

Development Review Committee

Staff Report

June 6, 2018



Case No:	18DEVPLAN1039
Project Name:	Tafel Motors
Location:	4315 N Church Way
Owner(s):	David Peterson Group, LLC.
Applicant:	David Peterson Group, LLC.
Jurisdiction:	St Matthews
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- Revised District Development Plan with amendments to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to remove an existing building on an automobile sales and service lot, in order to expand vehicle inventory and associated parking on the site. The site has three different areas that have been rezoned to C-2 under dockets 9-5-95, 9-31-01, and 14548 respectively. As part of this request, separate sets of binding elements applicable to the site are to be replaced with a single unified set of binding elements.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical elements 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 RDDDP and/or 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 are no apparent natural or historic resources on site. All required screening and buffering will be provided on 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 associated with this request.

- 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 Development Code.

REQUIRED ACTIONS:

- **RECOMMEND** that the City of St. Matthews **APPROVED** or **DENY** the **Revised District Development Plan** with amendments to Binding Elements

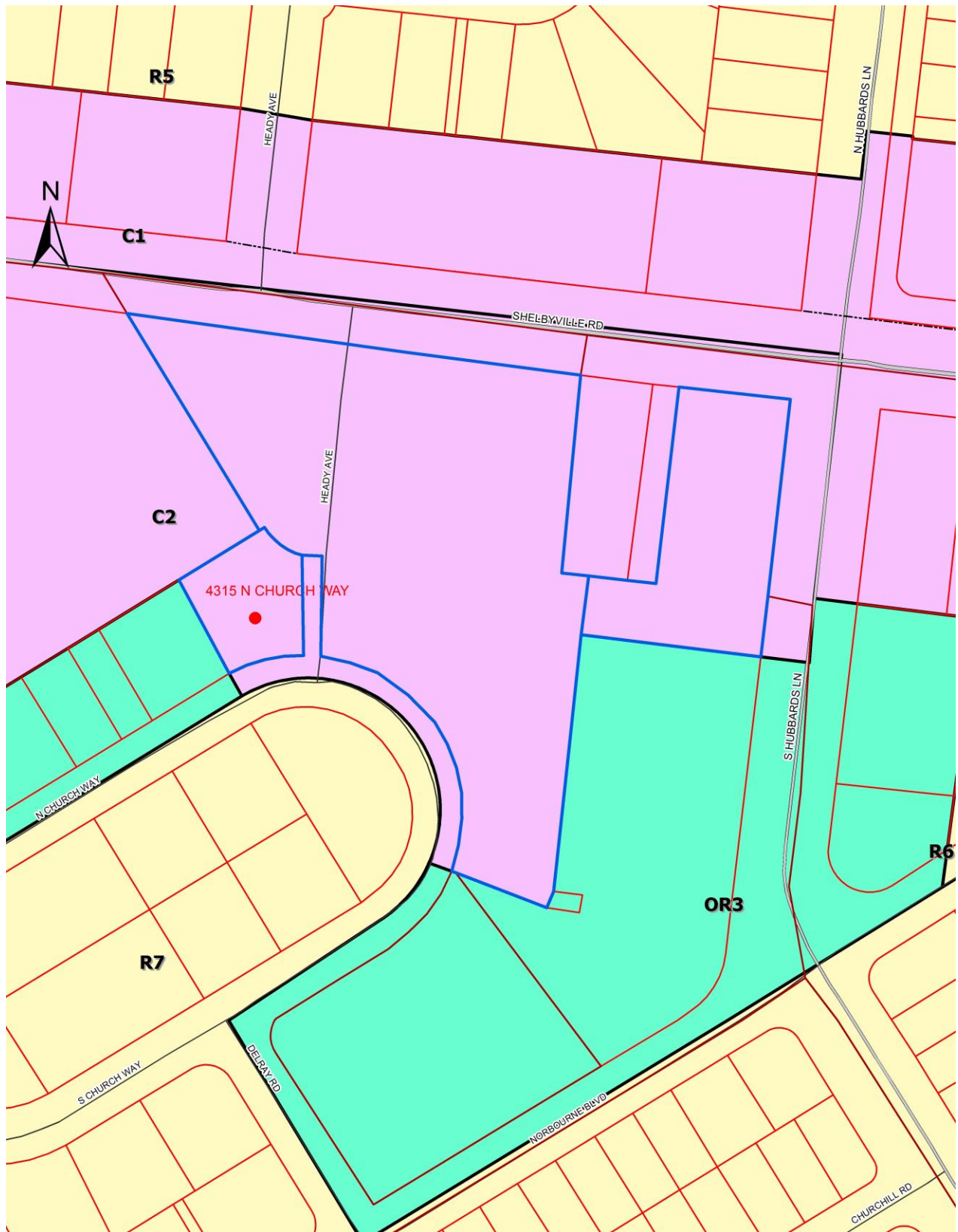
NOTIFICATION

Date	Purpose of Notice	Recipients
5-17-18	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 9

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing and/or Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



4. Existing Binding Elements to be replaced with the proposed Binding Elements

Existing Binding elements from 12803

- ~~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 St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.~~
- ~~2. Use of the subject site shall be limited to an automobile service building and auto sales and other uses permitted in the C-1 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.~~
- ~~3. The development shall not exceed 18,500 square feet of gross floor area for Phase 1A and 48,000 square feet of gross floor area for Phase 1B.~~
- ~~4. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations. However, the existing Mercedes-Benz freestanding sign shall not be subject to this Binding Element. Provided, however, all such signs shall be subject to approval by the City of St. Matthews.~~
- ~~5. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.~~
- ~~6. There shall be no outdoor storage on the site.~~
- ~~7. 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. Light levels due to lighting on the subject site shall not exceed .5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. This Binding Element shall not apply to existing outdoor lighting on the site.~~
- ~~8. 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.~~
- ~~9. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All~~

~~construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.~~

- ~~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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~
 - ~~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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - ~~d. 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.~~
 - ~~e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - ~~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.~~~~
- ~~11. If a building permit is not issued within two years 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 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.~~
- ~~13. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.~~
- ~~14. 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.~~

- ~~15. 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.~~
- ~~16. The dumpster shall not be emptied between the hours of 7 p.m. and 7 a.m. under City of St. Matthews Code Section 50.04, or as St. Matthews Code may be amended from time to time.~~
- ~~17. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the August 26, 2009 Development Review Committee meeting.~~
- ~~18. All areas containing commercial trash receptacles including dumpsters shall be individually enclosed and screened from public view. Dumpster enclosures shall be of brick (except for doors or gates) with the brick matching the main structure on the premises. All service structures and trash receptacles shall be screened in accordance with Article 12, Section 11 of the Zoning District Regulations, and permanently maintained.~~
- ~~19. The MSD easement in the area of the road closure shall remain, no structures shall be allowed over the easement.~~
- ~~20. There shall be established and maintained (by the owner of the tract above described, his/its successors and assigns) in the approximate area of the road closure, and extending from Shelbyville Road to North Church Way, as shown on the Revised Detailed District Development Plan, a fire lane with a minimum width of twenty (20) feet, legally marked as a fire lane, which shall be kept free of standing or parked vehicles, and which shall not be used for the loading or unloading of vehicles.~~
- ~~21. The applicant agrees to provide large (Type "A" from the Planting Manual) trees within the existing Atria buffer area along the south side of the proposed building. A minimum of one tree per 30 feet will be provided.~~
- ~~22. The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City Council.~~

Existing Binding Elements from 14548

- ~~1. The development shall be in accordance with the approved district development plan, all applicable sections of the Development Code (and Chapter 9 of the 2006 version of the Land Development Code (LDC)) and agreed upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.~~
- ~~2. There shall be no direct vehicular access to North Church Way.~~
- ~~3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~

4. ~~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.~~
5. ~~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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~
 - b. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a parking lot permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Landscaping shall be put in place along the west side of the lot (between this lot and the adjacent condominium building.)~~
 - c. ~~A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; and to the City of St. Matthews; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - d. ~~A Tree Preservation Plan in accordance with Article 10 of the Development Code shall be reviewed and approved prior to obtaining approval for site disturbance.~~
6. ~~If a parking lot permit is not issued within two years 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 Planning Commission and the City of St. Matthews.~~
7. ~~A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the 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.~~
8. ~~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.~~
9. ~~The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.~~

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. Any changes/additions/ alterations 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. Use of the subject site shall be limited to an automobile service building and auto sales and other uses permitted in the C-1 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations. However, the existing Mercedes-Benz freestanding sign shall not be subject to this Binding Element. Provided, however, all such signs shall be subject to approval by the City of St. Matthews.
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 on the site.
6. 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. Light levels due to lighting on the subject site shall not exceed .5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. This Binding Element shall not apply to existing outdoor lighting on the site.
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8. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

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 - 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.
10. If a building permit is not issued within two years 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.
11. 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.
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14. 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.

15. The dumpster shall not be emptied between the hours of 7 p.m. and 7 a.m. under City of St. Matthews Code Section 50.04, or as St. Matthews Code may be amended from time to time.
16. All areas containing commercial trash receptacles including dumpsters shall be individually enclosed and screened from public view. Dumpster enclosures shall be of brick (except for doors or gates) with the brick matching the main structure on the premises. All service structures and trash receptacles shall be screened in accordance with Article 12, Section 11 of the Zoning District Regulations, and permanently maintained.
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