.
- **APPROVE** or **DENY** the landscape buffer area waiver to omit the required trees and plantings on the Western property line.

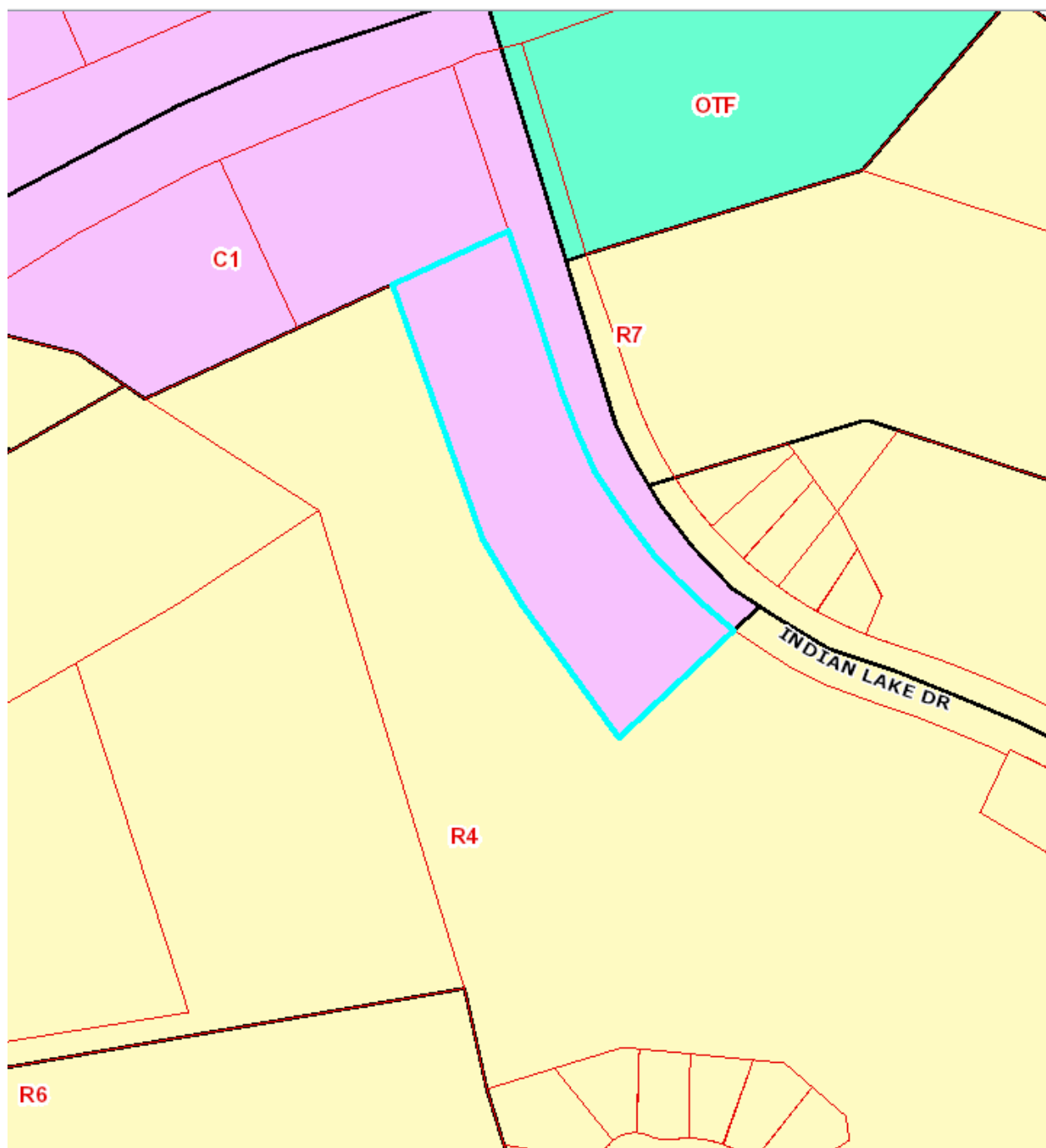
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|-------------------|---|
| 8/18/16 | DRC | Adjoining property owners, applicant, owner, and registered users of Council District 17. |

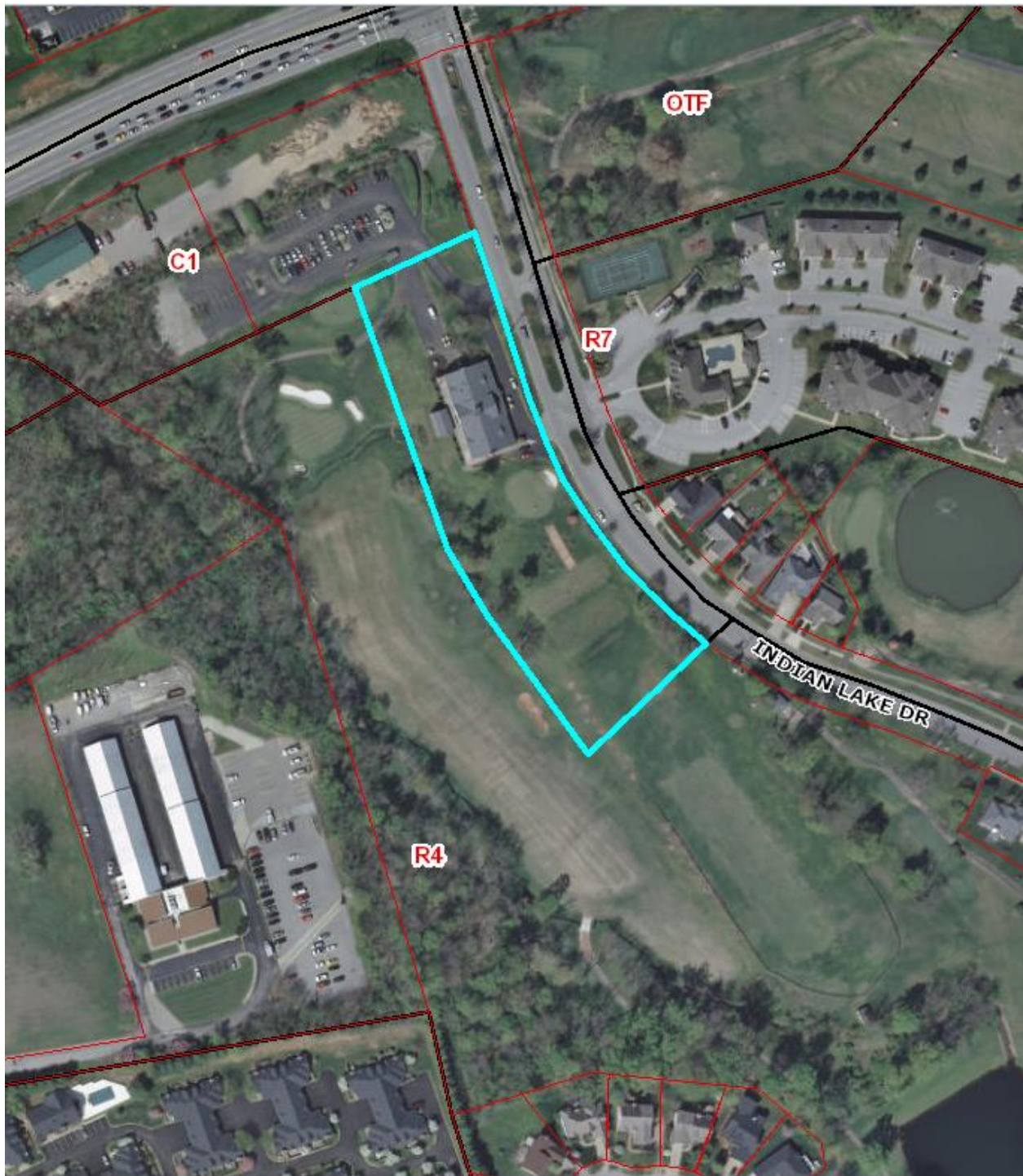
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Binding Elements
4. Conditions of Approval

1. Zoning Map



2. Aerial



3. Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. 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, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan.
4. A certificate of occupancy must be received from the appropriate code enforcement department 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.
5. 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.
6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2015 Planning Commission meeting.

4. Conditions of Approval for CUP for Outdoor Alcohol Sales and Consumption

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be “exercised” as described in KRS 100.237 within two years of the Board’s vote on this case. If the Conditional Use Permit is not so “exercised”, the site shall not be used for outdoor alcohol sales without further review and approval by the Board.
3. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 11 P.M.
4. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99)