

Development Review Committee
Staff Report
March 28, 2018



Case No:	18MOD1000
Project Name:	Sullivan's Tap Room
Location:	3929 Shelbyville Rd
Owner(s):	Breeland Development Corp.
Applicant:	Matt Taylor
Jurisdiction:	St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Modification of Binding Elements**

CASE SUMMARY/BACKGROUND

The subject site was rezoned under docket 9-102-87 from C-1 to C-2. Certain binding elements were placed on the site restricting the allowed uses and limiting the volume of music on site. The applicant is requesting the amendment of binding elements in order to allow for occasional temporary activities that may utilize outdoor space on the site beyond the existing patio. The site immediately adjacent to the subject site was recently rezoned from C-1 to C-2 under docket 16ZONE1055, and no binding element limiting uses was applied to that site.

STAFF FINDING

Binding element 5, which restricts the site to C-1 uses, seems to have been added by the City of St Matthews, as there is no discussion of the binding element in the case file, and there was no opposition to the request during the Planning Commission hearing that might have led to such a limitation. There are other C-2 sites within the vicinity that are not similarly restricted as this site. Binding element 8 limits the volume of music on site, and the applicant is seeking to modify it in order to permit occasional temporary activities that may involve live music outdoors. As Shelbyville Rd is a major arterial road, and no residential uses exist in the immediate vicinity, the requested modification of this binding element would not pose a nuisance to the area. The requests are therefore adequately justified and meet the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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: No changes to the exterior of the structure or site are proposed in this request.

- 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 were established during the review and approval of the district development plan for the site.

- 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 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 as established in the review and approval of the revised district development plan in case. The amendment to binding element will not create conflict with zoning regulations (parking, landscaping, or setback).

- 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 site is located on a major arterial class road, and is surrounded by C-1 and C-2 sites that have similarly intense uses as the subject site. The request will not alter the general character of the area or allow for uses that are incompatible with the established uses in the area.

REQUIRED ACTIONS:

- **RECOMMEND** that the City of St Matthews **APPROVE** or **DENY** the **Modification to Binding Elements**

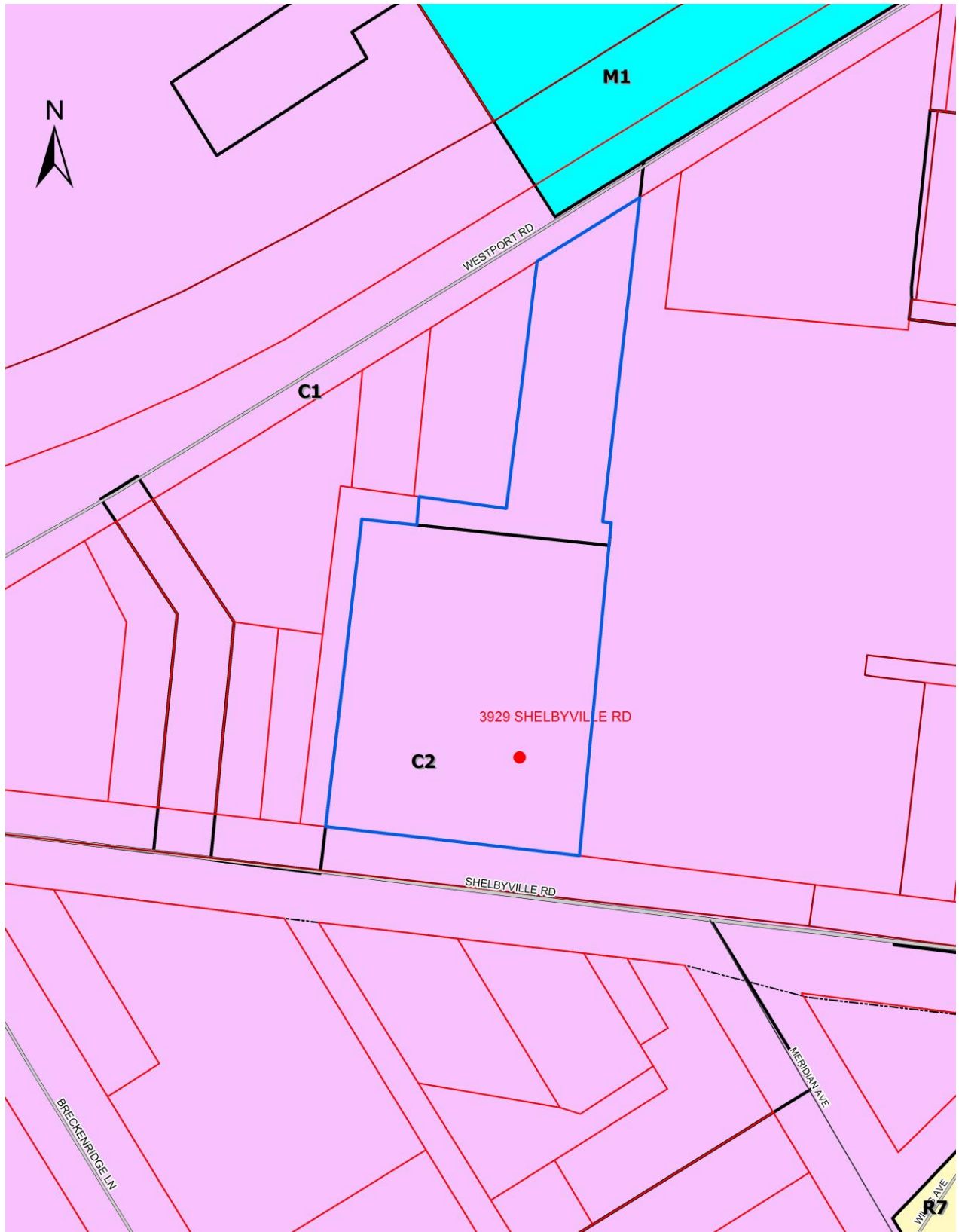
NOTIFICATION

Date	Purpose of Notice	Recipients
3-14-18	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements

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, except for land uses permitted in the established zoning district.
2. The development shall not exceed 7100 square feet of gross floor area for the building and 2,000 square feet of gross floor area for the patio.
3. The only permitted freestanding signs shall be, located as shown on the approved development plan. The freestanding signs shall not exceed 56 square feet in area per side and 20 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. The use of the Property shall be limited to the C-1 Commercial Zoning classification, except for the 2,000 square feet patio located at the rear of the building on the C-2 Commercial District portion of the lot.
6. Subdivision of the property shall not occur without prior approval of the Planning Commission and approval by the City of St Matthews.
7. There shall be no outdoor storage on the site.
8. Any outside speaker system shall be incapable of being audible beyond the property line.
9. To the extent that shared parking affects adjacent properties owned by Owner, these binding elements shall be deemed to bind such property, but only as to parking requirements.
10. 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).
 - b. The size and location of any proposed freestanding sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
 - c. 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.
11. If a building permit is not issued within one year of the date of approval of the plan, 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.

12. 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.
13. 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.
14. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Council.
15. In the event that the 2000 square foot patio (deck) is removed, the binding elements affecting the property shall be only those that predate January 1, 1998.

4. **Proposed Binding Elements**

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, except for land uses permitted in the established zoning district.
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4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. ~~The use of the Property shall be limited to the C-1 Commercial Zoning classification, except for the 2,000 square foot patio located at the rear of the building on the C-2 Commercial District portion of the lot.~~
6. Subdivision of the property shall not occur without prior approval of the Planning Commission and approval by the City of St Matthews.
7. There shall be no outdoor storage on the site.
8. **Other than during occasional outdoor events licensed by the City of St. Matthews**, any outside speaker system shall be incapable of being audible beyond the property line.
9. To the extent that shared parking affects adjacent properties owned by Owner, these binding elements shall be deemed to bind such property, but only as to parking requirements.
10. 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).
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