

# Development Review Committee

## Staff Report

March 15, 2023



<b>Case No:</b>	22-DDP-0136
<b>Project Name:</b>	J-Town Beach
<b>Location:</b>	10315 Watterson Trl
<b>Owner(s):</b>	J-Town Beach, LLC
<b>Applicant:</b>	Alex Rosenberg
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	John Michael Lawler, Planner I

### REQUEST(S)

- Revised Detailed District Development Plan with revisions to Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing the construction of multiple new structures on the existing J-Town Beach site, including a 1,260 sq. ft golf simulator, a 640 sq. ft outdoor bar with 900 sq. ft of outdoor seating, and the enclosure of an existing 560 sq. ft outdoor seating area. The applicant is also including several elements on the plan that were not part of the prior approval, like a second volleyball court, which modified the parking layout and several other elements of the plan. Access to the site is provided by two separate access points along Watterson Trl and Peach Alley. Parking is available on and off-site. A parking lot that is owned by the City of Jeffersontown is across from the subject site to the north. Commercial zoning is adjacent to the subject site. A cemetery is located on the opposite corner of Watterson Trail & Billtown Road. A residential property is located across Billtown Road. The original change in zoning was from C-1 to C-2 for a restaurant under Docket # 9-66-01. A previous revised detailed district development plan was approved under Docket # 16DEVPLAN1097 which added the first volleyball court and the outdoor seating at the front of the building.

### STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. The development is in keeping with the established character of the neighborhood and is compatible with the existing uses in the surrounding area.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

### INTERESTED PARTY COMMENTS

None received.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will 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 has been provided, and Metro Public Works has approved the preliminary development plan.

- 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 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 has approved the preliminary development plan and 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

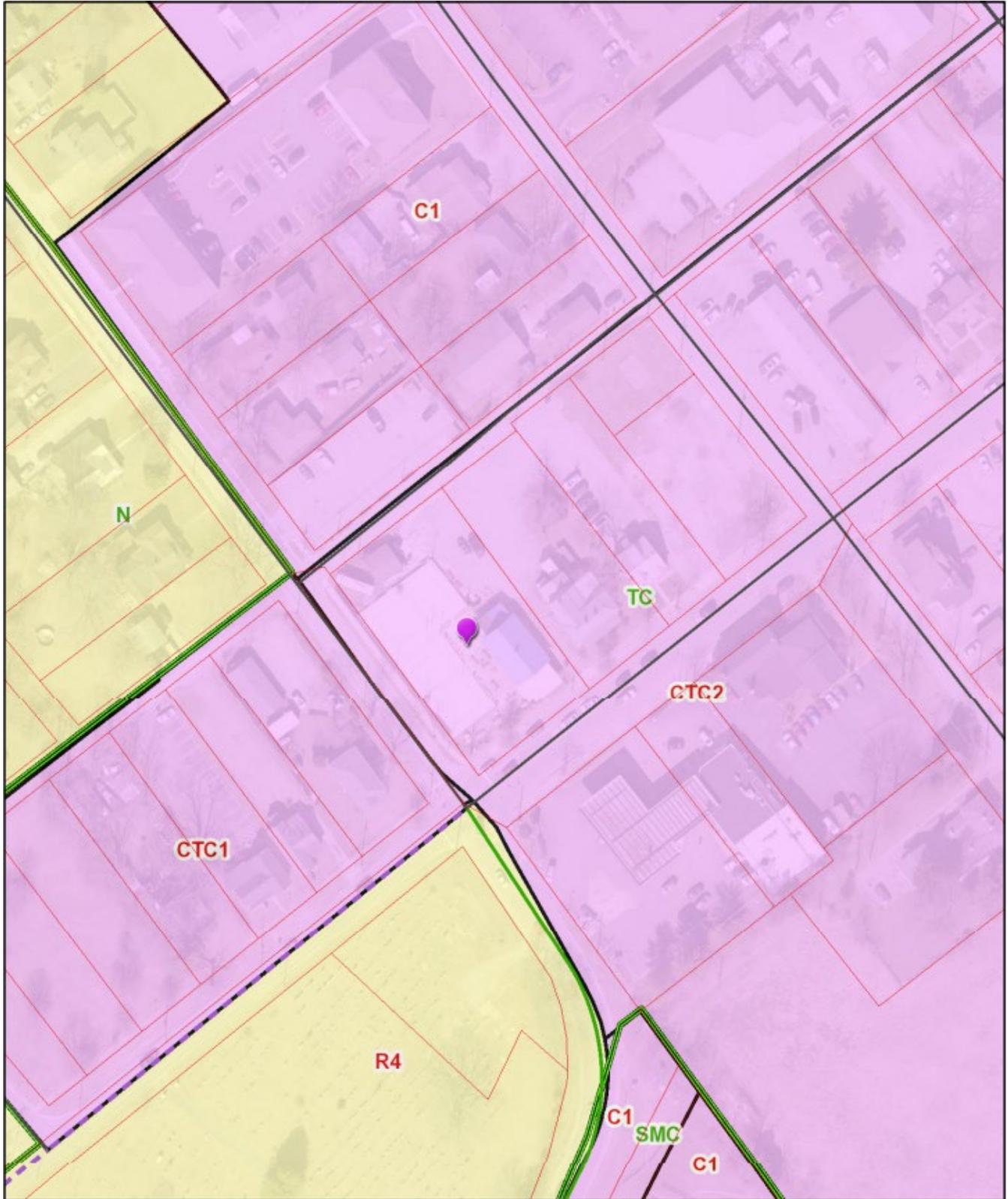
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>3/3/2023</b>	Hearing before DRC on 3/15/2023	1 <sup>st</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements w/ Proposed Changes

1. Zoning Map



2. Aerial Photograph



### **3. Existing Binding Elements w/ Proposed Changes**

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. Any changes additions/alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The development shall not exceed 3,916 square feet of gross floor area for the restaurant. The entire site shall be subject to Plan Certain review, in the event any change to the development plan is proposed in the future.~~
3. Sign shall be in compliance with all applicable ordinances and regulations of the City of Jeffersontown.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site. The applicant agrees to pave the parking lot within 180 days of approval by the legislative body.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. 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.
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).
  - b. A shared parking agreement shall be recorded for off-site parking on the adjoining site at 10319 Watterson Trail for a minimum of 4 spaces.
  - 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. The landscape plan must be submitted within 90 days of legislative body approval of the rezoning.
9. All binding elements requiring action and approval must be implemented within 180 days of legislative body approval, unless specifically waived by the Planning Commission.

10. 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. Their 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.
11. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
12. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
- ~~13.~~ The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **March 15, 2023 Development Review Committee meeting.** ~~January 3, 2002 and June 15, 2016 Planning Commission meeting.~~
14. The closing time for the outdoor sports venue shall be 12:00 AM and the opening time shall not overlap hours with restaurant/business located in the building at 10317 Watterson Trail. The hours of operation may be extended during special events approved on a case by case basis by the City of Jeffersontown.
15. There shall be no live outdoor entertainment. There shall be no outdoor amplified music. An outdoor speaker system may only be used to notify participants prior to the beginning of matches.
16. The subject property shall not be used for any C-2 use other than permitted C-1 uses plus restaurants, where food and drink may be served or consumed outside as well as inside a building.
17. The "A" frame building shown on the development plan shall not be used for any commercial purpose until such time as adequate additional parking is shown to the satisfaction of the Planning Commission and City of Jefferson town or parking waiver is obtained.
18. A leather leaf viburnum hedge shall be planted along Maple Drive and half-way northeast along the alley from Maple Drive in order to provide an effective screen of this site from residences along Maple Drive, the intention being for said hedge to ultimately reach a height of 8 feet.
19. The C-2 area shall be limited to an area defined by lines drawn east-west behind the present restaurant building and north-south along the outside of the grassy area to the west of the pavilion building.
20. The back wall of the pavilion building shall be closed with a solid wall, to diminish sound
21. In order to improve the alleyway directly behind the property, the owner shall dedicate 7.5 feet of the property abutting said alley to the City of Jeffersontown, prior to issuance of any permit, which alley the City shall pave and maintain in perpetuity
- ~~22.~~ ~~The existing garage, facing Maple, shall be repaired and maintained, or the hedge shall continue the length of Maple as indicated on the original approved District Development Plan.~~

23. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash, and other debris.