

Development Review Committee Staff Report

June 4th, 2014



Case No:	14DEVPLAN1054
Request:	Revised Detailed District Development Plan with binding element amendments
Project Name:	Bluegrass Motorsport
Location:	4730 Bowling Blvd
Owner:	Blue Grass Real Estate Hold
Applicant:	James E. Haynes
Representative:	Glenn Price, Frost, Brown, Todd Ann Richard, Land Design & Development
Jurisdiction:	St. Matthews
Council District:	26 – Brent Ackerson
Case Manager:	Christopher Brown, Planner II

REQUEST

- Binding Element Amendments
- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2, Commercial
Existing Form District: RC, Regional Center
Existing Use: Auto Dealership
Proposed Use: Auto Dealership
Minimum Parking Spaces Required: 318
Parking Spaces Proposed: 529
Plan Certain Docket #: 9-82-96

The applicant is proposing to construct a 1,743 SF addition to the existing Bluegrass Audi building on Lot 1 of the existing four lot auto dealership. The existing parking on lot1 will be shifted but the same number of spaces maintained. The applicant has requested to amend four of the existing binding elements. The amendments to binding elements #2, 17 and 18 are to update the language to include the revisions of the current plan following parking relocation and the building addition. The requested amendment to binding element #3 would allow for freestanding signage on the lots as shown on the development plan. The signage would follow the Development Code requirements of the City of St. Matthews and any previously granted variances.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Auto Dealership	C-2	RC
Proposed	Auto Dealership	C-2	RC
Surrounding Properties			
North	Vacant	R-1	RC
	Hawthorn Suites	C-2	
	Baptist Milestone	OTF	
South	Belmont Village Community	OR-3	RC
East	Apartments	OR-2	RC
West	Park	R-4	RC

PREVIOUS CASES ON SITE

- 9-82-96: The property was rezoned to C-2 as part of a larger rezoning for a mix of OR-3, OTF, OR-2 uses. A revised general and detailed district development plan was approved on June 6, 2002 by LD&T to allow four auto dealerships. An extension was granted for the site in 2003. The plan was revised by LD&T and City of St. Matthews in 2004 to allow additions to the buildings proposed as amending the binding elements regarding lighting.
- B-95-05: The Board of Zoning Adjustment granted a variance to allow a proposed sign to exceed the maximum permitted height.
- B-133-05: The Board of Zoning Adjustment granted variances to allow attached signs to exceed the maximum height.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Development Code (city of St. Matthews)

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 does not appear to be any environmental constraints or historic resources on the subject site that will be affected. 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 and the Kentucky Transportation Cabinet have 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 with 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 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 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 Development Code.

TECHNICAL REVIEW

- There are no outstanding technical review issues.

STAFF CONCLUSIONS

The requested amendments to binding elements and the proposed additions follow the standard of review. No waivers or variances are required as part of the application. The Committee needs to make a recommendation to the City of St. Matthews. 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 requests as established in the Land Development Code.

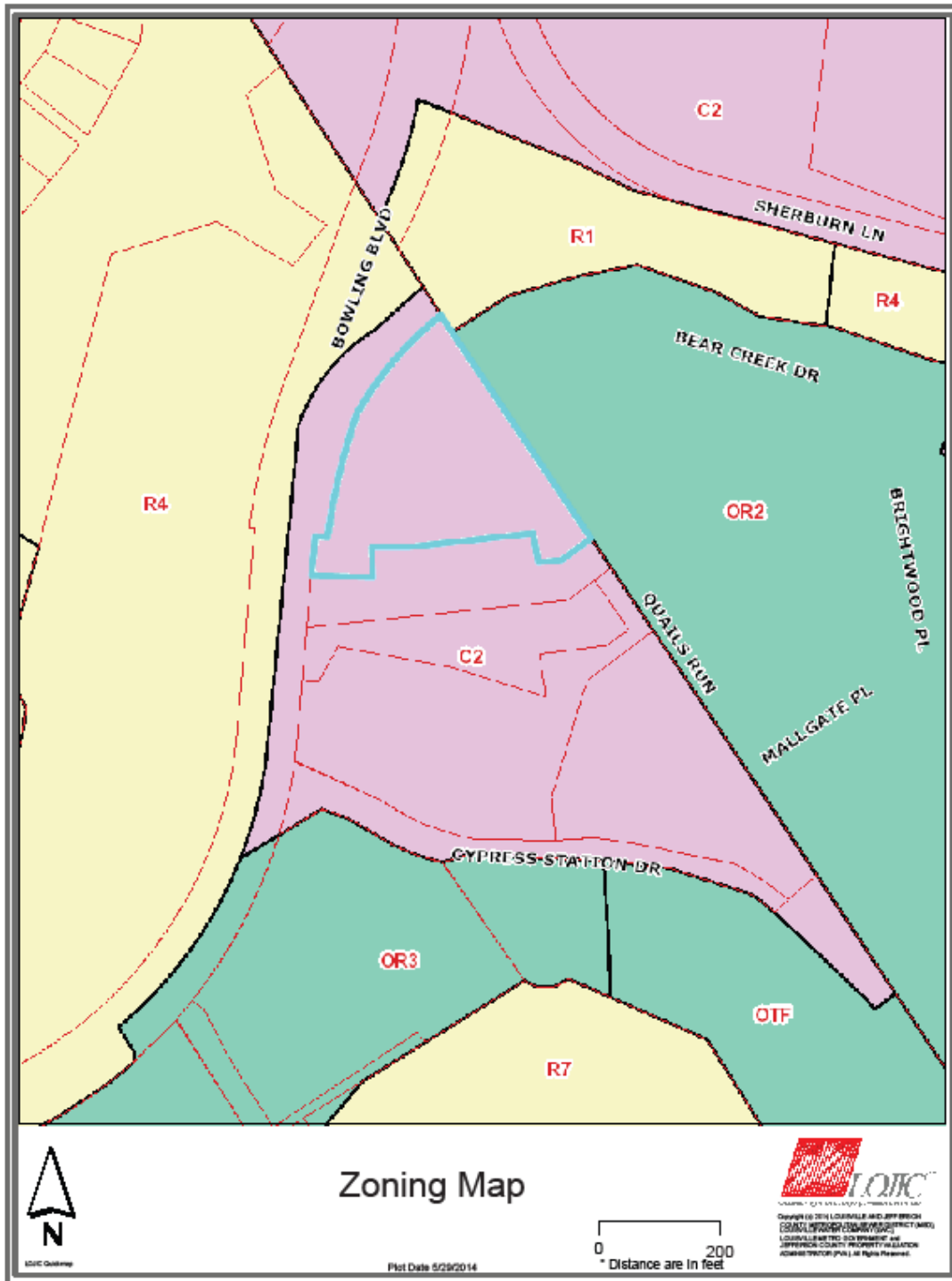
NOTIFICATION

Date	Purpose of Notice	Recipients
5/20/14	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 26 Notification of Development Proposals

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 detailed district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alteration of any binding element(s) shall be submitted to the Planning Commission and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 83,234 square feet of gross floor area.
3. Except for on-site directional signage which is permitted, no freestanding signs shall be permitted.
4. No outdoor advertising signs, small free-standing signs, pennants, flags (except for one American flag and one Kentucky flag), balloons or banners shall be permitted on the site (including on automobiles being sold on the site).
5. Outdoor lighting.
 - a. "Accent" lights and "bollard" lights. "Accent" lights and "bollard" lights shall be permitted only where shown on the "Accent Lighting Exhibit" prepared by Landscape Lighting Company and submitted to the Land Development and Transportation Committee on February 12, 2004. Lighting levels from accent and bollard lights shall not exceed the levels shown for each such light on the Accent Lighting Exhibit. These lights may be up lit; however, no light source shall be visible off-site. All accent and bollard lights shall be directed away from surrounding residential properties and shall be turned off at 10 PM prevailing time.
 - b. Except as provided for in (a) above outdoor lighting 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.
 - c. Light levels due to lighting on the subject site from all sources shall not exceed .5 foot candles measured at the property line.
 - d. Except for security lighting outdoor lighting shall be turned off each day not later than 10 PM prevailing time.
 - e. Security lighting. After 10 PM prevailing time the average lighting level over the entire site from security lighting shall not exceed 2.5 foot candles.
 - f. The Applicant shall obtain certification by a qualified expert in measurement of lighting levels that the lighting levels referred to in (c) and (e) above do not exceed the maximum levels provided for in (c) and (e) above prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
6. 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 1) the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau of Highways.
 - 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 Development Services and the City of St. Matthews; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument and certification that a copy has been furnished to the City.
 - d. The appropriate (variances) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved detailed district development plan.
 - e. 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.

f. The property owner, applicant, or developer shall submit to the Planning Commission and the Natural Resources and Environmental Protection Cabinet written procedures for tire/oil disposal that comply with applicable state and federal regulations. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission and the City of St. Matthews.

g. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services and the City of St. Matthews; transmittal of approved plan to the office responsible for permit issuance will occur only after receipt of said instrument and certification that a copy has been furnished to the City of St. Matthews.

7. 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.

8. 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 and the city of St. Matthews.

9. Loudspeaker/paging amplification systems and exterior loudspeaker amplification. There shall be no outdoor music (lived, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site. No exterior loudspeaker amplification system whether for paging purposes or otherwise shall be operated on subject property.

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. 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 these 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. The style, materials, and design of the automobile dealership and the appearance of the property from Bowling Boulevard shall be substantially as shown on the "Bowling Boulevard Streetscape Perspective" and the "Cypress Station Drive Streetscape Perspective" prepared by Potter and Associates Architects, LLC submitted at the Land Development and Transportation Committee meeting of February 12, 2004, unless otherwise approved by the City of St. Matthews. Prior to issuance of a building permit, the developer/property owner shall obtain Planning Commission and City of St. Matthews approval that each automobile dealership building and landscaped plan substantially conform to the style and design shown on these renderings, including external surfaces.

12. Vehicles Sales.

a. Not more than (50%) percent of the gross revenue (computed on the basis of each dealers fiscal year) of the dealerships on subject property, individually or in the aggregate, shall be derived from the sale of vehicles commonly referred to as "used" or "previously owned".

b. Not more than (50%) of the number of vehicles displayed on the subject property averaged over a calendar week, individually or in the aggregate, shall be vehicles commonly referred to as "used" or "previously owned". These requirements shall apply independently to each dealership; however, the Saab and Porsche dealerships (building/lot) and the Jaguar/Land Rover (building/lot) shall be considered as one dealership for purposes of this binding element 12b.

c. This building element shall be subject to the following: (i) Binding Element 12 (a) shall apply independently to each dealership. (ii) This Binding Element shall not apply during involuntary circumstance, such as war, strikes, or national emergencies, which substantially impede the ability of a dealership to obtain/sell new

vehicles. (iii) Vehicles with a sale price of \$60,000 or higher (before all taxes and fees) as recorded on the books of records of the dealership in accordance with generally accepted accounting principles shall not be deemed to be "used" or "previously owned". The \$60,000.00 figure shall be adjusted annually; from the date sales first begin by the increase in the Consumer Price Index --All Urban Consumers. (iv) Vehicles of the present model year shall not be deemed to be "used" or "previously owned." (v) "Previously owned" shall mean previously owned by or leased by a third party.

d. Up to twelve (12) times per year the City may require from each dealership evidence of compliance with this binding element, which shall be furnished to the City with fifteen (15) days from date of request. Each day's failure to so furnish shall constitute a separate violation with the penalties provided in Paragraph 31.

13. Tractor-trailer delivery or pick-up of vehicles shall not occur on subject property. However, flatbed trucks carrying single vehicles are permitted to deliver and pick up vehicles.

14. No signs shall be lit by exposed neon.

15. Screening of Air Conditioning or Heating Units. Any air conditioning or heating unit placed atop any roof on subject property shall be screened to prevent a view of the air conditioning or heating unit from the interior of the Belmont Village building.

16. A body shop shall not be permitted on subject property. "Body shop" is defined as a building in which the repair of collision damage or the painting of motor vehicles occurs.

17. The drawing entitled "Landscape Plan" prepared by Korfhage Landscape and Designs, Inc. and submitted to the Land Development and Transportation Committee on February 12, 2004 shall be implemented specifically according to the details shown on this plan. Maintenance of all landscaping materials in excellent condition is required to be maintained.

18. The actual appearance of the site shall substantially conform to the perspective drawings entitled "Bowling Boulevard Streetscape Perspective" and "Cypress Station Drive Streetscape Perspective" prepared by Power Creative, Inc. and submitted to the Development and Transportation Committee on February 12, 2004.

19. The Jaguar/Land Rover building, which is the building nearest Cypress Station Drive shall have no garage (overhead) door or vehicular entry or exit facing Cypress Station Drive; however, two vehicular entries facing Cypress Station Drive which provide access to the showroom only and which also serve as pedestrian entryways shall be permitted.

20. No C-2 uses shall be allowed except those permitted in the C-1 zoning district and automobile sales agencies.

21. Display of vehicles. (a) Except as stated in (b) the display of automobiles shall be at the finished grade level of adjacent areas and not on any mound, platform, or other artificial elevation. (b) The Land Rover "rock articulation" shown on Lot 4 shall be allowed to extend 30-inches above adjacent grade. Grade at this location shall not exceed the finish floor elevation of the building on Lot 4. Not more than one (1) vehicle may be displayed on the rock articulation at any time.

22. New car sales shall be limited to those models authorized by the factory/manufacture or distributor of those dealerships on the premises. Used cars shall be limited to those having a sales offering price and a sale price as recorded on the books and records of the dealership in accordance with generally accepted accounting principles not less than 30% of their original new manufacturer's suggested retail price (MSRP). The then current edition of the N.A.D.A. Guide shall be considered the preferred source to verify MSRP. In the event the N.A.D.A. Guide lacks MSRP information another reputable source shall be so utilized.

23. New or used cars shall contain no display advertising (or pricing) with letter in excess of two inches in height.

24. In order to adequately police the sales volume or sales numbers, the City of St. Matthews or its designees shall have the right to examine the books and records of each dealership at reasonable times and places. The City may also require certification from the certified public accountant servicing each dealership certification of new car sales amount and certification of use or previously owned car sales amount, and/or number of vehicles of each classification on the premises.

25. All areas containing commercial trash receptacles including dumpsters shall be individually enclosed and screened from public view. Dumpster enclosures shall be constructed with materials similar to those of the main structure. All service structures and trash receptacles shall be screened in accordance with Article 12, Section 11 of the Zoning District Regulation, and permanently maintained.

26. There shall be no changes to the approved detailed district development plan, the above referenced Landscape plan and the perspective drawings, or the construction drawings without the specific approval of the City of St. Matthews in writing on a drawing specifically showing such change.

27. Except for security lighting all lighted signs whether attached, freestanding, or otherwise shall be completely turned off by 10 PM prevailing time.

28. Any application to amend the binding elements, the approved detailed district development plan or the approved landscape plan shall be furnished to Belmont Village Limited Partnership (or its successors in interest in the adjacent real estate) by mail postmarked at least 30 days before that application is filed with the Planning Commission.

29. The civil penalty for any violation of these binding elements shall be a civil fine payable to the city of not less than \$500 for each violation, which fine shall not be doubled for each subsequent violation during the same calendar year up to a maximum of \$4,000.00 per violation. Each day upon which a violation occurs or exists shall be considered a separate offense for which a separate civil fine may be levied. Each vehicle sold or displayed in violation of the binding elements shall be considered a separate violation for which a separate civil penalty may be levied.

30. These Binding Elements may be amended as provided for in the Zoning District Regulations upon approval by a vote of not less than two-thirds of the entire City Council.

31. At the close of the business day one vehicle may be placed at each end of the "demonstration nature trail" shown on Lot 4 provided that such vehicles are not elevated.

32. The carwash shall only be used for dealership vehicles and in conjunction with servicing customer vehicles. Carwash services shall not be available to the general public at any time.

33. These Binding Elements shall be placed in a Deed of Restrictions to run in perpetuity with the land, in favor of the City of St. Matthews, with the owner, it's or their successors and assigns, being subject to civil penalties running in favor of the City of St. Matthews as specified therein, in addition to enforcement of the binding elements under applicable law. The restriction shall not be amended except with the approval of two-thirds of the entire City Council.

4. Proposed Binding Elements

2. The development shall not exceed ~~83,234~~ **84,977** square feet of gross floor area.

3. Except for on-site directional signage which is permitted, ~~no freestanding signs shall be permitted~~ **the only permitted freestanding signs are those shown on the revised detailed district development plan dated March 31, 2014 under project data and prepared by Land Design & Development Inc. .**

17. The drawing entitled "Landscape Plan" prepared by Korfhage Landscape and Designs, Inc. and submitted to the Land Development and Transportation Committee on February 12, 2004 **and the Development Review Committee on June 4th, 2014** shall be implemented specifically according to the details shown on this plan. Maintenance of all landscaping materials in excellent condition is required to be maintained.

18. The actual appearance of the site shall substantially conform to the perspective drawings entitled "Bowling Boulevard Streetscape Perspective" and "Cypress Station Drive Streetscape Perspective" prepared by Power Creative, Inc. and submitted to the Development and Transportation Committee on February 12, 2004 **and the Development Review Committee on June 4th, 2014**.